

## **Testing opt-out/Refusal guide for: COLORADO**

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### **List of Assessments**

From the CDE website: <http://www.cde.state.co.us/assessment/index.asp>

TCAP (Reading, Writing and Mathematics)

New Colorado Science and Social Studies Assessment (anticipated operational)

CoAlt (Reading, Writing and Mathematics)

New Colorado Alternate Science and Social Studies Assessment

Colorado ACT

ACCESS for ELLs

Teaching Strategies GOLD (preschool, kindergarten)

Interim Assessments:

Under the Colorado READ Act three interim assessments have been approved. We recommend refusing the DIBELS assessment. We consider these to be low stakes assessments and easy to refuse. DIBELS info for refusal can be found here:  
<http://unitedoptout.com/high-stakes-testing-thy-name-is-dibels/>

More on interim assessments can be found here:

<http://www.cde.state.co.us/coloradoliteracy/ReadAct/download/READ%20ACT%20Rule%20for%20State%20Board%20rulemaking%20hearing%203-6-13%20FINAL%20ADOPTED%20BY%20BOARD%20MARCH%202013,%202013.pdf>

Diagnostic and Summative Assessments:

Under the READ Act diagnostic and summative assessments were also approved. See here for more information:

<http://www.cde.state.co.us/coloradoliteracy/ReadAct/resourcebank.asp>

We are aware of parents who have opted out of AIMS WEB and the MAP; we recommend opting/refusing both of these as we see no value in them. We recommend refusing Wireless Generation Burst Reading Assessments – Amplify (creator) is a company poised to profit immensely off of our children, public schools and tax dollars

while turning teacher into technician. We consider these diagnostic and summative assessments to be low stakes, therefore, easy to refuse. Please keep in mind, teachers already know how to assess. Be sure to do your research and consult others, to determine what tests you choose to refuse.

While Acuity is not listed, we are aware of districts who use this assessment as well as a predictor to determine TCAP scores. We recommend refusing it.

### **Special considerations for the above assessments**

Understanding the implications of the READ ACT: In the 2013-2014 school year retention for third grade can occur, but the parent makes the final decision. Beginning in the school year 2016-2017 retention can be determined without parental consent.

See the READ Act timeline here:

<http://www.cde.state.co.us/coloradoliteracy/ReadAct/download/Read%20Act%20Timeline%20of%20Implementation%2012-13-12%20final.pdf>

High School Graduation Requirements: The Colorado State Board of Education adopted new guidelines in May of 2013. Read here for more information:  
<http://www.cde.state.co.us/SecondaryInitiatives/downloads/AdoptedGraduationGuidelines2013.pdf>. Note that they state, "Students must demonstrate competency in each content area using any one of the items in the competency demonstration menu for that content area. Students wishing to attend four-year postsecondary institutions will also need to meet the entrance requirements for their institutions of interest." Therefore, competency can be demonstrated in other ways than the state test (soon to be PARCC in 2014-2015), therefore it can be refused without repercussions to high school graduation.

CAP4K Summary states this:

**22-7-1006** On or before 12/15/2010, the state board adopts assessments designed to measure the preschool through elementary and secondary education standards and ensure, among other things, longitudinal measurement of students' academic growth, a high level of accountability across the state for students, schools, and school districts and compliance with federal law testing requirements. NOTE: **Assessments adopted may include portfolios, projects and performances in addition to standardized measures. Assessments retain a system of ratings for public schools and may include writing assessments developed with local education providers, and timely evaluations of same.** See here:  
<http://highered.colorado.gov/Academics/CAP4K/summary.pdf>

### **Preschool and Kindergarten Assessments**

Due to the School Readiness Initiative which received federal funding from the third round of Race to the Top grants we now have a new assessment which is being piloted this year in school districts across Colorado. In 2014-2015 the Teaching Strategies GOLD will be required in all publicly funded preschools and kindergartens in Colorado. We recommend refusing it for many reasons.

