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# Wisconsin Legislative Council

## INFORMATION MEMORANDUM

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### REQUIRED K-12 STUDENT ASSESSMENTS

Federal and state law require the regular assessment of K-12 students. The Department of Public Instruction (DPI) oversees the state assessment system and ensures that every school board, independent charter school, and private school participating in a parental choice program annually administers required assessments.

This information memorandum describes the federal and state assessment requirements, explains what accommodations must be made for students with disabilities and English language learners, and addresses when a student may be excused from assessment.

### FEDERAL ASSESSMENT REQUIREMENTS

Federal law requires states to assess public school students in certain subject areas and grade levels in order to receive federal education funds. Under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), state educational agencies (SEAs)<sup>1</sup> must ensure that all public school students in the state are regularly assessed in math, reading, and science. Specifically, SEAs must ensure that public school students are annually administered math and reading assessments in grades 3, 4, 5, 6, 7, and 8 and at least once during high school. [[20 U.S.C. s. 6311 \(b\) \(2\) \(B\) \(v\) \(I\).](#)]

Additionally, states must ensure annual administration of science assessments in at least one grade in each of the following grade ranges: grades 3-5, grades 6-9, and grades 10-12. For example, if a state ensured administration of science assessments in grades 4, 7, and 11, it would be in compliance with the science assessment requirement of the federal law. [[20 U.S.C. s. 6311 \(b\) \(2\) \(B\) \(v\) \(II\).](#)]<sup>2</sup>

Federal law also requires the annual assessment of English proficiency for all English learners.<sup>3</sup> [[20 U.S.C. s. 6311 \(b\) \(2\) \(G\)](#); s. 115.96 (1), Stats.] Wisconsin fulfills this requirement by annually assessing English learners through the [ACCESS for ELLs](#) assessment.

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<sup>1</sup> DPI is the SEA for Wisconsin.

<sup>2</sup> For a detailed explanation of how Wisconsin complies with ESSA, see Wisconsin's most recent Consolidated State Plan, approved by the U.S. Secretary of Education (January 16, 2018).

<sup>3</sup> "English learner" means an individual: (a) who is aged 3 through 21; (b) who is enrolled or preparing to enroll in an elementary or secondary school; (c) who was not born in the U.S. or whose native language is a language other than English; who is a Native American or Alaska Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or who is migratory, whose native language is a language other than English and who comes from an environment where a language other than English is dominant; and (d) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the challenging state academic standards; the ability to successfully achieve in classrooms where the language of instruction is English; or the opportunity to participate fully in society. [20 U.S.C. s. 7801 (20).]

## STATE ASSESSMENT REQUIREMENTS

State law also requires school districts to assess students in certain subject areas and grade levels. Some of the state law assessment requirements align with federal assessment requirements, while others are different. Wisconsin law requires the following additional assessments not mandated by federal law: (1) assessments of reading readiness in four-year-old kindergarten (4K) through second grade; (2) administration of a standardized third grade reading test; (3) assessment of attainment of knowledge and concepts in grades 4, 8, 9, 10, and 11; and (4) successful completion of a civics test as a condition of high school graduation.

### Reading Assessments

All school boards and operators of independent charter schools are required to administer fundamental skills screening assessments to 4K students, administer universal screening assessments and diagnostic assessments to five-year-old kindergarten (5K) to third grade students, and notify parents of assessment results. [s. [118.016 \(2\)](#), [\(3\)](#), and [\(4\)](#), Stats.]

#### Fundamental Skills Screening Assessments – All 4K Students

State law requires traditional public schools and independent charter schools to administer a fundamental skills screening assessment selected and provided by DPI to assess the early literacy skills of each 4K student. A fundamental skills screening assessment must evaluate whether a student possesses phonemic awareness and letter sound knowledge. Schools must assess 4K students at least two times during each school year, with the first assessment administered within 45 days of the beginning of the school year and the second assessment at least 45 days before the end of the school year.<sup>4</sup> [s. [118.016 \(2\)](#), Stats.]

