

FairTest

National Center for Fair & Open Testing

WHY YOU CAN BOYCOTT STANDARDIZED TESTS WITHOUT FEAR OF FEDERAL FINANCIAL PENALTIES TO YOUR SCHOOL

Parents and students often fear the threat that if they opt out of state exams, their school could lose funding. However, this is an empty threat: no school has lost funding because of opting out.

In fact, the Every Student Succeeds Act (ESSA) specifically authorizes states to allow parents to opt their children out of exams. Ten states (Alaska, California, Colorado, Idaho, North Dakota, Minnesota, Oregon, Pennsylvania, Utah and Wisconsin) have laws specifically allowing parents to opt their children out. None has ever been sanctioned.

FairTest is not aware of a single state, school or district anywhere in the U.S. that the federal government penalized for failing to test enough of its students. ESSA does require 95% of students to be tested -- but individual states have the power to decide what actions to take if too few students take an exam.

Therefore, parents and educators should not fear that the federal government will financially penalize their schools if many students boycott standardized tests. In addition, states cannot withhold federal Title I funds from schools because of high refusal rates.

However, to comply with ESSA's requirement to test 95% of each school's students, some states are implementing sanctions. If more than 5% of students are not tested, the lowest possible score will be assigned to non-test takers beyond 5%. This lowers a school's score and can lower the school's state ranking. There is some chance the school will be labeled low achieving. But states are largely planning to treat such schools differently than schools in which most test takers score low. Many will simply tell schools and districts to increase the number of test takers. However, a few states may try to impose harsher actions. Local activists need to know what their state intends and should push the state to make it clear that parents may opt their children out without penalties.

As always, the best response to government threats to the test resistance movement is to build even bigger, stronger opt-out campaigns and focus their clout on policy makers. On why and how to opt out, see <http://www.fairtest.org/get-involved/opting-out>. For details on the federal law regarding opting out, see <http://www.fairtest.org/federal-law-and-regulations-opting-out-under-essa>. On organizing, see <http://www.fairtest.org/get-involved/opting-out>. For a list of state contacts to help you with opting out, see http://www.fairtest.org/get_involved/state_resources.

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