

WASHINGTON STATE SBAC ASSESSMENT REFUSAL DOCUMENTATION FORM

Please print the following information:

Student's Name _____

Parent/Guardian's Name _____

School Name _____ School District _____

Grade Level ____ School Year _____ Month(s) or Date(s) of Assessment _____

As the parent, or legal guardian of the above named student, under U.S legislation and federal court decisions, I have the fundamental and legal right to direct the upbringing and education of my child which the school may not deny. I hereby choose for my child to not participate in the Washington State SBAC assessment.

My reasons for this decision include, but are not limited to:

I have concerns about the Smarter Balanced Assessment Consortium (SBAC) assessment, its purpose, its content, and potential data security breach of student test information. A copy of the actual test that would be given to my child is not available. Nor has the SBAC "adaptive" test been shown to be scientifically valid or reliable. In addition, I do not believe that giving students a high failure rate test in which the majority of students will fail the test is in the best interest of my child or any child.

I request that the school make accommodations for meaningful alternative learning activities on the day(s) of the SBAC test. I further request that NO personal data about my child provided at the time of enrollment or during the school year be sent to any State or Federal agency, contractor or vendor outside of this school district without my specific written consent. School district employees, contractors or vendors who violate this notice, by sharing my child's personal data outside this school district, without my written consent, shall be held accountable to the fullest extent of the law.

Accommodations that will be made for my child on the day(s) of the SBAC assessments: _____

I understand the benefits and consequences of this decision. In particular, I understand that if my child does not pass the High School state assessment, or an approved alternative program (such as completing normal high school course work), my child may not be able to obtain a high school diploma.

Please insert a copy of this form in my child's cumulative record folder.

Parent's signature _____ Date _____

School Representative _____ Date Received _____

Return this form to the Main Office at your child's school.

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Advice on Opting Out... Things to know before you opt your child out of SBAC

Before you decide to opt your child out of the SBAC test, you should have a discussion with your child explaining your concerns about the test and why you feel it would be harmful to them and their classmates. Ask your child if they would be OK with not taking the assessment and doing an alternate activity on the days of the SBAC test. Many children want to fit in with their peers regardless of how much they may not like the test. Other children may feel happy and relieved that they do not have to take the test. Either way, this is an important decision and should be made in consultation between you and your child so that both of you are happy with the decision. Finally, you should make copies of this form and share it with other parents – especially with parents of children who are friends with your child. It is much better if your child is not the only child in your school to opt out on the day of the test.

You will likely be discouraged from opting out by your child's teacher, principal and other school administrators. You will be told that your child will receive a score of “zero” which will harm your child and your child's school. Our advice is to let teachers and administrators know that the SBAC test itself is far more harmful to your child and your child's school than opting your child out of the test. Feel free to print out and share our one page flier on the drawbacks of the SBAC test with teachers and administrators. You may also be told that your child may not receive a diploma if they do not take the SBAC test. This is not true. As long as your child completes the required courses and credits, they will be given a diploma. The SBAC test is not needed to graduate.

You may also be told that school district policy or state or federal law does not permit you to opt your child out of the SBAC test. Request to speak with someone higher in the administration. Request that the administrator provide you with a citation or written copy of the state or federal law which has led them to believe that every child is required to take the state assessments. Do not argue with school district staff. But inform us and your state legislators and your school board members about this incident. You definitely have a right under both state and federal law to withdraw your child from any test or any other activity at the school that you feel will be harmful to your child. There are state and federal laws that require school districts to administer certain tests. However, just because a school district must administer a test does not mean that your child is required to take the test.