#### Universal Screening Assessments – All 5K to Third Grade Students

Under current law, traditional public schools and independent charter schools must administer a universal screening assessment selected and provided by DPI to assess the early literacy skills of 5K to third grade students. A universal screening assessment must evaluate the following for each student: (1) phonemic awareness; (2) decoding skills; (3) alphabet knowledge; (4) letter sound knowledge; and (5) oral vocabulary. Schools must assess 5K to third grade students at least three times each year, with the initial assessments administered within the first 45 days of the school year, the second administered in the middle of the school year, and the third administered at least 45 days before the end of the school year.<sup>5</sup> If a student scores below the 25<sup>th</sup> percentile on a universal screening assessment, the school must administer a diagnostic assessment to that student. [s. [118.016 \(3\)](#), Stats.]

### Standardized Third Grade Reading Test

State law requires that every school board annually administer a standardized reading test developed by DPI to all third grade students enrolled in the district, including those students enrolled in charter schools located within the district. [s. [121.02 \(1\) \(r\)](#), Stats.] Each independent charter school operator is also required to administer the third grade standardized reading test to all students enrolled in the school. [s. [118.40 \(2r\) \(d\) 2.](#) and [\(2x\) \(d\) 2.](#), Stats.] Additionally,

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<sup>4</sup> In the 2024-25 school year, schools are required to administer the 4K fundamental skills reading assessment only once, between January 1, 2025 and 45 days before the end of the school year.

<sup>5</sup> In the 2024-25 school year, schools are required to administer universal screenings for 5K to third grade students only twice: once in the middle of the school term and again at least 45 days before the end of the school year.

private schools participating in a parental choice program<sup>6</sup> under the Milwaukee Parental Choice Program (MPCP), Racine Parental Choice Program (RPCP), or Wisconsin Parental Choice Program (WPCP), must ensure that the third grade standardized reading test is administered to all students attending the private school under the parental choice program. [ss. [118.60 \(7\) \(b\) 1.](#) and [119.23 \(7\) \(b\) 1.](#), Stats.] Children with disabilities must be included in this assessment “with appropriate accommodations and alternate assessments where necessary and as indicated in their individualized education programs.” [s. [115.77 \(1m\) \(bg\)](#), Stats.]

## **Assessment of Pupil Attainment of Knowledge and Concepts**

The State Superintendent of Public Instruction is required to adopt or approve assessments designed to measure pupil attainment of knowledge and concepts in grades 4, 8, 9, 10, and 11. The state superintendent is prohibited from adopting or approving assessments developed by the Smarter Balanced Assessment Consortium. [s. [118.30 \(1\)](#), Stats.] Knowledge and concepts assessments must, to the extent possible, be free of bias. [s. [118.30 \(2\) \(a\)](#), Stats.] Generally, all required assessors must administer the assessments adopted and approved by the state superintendent. However, public schools and independent charter schools may develop and administer their own assessments for students in grades 4 and 8. [s. [118.30 \(1g\) \(c\)](#), Stats.]

School boards, independent charter school operators, and the governing bodies of private schools participating in a parental choice program under MPCP, RPCP, or WPCP where 20 or more students in grades 3-12 are enrolled in the school through the choice program (collectively “required assessors”) are required to annually administer an assessment to all students in grades 4, 8, 9, 10, and 11 that measures student attainment of knowledge and concepts. [s. [118.30 \(1m\) to \(1t\)](#), Stats.] In addition to ensuring administration of these assessments, state law requires the governing bodies of private schools to ensure administration of the assessments in mathematics, reading, and science required under ESSA to students attending the private school through a parental choice program. [s. [118.30 \(1t\) \(d\)](#), Stats.]

Each required assessor must annually publish information about assessments on its website, if it maintains one. [s. [118.30 \(1m\) \(d\)](#), [\(1r\) \(d\)](#), and [\(1s\) \(e\)](#), Stats.]

## **Civics Test**

State law prohibits a school board, operator of an independent charter school, or governing body of a private school participating in a parental choice program under MPCP, RPCP, or WPCP from granting a high school diploma to a student unless that student has taken and passed a civics test. The civics test must consist of 100 questions that are identical to the 100 questions that may be asked of an individual during the process of applying for U.S. citizenship. To pass the civics test, a student must answer at least 65 of the questions correctly. [s. [118.33 \(1m\) \(a\)](#), Stats.]

