

## **Testing opt-out/refusal guide for MAINE**

**Form completed by** United Opt Out Administrator (MM)

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### **List of assessments**

<http://www.k12.wa.us/smarter/>, for all grades 3-8 and high school. The state's Science assessment program will not be affected by the SBAC transition.

Maine's Comprehensive Assessment System (MeCAS) includes three standards-based tests:

- New England Common Assessment Program (NECAP)
- Maine Educational Assessment (MEA)
- Maine High School Assessment (MHSA)

Standards-based means that test items are based on grade-specific Maine academic content standards.

#### **New England Common Assessment Program (NECAP)**

Beginning in October 2009, Maine will administer the New England Common Assessment Program (NECAP). New Hampshire, Rhode Island and Vermont also give the NECAP yearly. All students in third through eighth grade will take the NECAP in reading and math. Students in fifth and eighth grade will also take a writing test.

#### **Maine Educational Assessment (MEA)**

MEA reading and math tests were replaced by the New England Common Assessment Program tests in 2010. Students in 5th and 8th grade will still take the MEA science test.

#### **Maine High School Assessment (MHSA)**

In 11th grade, students take the Maine High School Assessment (MHSA), which is a combination of the SAT college entrance exam plus math and science questions based on Maine's academic content standards. The SAT tests students in critical reading, writing and math. SAT scores and the augmented math (Math-A) and MHSA science scores are reported separately.

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

NECAP, MHS and MEA test scores do not determine if a student will be promoted to the next grade or held back. Likewise, graduating from high school is not dependent on a student's MHSA test scores.

NECAP, MHSA, and MEA scores needed for grade retention/promotion: No

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

Write a letter stating your child will be opting out of the exams, and determine your reason. You may identify the special needs clause (below), religious reasons, or a flat out refusal on principle (see 14<sup>th</sup> Amendment facts for support). The letter should go to your local school administrators.

According to Maine Department of Education spokesman David Connerty-Marin in 2011, “school officials cannot compel parents to put their kids in the testing rooms ... **We can't force students to take standardized tests.** There's no real 'opt out' provision in the law, but there's also nothing that forces students to take the tests.”

<http://bangordailynews.com/2011/10/05/news/portland/portland-parent-opts-children-out-of-standardized-testing/>

[\*\*http://www.maine.gov/education/necap/technicalmanual/1112technical\\_report.pdf\*\*](http://www.maine.gov/education/necap/technicalmanual/1112technical_report.pdf)

Student is new to the United States after October 1, 2010, and is LEP (reading and writing only)

- A. First-year LEP students who took the ACCESS test of English language proficiency, as scheduled in their states, were not required to take the reading and writing tests in 2011; however, these students were required to take the mathematics test in 2011.
- B. If a student withdrew after October 1, 2011, but before completing all of the test sessions, school personnel were instructed to code this reason on the student's answer booklet.
- C. If a student enrolled after October 1, 2011, and was unable to complete all of the test sessions before the end of the test administration window, school personnel were instructed to code this reason on the student's answer booklet.

State-approved special consideration

- D. Each state Department of Education had a process for documenting and approving circumstances that made it impossible or not advisable for a student to participate in testing.

Student was enrolled in school on October 1, 2011, and did not complete test for reasons other than those listed above.

- E. If a student was not tested for a reason other than those stated above, school personnel were instructed to code this reason on the student's answer booklet. These Other categories were considered not state approved.

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

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.

Low/poor test scores, which are likely to occur with more frequency with Common Core and PARCC will be used to fire teachers, create more online learning scenarios even in elementary schools, and close more public schools to be replaced with for profit charter schools.

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

#### **SAMPLE LETTER:**

Dear \_\_\_\_\_ County Administrators,

My child \_\_\_\_\_ is in XXX grade for the \_\_\_\_\_ school year at \_\_\_\_\_ School. I am writing to inform you that I refuse to have my children take part in the NECAP, MEA's, DIBELS, SBAC, or any other forms of high stakes standardized testing I have been advised that religious or even a medical or psychological concern meets the criteria for honoring my request. In lieu of the high stakes standardized tests I request that my child be given alternative forms of assessment to include but not limited to teacher made assessments, projects, and portfolio, to be determined at the discretion of \_\_\_\_\_'s teacher.