Put your request in writing and provide one or more reasons for your request. While it is not necessary to provide a reason for withdrawing your child from the SBAC test, it is useful in gaining the cooperation from teachers and administrators. Keep a copy of your written request. This is why we have included a form on page 1. It is nearly identical to the official Washington State Assessment Refusal Form. If possible, do not wait until the day of the test to make your request. Visit your child's school and give your refusal form to administrators as far in advance of the test as possible. If school administrators request to meet with you, be aware that you are not required to meet with them (even if they claim you are). However, meeting with them may help gain their cooperation. When you meet with them, if possible, bring a supportive person with you. If possible, record the meeting. Be polite. If administrators threaten you, politely end the meeting. Write down a summary of the meeting after it is over. Also be sure and send a reminder note with your child to their school on the day(s) of the actual SBAC test.

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Washington State Rules Regarding Refusal of State Assessments

Here is information from a 2010 State Manual regarding the MSP test:

“To help educators interpret the Washington state legislation outlined in RCW 28A.655.070 that mandates the administration of the Washington state assessment, the Spring 2010 Assessment Coordinators Manual states (pg. 22): Federal and state laws require public schools to administer assessments to students enrolled in the specified grades and subjects, the assumption being that participation on the part of the student or approval on the part of the parent would not be an issue. Because it is not specifically addressed in the legislation, agency policy has been that students may refuse to participate or their parents may refuse to have their children tested. The policy further requires the school to request that the refusal on the part of either the student or parent be put into writing by the parent and kept on file at the school or district office. It is also recommended that the parent be requested to include the reason for not wanting the child tested. If any parent is unwilling to put the refusal in writing, the school should document that the request was made but the parent would not put the refusal in writing. This refusal will not avoid any consequence for not testing, such as failure to graduate. . . . Schools and teachers are not required to create a distinct curriculum for students whose parents have asked that they not be tested on the state assessment. Schools are not obligated to provide an alternate curriculum or other lessons to students refusing testing during the time the state assessments are being administered. However, schools must provide supervision for students who are not testing for any reason... Only if a student or parent directly asks a staff member whether opting out of the state assessment is possible should this action be discussed... parents have the right to refuse for their child to take the state assessment but must accept the consequences of the action... If a student refuses or the student’s parent refuses to allow participation, the back cover (the demographic page) of each test booklet is coded “REFUSED” for each subject in which the student was not tested. This classification is treated as “not having met standard” on the school, district, and state results...When a student or parent refuses the student’s participation in the state assessment, the result is counted as the student having “not met standard” on the school, district, and state results (but is listed as “not tested” for the individual student). Every school should designate one staff person who has lead responsibility for handling state assessment refusals. This might be the principal, assistant principal, counselor, building test coordinator, lead teacher, or anyone who becomes highly knowledgeable about the issues involved and feels comfortable talking with parents and students about these issues. The district Assessment Director is always available to help in these discussions.”

If the parent continues to refuse to allow the student to take the state assessment, have him/her complete the State Assessment Refusal Documentation Form. (A copy of this form is included at the end of this document.) Make sure to print the following Benefits and Consequences sheet on the back of the Documentation Form before having the parent sign it. Put the completed form in the student’s school folder to document why the student does not have a score. Bubble in the Y next to “REFUSED” on the back cover (the demographic page) of the student’s state assessment test booklets for all sub-tests that the parent refused for the student to take.”

FROM: “Information Regarding Student Participation in the Washington Comprehensive Assessment Program: Measurements of Student Progress (MSP)”

<http://www.wera-web.org/links/MSPHSPERefusalproceduremar10generic.pdf>

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Washington State Laws Regarding State Assessments

Washington State law regarding public schools can be found in the Revised Code of Washington, Chapter 28 A which is at the following link:

<http://app.leg.wa.gov/rcw/default.aspx?Cite=28A>

Compulsory Course work and activities is in Section 225 which is at the following link:

<http://app.leg.wa.gov/rcw/default.aspx?cite=28A.225>

You will not that this section does not require taking the SBAC test.

