

PURE *Tip Sheet* Testing opt out legal language

Opt out legislative concepts/language from Oregon – Contact Susan Barrett susan@igoweb.org

Problem: Increasing amounts of time and money are being spent on standardized testing, and now standardized formative assessments, which are also being used to determine such things as school funding, school closures, staff changes and teacher ratings. This is an improper use of assessments. Assessment should help classroom instruction only while allowing those closest to the students (parents, teachers, and students themselves) to determine the means for improving achievement. Teachers are not even allowed to read test items, so they are unable to use these tests to adjust instruction. Such testing does not deliver the results it was intended to, such as closing the “achievement gap”, and in order to enhance education for all students, it would be more valuable to spend time on authentic classroom instruction, and use teacher created assessments.

Solution #1: (Our ideal is to eliminate high stakes testing. If we cannot move on this, then try other solutions.) Eliminate state-mandated high stakes testing/assessments (and have Oregon opt out of federally mandated high stakes testing). Limit Oregon's participation in standardized testing to just the NAEP which uses a random sampling of students in three grades/ages. This will restore class time hours, and free resources in schools, such as computer labs and libraries, which are closed for weeks at a time due to lengthy standardized testing seasons.

Solution # 2: (This would keep current tests, but limit them and their current purpose). Enact legislation rolling back the extent of testing, limiting it to fewer grade levels for monitoring purposes, as was done in the pre-NCLB years. Limit the number of times students can take the tests, to one time, for all students, late in the school year when students have had an opportunity to learn material tested. Additionally, disallow test scores as the basis for negative consequences for school staff, and commission an investigative study of the costs of large-scale tests, including direct costs for materials and scoring and costs of staff time in overseeing tests.

Solution #3 (If we cannot get any of the above, then at the very least, let people Opt Out without hassle.) Allow parents to opt their student out of state mandated tests for any reason. Require each district send notices home to all enrolled public school families which lets parents know they can opt out of testing

California's current parent opt out law

The reference is Title 5 of the CA Code of Regulations, Division 1, Chapter 2, Subchapter 3.75 "Standardized Testing and Reporting Program", Section 852, (a). It's under "more about STAR" on the SED website: "A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Ed Code Section 60640 [a STAR is born}. The parent or guardian must initiate the request and the school district and its employees shall not solicit or encourage any written request on behalf of any child."

The law is this: California Education Code Section 60615. "Notwithstanding any provision of law, a parent's or guardian's written request to school officials to excuse his or her child from any or all parts of the assessments administered pursuant to this chapter shall be granted."