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Your Question:

You asked for an updated response to a [State Information Request](#) that answered the question: What are other states planning for 2020-21 spring assessments and, for states that are planning on administering standardized tests, how will they administer them?

Our Response:

This update includes the original information as well as an updated list of legislation and additional information on accountability waivers related to assessments.

In 2020, state assessment and accountability requirements under the Every Student Succeeds Act were waived by the U.S. Department of Education. Last fall, the previous administration indicated that they would not issue another waiver of assessment and accountability requirements for the 2020-21 school year. The change in [federal administration](#) has reopened the question of whether federal assessment and accountability requirements will again be waived, whether states need to administer statewide assessments this spring, or whether other flexibilities will be offered. However, Education Secretary Miguel Cardona [stated](#) that he does not plan to issue any additional guidance on assessments.

On Monday, February 22, the U.S. Department of Education [issued guidance](#) indicating states will be required to administer federally required standardized assessments in 2021. This guidance includes several flexibilities:

- These exams will not be required for accountability and states can request waivers from federal accountability requirements.
- The testing window may be extended or moved to summer or fall.
- Where feasible, assessments may be administered remotely.
- The assessment instrument itself may be shortened.
- Other flexibilities will be evaluated on a case-by-case, or state-by-state, basis.

See the U.S. DOE's [press release](#) and [letter](#) to chief state school officers for more details.

State Legislation

ECS tracks state legislation addressing assessment and accountability requirements in our [State Education Policy Tracking](#) database under the Assessment, Accountability and ESSA topics. That database includes enacted legislation through 2020 and will be updated with 2021 legislation as it is enacted. For updated pending legislation on COVID-19, which will include legislation regarding assessments impacted by the pandemic, visit our [2021 State Education Policy Watchlist](#). Below are a series of state examples, both in legislation and agency action, of how states are addressing assessment in the 2020-21 school year.

2020 State Assessment Legislation

In 2020, at least three states, **Louisiana**, **Pennsylvania** and **South Carolina**, enacted legislation addressing 2020-21 statewide assessments:

- **Louisiana S.C.R. 72:** requests the state board of elementary and secondary education to review the necessity to suspend all statewide assessments for the 2020-21 school year due to the impact of school closures caused by COVID-19.
- **Pennsylvania S.B. 1216:** allows the secretary of education to apply to the U.S. Department of Education for a waiver of testing and accountability requirements for the 2020-21 school year.

- **South Carolina [H.B. 3411](#)**: authorizes the superintendent of education to waive statutory requirements concerning testing, assessments, and reporting if necessary and appropriate in response to the COVID-19 public health emergency.
- **South Carolina [H.B. 5202](#)** : directs the state department of education to seek a waiver from all federal accountability-related testing requirements and concomitant accountability, school identification and reporting requirements for the 2020-21 school year. Additionally, the superintendent is directed to suspend all state-mandated public school accountability requirements for the 2020-21 school year unless prohibited by federal law.

In addition to seeking waivers of federal assessment requirements some states enacted legislation requiring other types of assessments that would measure interrupted instruction and help adjust instruction:

- **Michigan [H.B. 5913](#)**: [from House Fiscal Agency summary] requires, as a condition of receiving state aid, that a district administer at least one benchmark assessment to all students in kindergarten through 8th grade within the first nine weeks of the school year and by the last day of the school year, to measure proficiency in reading and math. It also details the process for selecting and administering the assessment and specifies that this assessment is not to be used for the state accountability system, but rather, to measure learning loss caused by COVID-19.
- **North Carolina [S.B. 704](#)**: provides that no later than the tenth day that school buildings are open districts must administer the end-of-year diagnostic assessment used to identify reading deficiencies and inform instruction for remediation to all fourth-grade students.

2021 State Assessment Legislation and Agency Guidance

In, 2021, at least 2 states have **enacted** legislation either requiring or allowing requests for waivers of federal assessment requirements, or otherwise adjusting the use of results from statewide assessments. Some of the legislation is dependent on federal guidance or other action.

- **Kentucky [H.B. 208](#)**: allows the Kentucky Board of Education to waive statewide assessment and accountability system requirements in accordance with federal waivers received.
- **Tennessee [H.B. 7003/S.B. 7001](#)**: indicates that the annual TCAP assessments will be administered for the 2020-21 school year and details how the results may impact teacher evaluations, student graduation rates and student growth weights for accountability.

