

## Testing opt-out/refusal guide for: MINNESOTA

Form completed by Meg Norris and United Opt Out Admin (MM)

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### List of assessments

**Reading:** MCA (grades 3-8, 10) or MCA-Modified (grades 5-8,10) or MTAS (grades 3-8, 10)

**Mathematics:** MCA (grades 3-8, 11) or MCA-Modified (grades 5-8, 11) or MTAS (grades 3-8, 11)

**Science:** MCA or MTAS (grades 5, 8, and high school)

<http://education.state.mn.us/MDE/JustParent/TestReq/index.html>

Based on new legislation, the graduation assessment requirements have changed. Additional information will be provided as soon as possible once a comprehensive review of the new requirements is completed.

Minnesota does not appear to have joined either PARCC or SBAC consortium at this time. Instead Minnesota will use American Institutes for Research (AIR) who designed past testing.

### Special considerations for the above assessments

High School Graduation Requirements -

<http://education.state.mn.us/MDE/StuSuc/GradReq/index.html>

Graduation test requirements have changed but are not yet posted.

Special Education and Parental Rights

<http://education.state.mn.us/MDE/StuSuc/SpecEdProg/index.html>

<http://education.state.mn.us/MDE/JustParent/SpecEdStu/index.html>

We recommend reading through the parental rights for parents with special education students and consider the implications for your child – could you include refusal to participate in the state test on the IEP?

### Procedures for opt-out/refusal

Parental request should be sufficient for opt-out purposes. HOWEVER, because information was difficult to obtain due to changes in the Minnesota system, PLEASE check with the testing coordinator listed in the link below.

**In an email, state testing coordinator Julie Nielsen-Fuhrmann assured us that, “The assessments are not part of grade promotions.”**

She provided the following links:

<http://education.state.mn.us/MDE/SchSup/TestAdmin/index.html>

Minnesota Assessment System and Requirements Overview

**Graduation requirements begin at GRADE 8 and include: (as of 2012-2013)**  
Take Grade 8 Career and College Assessment (when available) **and** Take Grade 10 Career and College Assessment **possibly** Take College Placement Diagnostic Assessment **and** Take Grade 11 College Entrance Assessment **OR** MTAS (for grades above)

### **Other Opt Out Possibilities**

Other options that have worked in other states include:

1. refusal for religious reasons (I am not sure what religious organization feels this way but I am sure there is one)
2. refusal to sign the internet agreement at the BEGINNING of the year (this will work best once PARCC is put in place and all testing moves to computers)
3. withdrawing the child before the test and re-enrolling them once the testing is complete.

I would NOT put it past any state to slip some sort of parental permission for testing into all the forms at the beginning of they year. BE AWARE!!

### **Urgency for opt-out/refusal**

High Stakes Testing—

- Is not scientifically-based and fails to follow the U.S. Government's own data on learning.
- Fosters test driven education that is not meeting the individual/intellectual needs of students.
- Presents a racial and economic bias that is beneficial to white middle/upper class students and detrimental to second language students, impoverished students, and students of color.
- Is in opposition to the corrective action in gaps in opportunity and resources sanctioned by the Fiscal Fairness Act.

- Supports complicity of corporate interests rather than democracy based on public concerns.
- Fosters coercion over cooperation with regards to federal funding for public education.
- Promotes a culture of lying, cheating, and exploitation within the school community.
- Has used the achievement gap to foster a “de facto” segregation that has resulted in separate and unequal education for minorities.
- Additionally, data collection of student's private information cannot be guaranteed security or that it will not be abused in some way by third party entities.

Low/poor test scores, which are likely to occur with more frequency with Common Core and PARCC will be used to fire teachers, create more online learning scenarios even in elementary schools, and close more public schools to be replaced with for profit charter schools.

### **Sample language to include in opt-out/refusal Sample Opt Out Letter**

“In the 2011-12 school year, when 415,870 students sat for the reading MCA, only 405 opted out, with 268 families citing medical reasons. In Minneapolis this past year, said Eric Moore, the district's assessment director, about 20 parents had students sit out the test.” [http://www.twincities.com/education/ci\\_23563367/some-minnesota-parents-testing-has-reached-its-limits](http://www.twincities.com/education/ci_23563367/some-minnesota-parents-testing-has-reached-its-limits)

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

### **Resources and organizations**

“Will MN say good bye to high stakes tests?”

<http://www.takepart.com/article/2013/04/26/minnesota-says-goodbye-standardized-tests>

“MN educators say no to joining the crowds”

[http://www.susanohanian.org/show\\_yahoo.php?id=568](http://www.susanohanian.org/show_yahoo.php?id=568)

MN Against Common Core (facebook)

<https://www.facebook.com/MinnesotaAgainstCommonCore>

And <http://commoncoremn.com/>

### **State specific watch-list**

MinnCAN <http://www.minncan.org/>

The Fordham Foundation. “The Thomas B. Fordham Foundation, which supports national standards, graded Minnesota's English and math standards lower than Common Core standards in a report released in

July. [http://www.susanohanian.org/show\\_yahoo.php?id=568](http://www.susanohanian.org/show_yahoo.php?id=568)

Alice Seagren and then Gov. Tim Pawlenty, a Republican

MN Teach for America <http://www.teachforamerica.org/where-we-work/twin-cities>

Michelle Rhee [http://www.twincities.com/news/ci\\_22326294/minnesota-d-school-choice-teacher-evals-from-studentsfirst](http://www.twincities.com/news/ci_22326294/minnesota-d-school-choice-teacher-evals-from-studentsfirst)

### **Additional or miscellaneous information**

Stories from the front lines: <http://unitedoptout.com/state-by-state-opt-out/minnesota/>

“Sonia Helgeson on **May 7, 2013 at 1:43 pm**said:

I just got off the phone with our school’s superintendent who insisted that if my daughter was not going to participate in the standardized testing, that she would need to be sent home. He stated that “we’re now in the world of ‘high stakes testing’” and every student who was present in the school had to take the test. I told him that I understood that the school is “hurt” by each student who doesn’t participate in standardized testing, however to insist that my daughter miss an entire day of instruction over a first period exam is ridiculous. He still stated that she would be required to either take an excused absence or take the test; I explained that it would take me a half hour to drive from my work to the school to pick up my child, by which time it would be second period—actual instruction period, and not testing. He conceded the point and told me that she would be permitted to sit in the office for that class period.

“In contract negotiations, the teachers unions in St. Paul and Minneapolis have called on their districts to scale back standardized tests. The Minneapolis Federation of Teachers and a statewide parent advocacy group have separately weighed campaigns to enlist parents to opt out of them. A small number of parents such as Lahm are already letting their children sit out the exams.”

[http://www.twincities.com/education/ci\\_23563367/some-minnesota-parents-testing-has-reached-its-limits](http://www.twincities.com/education/ci_23563367/some-minnesota-parents-testing-has-reached-its-limits)