Please read here: <http://www.pegwithpen.com/2013/09/do-not-go-for-gold-teaching-strategies.html>

And find the refusal letter here: <http://www.pegwithpen.com/2013/10/teaching-strategies-gold-parent-refusal.html>

In addition, the funding for this assessment will only last a few years placing additional financial burdens on our schools which will require further cuts in authentic teaching and learning experiences.

### **What kind of financial support will districts receive through the Race to the Top Early Learning Challenge Fund grant program?**

As stated in Colorado's Race to the Top Early Learning Challenge Fund application, the grant will cover 100% of the assessment system subscription costs in 2013-14, 60% of costs in 2014-15, 30% of costs in 2015-16, and 15% of costs in 2016-17. Districts that do not begin implementing the school readiness assessment until the 2014-15 school year, will still have access to funding. In this case, the grant will cover 100% of the assessment system subscription costs in 2014-15, 60% of costs in 2015-16, and 30% of costs in 2016-17. See more at: <http://www.cde.state.co.us/schoolreadiness/faq#Q26>

### **Options for Students with IEPs**

Please see this excellent guide which offers insights into refusing high stakes testing via IEP meetings.

<http://unitedoptout.com/how-to-refuse-high-stakes-testing-for-specialexceptional-students/>

### **Assessments considered “Formative” yet are often misused**

Districts often give publisher-made reading assessments to determine baseline data as well as to determine how to support the student as a reader over time. However, due to the high stakes nature of testing, these assessments are often given too frequently and often are used to hold children back unnecessarily. It is unfortunate because these tools were meant to be useful, but are now required, as teachers lose more and more autonomy and time to formatively assess on their own. Two such assessments include the DRA2 and the BAS. Parents often do not even know these assessments are given. Ask and find out if they are used in your district and ask specifically how many DRA2s or BAS assessments a child typically takes. A teacher can easily give a quick formative running record in lieu of these publisher-created running records which saves time and is less stressful. These assessments can take 20 to 30 minutes at times and often a child is required to do many of these assessments in order to determine a child's instructional reading level. We would prefer children not be referred to as levels as well. Ask about your child's abilities and interests as a reader – if they say your child is a “D” level – ask

– what is a reader at a “D” level able to do and what is the reader beginning to learn to do? These assessments can be useful when analyzed and if not given excessively. Email me with questions if you have concerns. Another reason to oppose DRA2 is because it is created by Pearson – Pearson is profiting extensively from our public schools while stripping teachers of their autonomy.

### **What Assessment DO We Want?**

Please request portfolio assessment in lieu of these corporate assessments. Teachers KNOW how to assess.

Here is a letter to do so: <http://unitedoptout.com/portfolio-letter-demand-authentic-assessment/>

### **Procedures for opt-out/refusal**

Often there are concerns re: loss of funding should students opt out/refuse the test, which can cause the school to drop a level on the performance framework. When the CDE was asked this question: How do each of these performance frameworks affect a schools funding including: federal, state, and local dollars?

Keith Owen, Deputy Commissioner of Education responded:

*According to legislation, there is no impact on the plan type a school receives and state or local dollars. Some schools (Title I) with Turnaround and Priority Improvement plan types may be prioritized for eligibility for supplemental federal school improvement funds, but none lose funding as a result.*

Here is CDE info: re accountability. They state that state test scores will be included on transcripts and placed in cumulative file.

<http://www.cde.state.co.us/assessment/GeneralInfo-CoLaw.asp>

Here is an excellent piece written by Angela Engel of Uniting 4 Kids which explains the entire opt out process. We highly recommend reading this and sharing it with others.

