

Subject: Statewide Assessment Participation

- RSA 193-C
- Elementary and Secondary Education Act

This Technical Advisory continues the New Hampshire Department of Education's communication about the requirements of participation in the statewide assessment according to the New Hampshire State law.

New Hampshire law requires that all districts *administer* the statewide assessment to *all students* in the designated grades. RSA 193-C:6 states, "Each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. *All public school students in the designated grades shall participate in the assessment...*"

There is no "opting out" option for students in the law. SAU, district and/or school personnel do not have the authority to develop or sign any form allowing a student to not take the assessment. The law is clear that the districts are legally obligated to *administer* the assessment, and all public school students in the designated grades are legally obligated *to take the assessment*. Therefore, parents have no legal right to opt their children out, and so long as a student is in attendance at school, they must report to their assigned classroom to take the assigned assessment, notwithstanding any objections or ultimatums by parents. Parents should be made aware that their public school children are *legally required* to take the assessment. Further, the districts' legal obligations must supersede parental demands that their child not take the assessment.

If a parent keeps their child home, the districts should respond as it would with any situation where a parent keeps their child out of school. If a student is at school and simply refuses to take the assessment, the school should respond in a manner similar to any other instance where a student refuses to participate in an assignment.

The districts' legal obligations are clear, and districts must not allow any citizen to prevent their district from fulfilling its mandate to administer the assessment to all public school students in the designated grades. Keeping in mind the purpose of the law: "A well-educated populace is essential for the maintenance of democracy, the continued growth of our economy, and the encouragement of personal enrichment and development...[w]idespread participation in the establishment of a statewide education improvement and assessment program is essential" (RSA 193-C:1).