

Testing opt-out/Refusal guide for South Carolina

Form completed by Sarah Shad Johnson

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List of Assessments

PASS (Palmetto Assessment of State Standards)

Description: Students take the Palmetto Assessment of State Standards (PASS) in grades 3-8 and test English language arts, mathematics, writing, social studies, and science. Subjects tested in each grade level include:

3rd grade: English language arts; mathematics; science **or** social studies (randomly assigned).

4th grade: English language arts; mathematics; science **and** social studies.

5th grade: English language arts; mathematics; writing; science **or** social studies (randomly assigned).

6th grade: English language arts; mathematics; science **or** social studies (randomly assigned).

7th grade: English language arts; mathematics; science **and** social studies.

8th grade: English language arts; mathematics; writing; science **or** social studies (randomly assigned).

Department Contact: Dr. Susan Creighton, Office of Assessment.

HSAP (High School Assessment Program)

Description: The HSAP assesses selected South Carolina academic standards in English language arts and mathematics that students have had opportunity to learn by the end of the tenth grade. Every student must pass the HSAP to graduate from high school unless they meet the qualifications for alternative assessment.

Department Contact: Brandon Loudermilk, Office of Assessment.

EOCEP (End-of-Course Examination Program)

Description: The End-of-Course Examination Program (EOCEP) provides tests in high school core courses and for courses taken in middle school for high school credit.

◀ The EOCEP tests in the following subject areas: Algebra 1/Math for the Technologies 2; English 1; US History and the Constitution; and Biology 1/Applied Biology 2.

Department Contact: Lane Peeler, Office of Assessment.

SC-Alt (South Carolina Alternate Assessment)

Description: The SC-Alt is an alternate assessment for students with significant cognitive disabilities who are assessed against alternate achievement standards as they are unable to participate in the general assessment program even with accommodations. The SC-Alt is administered to students who meet the participation guidelines for alternate assessment and who are ages 8-13 and age 15 as of September

1 of the assessment year. (These are the ages of students who are typically in grades 3-8 and 10).

Department Contact: Suzanne Swaffield, Office of Assessment.

MAP (some school districts)

Special considerations for the above assessments

PASS and MAP test scores are not used for grade promotion at this time. PASS, SC-Alt for 3rd-8th grades, and MAP scores are not used as any part of the student's grade.

High school students must pass the HSAP to receive a diploma.

End of course assessments count for a percentage of final grade.

Some school districts use PASS and MAP scores to help calculate whether the student should be placed in middle school honors courses. If the student does not have a test score, parents have been advised to talk to the principal about appropriate class placement.

Note that when a parent refuses for his child to be tested, the child does not receive a zero or any score at all.

Procedures for opt-out/refusal

SC does not have an official opt out clause, but parents have been able to opt their children out by submitting their parental refusal in writing. Parents in Charleston County and Sumter County school districts have been successfully opting their children out of PASS testing since 2011.

In 2011, the SC Department of Education issued guidelines instructing school districts how to code tests scores for students who do not test. The guidelines identify specific codes for IDEA students not tested due to parental refusal and for non-IDEA students not tested due to parental refusal.

Urgency for opt-out/refusal

SC State Superintendent of Education Mick Zais has proposed a new teacher evaluation which will be based largely on student performance on standardized tests and includes a value added model to determine teacher effectiveness.

The US Department of Education issued SC a waiver to the federal requirements of NCLB. The waiver requires SC to use student performance, as measured by standardized test scores, to evaluate teachers.

Legislation has been proposed to retain 3rd graders based on low PASS test scores.

Michelle Rhee, along with her group StudentsFirst, has made a presence in SC. Rhee and her organization support personnel decisions based on standardized test scores.

Parent Revolution has made a presence in SC. This organization supports closures or charter conversions of neighborhood schools with low test scores.

Teach for America is currently being used in some SC schools with low test scores. This organization provides uncertified, inexperienced teachers to our neediest students.

Sample language to include in opt-out/refusal

Parents send letters to the school principal and contain language such as:

“I hereby submit my parental refusal for my child (NAME) to participate in (PASS/MAP/SC-Alt) testing this year.”

Sample opt out 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 PASS, HSAP, MAP, 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 tests like the PASS 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.

I find such testing morally and spiritually unethical, based on the following facts. 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.

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 cannot deny my request. I am opting them out of testing even though I know that this action will result in the school failing to meet AYP for the second year. I believe in public education. For years we have all known that NCLB is a bad law. In 2014, every school in the country must be at 100% proficiency. You and I both know that is not going to happen. We all keep hoping that the law will be changed even though it is long overdue for reauthorization, yet given the partisan grid-lock in Washington right now, thinking that it will get fixed any time soon is a fantasy. My faith tells me that the only way to do the right thing for my children, their school, children with disabilities and/or living in poverty,

and the future of public education in this state is to call for a boycott of the testing, hoping against hope, that if enough parents join in, like the Montgomery Bus Boycott of 1965, our voices will finally be heard.

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

Charleston Area Community Voice for Education <http://www.cvedu2020.org/>

Sumter Education Task Force <http://sumtereducationtaskforce.wordpress.com/>

SC Parents and Teachers for Education

Opt Out of Standardized Testing in South Carolina

State specific watch-list

Michelle Rhee http://www.huffingtonpost.com/joy-resmovits/michelle-rhee-group-opens_b_2827428.html

StudentsFirst <http://www.studentsfirst.org/state/south-carolina>

Jon Butzon

<http://www.coastalcommunityfoundation.org/news/news.html?id=84&year=2008>

Teach for America <http://www.teachforamerica.org/where-we-work/south-carolina>

Howard Rich <http://howardrich.org/>

Parent Revolution <http://parentrevolution.org/dreams-our-children-south-carolina-edition-day-1>

April Popescu <http://www.parentrevolution.org/our-staff>

Mick Zais <http://www.mickzais.com/>

Additional or miscellaneous information

SC has adopted the Common Core State Standards which are scheduled to be implemented in the 2014/2015 school year, along with new Smarter Balance standardized tests. There is current proposed legislation to prevent the implementation of Common Core.

<http://parentsacrossamerica.org/one-moms-battle-to-ensure-her-sons-right-to-opt-out-of-testing/>

<http://grumpythings.blogspot.com/2011/08/south-carolina-parents-challenge.html>