

FairTest

National Center for Fair & Open Testing

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

The Every Student Succeeds Act (ESSA) authorizes states to allow parents to opt their children out of exams if a state or district allows it. Eight states already have laws allowing opt outs.

ESSA also says that at least 95% of students must be included when states calculate school scores. If more than 5% of students do not take the test, their non-scores count as zeroes. This would lower a school's average score and could affect the school's ranking. However, a state does not have to use this data to identify which schools are "lowest performing."

ESSA requires schools and districts with less than 95% to explain how it will factor that into its accountability system. A state could decide that it will do nothing. Or it could tell districts to send letters to parents encouraging them to take the test or to hold a public meeting (at which opt outs could explain themselves). It does not have to identify schools with low participation as "low performing" or impose any punitive sanctions.

Parents and educators should not fear that the federal government will financially penalize their schools if many students boycott standardized tests. The federal government has never penalized a state, district or school for failing to test enough of its students. Due to the successful 2015 and 2016 New York State opt out campaigns, hundreds of districts had less than 95% participation. USDoE said it had no plans to penalize districts or schools by withholding funds.

The testing reform movement should counter any state proposals to punish districts or schools for low participation. What states choose to do will be part of a state's ESSA implementation plan submitted to the federal government. Some states, including Massachusetts and Delaware, have policies to lower a school's ranking if too few students take the test. On the other hand, Louisiana put a one-year moratorium on any consequences for schools with high refusal rates. Activists should push their states to make it clear that parents may opt their children out without penalties. No state should take stronger steps than to tell districts to try to improve participation.

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. For more information, see <http://www.fairtest.org/get-involved/opting-out>. And for the relevant language in ESSA, see <http://www.fairtest.org/federal-law-and-regulations-opting-out-under-essa>.

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