

# Uniting 4 Kids



## Opting Out of High-Stakes Testing A Guide to Exercising your Parental Rights

### Why parents opt out of high-stakes testing

1 - Many children have special needs and while IEP's and ILP's provide for individualized instruction, they do not provide for individualized standardized assessments. In some cases children with severe needs are being tested for up to 12 hours, instead of learning important life skills.

2 - Parents refrain from standardized testing because of the stress and anxiety that children experience due to the high pressures and high stakes of these tests. Other physical and mental health issues influence a parent's decision.

3 - Because socio-economic status is the highest correlating indicator on standardized tests, many parents feel that using the scores to sanction schools and punish teachers and students is unfair and unjust. All schools that have been "turned around" as a result of test scores have served low-income and minority children.

4 - Others feel that the level of expenditure of time and money on a single measurement tool that fails to assess the qualities valued most is a wasteful use of taxpayer dollars, and a misuse of our education system.

5 - Many parents have experienced negative consequences related to these state tests. Children are often prohibited from taking advanced classes, tracked into remedial courses, and sometimes forced into after-school test preparation. Many states now prevent students from receiving their diplomas without passing an exit exam.

### Steps for opting out of high-stakes testing

1 - The day before the test is scheduled, send a letter to your schools principal that your child will not be participating in the statewide assessment. It's your decision as a parent and you don't owe any additional explanation.

2 - Expect a phone call or an e-mail. Simply re-state your decision. Do not accept an invitation for a meeting (unless you have the time or the interest). This is not a power struggle or a game, it's simply a parent's decision to act in the best interest of their child. Keep your communication simple and direct.

3 - During the scheduled testing time either arrange for your child to be in the school library or keep them home. Many parents utilize the time to take field trips and connect with real world learning. See our links for resources and activities.

4 - If challenged or threatened, ask for the policy in writing. Do not accept any consequences that are not publicly stated in policy previous to your notification. Document all communication in writing. If your parental authority is violated, your child faces any type of discrimination, or you are otherwise harassed, send written notification to the superintendent, citizen elected school board members and the state department of education.

### What you might expect

Although parental authority is widely supported by the Supreme Court, legislators have made the stakes of these state tests very high. Schools are being closed or converted, teachers are being transferred, demoted, and terminated. Prepare to face some resistance.

Policies relating to test refusal, differ by state and sometimes district. While it is helpful to be aware of these variations, parents have legal precedent to defend their actions entirely within the framework of the law.

### Understand your Rights

Parental rights are broadly protected by Supreme Court decisions (Meyer and Pierce), especially in the area of education. The Supreme Court has repeatedly held that parents possess the "fundamental right [to] direct the upbringing and education of their children."

Furthermore, the Court declared that "the child is not the mere creature of the State: those who nurture him and direct his destiny have the right coupled with the high duty to recognize and prepare him for additional obligations." (Pierce v. Society of Sisters, 268 U.S. 510, 534-35)

The Supreme Court criticized a state legislature for trying to interfere "with the power of parents to control the education of their own." (Meyer v. Nebraska, 262 U.S. 390, 402.) In Meyer, the Supreme Court held that the right of parents to raise their children free from unreasonable state interferences is one of the unwritten "liberties" protected by the Due Process Clause of the Fourteenth Amendment. (262 U.S. 399).

In recognition of both the right and responsibility of parents to control their children's education, the Court has stated, "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for the obligations the State can neither supply nor hinder." (Prince V. Massachusetts, 321 U.S. 158)

*It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error.*

~ U.S. Supreme Court in *American Communications Association v. Douds*

### Learn More at...

[Uniting4kids.com](http://Uniting4kids.com) • [Unitedoptout.com](http://Unitedoptout.com) • [thecebe.org](http://thecebe.org)



## Questions and Answers

### *Will my school lose money if we opt out?*

**Schools do not receive money based on test scores and schools do not lose money when parents opt out.** If someone tells you this they are either misinformed or lying. Over half of all schools in the nation are not meeting the criteria of adequate yearly progress (AYP). According to No Child Left Behind, only schools that are designated Title I schools *have to direct part of their federal funding* to improving test scores after the school has not made AYP for 3 subsequent years. Federal funding comprises less than 10% of school budgets and administrators are already allocating a significant portion of their budgets to standardized testing.

### *Will opting out hurt my child's teacher?*

Some states may have a performance pay or teacher evaluation system that is tied to test scores. By opting out, you leave teacher evaluation to experienced administrators instead of temporary graders and test publishers. (It is more effective and much less expensive too.)

### *Will a parents refusal to test hurt my school?*

In Colorado, if more than 5% of your school opts out, the Colorado Department of Education will lower the schools accreditation rating. This is a bullying tactic to enforce parental compliance and intimidate educators. <https://cedar2.cde.state.co.us/documents/DPF2010/0020%20-%201%20Year.pdf>



Photograph of Sam Robertson

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## Facts about CSAP/TCAP

- CSAP was first administered in 1997, before No Child Left Behind passed in 2002.
- It has never been independently evaluated for validity or reliability.
- The McGraw Hill contract for CSAP is not available for public disclosure but exceeds \$20 million annually. Additional costs include: test preparation materials, educator time proctoring the test, data consultants, organizing, reporting, and shipping. Colorado has spent more than a half billion over the past 16 years with no return on taxpayers' investment and no measurable benefits to children.
- CSAP tests are graded by temporary workers who work on hourly wages and receive minimal training. The majority of these temp graders do not have any education background.
- CSAP has not narrowed the achievement gap as promised. In Colorado, the number of children living in poverty grew by 72% since 2000, the highest rate increase in the nation, further widening the achievement gap.
- Parent refusals increased every year since high-stakes testing began. In 2011 there were 1,427 parent refusals for CSAP, 2,754 tests not completed.

In 2010 there were 324 parental refusals for CSAP, 696 tests not completed.

*I know no safe depositor of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them but to inform their discretion.*

*~ Thomas Jefferson, 1820*



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