[http://www.angelaengel.com/files/csap/final\\_parent\\_guide\\_u4k.pdf](http://www.angelaengel.com/files/csap/final_parent_guide_u4k.pdf)

Angela Engel writes an excellent rebuttal to a letter sent to Colorado superintendents by the CDE. Many points are clarified here – please read:

On March 1, 2011 the Colorado Department of Education released the following memo “CSAP misconceptions and facts” to Colorado superintendents regarding CSAP. Angela Engel responded with the CORRECTIONS comments.

“Dear Superintendents,

We have had several phone calls again this year about the considerations by a few parents to refuse having their children take the state assessments. Despite the convictions of a few, the law and the rules of the assessment are clear about student participation on the CSAP. Here are some clarifications.”

**Misconception 1:** Parents may “opt out” their child(ren) from participating in the state assessment program (CSA P/CSAP-A).

Clarification: Per Colorado law [22-7-409(1.2.a.1.d.I)], as part of the school and district accountability system, every student enrolled in a public school is required to take CSAP or CSAP-A. There is nothing in this section of the law allowing parents choice regarding this testing. People may be confusing the law governing testing with the law governing instruction in human sexuality. Parents are able to excuse their child(ren) from the curriculum concerning human sexuality. The state assessment does not cover this area of the curriculum; therefore, this part of the law does not apply to CSAP/CSAP-A.

**Correction:**

In 2010 there were 324 parental refusals, 519 tests that were not completed, 157 students withdrew before completion, 20 were listed as not completed due to extreme frustration, 254 were misadministered.

[http://www.cde.state.co.us/cdeassess/documents/csap/csap\\_summary.html](http://www.cde.state.co.us/cdeassess/documents/csap/csap_summary.html)

To clarify parents are not confused. We are opting our children out and we will continue to do so.

**Misconception 2:** Schools and districts are not penalized when parents refuse to allow their child(ren) to be assessed.

Clarification: Lack of participation is represented in both AYP and the new accreditation system as reflected in the Performance Frameworks. Schools and districts not meeting the participation requirements drop one full category on the Performance Frameworks.

**Correction:**

The participation requirement is 95%. More than half of schools are currently not meeting AYP. It is because of unrealistic benchmarks and has nothing to do with test participation rates. Negative weighted penalties have been removed. See link below:

<http://www.cde.state.co.us/cdegen/downloads/SB163/UpdatedAccountabilityAlignmentBill2PageSummary.pdf>

School academic performance ratings (SAR) will no longer be assigned for Colorado schools. The Education Accountability Act of 2009 (SB 09-163) repealed previous SAR

law. Negative weights for Unsatisfactory and No Score percentages are not in effect anymore.

“..non-participant data are not counted as zeroes – they are excluded from the calculation... So the calculations are performed on the basis solely of students that took the test and had valid scores on it.” – Jo O’Brien – Assistant Commissioner of Standards, Colorado Department of Education.

According to the Supreme Court

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)

**Misconception 3:** Parental refusals have no negative impact on students as a group.

Clarification: The accuracy of all of the accountability data is impacted when students do not participate due to parental refusal. This data is publicly displayed and also is utilized to make policy decisions at the state, district and school level. Obviously, the more accurately the data reflects the true performance of the students the better when high stakes decisions are being made. We entrust our schools with the great responsibility of educating our children. CSAP gives us a common tool to use when we’re looking at how well schools and districts are doing that job and preparing kids for the world of college or work. It is useful for Colorado’s citizens to be able to look at the performance of its public schools using a common, fair tool, given under the same conditions in every school: CSAP. It’s an important method of looking at all our schools and districts in a comparable way.

**Correction:**

CSAP has had a negative impact on students, schools and the education profession.

“We entrust our schools with the great responsibility of educating our children” – Clearly this is a falsehood or the federal and state government would not be wasting so much money to micro-manage administrators and educators.

Last year nearly \$300 million was cut to k-12 education, this year similar cuts will be made. At the same time k-12 is experiencing massive cuts the State School Board voted to expand CSAP. While you are debating which schools to close, teachers to lay-off, and student services to cut, you should take a close look at where the money is being spent.