In 2021, at least 15 states have **introduced** legislation either requiring or allowing requests for waivers of federal assessment requirements, or otherwise adjusting the use of results from statewide assessments. Some of the legislation is dependent on federal guidance or other action.

- **Colorado [H.B. 21-1125](#)** (Failed): would have suspended the administration of state assessments, contingent on a change to federal law or a waiver of federal law from the federal department of education, for the specified instructional areas for the 2020-21 school year.
- **Florida [H.B. 227](#)**: will require statewide, standardized assessments be waived during certain declared state of emergency.
- **Hawaii [H.R. 44-2021/H.C.R. 55-2021](#)**: will urge the department of education to request a federal waiver from standardized testing requirements for the 2020-21 school year.
- **Illinois [H.B. 3368](#)**: will exempt high school students from state accountability assessments under specified circumstances.
- **Massachusetts [H.D. 3165/S.D. 1855](#)**: will place a moratorium on high stakes testing for the duration of the COVID-19 state of emergency.
- **Massachusetts [H.D. 1448](#)**: will cancel the administration of the statewide assessment for the 2020-21 school year.

- **Michigan** [H.C.R. 3/S.C.R. 5](#): will urge the United States Department of Education to grant waivers for Michigan state assessment requirements under the Every Student Succeeds Act.
- **Michigan** [H.B. 4042](#): will suspend the administration of the Michigan student test of educational progress for the 2020-21 school year.
- **Minnesota** [H.F. 1711/S.F. 1648](#): will require the commissioner of education to suspend standardized testing for kindergarten through grade 12 schools for the remainder of the 2020-21 school year on account of the COVID-19 pandemic.
- **Mississippi** [H.B. 282](#) (Failed): would have required the state board of education to immediately cease the administration of all assessments administered under the statewide testing program for the 2020-21 school year.
- **Mississippi** [H.B. 501](#) (Failed): would have waived the statewide testing program requirements for the 2020-21 school year.
- **Mississippi** [H.B. 1117](#) (Failed): would have adjusted the score requirements for statewide assessments, third grade reading assessments and assessments required for graduation due to the interruption of regular educational instruction caused by COVID-19.
- **Nevada** [S.B. 83](#): will authorize the department of education to temporarily waive federally required state assessments if the U.S. Department of Education allows for such waivers.
- **New Jersey** [A 5374](#): will direct the department of education to request a waiver for federally required state assessments.
- **North Carolina** [H.B. 111](#): will extend the assessment window to the end of 2021.
- **Ohio** [H.B. 67](#): will require the department of education to seek a waiver from federal testing requirements for the 2020-21 school year.
- **South Carolina** [H.B. 3618](#): will direct the department of education to administer student assessments required for accountability for the 2020-21 school year, provide an alternative approach if the department is unable to administer assessments to all students, require the publication of school report cards and waive school performance ratings for the 2020-21 school year.
- **Texas** [H.B. 1192](#): will require districts to apply for a federal waiver of assessment requirements under the Every Student Succeeds Act. If the waiver is denied, the results of any assessments administered would not be used for state accountability purposes.
- **Wisconsin** [A.B. 31](#): will waive requirements to administer various assessments in the 2020-21 school year, including those within the Wisconsin Student Assessment System, and third grade standardized reading and reading readiness assessments.

Other legislation has addressed virtual administration of assessments and addressed communication and reporting with parents and students:

- **Massachusetts** [H.D. 2989/S.D. 106](#) (Introduced): will require guidance on the use of computer-adaptive assessments in K-12 education.
- **New Hampshire** [H.B. 323](#) (Introduced): will require schools to provide parents and teachers with an annual report of individual student performance on the statewide assessment.
- **New Jersey** [A.B. 3904](#) (Enacted): requires the commissioner of education to include the impact of virtual or remote instruction on the schedule for administering state assessments in its guidance on virtual and remote instruction to provide to school districts.

2021 State Accountability Legislation Related to Assessments

Since the summer of 2020, many states have introduced and enacted accountability legislation related to assessments. Specifically, at least 2 states have **introduced** legislation and at least 3 states have enacted legislation.

- **Arkansas** [H.B. 1151](#) (Enacted): suspends the public school rating system for the 2020-21 school year due to continuing disruption caused by the COVID-19 pandemic.

