



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: Betsy Carpentier, Chief of Staff/COO
Interim Deputy Superintendent for Innovation & School Effectiveness

RE: Testing Requirements for All Students

DATE: April 17, 2015

Districts have requested that information be provided in response to statements from parents that they are opting their children out of state and federal testing requirements. Dr. Nancy Busbee issued a memorandum to District Superintendents on September 25, 2014, which accurately states the agency's policy. There is no statutory provision 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 (EAA) 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." S.C. Code Ann. § 59-18-320.
- The General Assembly passed Acts 155 and 200 of 2014, which requires summative assessments be administered to all students in grades three through eight, and that "[a]ll

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students” in grade eleven be administered WorkKeys and a college-readiness assessment. S.C. Code Ann. § 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 § 1111(b)(2)(I).
- The Individuals with Disabilities in Education Act (IDEA) requires “[a]ll 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. S.C. Code Ann. § 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.