

Testing opt-out/Refusal guide for Massachusetts

Form completed by Barbara Madeloni

Contact information (email): bmadeloni@gmail.com

List of Assessments

MCAS- all schools

grades 3, 4, 5, 6, ,7, 8 and 10 -ELA and mathematics

grades 5, 8 and 10-science

students must pass 10th grade tests to graduate-retests available

PARCC field tests Spring 2014--schools to be announced August 2013.

Local districts use a variety of pre-tests in preparation for MCAS. Because these are local decisions the specific tests vary, so you need to ask. Districts have 'local benchmark assessments' but these are more often than not a purchased assessment system and not a locally generated assessment. As well, although these tests are called 'formative assessments' in 'low-performing schools' these can be used to drive instruction in a very detailed way. Some of those tests and their districts:

Achievement network (A-net) tests are used in more than 100 schools including those in Springfield, Holyoke, Boston, Revere.

Measurement of Academic Progress (MAP): used across the state including in Amherst and Somerville.

DIBELS--across the state-many many schools.

Acuity Formative Assessment: Springfield

Fountas-Pinnell--used in a few districts including Springfield and Newton.

Special considerations for the above assessments

The 10th grade MCAS-ELA Mathematics and Science must be passed in order to graduate. Students can retake tests if they fail. MCAS alt is available for special needs students. This is an extensive and difficult to manage and complete portfolio.

Scholarships to public universities are available for high MCAS scores.

Procedures for opt-out/refusal

MCAS:

The Massachusetts Department of Elementary and Secondary Education has the following information on their website regarding refusal of the MCAS:

"Parents may not legally refuse their child's participation in MCAS tests. Massachusetts General Laws Chapter 76, Sections 2 and 4, establish penalties for truancy as well as for inducing unlawful absence of a minor from school. In addition, school discipline codes generally define local rules for school attendance and penalties for unauthorized absence from school or from a required part of the school day. "

Note that the cited law refers to truancy and absences, not to test refusal. Therefore, students can opt out or be opted out as long as they are in school.

In Worcester, a school committee member had this statement inserted into the school handbook: "Students whose parents opt them out of state or district standardized assessment will not be academically penalized or face disciplinary action except as prohibited by the Commonwealth of Massachusetts or by the United States."

The 'except as' clause is intended to refer to the 10th grade exams, which are required for high school graduation.

This would suggest that parents can choose to opt out simply by notifying the school and being certain that the child attends school on the test day. It is not clear how often parents have opted their children out, but this does appear to be a significant loophole.

Issue to consider: as discussed below, the Massachusetts opt out movement started strong and then fizzled, for many reasons. The general 'sense' people have is that MCAS is inevitable, but this does not seem to be the case especially for 3-8 testing. Individual principals may try to intimidate as they have done on other states, but an organized opt out movement is possible.

PARCC:

Field testing of items will occur in spring of 2014. Schools will be notified in August 2013 if they are a field test site and then 'sample classes' will be selected. This is a great opportunity to Opt Out and draw some attention to the issue. Students cannot be compelled to participate in a field test.

Urgency for opt-out/refusal

PARCC is coming and with it even more testing and surveillance. Massachusetts education 'leaders' are deeply connected to PARCC. A strong stand here against high stakes testing would be a powerful statement.

Massachusetts is also touted as one of the school systems that has done well by NCLB and RttT. The report noted below from Citizens for Public Schools exposes this myth as patently untrue. We can use our 'prestige' as leverage when we speak out about the braoder myth of high stakes 'achievement,'

The cap on charters is going to be a major struggle this year as Stand for Children and others try to lift the cap. We can make important connections between the undermining of public schools, the testing and the charter movement.

Sample language to include in opt-out/refusal

There is nothing specific for this, but suggest that the letter be clear that your child will be attending school but will not be taking the test. Such as:

"This is to inform you that CHILD'S NAME will be attending school on THE DATE OF THE TEST, but will not be taking the MCAS (or other test.)" Simple.

