

National Association of State Boards of Education

## ➔ Responding to Opt Out Requests: The Opportunity for State Boards

By Sarah-Jane Lorenzo

**Dissatisfaction with the time students spend on standardized state and local tests has led parents across the country to seek the right to opt their children out of them. Some states have responded with comprehensive policies and implementation guides, but others have been less clear. The mixed responses have confused parents and educators and, worse, represent a missed opportunity for states to communicate the tests' importance and the consequences of a failure to assess all students.**

State boards of education have an opportunity to prepare local districts to explain policies and their basis to parents, teachers, and school leaders.

### **MAKING THE CASE FOR TESTING**

Standardized tests are required for good reasons: They can help districts determine how well their schools serve subgroups and can help parents and schools understand how individual children are progressing compared with their peers. But parents and many educators are not always aware of why tests are administered. Vague or hard-to-find guidelines about opt out policies lead concerned parents to hunt on their own for relevant state guidance, which can make them less likely to see information explaining why state tests are given, the potential consequences of nonparticipation, and how the data from tests are used to benefit their child and their schools.

Parents may also be overlooking similarities between state standardized tests and the many elective tests their children take, such as the SAT, the ACT, and AP end-of-course

examinations. The stakes on these tests are high: If students do not receive top scores on their AP tests, they may not receive college credit for classes in which they worked hard and perhaps even excelled all year. If a student does not score well on the SAT or ACT, colleges may not consider them for scholarships or admission. Although state test scores can be factored into high-stakes decisions like graduation readiness, schools typically help students improve when they do not pass. And for some students, state tests are their only SAT or ACT preparation.

Opt outs and testing refusals could also disproportionately harm students from under-resourced backgrounds. Data from standardized assessments highlight subgroups of students with lower achievement scores and can document long-term progress on getting those groups up to speed. Schools or policymakers can use the data to demonstrate student need or school success while applying for funding at a district or state level. Without accurate data, it can be difficult to tell whether new programs or strategies are helping student subgroups make gains. When not all students take the tests, states and testing contractors must use incomplete data when setting cut scores or updating assessments, which could block improvement efforts and reduce the accuracy of future data.

Antitesting advocates argue that the high stakes attached to some standardized tests lead teachers to spend too much classroom time on test preparation. Test scores have most recently been tied to teacher evaluations in addition to statewide school performance ratings.

While state-issued tests constitute a large portion of the assessment hours, local districts typically require additional tests

that also account for a substantial amount of classroom time. In a study measuring the number of standardized tests given to students in 14 districts across the country, the Center for American Progress (CAP) found that local districts required the majority of the standardized assessments taken by K-2 students in the urban schools CAP surveyed during the 2013–14 school year.<sup>1</sup> To reduce the overall testing burden, boards can encourage districts to search for overlap in state and school-issued assessments and to eliminate tests that are repetitive.

### **SHARING CONSEQUENCES**

Without receiving communications from schools, districts, or states, parents may not know that federal law requires 95 percent student participation in state tests. Although some stakes associated with No Child Left Behind have changed, especially since the US Department of Education began to issue state waivers, schools eligible for Title 1 funding must still show adequate yearly progress (AYP) or progress on similar state measures to receive support. Schools cannot make federal or state progress requirements if less than 95 percent of students take state tests, and without meeting that criterion schools risk losing a significant funding stream.

Such information can be essential for some parents and educators, whose sources of information may downplay the consequences of opt outs. The National Center for Fair and Open Testing (FairTest) urges parents not to fear federal penalties, primarily because none of the seven states explicitly permitting opt outs in May 2015 had been sanctioned. The site also argues that only Title 1 schools risk the loss of federal funds, with those performing in the bottom 5 percent most vulnerable. During the 2009–10 school year, however, more than 56,000 (or 57 percent) of the nation's schools used Title 1 funding.<sup>2</sup>

A recent study by Philadelphia nonprofit Research for Action considered the example of a K-5 school in Pennsylvania with 95 students in tested grades and 70 of those

students performing at or above the state's "proficient" level.<sup>3</sup> If as few as 11 students who would score proficient or higher opt out, the school's overall performance score would drop below the state threshold for progress toward success. In Pennsylvania, school performance measures are factored into educator evaluations and were designed to inform school planning and resource allocation.<sup>4</sup>

FairTest does not claim that students or schools are immune from consequences connected to opt outs but notes that implications of nonparticipation vary from state to state. Because FairTest is a national nonprofit, it does not track and inform parents of state and local policies. That can be misleading. Even some states that permit parent refusals require students to pass summative standardized tests to graduate high school.