Education is the only profession where the professionals are not in control.

[http://www.cde.state.co.us/cdebudget/downloads/08-09\\_Long\\_Bill\\_edu\\_act.pdf](http://www.cde.state.co.us/cdebudget/downloads/08-09_Long_Bill_edu_act.pdf)

**Misconception 4:** Parental refusals have no negative impact on their individual child(ren).

Clarification: CSAP does not try to measure all the learning students engage in throughout the year – but it is a very reliable end-of-year measure of how well students can read, write, and do math and science problems. Students who do not participate are not provided with this information. In addition, students who do not participate in state testing do not get growth projections, which can be an important gauge of whether or not the student is on track. Further, CSAP scores serve as an early predictor of college and career readiness. As an example, they are able to provide a good prediction of each student’s probable ACT scores.

#### **Correction:**

CSAP is not reliable; in fact it has never been independently audited or evaluated for validity. Open-ended responses are scored by temporary workers employed through Kelly Services who have little or no education background.

See link for test sample and grading rubric: <http://www.angelaengel.com/blog/>

Parents are also not interested in decorative growth projections. Those serve bureaucrats so they can feel like they have accomplished something. Good instruction and positive school climates are the best predictors of college and career readiness, not scatter plots and line graphs. We trust our teachers to communicate our children’s progress and we want our resources going to smaller class sizes, staff development, student services, and to creating meaningful learning opportunities.

**Misconception 5:** Schools are obligated to provide alternate learning activities during testing times.

Clarification: Since all students are required to take CSAP/CSAP-A, schools are not required to provide alternate activities.

This is correct. One out of five according to standardized grading mechanisms qualifies as an ‘F.’ However, I would caution administrators against putting children to work filing, cleaning, and completing other office tasks that are otherwise the responsibility of paid school personnel. For laws pertaining to child labor please consult the Fair labor standards Act of 1938:

**[http://www.osha.gov/pls/epub/wageindex.download?p\\_file=F15794/FairLaborStandAct.pdf](http://www.osha.gov/pls/epub/wageindex.download?p_file=F15794/FairLaborStandAct.pdf)**

Additionally, while anti-bullying legislation is being considered in both the Colorado State House and the United States Capitol, please consider your district assessment policies and the examples of leadership that you are setting in your communities.

### **Urgency for opt-out/refusal**

There is great urgency for opt out/refusal in Colorado. Corporate education reform is attacking all areas of education – teacher education, teacher evaluation, student instruction and evaluation, vouchers, charter schools, teacher certification, teacher curriculum and more.

#### **High Stakes Testing:**

Is not scientifically-based and fails to follow the U.S. Government's own data on learning.

- Fosters test driven education that is not meeting the individual/intellectual needs of students.
- Presents a racial and economic bias that is beneficial to white middle/upper class students and detrimental to second language students, impoverished students, and students of color.
- Is in opposition to the corrective action in gaps in opportunity and resources sanctioned by the Fiscal Fairness Act.
- Supports complicity of corporate interests rather than democracy based on public concerns.
- Fosters coercion over cooperation with regards to federal funding for public education.
- Promotes a culture of lying, cheating, and exploitation within the school community.
- Has used the achievement gap to foster a “de facto” segregation that has resulted in separate and unequal education for minorities.

Additionally, data collection of student's private information cannot be guaranteed security or that it will not be abused in some way by third party entities.

Test scores are incorrectly used as the justification to eliminate teachers, automate education through online learning, and close public schools replacing them with for profit charter schools.

### **Sample language to include in opt-out/refusal**

Many opt out letters can be found here: <http://unitedoptout.com/opt-out-letters/>

Here is a sample letter:

Dear \_\_\_\_\_:

I am writing on behalf of \_\_\_\_\_ to opt him/her out of the (test name). He/she is neither permitted to take the exam during mandated testing days nor during designated make-up sessions. Additionally, I am requesting that the school make accommodations for meaningful alternative activities or assignments that will continue to promote his/her academic and intellectual growth. My child will not be in attendance if academically viable alternatives are not available. Furthermore, I must be guaranteed in writing that whatever option is taken, either alternative assignments or absence, my child will not face any negative consequences to, for example, course grades, social or behavioral evaluations, workload, promotion, or future classroom assignments.