If a student has an individualized education program (IEP), graduation may not be conditioned on successful passage of the civics test. The student is still required to complete the test, however, unless the student’s IEP includes a statement that it is not appropriate to administer the civics test to the student. [s. [118.33 \(1m\) \(a\) 2.](#), Stats.] Additionally, for students with limited English proficiency, the civics test may be administered in the student’s language of choice. [s. [118.33 \(1m\) \(a\) 3.](#), Stats.]

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<sup>6</sup> Parental choice programs allow eligible students to attend private schools using state-funded tuition vouchers. For more information on parental choice programs, see [Legislative Council, Parental Choice Programs in Private Schools, Issue Brief \(February 2021\)](#).

The civics test is not part of the statewide assessment system and is instead independently administered by each school district, independent charter school, and private school participating in a parental choice program.

## ACCOMMODATIONS AND EXCUSAL

Federal law and state law require that accommodations be made to include children with disabilities and English learners in all required assessments. [[20 U.S.C. s. 6311 \(b\) \(2\) \(B\) \(vii\)](#) and s. [118.30 \(2\) \(b\) 1.](#) and [2.](#), Stats.] Assessment accommodations for children with disabilities are dictated and detailed by the child's IEP.

What constitutes appropriate assessment accommodations for an individual English learner is decided by the required assessor pursuant to criteria set forth in s. PI [13.09](#), Wis. Adm. Code. Appropriate accommodations for English learners include, but are not limited to, the assistance of a translator, the use of dictionaries, and extended time to complete assessments. [s. [118.30 \(2\) \(b\) 2.](#), Stats.]

If a student's parent requests that the student be excused from a state-required knowledge and concepts assessment, the assessor must excuse that student. [s. [118.30 \(2\) \(b\) 3. to 6.](#), Stats., and [20 U.S.C. s. 6311 \(b\) \(2\) \(K\).](#)]

## WISCONSIN'S STUDENT ASSESSMENT SYSTEM

The State Superintendent of Public Instruction has adopted the Wisconsin Forward Exam, the ACT Aspire®, and the ACT with Writing® to comply with federal and state assessment requirements. Collectively, these assessments make up the Wisconsin Student Assessment System. The Wisconsin Student Assessment System satisfies all the federal assessment requirements, as well as the state third grade reading assessment requirement and the knowledge and concept assessment requirements.

Grade	Test	Topic	Complies With
3	Forward Exam	English Language Arts (ELA)	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a> ; s. <a href="#">121.02 (1) (r)</a> , Stats.
		Math	Federal Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a>
4	Forward Exam	ELA	Federal Law and State law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a> ; s. <a href="#">118.30</a> , Stats.
		Math	
		Science	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (II)</a> ; s. <a href="#">118.30</a> , Stats.
		Social Studies	State Law s. <a href="#">118.30</a> , Stats.
5	Forward Exam	ELA	Federal Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a>
		Math	
6	Forward Exam	ELA	Federal Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a>
		Math	

Grade	Test	Topic	Complies With
7	Forward Exam	ELA	Federal Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a>
		Math	
8	Forward Exam	ELA	Federal Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a>
		Math	
		Science	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (II)</a> ; s. <a href="#">118.30</a> , Stats.
		Social Studies	State Law s. <a href="#">118.30</a> , Stats.
9	ACT Aspire ®	English, reading, writing	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a> ; s. <a href="#">118.30</a> , Stats.
		Math	
		Science	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (II)</a> ; s. <a href="#">118.30</a> , Stats.
10	ACT Aspire ®	English, reading, writing	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a> ; s. <a href="#">118.30</a> , Stats.
		Math	
		Science	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (II)</a> ; s. <a href="#">118.30</a> , Stats.
	Forward Exam	Social Studies	State Law s. <a href="#">118.30</a> , Stats.
11	ACT with Writing ®	English, reading, writing	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (I)</a> ; s. <a href="#">118.30</a> , Stats.
		Math	
		Science	Federal Law and State Law <a href="#">20 U.S.C. s. 6311 (b) (2) (B) (v) (II)</a> ; s. <a href="#">118.30</a> , Stats.

This information memorandum was prepared by Emily Hicks, Staff Attorney, on May 7, 2024.