



New Hampshire

Department of Education

Serving New Hampshire's Education Community

Technical Advisory

New Hampshire Statewide Assessment

RSA 193-C:6

*This Technical Advisory continues the New Hampshire Department of Education's communication regarding the new legislation which was passed into law during the 2017 legislative session. **HB166 became effective August 4, 2017.***

During the 2017 legislative session, RSA 193-C:6, which requires the administration of the New Hampshire Statewide Assessment was amended. The amendment provides districts with the ability to administer the statewide assessment only once in elementary school, once in middle school and once in high school. During the other years in grades 3 through 8 that the statewide assessment is not being implemented, districts must develop and administer its own assessments or administer a standardized assessment that meets the criteria in the law.

The new law is posted below in its entirety with the amendment in bold font:

A statewide assessment shall be administered in all school districts in the state **once in an elementary school grade, once in a middle school grade**, and one grade in high school. **For those years in grades 3 through 8 in which the school district does not administer the statewide assessment, the school district, in consultation with the department and as part of the statewide education improvement and assessment program, shall develop and administer its own assessment or shall administer a standardized assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning.** All public school students in the designated grades shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. The department may use the College Board SAT or ACT college readiness assessment to satisfy the high school assessment requirements of this chapter.

With the passage of HB 166, the state must apply for a Federal waiver (per 20 U.S.C. 7861 or the Every Student Succeeds Act (ESSA), Sec. 8401). This is because ESSA, Section 1111(b)(2) requires:

(A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high quality

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student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State.

(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—

(i) except as provided in subparagraph (D), be—

(I) the **same academic assessments** used to measure the achievement of all public elementary school and secondary school students in the State; and

(II) **administered to all public elementary school and secondary school students in the State;**

...

(v)

(I) in the case of mathematics and reading or language arts, be administered—

(aa) **in each of grades 3 through 8;** and

(bb) at least once in grades 9 through 12;

In hopes of alleviating the conflict between State and Federal law, the NH DOE is developing a waiver request which, if approved, will allow schools that accept Federal funds the options afforded by HB166. We will need to consider including in that waiver, the exact grade levels that the statewide assessment will be required in each grade span (for example, in ELA, grades 3, 8 and 11). Until such time as a Federal waiver is granted, districts that receive Federal funds must continue to administer the statewide assessment in grades 3-8, per the assurances signed by the district's Superintendent in order to receive the funds.

For PACE districts/schools: The NH DOE already has a waiver for those districts/school participating in PACE. However, those schools must meet the requirements of that waiver as well. This means that PACE districts/schools must still take the mathematics statewide assessment in grades 4, 8 and 11 and the English language arts statewide assessment in grades 3, 8 and 11.

HB 166 does not impact the statewide science assessment as it is currently only offered once in elementary, once in middle and once in high school.

Finally, all districts and charter schools can be assured that the statewide assessment (due to go before the Governor and Council on September 13, 2017) will be available this spring in

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grades 3-8. This is because it could take the US ED several months to respond to our waiver request given the number of ESSA plans that they will receive next month that require a response and approval within 120 days. Further, the SAT will continue to be administered in grade 11.

The NH DOE will keep educators, families and other stakeholders up-to-date on this issue on its website at <https://www.education.nh.gov/>.

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