TEST REFUSAL or OPT OUT

What do I need to know about the possible ramifications of opting my child out of a test?

Standardized testing has long been a part of public education. Since 2002, the U.S. Department of Education has required that states receiving federal education funding test 3-8 grade students in reading and math, which is usually done in the spring and is used to generate school and district report cards. Some states and districts have added annual tests in other grades and subjects, or even added fall testing. The most controversial new tests are those that have been added to the schedule in order to evaluate teachers.
(The Atlantic, Nov. 2013)

In a memo from Steven Katz, Director NYSED Office of State Assessments, it is stated:
"The federal No Child Left Behind Act requires that State tests be administered in English language arts and mathematics in grades 3-8, and in science at least once during grades 3-5 and 6-9. In accordance with the federal requirements and Sections 100.3 and 100.4 of the Commissioner's regulations, the Department requires that all students in public and charter schools in grades 3–8 take all state assessments administered for their grade level. This includes students who were retained in these grades."
Information on Student Participation in State Assessments

Although this memo was recently featured in the Massena Potsdam Courier Observer on March 12, 2015, State Education Department says students required to sit for Common Core assessments, it should be noted that the memo was written in January 2013, and is not new information. The New York State Education Department is required to follow federal guidelines; No Child Left Behind was enacted in 2002. This memo was intended to clarify those federal expectations.

Some have argued that NYS students are being tested more than ever and/or are concerned that too much time is being taken with testing and test preparations. In actuality, the number of tests has not changed since 2002. The tests are, however, longer and more rigorous due to the adoption of the Common Core State Standards. Some are saying that the length and rigor of these tests are causing unnecessary stress on students and parents, however, student scores have already started to increase slightly in the 2nd year of the CCSS. Further, recent studies, including the following from the National Assessment of Educational Progress (NAEP), show the standards are a marked improvement.

HOW DOES NYS COMPARE TO OTHER STATES?

NAEP

The Strength of State Proficiency Standards (Table 1)