### CLARITY ON STATE POLICY

While some states have muddled guidelines or narrowly articulated policies that are hard to find, others offer clear, accessible explanations of their policies and how opt outs may impact students and schools.

Ohio does not permit opt outs, and the state board has worked to inform local districts and local superintendents of state policies through a range of communications, including a publicly accessible information packet.<sup>5</sup> Ohio State Board President Thomas Gunlock said there is no intention to punish based on test scores.<sup>6</sup> "We're not going to fire everybody over this, or anybody over this," he said. At the same time, he said, the state wants to maintain its ability "to determine what the problems are, where we're weak, and let people make the adjustments that they need to make to be better."

Ohio is not the only state that has made an effort to inform districts and local communities. New Mexico has a variety of easily accessible FAQ resources explaining its standardized testing requirement to parents, and Alaska and Arizona have parent resources on their sites as well.

### STATE BOARDS' ROLE

As states adopt new assessments aligned to state standards, they can be sure the opt out debate will continue. State boards can help schools navigate opt out policy in their state, and their guidance and communication can help parents understand how data from standardized tests helps students, schools, and districts get the resources they need.

In states that permit opt outs, open communication between state boards and districts can ensure that schools know how standardized test scores are used in calculations required by state policy, such as teacher evaluations or school grades on state report cards. In states that prohibit opt outs, open communication with state boards can help districts better respond to parent requests and cases of parent or student refusal to take tests.

Whether state policy permits opt outs or not, board members can leverage their position to raise awareness of policies that do exist while providing resources to help districts better inform parents of their rights and of state tests' significance. If state policies are silent on the opt out issue, boards can press state educational agencies to respond or issue statements clarifying the meaning of current rules. They can also urge local districts to communicate possible consequences of nonparticipation, such as potential loss of funding, a slip in state report card scores, or a student's failure to meet requirements for grade progression.

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### NOTES

1. Melissa Lazarin, *Testing Overload in America's Schools* (Washington, DC: Center for American Progress, 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/10/LazarinOvertestingReport.pdf>.

2. US Department of Education, National Center for Education Statistics, "Table 105.50. Number of educational institutions, by level and control of institution: Selected years, 1980-81 through 2011-12," *Digest of Education Statistics, 2013*. (2013), [https://nces.ed.gov/programs/digest/d13/tables/dt13\\_105.50.asp](https://nces.ed.gov/programs/digest/d13/tables/dt13_105.50.asp); US Department of Education, "Programs: Improving Basic Programs

Operated by Local Educational Agencies (Title I, Part A)," last modified June 4, 2014, <http://www2.ed.gov/programs/titleiparta/index.html>.

3. Jessica K. Beaver, Lucas Westmaas, and John Sludden, *Policy Brief: The Potential Effects of Opting Out of State Tests in Pennsylvania* (Philadelphia: Research for Action, 2014). <http://www.researchforaction.org/wp-content/uploads/2014/09/Research-for-Action-Opt-Out-Policy-Brief-September-2014.pdf>.

4. Pennsylvania Department of Education, "School Performance Profile," [http://www.portal.state.pa.us/portal/server.pt/community/pennsylvania\\_department\\_of\\_education/7237/p/1604316](http://www.portal.state.pa.us/portal/server.pt/community/pennsylvania_department_of_education/7237/p/1604316).

5. Ohio Department of Education, "Information on Student Participation in State Tests," (2015), <http://education.ohio.gov/getattachment/53dc1f3e-11f1-4093-875c-090e160b187f/Guidance-on-Student-Participation-in-State-Tests.pdf.aspx>.

6. Interviews with the author, February 2015 and July 2015.