- **Colorado [H.B. 21-1161](#)** (Enacted): suspends the administration of state assessments, contingent on receiving a waiver of federal law from the federal department of education, for the following instructional areas and grade levels for the 2020-21 school year: Science for students enrolled in grades 5, 8 and 11; Math for students enrolled in grades 3, 5 and 7; and English language arts for students enrolled in grades 4, 6 and 8. The bill prohibits a school district from using student academic growth measures or student performance measures when evaluating licensed personnel for the 2020-21 school year.
- **Florida [S.B. 886/H.B. 359](#)** (Introduced): will prohibit a school from being required to select and implement a turnaround option in the 2021-22 school year based on school grade or rankings in the 2020-21 school year. It will also prohibit the use of student performance results from the 2021-21 statewide assessments from being used to determine grade 3 retention or high school graduation, or for other student performance measurements.
- **Tennessee [H.B. 7003/S.B. 7001](#)** (Enacted): indicates that the annual TCAP assessments will be administered for the 2020-21 school year and details how the results may impact teacher evaluations, student graduation rates and student growth weights for accountability.
- **Texas [H.B. 2802](#)** (Introduced): will temporarily suspend certain accountability determinations for public schools in a school year in which public school operations are disrupted as a result of a declared disaster and the requirement to use those assessment instruments as a criterion for promotion or graduation of a public school student.
- **Texas [H.B. 3092](#)** (Introduced): will instruct the commissioner of education to seek a waiver for federal assessment requirements for the 2020-21 school year. If the waiver is granted, no assessments will be given. If the waiver is denied, assessments will not be used to evaluate school district performance or in determining a student’s qualifications for promotion or graduation.

State Education Agency Activity

Outside of state legislation, some state education agencies have released guidance on the administration of 2020-21 assessments. This includes guidance on virtual administration, adjustment of testing windows or other guidance specific to the COVID-19 pandemic.

- **California’s** Department of Education [announced](#) the state board of education’s decision to permit the use of state tests or other learning assessments to gauge student learning this spring.
- **Colorado** Department of Education noted on their website that they would have a [tentative assessment window](#) and would move forward with planning for spring 2021 assessments but would adjust based on state and federal guidance.
- **Florida’s** Governor issued an Executive Order ([2021-EO-01](#)) on February 15 to allow for modified testing windows for both paper-based and [computer-based](#) testing for the Florida Standards Assessments and NGSSS Assessments.
- **Indiana’s** Department of Education issued [manuals and guidance](#) for the proctoring and administering 2020-21 assessments.
- **Maine’s** Department of Education [issued](#) a guide to help school districts provide assessments during the COVID-19 pandemic as well as an FAQ document about spring assessments.
- **Massachusetts’** Commissioner [issued a memo](#) detailing that the state would move forward with their assessments this spring, but with various flexibilities, including exempting scores from school accountability.
- **Ohio’s** Department of Education [extended the testing window](#) by one week to give schools greater flexibility when administering examinations.
- **Pennsylvania’s** Department of Education [issued a statement](#) to the USDE specifying that they would allow LEA’s to perform assessments later in the calendar year (September 2021).
- **Tennessee’s** Department of Education updated its [TCAP Assessment Calendar](#) in February 2021 for spring administration.

- The **Texas Department of Education website** includes FAQs and guidance for the administration of the state’s STAAR assessments for 2021. This includes extended testing windows and guidance for administering 2021 assessments.

Resources:

- **[COVID-19 Series: Accountability and School Improvement](#)** (ECS, 2020): this Policy Outline looks at the impact of COVID-19 on school improvement and accountability, primarily during the 2019-20 school year. Because assessments are so closely related, there may be some resources about how states can proceed to the 2020-21 school year.
- **[Key Issue: COVID-19 Pandemic](#)** (ECS): this resource looks at how state education leaders are addressing the COVID-19 pandemic and includes a section on assessments and accountability.
- **[States move toward waiving standardized tests for 2020-21](#)** (K-12 Dive, June 2020): this article cites **Georgia, South Carolina, Texas** and **Oklahoma** as having mentioned flexibilities or changes to assessments for the 2020-21 school year.
- **[Ed Dept: States must assess students, but with flexibilities](#)** (K-12 Dive, Feb. 2021): this article includes analysis of the federal guidance issued requiring states to test, with flexibilities.
- **[Schools must still give standardized tests this year, Biden administration says](#)** (Chalkbeat, Feb. 2021): this article includes analysis of the federal guidance issued requiring states to test, with flexibilities.