

Testing opt-out/Refusal guide for New Hampshire

Form completed by United Opt Out Administrator

Contact information (email): unitedoptoutnational@gmail.com

List of assessments

Primary state test is the NECAP, shared by other states in New England.

3rd Grade – 8th Grade

Aligned to New Hampshire State Standards, the NECAP GLEs measure how well your child has learned each subject, based on grade level expectations. In October, NECAP GLEs in Math and Reading are administered in third through eighth grades. NECAP Writing is given to 5th and 8th graders at the same time. In May, NECAP Science is administered in 4th and 8th grades.

11th Grade NECAP GSEs

Eleventh grade students take NECAP Grade-Span Expectations (GSEs) tests in Math, Reading, Science, and Writing, which are specifically designed for high school students.

ACCESS for ELL

The New Hampshire Alternate Assessment, known as NH-Alt, provides a testing alternative for students with severe disabilities. English Language Learners take the ACCESS for ELLs® test each year until they have acquired English Language proficiency. New Hampshire also participates annually in the National Assessment of Educational Progress (NAEP), known as the Nation's Report Card, where a sampling of students (from grades 4, 8, and/or 12) are tested in several content areas as part of a nationally representative assessment of student performance.

In addition, the state has developed a program for educational improvement, known as the New Hampshire Educational Improvement and Assessment Program (NHEIAP), which includes assessments. Students are tested at the end of 3rd, 6th, and 10th grades in English language arts and math; as well as at the end of sixth and tenth grades in science and social studies. These standards-based tests are designed to help educators make informed decisions about curriculum and resource allocation.

Special considerations for the above assessments

Please consider this document for exceptions for students. Note that all homeschooled students are able to opt out of all testing, but not public school students.

http://www.education.nh.gov/instruction/assessment/necap/admin/documents/participation_grad_e2thru8_2012_13.pdf

Procedures for opt-out/refusal

NHDOE website: <http://www.education.nh.gov/>

Follow this list of potential exemptions:

http://www.education.nh.gov/instruction/assessment/necap/admin/documents/participation_grade2thru8_2012_13.pdf

Homeschooled students may refuse testing.

Parents can apply for various exemptions here, but only in extreme cases:

http://www.education.nh.gov/instruction/assessment/necap/admin/documents/sasc_exemptionprocedureforms_2012_13.pdf

Also at the above link, a parent can apply for an exemption if their child is participating in another statewide assessment program.

Urgency for opt-out/refusal

Like many states, NH is transitioning to the CCSS. So, many pilot tests are being administered at various grade levels. For instance, an optional pilot of iTest is underway in 8th and 11th grade classes:

http://www.education.nh.gov/instruction/accountability/documents/2nd_annual_onlinewriting.pdf

Sample language to include in opt-out/refusal

No specific opt out or refusal provisions can be found. NH is very specific in terms of who can apply for exemptions. In fact, even students who have been incarcerated must participate. Pay close attention to the various exemptions provided above and see if your child qualifies. If they do not, you may then have to test the limits of refusal in NH.

Sample Opt Out Letter

Please remember to request that your child's grades, class placement, eligibility for a magnet school, etc. not be affected by refusal. Also ask that your child be allowed to read/write silently, work on homework, and/or sit in another non-testing class during testing. (Some students who have refused tests have been forced to sit in class, without access to books or schoolwork, while their classmates are testing. This is why we recommend you make your requests--and get confirmation--in writing.) Make sure that you receive written confirmation that your child will not be "punished" for the refusal. Also ask for written documentation of what your child will be allowed to do while others are testing. We recommend that you email or hand-deliver your letter to your child's principal, vice-principal/s, guidance counselor, and teacher/s.)

Dear -----,

We are refusing to allow our child, -----, to take the NECAP or any other high stakes standardized tests. We believe that our child's educational progress can best be measured using her daily school work and regular classroom testing.

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)

We believe that a single "snapshot" test, such as the NECAP, cannot adequately assess our child's skills. We also believe this testing creates undue stress and anxiety; narrows the curriculum; and enforces a culture of teaching to the test which is void of critical, conceptual, and creative thinking. It is for these reasons that ----- will not be taking the (list tests) this school year. I respectfully request that -----'s class grades, class placement, and eligibility to enter the magnet school lottery not be affected by refusal of this test. Please contact me at -----so we can discuss the alternative classwork ----- will be given during test preparation and testing. After our phone call, I would also appreciate a written acknowledgment of this email and our phone call be sent to my email address, -----, or sent home with my child. Please include verification that my child's grades, class placement, and eligibility for the magnet school lottery, etc. will not be affected by this refusal. In addition, please document which activities my child will be participating in while his/her fellow students are testing. Thank you for your time and consideration.

Respectfully,

----- (date)

Resources and organizations

State representative Neal Kurk (R-Weare) has been skeptical of data collection and privacy based on this legislation: <http://www.gencourt.state.nh.us/rsa/html/XV/193-E/193-E-5.htm>

Common Core resistance is listed here: <http://www.nhpr.org/post/common-core-skeptics-and-supporters-cut-across-political-boundaries>

This is the Facebook profile of Lisa Gravel, activist noted in the above report:
<https://www.facebook.com/lisa.gravel.31>

State specific watch-list

NH applied for and received an NCLB waiver.

More on NH adoption of SBAC: <http://www.nhpr.org/post/new-smarter-balanced-test-will-ask-more-students>

Additional or miscellaneous information

NH did apply for an NCLB waiver, which is here: <http://www.education.nh.gov/accountability-system/documents/flexibility-waiver-request20130522.pdf>

Consider the following information as NH transitions to CCSS:
<http://www.education.nh.gov/instruction/accountability/documents/notice1.pdf>