



Your Local School Board, Your Students and PARCC: Frequently Asked Questions

In March 2015, New Jersey school districts will begin administering a new standardized test, called PARCC (Partnership for the Assessment of Readiness for College and Careers), developed by a multi-state consortium that includes New Jersey. The computer-based exam is the state's new testing program and will measure student progress toward goals in language arts and mathematics.

NJSBA's legal, policy and field services staff members are receiving a growing number of inquiries concerning administration of the exam, including the requirement for student participation. As a service to local school districts, NJSBA offers the following responses to frequently asked questions about the school board's responsibility as it relates to the administration of PARCC.

Are school districts required to administer the PARCC assessment?

Yes.

- New Jersey statute authorizes the State Board of Education and the Commissioner of Education to establish academic standards.
- Regulation adopted by the New Jersey State Board of Education provides that the Commissioner of Education will implement a testing program to measure student progress toward the standards.
- That same regulation requires that local boards of education administer the state testing program.
- In a [February 2015](#) letter to NJ Education Commissioner David Hespe, the US Department of Education stated that states must assess all students under the Elementary and Secondary Education Act of 1965.

The State Board of Education has identified the PARCC assessment as the state's testing program, beginning in 2014-2015. PARCC is replacing New Jersey's previous standardized tests, the NJASK in grades 3 through 8 and the HSPA in high school.

Must students participate in the PARCC assessment?

Yes.

- State regulation contains the following provision: "*...all students at grade levels 3 through 12...shall take appropriate Statewide assessments as scheduled.*"
- In an [October 30 memo](#) to school administrators, the Commissioner of Education cited law and regulation related to the state's testing program and wrote, "*...State law and regulations require all students to take State assessments.*"

PARCC is part of the state-required educational program. According to the [state law](#), “Pupils in public schools shall . . .pursue the prescribed course of study and submit to the authority of teachers and others in authority over them.”

Do statutes, regulations or court decisions permit students to opt out of the state testing program?

No.

New Jersey law and regulation require students to participate in the state testing program and do not include opt-out provisions. In addition, NJSBA is not aware of any court decisions that specifically address the ability or inability of general education students in public schools to opt out of state testing programs.

Although statute allows students not to participate in certain school programs (for example, animal dissection in biology class, certain student surveys, or family life education), these exceptions apply only to the specific activities and do not involve testing.

What action should a school district take if a student refuses to participate in PARCC?

In his October 30 memo to school administrators, the Commissioner of Education cites statute and regulation and states the following: “...schools are not required to provide an alternative educational program for students who do not participate in the statewide assessment.”

Local districts, therefore, have discretion on how they will address situations in which students attend school on test day but refuse to participate in the exam.

In making that determination, district leaders should take into consideration testing protocols.

The Spring 2015 PARCC Test Coordinator and Test Administrator Manuals provide guidance on what New Jersey school districts should do when a student refuses to take the state assessment.

In addition, district leaders should also consider their school district’s student discipline policy and regulations, if applicable; the responsibility of school staff to maintain an orderly testing environment; and available staffing and resources.

If a student does not attend school on test day, the school district’s attendance policy, including excused and unexcused absences, applies. The state has issued testing protocols that include the provision of make-up days for students who are absent on the day of the exam.

The Commissioner of Education’s October 30 memo recommends a review of school district discipline and attendance policies “to ensure that they address situations that may arise during days that statewide assessments . . .are being administered.”

What is the impact on the school district if students do not participate in PARCC?

The level of student participation in PARCC can affect federal funding for K-12 education in New Jersey, state aid to school districts, state monitoring (NJQSAC) results, the new teacher

evaluation process, and the school district's ability to design curriculum to meet student academic needs.

- The federal Elementary and Secondary Education Act requires that 95% of all students and 95% of students in subgroups (e.g., English language learners, economically disadvantaged, etc.) take state-required assessments. "Federal funding of key education programs is dependent upon districts meeting this requirement," the Commissioner of Education told school administrators in his October 30 memorandum.

