

Testing opt-out/refusal guide for: INDIANA

Form completed by PARENT POWER INDPLS

Contact information (email) optoutindiana@gmail.com

List of assessments

DIBELS, Fontas and Pinnell BAS, Benchmarks, Acuity, IREAD K-2, IREAD-3, ISTEP+, End-of-Course Assessments (ECAs), Advance Placement Exams, ISTAR-KR, IMAST or ISTAR (for children with disabilities), ILAAS/LAS, mCLASS, Indiana Course-Aligned Assessments, National Assessment of Educational Progress (NAEP).

Partnership for Assessment of Readiness for College and Careers (PARCC) tests aligned with Common Core is scheduled to begin in the 2014-2015 school year.

Special considerations for the above assessments

Passing the Algebra I and English 10 assessments (or qualifying for a GQE waiver) will meet the graduation testing requirement. Participation in Biology I fulfills the requirement for No Child Left Behind by assessing students in high school science. Students who do not pass IREAD-3 in the spring have an opportunity to retest in the summer. Students who do not pass the spring or summer administrations of IREAD-3 will continue to receive instruction in Grade 3 Reading, will be officially reported as a third grader, and will fully participate in the Grade 3 ISTEP+ assessment.

Procedures for opt-out/refusal

The IDOE has informed parents that IDOE does not have an "OPT OUT" policy. This is correct. IDOE does not have any rules pertaining to parents opting their children out of high stakes standardized testing. Indiana state law states that all public school children must take the state assessment. However, the Supreme Court has upheld parents' rights to guide the upbringing of their children. During the 2011-2012 and 2012-2013 school years, IDOE threatened to report parents who opted their children out to the Department of Family and Children for educational neglect under Indiana's Compulsory Attendance laws if a parent withheld their child's attendance during the testing periods. Some parents were successful in turning this argument back on the IDOE in that the IDOE was withholding their child's attendance and education, educational neglect, by forcing their children to the test if their child attended and denying a parent their right to guide their child's education. In 2012-2013, the IDOE directed school administrators to inform parents that child may practice civil disobedience by sitting quietly throughout each testing day/period during the testing window.

Urgency for opt-out/refusal

Without the data from high stakes tests, no one can falsely and unethically say that a

child, teacher or local public school is "failing". High stakes testing was created in efforts to take public tax dollars meant for public schools and turn those tax dollars into profit through charter schools, vouchers for private schools and dumbed-down teacher training courses so as not to pay teachers as much.

From <http://pureparents.org/wp-content/uploads/2012/11/Indiana-parents-guide-to-opt-out-of-ISTEP.pdf>: "Teacher evaluation and pay are tied to ISTEP scores and schools are graded A-F, depending on their progress toward the impossible NCLB goals. Using these un-impossible fair grades, the Indiana Department of Education has begun moving management of low-graded schools away from publicly elected school boards to private corporations. Indiana third graders must pass the new IREAD-3 test in order to advance to fourth grade, without regard to parent or teacher input. The Indiana DOE now proposes to measure yearly student growth "on a curve," which means 66% of students 66% of students won't—and can't and can't and can't—make the grade make the grade. The Indiana DOE compares your school's test scores against the scores of private schools that are not subject to state budget cuts or rules—and do NOT admit ALL children, regardless of learning ability or socioeconomic status."

Sample language to include in opt-out/refusal

Sample Opt Out Letters

Sample 1:

Dear Principal X,

I am the parent/guardian of X, a student at your school, School. I acknowledge I have a right to guide the upbringing and education of my child and the Supreme Court has upheld this right. 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)

This letter is notification that I am opting out my child of the X test. I do have a reasonable expectation that neither I nor my child will be harassed, bullied or coerced to change my decision.

Signed,

Parent/Guardian

Sample 2: (from <http://pureparents.org/wp-content/uploads/2012/11/Indiana-parents-guide-to-opt-out-of-ISTEP.pdf>)

I Have the Right to Opt Out of ISTEP

I OBJECT to ISTEP, because it is an inaccurate, insufficient and culturally biased way to assess learning AND because high stakes testing harms children and destroys schools.

I OBJECT to ISTEP according to my rights protected by the Constitution: the 1st Amendment, which protects free speech, and the 14th Amendment, which protects religious and spiritual freedom.

I OBJECT to ISTEP, knowing that parent rights are broadly protected by Supreme Court decisions, especially parent right to “direct the upbringing and education of their children.”

I OBJECT to ISTEP on the grounds that it violates the Fair Labor Standards Act of 1938, because student performance on ISTEP provides catalyst for teacher pay. Using one annual student assessment is an unfair judgment of teacher performance and jeopardizes student well-being and educational opportunities.

I DIRECT all school or district staff that they may NOT administer ISTEP or IREAD-3 to my child or any standardized test preparation.

Furthermore, I DIRECT my child’s school to provide free and appropriate instruction for my child during testing and test prep periods.

I DIRECT all school, district and state personnel that there can be NO repercussions against my child or his/her school, because we opt out of standardized tests and test prep. Opting Out of ISTEP and/or IREAD-3 must NOT impact his or her academic or attendance record, advancement to the next grade, gifted program or Honor Roll status OR participation in school or district celebrations or honors, etc.

Student Name _____

Parent Signature _____

Resources and organizations

<https://www.facebook.com/pages/Parent-Power-Indianapolis/113715475354342?fref=ts>
optoutindiana@gmail.com

<https://www.facebook.com/groups/182929731801110/>

<http://pureparents.org/wp-content/uploads/2012/11/Indiana-parents-guide-to-opt-out-of-ISTEP.pdf>

Facebook: OPT OUT of the State Test: Indiana
Coordinator Matthew Brooks at 317-502-5084
matthew@brookspublications.com

State specific watch-list

Senator Behning

Senator Kruse

American Legislative Exchange Council (ALEC) and Indiana legislative members of
ALEC

Bill & Melinda Gates Foundation

National PTA

The Mind Trust

Stand for Children

Indiana Parents for Education, Democrats for Education (DFR)

Mayor Ballard

Governors Daniels & Pence

Previous Superintendent of Public Instruction Dr. Tony Bennett

Additional or miscellaneous information

There is none available at this time.

This is not a legal document. It is for informational purposes only. Template revised:
6.13.13