Standards rise in 20 states, slip in only 8 between 2011 and 2013

Rank	State	Strength of state proficiency standards 2013: 4th grade Math	4th grade Reading	8th grade Math	8th grade Reading	Overall averages by year: 2003	2005	2007	2009	2011	2013	Change in difference between state and NAEP: 2011-2013**	2005-2013**
1	New York	A	A	A	A	B-	C	C+	D+	B-	A	31.5	35.3
~~2~~	~~Wisconsin~~	~~A~~	~~A~~	~~A~~	~~A~~	~~D+~~	~~C~~	~~C~~	~~D+~~	~~D+~~	~~A~~	~~28.8~~	~~38.7~~
3	Utah	A	A	A	A		D+	D+	C-	D+	A	31.6	40.2
4	North Carolina	A	A	A	A	D-	F	D	C-	C-	A	40.6	50.2
5	Pennsylvania	A	A	A	A	C+	C	C	C	C	A	9.7	24.6
6	Massachusetts	A	A	A	B-	A	A	A	A	A	A	6.9	-9.6
7	Kentucky	A	A	B+	A	B	B-	C	C	C	A	13.7	15.5
8	Missouri	B+	A	B+	A	A	A	A	A	B+	A	-7.0	-12.9
9	Tennessee	A	A	C+	A	F	F	F	F	A	A	40.9	47.5
10	Florida	B-	B+	B-	B+	B-	C+	C+	C	C	B	17.7	9.1
11	Washington	B+	C+	B+	B	B-	C	B-	B-	B	B	11.8	11.2
12	Colorado	B-	B	B+	B-	D+	D	B-	B-	B	B	30.1	28.0
13	Michigan	A	C	A	C+	C	C-	D	D	D-	B	26.1	18.2
14	Illinois	B-	B	C+	B	C+	C	D	D	D	B-	-4.9	10.5
15	Minnesota	B+	C+	B	C+			B-	B-	B	B-	-34.7	0.9*
16	New Mexico	B+	B+	D+	B+		B-	B-	C+	B	B-	2.0	-0.8
17	New Jersey	C	A	B-	C	C	C	C	C+	C+	B-	20.8	9.5
18	California	D+	C	A	B-	A	B	B+	C+	C+	C+	3.0	-5.1
19	Maine	B	C+	C+	C	A	A	B-	C+	C+	C+	-5.0	-24.3
20	Virginia	C+	B	C+	C	C-	D+	D+	D	D	C+	4.1	15.7
21	New Hampshire	B	C+	C+	C			B-	B-	B	C+	-35.6	-4.6*
22	Nevada	D+	C-	B+	B+		C+	C	C	C+	C+	-8.2	-0.2
23	Rhode Island	B-	B-	C+	C	B+	B	B-	C+	C+	C+	11.5	-6.8
24	Oregon	C+	C	C	C+		C	C-	C-	C-	C	-7.6	-0.7
25	Maryland	C	C	C+	C	B	C	C-	C-	C-	C	14.8	3.5
26	Hawaii	B	B-	D+	C-	A	A	A	C+	C	C	0.3	-19.6
27	Iowa	C	C	D+	B-		D+	C-	D+	D+	C	13.9	7.9
28	North Dakota	C	C+	C	C	C+	C	C	C-	C	C	12.0	1.7
29	Montana	B-	D+	C+	C-	C	C+	C	C	C	C	9.4	-6.2
30	District of Columbia	C	B-	D-	C		C		C	C	C	-3.3	-5.9
31	Nebraska	C	C	C	C-		D-	F	F	C	C	23.3	15.0
32	Wyoming	C	C	C	C	A	A	C	C	C-	C	-11.5	-30.5
33	Delaware	C	C	D+	C	C	C	C-	D+	C+	C	-11.8	-0.6
34	Arizona	C+	D+	C	C-	B+	D+	C-	D+	C	C	18.6	6.3
35	South Dakota	C	C-	C-	C	C	D+	D+	C	C-	C	13.5	5.9
36	Indiana	C	C-	D	C	C	C-	C	C	C-	C-	11.2	-1.1
37	Connecticut	C-	C+	D-	C	C	C	C	C	C-	C-	8.9	-3.9
38	Texas	C+	C-	D+	D-	F	D+	D-	F	D-	C-	17.4	3.9
39	Ohio	C	D	C-	D+	B-	C	C-	C	C-	C-	6.5	-7.0
40	Mississippi	D	C	F	C	D	D-	D-	C	C	C-	18.2	10.2
41	Kansas	C	D+	C-	D	C	C-	C-	D	D	D+	-6.5	-1.7
42	Alaska	C-	D+	C-	D	C-	D+	D	D+	D+	D+	13.9	0.8
43	South Carolina	D	D	D+	C	A	A	A	C-	D+	D+	-20.8	-39.8
44	Arkansas	D	D	D+	D+	B	B	C+	C-	D+	D	-8.2	-25.4
45	Oklahoma	D+	C-	D-	D-	D-	D-	F	C	C-	D	19.4	3.8
46	Louisiana	D	D-	D	D+	C	C	C-	D+	D+	D	5.2	-10.8
47	Idaho	D	D-	D	D-	C-	D	D+	D	D-	D	15.1	-1.3
48	Georgia	D	F	F	F	D-	D-	F	F	F	F	15.7	-4.7
49	Alabama	F	F	F	F		D-	D-	F	F	F	13.7	-7.0
	Vermont					B		B	B-	B-			
	West Virginia						F	D-	C	B			

*2005 data are missing; change is calculated from 2007

** A positive number indicates narrowing the difference between the NAEP and state exams

NOTE: Grades are blue in states with rising standards.

SOURCE: Authors' calculations based on state tests and NAEP

The availability of data from both NAEP and from tests administered by each state allows for periodic estimates of the rigor of each state's proficiency standards. If the percentage of students identified as proficient in any given year is essentially the same for both the NAEP exam and for a state's tests, it may be inferred that the state has established as rigorous a proficiency standard as that set by NAEP. But **if percentages of students identified as proficient are higher on a state's own tests than on NAEP tests, then it may be concluded that the state has set its proficiency bar lower than the NAEP standard**.

