

Testing all enrolled pupils for academic achievement under Wis. Stat § 118.30 (1m)

Background and statutory responsibility

Annually assessing pupils for academic achievement is required under both federal and state law. The Elementary and Secondary Education Act requires that state academic assessments be administered to all public elementary and secondary school students in certain grades and subjects. Similarly, Wis. Stat. § 118.30 (1m) provides that a school board must assess “all pupils enrolled in the school district” in prescribed grades. The Wisconsin Student Assessment System, consisting of the Forward Exam, Act Aspire, the ACT with writing, and the DLM, is designed to meet all federal and state academic assessment requirements.

The statutory requirement to test all enrolled pupils has an intuitive and clear meaning with respect to most students, who are continuously enrolled in a school in their district of residence. However, the term “enrolled” is not defined and may be used in different ways by educators in different districts and different roles in the school system, sometimes causing uncertainty about the assessment requirement’s applicability to students in certain unusual circumstances.

The operational principle

To help school districts understand their assessment responsibility with respect to students in any sort of circumstance, we state this basic operating principle, first in shorthand:

Assessment goes with accountability.

Here is the operating principle in full.

A district is responsible for the assessment of any student for whom it is the district of accountability at any point during the assessment window, unless it can verify that the student has already been assessed by another district. A district is the district of accountability if—

- a. with respect to any student other than a student with a disability who has an IEP — it provides the student’s primary educational services.**
- b. with respect to a student with a disability who has an IEP — it is responsible for the student’s Free Appropriate Public Education (FAPE).¹**

¹ To understand which district has FAPE responsibility, see the DPI document, [Free Appropriate Public Education \(FAPE\) Responsibility by Residence](#), or [contact the DPI Office of Special Education](#).

To put this in terms of the student data that districts submit to DPI — a student whose WISEdata enrollment status is active during any portion of the assessment window (i.e., their most recent WISEdata Enrollment Date was not followed by an Exit Date predating the opening of the assessment window) must be assessed by or under the direction of the district of accountability. For non-IEP students, that is the district responsible for submitting the student's data. For IEP students, it is the FAPE-Responsible District, even if a different district is submitting the student's data.

If a student who is required to be assessed is not tested, the student counts as a test non-participant for accountability purposes.

With one narrow exception², a district has no legal obligation to — and in practice must not — assess private school students, including Choice students, or home schooled students, since it is not accountable for them.

Examples of special circumstances

For any question about whether a certain student must be assessed, the key is to determine if a district is accountable for the student during any part of the assessment window. The following examples show how the operating principle applies to a number of scenarios districts have asked about.

Suspended student. Suspending a student does not interrupt accountability for the student, and WISEdata enrollment status should not be ended. Districts must assess suspended students.

Expelled student. If a district expels a student and provides educational services to the expelled student, the district is accountable for the student and is responsible for assessing them. If a district expels a student and does not provide any educational services, the district is not responsible for assessing them. In the latter case, the district should have submitted an Exit Date in WISEdata marking the start of the expulsion and thus the cessation of their accountability for the student. If another district decides to enroll that student during the expulsion period and the assessment window, that district would become the district of accountability and would be responsible for assessing the student.

Migrant or homeless student. The district that is providing the student's primary educational services is responsible for assessing the student.

² Under the Special Needs Scholarship Program, if a child receiving a scholarship under the program attends a private school that does not administer state-required assessments to any student, then, upon the request of the child's parent, the resident school district must administer the appropriate state-required assessment at no cost to the student. Wis. Stat. § 115.7915(5)(b).

Homebound or hospitalized student. If the student is receiving educational services from a district, the district that is providing primary educational services is responsible for assessing the student.

Student with a disability placed in a Residential Care Center (RCC). The district responsible for the student's FAPE (see footnote 1, above) is accountable for the student and must ensure that the student is assessed. This is the case regardless if the student is attending school on the RCC grounds, which usually is the case, off RCC grounds at a district school, or off RCC grounds at a school in a different school district.

Student placed in another school district under their IEP. The district that manages the student's IEP is accountable for the student and responsible for their assessment. This is true whether the other district is a Wisconsin district and is submitting data for the student, as in the vast majority of cases, or is an out-of-state district. (The responsible school district may arrange for the other district to administer the assessment on its behalf.)

Student with a disability attending the Wisconsin School for the Blind and Visually Impaired, Wisconsin School for the Deaf, Lakeland School of Walworth County, or Syble Hopp School of Brown County. Students attend these schools when called for by their IEP, which is managed by their resident (FAPE) school district. The resident school district is the accountable district and is responsible for making sure that the student is assessed. (Students are generally assessed at their school of attendance.)

Student attending school in another school district under Open Enrollment or a tuition waiver. The district in which the student has elected to attend school is the district of accountability and is responsible for assessing the student.

Student attending a virtual charter school. The district to which the virtual school belongs is the district of accountability for all the school's students, whether they reside in the district or attend via Open Enrollment, and is responsible for assessing the students.

Student placed in alternative programming — including, for example, at a district alternative school, a technical college, a community based organization, or a CESA alternative education program. A district's accountability for a student is not affected by placing the student in any alternative education program. The district is responsible for assessing the student.

Adjudicated child placed in a local juvenile facility. The school district in which the facility—for example, a county jail, secure detention center, or residential care facility—is located is the district of accountability and is responsible for assessing the student.

Child placed in a facility operated by the Wisconsin Department of Corrections. The Wisconsin DOC is an LEA in its own right. It is accountable for the students residing and attending school in its facilities and is responsible for assessing them..

Student attending a multi-district charter school. Each district involved in establishing a multi-district charter school is accountable for and responsible for assessing its own students at the school. Of course, as with other multi-district school operations, the participating districts would be expected to jointly administer a uniform student assessment process.

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