Ten years of research and analysis by academic experts working at universities from Penn State to Harvard conclusively prove that high stakes like the MEA's testing harms children, undermines and restricts curriculums, and punishes schools that serve the most vulnerable members of our society -- kids with special needs and kids in poverty. There are mountains of documentation out there. Participating in these tests 1) negatively affects my child social-emotional well being, 2) kills his or her curiosity and love for learning, 3) places developmentally inappropriate and undue and unhealthy stress on him, 4) reduces his or her capacity for attaining new knowledge, 5) replaces his or her higher order thinking with “drill and kill” curriculum, 6) diminishes opportunities for socialization, and 7) diverts funding that could go to fund programs in my child's school to testing companies and publishing companies.

According to the U.S Constitution, specifically the 14th Amendment, I am protected by my rights to religious/spiritual freedom and this federal law supersedes state in regard to parental control over one's child. Under the law, you cannot deny my request.

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)

*(Additional religious opt out clause optional)* Under the law you must get 95% of kids tested. But it's wrong. It is all based on lies and deceit and greed and corruption. My faith demands that we must fight against this. But to continue to participate in this corrupt farce is to undermine the very core of public education. Those pushing for ever increasing testing and “accountability” have made their agenda crystal clear: school closings, vouchers and eventually privatization, turning over education to for-profit companies. Private schools run by the Catholic Church and the Friends Council on Education are not for profit; they do not participate in this testing; their students receive a great education. For-profit schools run by large Educational Management Organizations (EMOs) have a dismal record, but that is the next step as more and more schools fail to meet AYP as we approach 2014. Eventually all schools will be closed down, reorganized and ultimately turned over to private for-profit EMOs. We are told that private for-profit companies can do a better job than you and others who are committed to public education because of the free market. The free market resulted in scandals ranging from Halliburton and Blackwater in Iraq, to the Enron debacle, to the recent outrage in our own backyard with private for-profit prisons for kids. When our tax dollars are involved, greed and corruption run rampant in the “free market.”

**In summary, I believe high stakes tests are harmful to my child socially, emotionally and physically,** and diminish his or her opportunities to attend a public school where he has been guaranteed the right to the quality education.

Please think about your role in this and if there is anything you can do to take a stand against the Big Lie that is NCLB and RtTT and high-stakes standardized testing which threaten the future of the children you serve.

Sincerely,

### **Resources and Organizations**

**Maine against Common Core:** <https://www.facebook.com/groups/StopCCMaine/?fref=ts>

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

**Students First**, which states, “Governor LePage released an aggressive plan in 2012 to implement new education policies. The Legislature passed two important bills which the governor signed into law on teacher and principal evaluation and alternative teacher certification programs. A third critical measure -- open enrollment -- was not passed by the Legislature this year.” <http://www.studentsfirst.org/pages/maines-plan-for-education-reform>

**The Maine Heritage Policy Foundation**, which states, “It’s time for Maine to embrace innovation in education through online learning – a method inherently customized to suit the needs of our individual students. <http://www.mainepolicy.org/tag/maine-education-reform/>

### Miscellaneous

See: “Portland mom opts children out of standardized testing”

<http://bangordailynews.com/2011/10/05/news/portland/portland-parent-opts-children-out-of-standardized-testing/>

According to Maine Department of Education spokesman David Connerty-Marin “Every year we get a small number of folks who decide to [opt out], and we move on,” he said. “We can’t force students to take standardized tests. There’s no real ‘opt out’ provision in the law, but there’s also nothing that forces students to take the tests. Just like if there’s a parent that doesn’t want their child dissecting a frog in science class, we can’t force them to, or if there’s a parent that doesn’t want their child going on a particular field trip, we can’t force them to.”