



**STATE OF SOUTH CAROLINA**  
**DEPARTMENT OF EDUCATION**

**MOLLY M. SPEARMAN**  
*STATE SUPERINTENDENT OF EDUCATION*

**MEMORANDUM**

**TO:** District Superintendents  
Principals  
District PIOs  
District Instructional Leaders  
District Testing and Accountability Leaders

**FROM:** Christina S. Melton, EdD  
Director, Office of Assessment & Standards

**DATE:** April 12, 2022

**RE:** Testing Requirements for All Students

No Statutory provision exists for parents to opt their children out of testing. The state, districts, and schools are required by state and federal law to administer assessments to all public school students. Please ensure that your district and school leaders are consistently communicating that the schools' obligation is to administer tests to all students. Because of that obligation, it would not be appropriate to provide alternative activities for students in lieu of testing.

The requirements for testing of all students are reiterated in several sources:

- The South Carolina General Assembly passed the Education Accountability Act (EEA) in 1998 requiring that assessments “must be administered to all students in grades three through eight, ...including those students as required by the federal Individuals with Disabilities Education Act and by Title 1 of the Elementary and Secondary Education Act.” SC. Code Ann. § 59-18-320.
- The General Assembly passed Acts 155 and 200 of 2014, which requires summative assessment be administered to all students in grades three through eight, and that “all students” in grade eleven be offered either a career-readiness assessment or a college-readiness assessment. Section 59-18-325. The Elementary and Secondary Education Act (ESEA) requires that we “provide for the participation in such assessments of all students.” ESEA § 1111(b)(3)(C)(ix)(I). Required assessments are English Language

Arts and Mathematics in grades 3-8 and high school, and science once in elementary, middle, and high school. ESEA §1111(b)(3)(C)(v).

- ESEA also requires “not less than 95 percent” participation in assessments by all groups of students. ESEA §(b)(2)(I).
- The Individuals with Disabilities Education Act (IDEA) requires “all children with disabilities are included in all general State and districtwide assessment programs, including assessments described under [ESEA §1111] with appropriate accommodations and alternate assessments where necessary...” IDEA §612(a)(16)(A).
- Parents are required to make children of the appropriate age attend school. Section 59-65-20. Therefore, it is not appropriate to suggest that parents “opt out” by keeping their students at home on testing days.

We are required by state and federal laws to administer the tests to all students. Students are expected to attend and behave in accordance with school policies. We know parents only want what is best for their children, including making sure their students are college- and career-ready. Families will receive assessment reports providing valuable information on whether students are on track and in which areas they need support or enrichment.

Please contact me at [csmelton@ed.sc.gov](mailto:csmelton@ed.sc.gov) with any questions.