

HOW DO YOU OPT YOUR CHILD OUT OF THE STATE TESTS

SED does not dispute a parent's right to opt their child out of the state tests but has not adopted a formal state policy. Therefore, 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 district. 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 if your child is attending school in person. 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's accountability system must comply with the requirements of the Federal Every Student Succeeds Act (ESSA). New York State must administer the ELA and mathematics assessments in grades 3-8; Regents English Language Arts, Algebra 1, Living Environment and Physical Setting/Earth Science; and, grades 4 and 8 science. The grades 3-8 ELA and mathematics assessments were originally intended to evaluate school and district programs. The 95 percent participation rate was first introduced to ensure that districts did not discourage lower-performing students from taking the tests.

CONSEQUENCES OF OPT-OUTS

One of the more persistent rumors is that students who opt-out will automatically receive a "level one" score that will become part of their permanent record. This is false. When reporting individual students that opt-out, districts use a code that indicates refusal and no score is reported for the child. These students will be considered to have no valid test score.

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 Academic Intervention Services (AIS). However, actions by the state Legislature and Board of Regents have minimized how the assessments can be used.

- The 2014-15 state budget enacted laws that prohibit including the results of the grades 3-8 ELA and mathematics assessments on a student's permanent record until December 31, 2018. This provision of the law was extended in 2018 and was made permanent by the Board of Regents in April 2019. [see footnote 2]
- Districts must notify parents that test results are not included in their student's permanent record but are being used for diagnostic purposes.
- Results may be used for promotion or placement decisions only if used as one of multiple measures and is not the primary factor.
- Districts must notify parents annually how placement decisions are made and how the policy was developed.
- The ability for districts to use the results as the only measure for remediation was removed by action of the Regents. Historically, students who performed below Level 3 (proficiency) would receive Academic Intervention Services (AIS). Beginning with the roll-out of the Common Core Learning Standards (CCLS), SED has provided flexibility to school districts to determine what services would be provided to students. Beginning with the 2019-20 school year, districts were required to implement a two-step identification process. Students who perform at or below a certain score on one or more of the state assessments in ELA or math would be identified initially. Districts then use a district-developed procedure that takes into consideration multiple measures of student performance. However, districts have the ability to provide services to any student determined, through a district-developed procedure, to be at risk of not achieving the state standards. [see footnote 3]

Additional details are available in the [NYSUT Fact Sheet Opting Out of State Tests](#) or visit nysut.org/optout.

NYS TEST REFUSAL LETTER SAMPLE

Student:

School:

Teacher:

Grade:

Date:

Dear _____,

I am writing today to formally inform the district of my decision to refuse to allow my child _____, to participate in:

_____ the New York State grade 3-8 ELA assessment

_____ the New York State grade 3-8 math assessment

_____ any stand alone New York State field testing for this school year (grades 3-12)

_____ the New York State science assessments

_____ any "formal" practice test (timed or staged to imitate the actual testing day) or alternative assessments given only to test refusal students on the day of testing.

This refusal should in no way reflect on the teachers, administration, or school board. This was not an easy decision, but I feel that I have no other choice. I simply see these tests as harmful, expensive, and a waste of time and valuable resources.

I refuse to allow any data to be used for purposes other than the individual teacher's own formative or cumulative assessment. I am opposed to assessments whose data is used to determine school ranking, teacher effectiveness, or any other purpose other than for the individual classroom teacher's own use to improve his or her instruction.

I believe in and trust highly qualified and dedicated teachers and administrators. I believe in the high quality of teaching and learning that occur in our child's school. I hope this request will be understood in the context in which it is intended: to support the quality of instruction promoted by the school, and to advocate for what is best for all children. Our schools will not suffer when these tests are finally gone, they will flourish.

I do apologize in advance for the inconvenience or scrutiny that this decision may cause the administration, the school, and staff.

Sincerely,