

# FACTS FOR PARENTS ON OPTING OUT OF STATE TESTS



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**As the next round of state tests approach, it is important to review the facts around opting out of state tests. Each year misinformation about the impact of opt outs is presented as fact to parents around the state as school district officials attempt to convince parents to have their children take the state tests. This Fact Sheet attempts to clear up the misinformation by reviewing the federal requirements for participation in the state assessments and potential consequences of opting-out for districts, students and teachers.**

Parents and teachers share deep concerns about the standardized tests used by New York State for accountability purposes. Those include: stress on students, in-appropriateness and lack of validity of the Common Core-aligned tests, loss of learning time, misuse of tests for high-stakes decisions, erosion of local control over school decisions and lack of transparency on state test content. Parents who decide it is not in their children's best interests to take these assessments are part of an "Opt-Out" movement in New York State. Despite recent changes that eliminate certain consequences of the state tests for students and teachers, the tests will still be administered and used for "advisory" purposes. NYSUT fully supports a parent's right to choose what is best for their children.

## HOW DO YOU OPT YOUR CHILD OUT OF THE STATE TESTS

The opt out process is different in each district. You should check with your school principal or district administrator to find out the process in your school district. **The State Education Department (SED) no longer questions a parent's right to opt their child out of the state tests.** If the district does not have a standard form, send the principal a letter stating the tests you do not want your child to take part in and request the district provide a productive alternative activity. All requests for opt outs should be made in writing to ensure a paper trail should a question arise about whether you requested that your child not take the state tests. The letter should be provided to the school Principal prior to the start of the state testing period. The sooner the letter is provided the less likely the district is to dispute your request. Some parents provide the letter on the first day of school.

## FEDERAL REQUIREMENT FOR TESTING

The state assessments are required by the Federal Elementary and Secondary Education Act (ESEA). Statewide assessments must measure the proficiency of students in each of grades three through eight in, at a minimum, mathematics, and reading or language arts. The law requires that 95 percent of all students and subgroups be assessed annually but prohibits the Federal government from taking any action against states or districts that do not meet the 95 percent participation rate. A new provision in the Every Student Succeeds Act (ESSA) requires districts to inform parents and guardians of opt-out policies, and affirms a parent's right to have their children opt out of statewide standardized tests where state and local policies permit. While New York has no formal policy at this time, SED no longer questions a parent's right to opt their child

out of the state tests.

### **POTENTIAL CONSEQUENCES OF OPT OUTS**

SED has indicated that it does not support any attempt at withholding state or federal funds from schools based on assessment participation rates. However, there are some districts that have attempted to discourage opt-outs through the use of punitive measures, such as sit-and-stare policies or requiring students take alternative exams. NYSUT opposes sit-and-stare policies or requiring alternative exams.

Focus and Priority schools that do not meet the participation rate requirement may not be able to meet the exit criteria (assuming they would otherwise be able to.) In addition, Schools under Receivership could have a 95 percent participation rate as one of the indicators required to meet demonstrable improvement used to determine if the school exits the receivership program or is placed under the control of an external receiver.

At this point, the assessments have limited academic consequences for students. Although originally intended to evaluate programs, the assessments are used by some districts as one of the criteria for placement decisions and by the state to determine whether or not a student should receive remedial services. Actions by the state Legislature and Board of Regents have minimized how the assessments can be used. Parents should ask to review the district policies for how students that opt-out will be evaluated for both remediation and placement in advanced courses.

Additional details are available in the NYSUT Fact Sheet Opt-Out of State Tests on the [nysut.org](http://nysut.org) web site.

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