Which states changed the most? For the first time since this survey of state standards has been undertaken, no fewer than nine **states receive a grade of "A," indicating they have set a proficiency bar that is roughly comparable to that set by NAEP**. Joining Massachusetts and Tennessee, the only two states given that top grade in 2011, are Kentucky, Missouri, **New York**, North Carolina, Pennsylvania, Utah, and Wisconsin. Five of these states (Massachusetts, **New York**, North Carolina, Pennsylvania, and Wisconsin) **have even set some standards that exceed those of NAEP. All of these states have adopted CCSS.** (Education Next, SUMMER 2015 / VOL. 15, NO. 3)

New York was one of the first states to test students based on Common Core in the Spring of 2013. According to a 2010 study by the Thomas B. Fordham Institute, of the math and ELA standards in 53 states and territories – 106 sets of standards in all – the Common Core were 'superior' to 76 including New York. (The State of State Standards— and the Common Core —in 2010)

HOW DOES THE US COMPARE TO OTHER COUNTRIES?

PISA – Program for International Student Assessment

More and more countries are looking beyond their own borders for evidence of the most successful and efficient policies and practices. Over the past decade, the Organisation for Economic Co-operation and Development (OECD) PISA has become the world's premier yardstick for evaluating the quality, equity and efficiency of school systems.

The United States remains in the middle of the rankings

Among the 34 OECD countries, the United States performed below average in mathematics (rank 26[1]) and around the average in reading (rank 17[2]) and science (rank 21[3]) in the 2012 PISA assessment of 15-year-olds (Table 2.1). Figures 2.12, 2.13 and 2.14 at the end of this chapter show the relative standing of the United States compared with OECD and other countries.

■ Table 2.1. ■

United States' mean scores in mathematics, reading and science

	PISA 2000	PISA 2003	PISA 2006	PISA 2009	PISA 2012
	Mean score	Mean score	Mean score	Mean score	Mean score
Mathematics		483	474	487	481
Reading	504	495		500	498
Science			489	502	497

Source: OECD, 2013a.

Comparing countries' and economies' performance in mathematics

Statistically significantly above the OECD average
Not statistically significantly different from the OECD average
Statistically significantly below the OECD average

Mean score	Comparison country/economy	Countries/economies whose mean score is NOT statistically significantly different from that comparison country's/economy's score
481	United States	Norway, Portugal, Italy, Spain, Russian Federation, Slovak Republic, Lithuania, Sweden, Hungary

■ Figure 2.13 ■

Comparing countries' and economies' performance in reading

Statistically significantly above the OECD average
Not statistically significantly different from the OECD average
Statistically significantly below the OECD average

Mean score	Comparison country/economy	Countries/economies whose mean score is NOT statistically significantly different from that comparison country's/economy's score
498	United States	Viet Nam, France, Norway, United Kingdom, Denmark, Czech Republic, Italy, Austria, Hungary, Portugal, Israel

How are our students doing?

According to an article in the Saratogian, New York state education task force will examine ways to better prepare students for college the workplace, and Johanna Duncan-Poitier, senior State University of New York vice chancellor for community colleges, despite New York state's 8.6 percent unemployment rate, thousands of jobs remain unfilled, in part because people don't have the skills needed to do them.

(In 2012), 70 percent of all incoming two-year college students need remedial education services -- primarily in reading, writing and math -- and providing those services costs the state $70 million per year.

"That's not a recipe for success," said Johanna Duncan-Poitier, senior State University of New York vice chancellor for community colleges. "They're coming to our institutions and they're struggling. We want them to graduate and have a future." (The Saratogian, July 2012)

WHAT NOW?

Every year we give these tests, we will do better. Every cohort will have started earlier in their academic career and will be more prepared for these tests; test scores will rise, and NYS students will have risen to the challenge.

Unlocking Grit - What is the role of effort in a person's success?

As Paul Tough (2012) notes, many educators have begun to believe that improvements in instruction, curriculum, and school environments are simply not enough to raise the achievement of all learners, especially disadvantaged ones. Also necessary is a quality called *grit*, loosely defined as persistence over time to overcome challenges and accomplish big goals (Duckworth, 2013; Shechtman, DeBarger, Dornsife, Rosier, & Yarnall, 2013). Grit comprises a suite of traits and behaviors, including

- Goal-directedness (knowing where to go and how to get there).
- Motivation (having a strong will to achieve identified goals).
- Self-control (avoiding distractions and focusing on the task at hand).
- Positive mind-set (embracing challenge and viewing failure as a learning opportunity).