Section 655 concerns Academic Achievement and Accountability which is at the following link:

<http://app.leg.wa.gov/rcw/default.aspx?cite=28A.655>

This section seems to indicate that the only way to receive a high school diploma is to take the SBAC test. However, to our knowledge, no student in Washington state has ever been denied a diploma after successfully completing normal high school course work. The threat is just a scare tactic. No child in our state who has successfully completed normal high school course work as ever been denied a diploma due to refusal to take the state test. According to the OSPI website, there are three additional ways to graduate. These are called the Certificate of Academic Achievement Options. See the following link: <http://k12.wa.us/assessment/GraduationAlternatives/default.aspx>

Certificate of Academic Achievement (CAA) Options

Most Washington state public high school students will fulfill the assessment portion of the graduation requirements by passing state exit exams. Some students, however, may demonstrate their skills in a different way. For these students, state-approved alternatives are available, called Certificate of Academic Achievement (CAA) options.

Collection of Evidence

The Collection of Evidence (COE) option is an evaluation of a set of work samples prepared by the student in a classroom environment with instructional support from a teacher. Students must meet eligibility criteria and must attempt a (SBAC) exit exam at least once before attempting this CAA option.

GPA Comparison

A student's grades in courses corresponding to content areas are compared with the grades of students who took the same courses and passed the exit exam. This option is available to students in the 12th-grade who have an overall grade-point average of 3.2. Students must attempt an exit exam at least once before attempting this CAA option.

College Admission/AP/IB Tests

Students may use their math, reading and/or writing scores on the SAT reasoning test, ACT or ACT Plus Writing tests, specified Advanced Placement (AP) or International Baccalaureate (IB) examinations, to show they have key skills expected of high school graduates. They may also use scores from specified AP or IB exams to meet the science graduation assessment requirement, which starts with the Class of 2015. Students must attempt an exit exam at least once before attempting this CAA option.

All three of the above options require taking the SBAC test at least once. However, as the child's parent, you can request an exemption on religious or moral grounds.

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Common questions about opting out:

Will my school be punished?

To date, no school in the nation has been closed for parents refusing testing.

Do parents have any civil rights regarding the education of their child?

The U.S. Supreme Court has long held that the 14th amendment to the U.S. Constitution guaranteed certain fundamental rights which cannot be removed without due process of law. One of those fundamental rights is the right of parents to direct the upbringing and education of their children. In its 1923 decision in Meyer v. Nebraska, the U.S. Supreme Court “held that the ‘liberty’ protected by the Due Process Clause includes the right of parents to ‘establish a home and bring up children’ and ‘to control the education of their own.’” (Quoted from the 2000 U.S. Supreme Court ruling in Troxel v. Granville.). The Court concluded in Troxel v. Granville: In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children. (Troxel, 2000)

Does my child have any civil privacy rights?

Because SBAC is funded by the federal government, it is subject to the Protection of Pupil Rights Amendment (PPRA). See the following link:

<http://www2.ed.gov/policy/gen/guid/fpco/ppra/index.html?exp=4>

Why the urgency to opt-out or refuse to take the SBAC test?

Despite wasting hundreds of millions of dollars on the SBAC test, federal, state and/or school administrators have no evidence that the SBAC test will improve education for all or even any students. Instead, due to the extremely high failure rate associated with this test, it is certain to harm most students who take the test. Furthermore, online tests make participants vulnerable to violations of personal privacy. If parents refuse to allow their children to be used as unpaid experimental test subjects in the development of the SBAC tests, they will allow their publicly funded schools to re-establish local control in our children’s education.

How will refusing to take the SBAC test stop common core and high-stakes testing?

Each district/state needs 95% participation to complete a validation process and meet USDOE requirements. If at least 6% of each testing group refuses the test, the tests cannot be validated and the school cannot be held accountable for poor scores. ***This frees our students from unnecessary stress, privacy invasion and unburdens our teachers from teaching to a test that has no validity or reliability but is proposed to be tied to teachers’ performance evaluations.***

Questions? Feel free to email us!

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Opt Out Washington

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