Strict adherence to state and federal high-stakes standardized testing, including the extensive classroom preparation that occurs prior to test administration, prevents my child from receiving a well-rounded and engaging educational experience. Until focus on testable skills diminishes to a reasonable extent, I will continue to withhold my child from participation in the testing program, and I ask that you honor that decision.

Thank you.

Sincerely,

### **Resources and organizations**

Parents have been opting out of state testing for years in Colorado. The CBE and Uniting 4 Kids have been helping parents for many years before United Opt Out National joined them. Please read here to see additional information about opting out:

[www.uniting4kids.com](http://www.uniting4kids.com)

[www.thecbe.org](http://www.thecbe.org)

In addition please check out the following groups and/or blogs:

<http://www.buildbetterschools.com/?p=383>  
<http://www.angelaengel.com/>  
<http://www.costudentpower.org/>  
<http://www.students4ourschools.org/about-us.html>  
[www.unitedoptout.com](http://www.unitedoptout.com)  
[www.pegwithpen.com](http://www.pegwithpen.com)

### **State specific watch-list**

<http://www.studentsfirst.org/page/group/ColoradoforEducationReform>  
<http://www.teachforamerica.org/where-we-work/colorado>  
[http://www.sourcewatch.org/index.php/Colorado\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Colorado_ALEC_Politicians)  
  
<http://stand.org/colorado>  
<http://www.dfer.org/branches/co/>  
<http://www.mikejohnston.org/bio/>  
<http://www.bennet.senate.gov/newsroom/press/release/bennet-introduces-bipartisan-bill-to-create-academies-that-prepare-great-teachers-and-principals>

### **Additional or miscellaneous information**

Additional Considerations:

We suggest demanding that National Assessment of Educational Progress (NAEP) be used for those who feel a need to administer a standardized test. Read here to find out more: [http://www.sdkrashen.com/articles/NUT\\_No\\_Unnecessary\\_Testing.pdf](http://www.sdkrashen.com/articles/NUT_No_Unnecessary_Testing.pdf)

Additionally, if your school is participating in any field tests, these can easily be refused. Field tests are created to determine which questions to use on future tests, and, in essence, place students in a position of working for the corporations who develop these tests. We suggest refusing them. Some schools are calling them “practice tests” here in Colorado.

If your child brings home homework in the form of test prep booklets, consider refusing these as well. Ask your child's teachers to provide alternative activities or creative projects in place of test preparation.

Please know that in 2014-2015 the state test will be replaced by the PARCC test. They will call this test the CMAS – please know it is STLL the national common core test created by PARCC. This test will be administered online and will create an ever-churning profit for the corporations as technology is updated. Our schools are currently not ready for this assessment in terms of infrastructure and the necessary computers, etc. In addition, we already know who will be most penalized by these tests – the children who do not have computers at school and/or at home. Also, typing skills will be essential to completing these tests and the majority of today's schools do not offer typing. What is most unfortunate is we are beginning to see schools across the nation begin typing early in order to prepare for these tests – we have reports of children in second grade crying due to excessive typing practice as well children in 7<sup>th</sup> grade being expected to type 60 wpm in order to complete the national common core test. These practices are developmentally inappropriate. There is much to be concerned about re: the national common core tests. We will update this guide as needed to keep people informed of the testing plans in CO for 2014-2015.

Read more here: [http://www.ednewscolorado.org/brief\\_text/are-you-ready-for-the-cmas-tests](http://www.ednewscolorado.org/brief_text/are-you-ready-for-the-cmas-tests)