SAMPLE LETTER:

Dear _____ Administrators,

My child _____ is in XXX grade for the _____ school year at _____ School. I am writing to inform you that my child _____ will be attending school (the dates of the tests) but will not be taking the MCAS (or other tests). 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 MCAS'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."

This is not a legal document. It is for informational purposes only.

Template revised: 6.13.13

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)

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

Citizens for Public Schools <http://www.citizensforpublicschools.org/>

FairTEST <http://www.fairtest.org/>

Boston Teachers Activist Group <http://tagboston.org/>

Can' Be Neutral <http://www.cantbeneutral.org/>

Educators for a Democratic Union, the progressive caucus of the MTA (Massachusetts Teachers Association-NEA affiliate), has established a working group to travel the commonwealth and engage teachers, parents, students and community members in discussions and information sharing about high stakes testing and charter schools. Contact Barbara Madeloni if you want to have a discussion in your community about these issues.

State specific watch-list

Massachusetts education 'leaders' are deep in PARCC.

"Commissioner Mitchell Chester currently serves as the Chair of the PARCC Governing Board. Bob Bickerton, Senior Associate Commissioner at the Massachusetts Department of Elementary and Secondary Education, is the K-12 Lead for PARCC in Massachusetts. Dr. Richard Freeland, Commissioner at the Massachusetts Department of Higher Education, serves on the PARCC Advisory Committee on College Readiness. Aundrea Kelley, Deputy Commissioner, and Susan Lane, Senior Director for P-16 Alignment and Engagement at the Massachusetts Department of Higher Education, coordinate PARCC-related postsecondary engagement activities in the state."
(<http://www.parcconline.org/massachusetts>)

Stands for Children is very active in Massachusetts. Their focus right now is on removing the cap on charter schools. They see Massachusetts as a critical state because of its liberal past. To undermine public education and privatize in Massachusetts would be a huge victory for them.

inBloom, the data collection corporation, is also active in Massachusetts. The city of Everett has a contract to pilot *inBloom*. June, 2013 legislation was introduced to make it illegal for providers offering cloud computing to K12 schools to process student data for commercial purposes. The legislation does not restrict the range of information currently being collected by *inBloom*.

Pearson, Inc. has offices in Massachusetts and connections to universities. This is relevant at the personal level (after I gave a talk in a middle school about why testing isn't education a student approached me looking very sad and said, "but my mom works for Pearson.") and politically.

The Data Quality Campaign seems to have the ear of some policymakers and gets a 'seat at the table.'

Other Massachusetts specific organizations to look out for include: The Beacon Hill Institute, The Massachusetts Anti-Tax Movement; The Massachusetts Fiscal Alliance; The Pioneer Institute.

Additional or miscellaneous information

The MTA recently passed a new business item the content of which mirrors that of the national resolution against high stakes testing.

Massachusetts began 'education reform' in 1993 with the passage of the Massachusetts Education Reform Act. Initially presented as a means to get a general measure of each school's overall performance, MCAS became a graduation requirement in 2003. Initial boycotts, walkouts, and refusals (<http://www.fairtest.org/test-opposition-heats-massachusetts>) had some people very hopeful that the tests would be stopped, but the state put the hammer down on districts by threatening loss of revenue. Principals who, with school committees, had said they would sign diplomas without MCAS tests having

been taken, were threatened with the loss of their licenses. The boycott and optout movement seems to have lost its steam around that time.

Citizens for Public Schools issued a report in spring of 2013, which should be widely read and shares, showing how ineffective the testing regime has been in Massachusetts. The report is here: <http://www.citizensforpublicschools.org/2013/06/10/20-years-after-education-reform-cps-calls-for-new-direction/>

In many ways, PARCC might be the greater danger and the bigger battle. Given the heavy hitters within Massachusetts who support PARCC, any resistance to MCAS must be about the testing and not the test. Otherwise they will use our resistance to the MCAS to push the PARCC assessments.

DO NOT EDIT United Opt Out