(Research Says / Grit Plus Talent Equals Student Success) & (Angela Duckworth and the Research on 'Grit')

In a recent panel discussion with education experts, though there was a difference of opinions, Dobbs Ferry School Superintendent Lisa Brady cited “grit and perseverance,” as a necessary quality for student success. While she agreed that ‘overtesting, and flawed testing, is a "big issue,"’ she said students should take the tests.

Jonathan Brown, principal of Longfellow Middle School in Mount Vernon agreed.

“Throughout their educational career, students will have to sit for tests that will determine if they graduate from high school, or help them get into college and graduate school. For students, the spring tests don't count toward overall grades or matriculation. "They are going to take tests, I think that's something they need to learn, before it really counts." He said the concepts of "pass" and "fail" don't fit these tests, and children, parents and teachers need to understand how the data are used.”

Editorial: Educators weigh in on opting out

POSSIBLE RAMIFICATIONS FOR MY SCHOOL

If a parent wants to opt their child out of the tests, are there any repercussions for the teacher or student?

Opting out of the tests is really not an option, unless a parent keeps the child out of school for the entire testing and make-up periods. Districts are obligated to administer the test. If too many students do not take the assessments, a district can be identified as not making AYP, or Annual Yearly Progress, which could require the district to write local assistance plans, be identified as a school in need of improvement, or face other penalties from NYSED.

- Opting Out or passage of the Opt Out bill would place New York State in clear violation of federal law
    - The Opt Out bill also provides that test results are not to be used in teacher evaluations or school or district accountability - which is clearly inconsistent with federal law, and could lead to revocation of your ESEA waiver
- Could potentially cost the state hundreds of millions of dollars in federal aid
- It is agreed that too much emphasis has been placed on standardized tests and some of the tests are flawed, but state tests have a place, therefore the best option is to come up with ideas to create a better testing system:

Although testing plays an important role in the educational system, if you are interested in changes that could potentially improve tests, see the following from Marc Tucker, Executive Director of the NCEE, whose group has studied the testing and educational systems of all of the OECD countries for nearly three decades.

Higher-Quality Tests, More Effective Uses of Data

The ideas outlined by Marc Tucker in Fixing Our National Accountability System signify a departure from conventional thinking on the issue of accountability. Rather than focus on punishing teachers for the results of a system that others designed, the core components of this report rest on three fundamental principles:

1) Testing: Instead of testing all of our students every year with low-quality tests, students would take high-quality accountability tests, covering a full core curriculum, only three times in their school career. In some off years, tests in math and ELA would be administered only to samples of students by computer and would not carry high stakes for teachers or students.
2) Use of Data: Data from these tests would be used to identify schools that might be in trouble, and to deploy a team of expert educators to assist in resolving the issues with the help of districts and/or states. This data would be available to the general public but it would not include a rank or grade.
3) Policies for Professionals: Enact policies that make it attractive for our nation's strongest teachers and principals to work in the most at-risk schools – these very same policies would also make teaching an attractive career for some of our best high school graduates and transform teaching into a high status profession.

Fixing Our National Accountability System by Marc S. Tucker

Assessment is a natural and necessary component of the education process. Great teachers deploy assessment techniques all the time to help shed light on both their students' needs and the efficacy of their teaching. After all, it's not like we haven't had standardized testing for, well, decades (if by a different name -- Iowa, Early Warning Test, NJASK, and the like). (NJ Spotlight, February 2015)

Amanda Ripley, who studied education systems in other countries for her 2013 book, "The Smartest Kids in the World," said there's an irony that parents are protesting just as the Common Core tests are being introduced, given the hope among many educators that the new tests will spur richer instruction.

"On one side, you have a group of reformers who say that getting rid of federal mandates for annual testing would be apocalyptic, and that's crazy," she said. "On the other side, you have people who think that getting rid of it would lead to utopia. I think both sides have lost their minds on this." (Washington Post, March 2015)