In a February 2015 [letter](#) to the New Jersey Commissioner of Education, the U.S. Department of Education stated, "This requirement does not permit certain students or a specific percentage of students to be excluded from assessments. Rather, it sets out the rule that *all* students in the tested grades must be assessed."

- For the past two years, the state has calculated aid to local school districts partly on their Average Daily Attendance (ADA), rather than the annual mid-October child count. Under this practice, an ADA of less than 96% over a three-year period could adversely affect a district's state aid.
- The NJQSAC monitoring system requires meeting annual measurable objectives in student achievement based upon 95% of the *total* student population demonstrating proficiency on state tests. A low participation rate may negatively affect this outcome.
- This year, Student Growth Percentiles, based on scores on the state tests, will account for 10% of an educator's performance appraisal under the AchieveNJ evaluation process. If fewer than 20 students within a class take the PARCC exam, student growth as reflected by the test scores cannot be factored into the evaluation.
- A low participation rate will affect the amount of information educators need to make informed decisions to modify curriculum and differentiate and personalize instruction.

What is the impact on students who do not participate in PARCC?

If a student does not participate in PARCC, valuable information about his or her academic progress and needs will not be available. According to the Commissioner of Education, the PARCC assessments will provide detailed information about each individual student's performance. Teachers and administrators will be able to pinpoint areas of difficulty and customize instruction.

In addition, excessive absence could subject a student to sanctions under the board's student attendance policy (authorized by [state regulation](#)).

May a school board adopt an opt-out policy?

Although there is no explicit statutory or regulatory prohibition against such a policy, it would be inconsistent with the state law requiring student participation in the state testing program. Local school board policies should reflect state law and regulation, as well as local school board beliefs.

Significantly, the Code of Ethics for School Board Members, which is part of the New Jersey School Ethics Act and is administered by the School Ethics Commission, states the following:

I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to the schools. Desired changes shall be brought about only through legal and ethical procedures.

An opt-out policy could be construed by the School Ethics Commission as violating this tenet. The board of education should also consider the impact that such a policy would have on students and the school district.

A local school board should obtain the advice of its board attorney on this matter.

Does NJSBA have model policies that could help districts address this issue?

NJSBA’s Critical Policy Reference Manual (CPRM) contains model documents on “Evaluation of Individual Student Performance” including the state testing program; “Attendance, Absences and Excuses”; and “Discipline.” (For members-only access to the CPRM, go to www.njsba.org/policy.)

The CPRM policy models are based on statutory and regulatory requirements, as well as applicable court decisions. Because they represent suggested board policies, they do not prescribe administrative responses to specific situations, such as student non-participation in state-required testing.

NJSBA recommends that school districts develop a course of action consistent with their own policies, state testing protocol and available resources. They should consult the board attorney when necessary. In addition, NJSBA’s Legal, Policy and Labor Relations Services staff can provide information on applicable statute and code.

Where does NJSBA stand on PARCC and the state testing program?

NJSBA believes that the state testing program should provide educators with the information they need to advance students’ academic achievement. Such data should be provided on a timely basis, so that educators can make decisions on student placement and the design of curriculum. Test administration time should not adversely affect the educational program, according to Association policy.

NJSBA Executive Director Dr. Lawrence S. Feinsod was appointed by the Governor to serve on the Study Commission on the Use of Student Assessments in New Jersey. NJSBA is encouraged by the appointment, which will enable local school boards to have a voice on the commission, which is reviewing the “volume, frequency and impact of student testing occurring throughout New Jersey school districts.”

Where can I obtain more information about the school board’s responsibility to administer the PARCC assessment?

NJSBA’s Legal, Policy and Labor Relations Services Department provides a document, [detailing statutes and regulations](#) related to the administration of the state testing program. This document also includes an excerpt from a *Spring 2015 PARCC Test Administrator Manual*.