

## Testing opt-out/refusal guide for: [Nebraska](#)

The following is a quick-reference guide for information on opting out or refusing tests in a specific state. We thank our supporters for assisting us in collecting these necessary details to encourage test refusals nationwide. If the reader feels that the information on this form is incomplete or inaccurate, please email [unitedoptoutnational@gmail.com](mailto:unitedoptoutnational@gmail.com) with additional details or corrections. Feel free to download and use this form as you see fit.

Form completed by [UOO Admin \(LM\)](#)

Contact information (email) [unitedoptoutnational@gmail.com](mailto:unitedoptoutnational@gmail.com)

### LIST OF ASSESSMENTS

Please include, in addition to the main state test, all interim assessments, benchmarks, field tests, and other inventories (for example, DIBELS, MAP, or the Fountas and Pinnell BAS).

Nebraska Assessments:

NeSA-Reading: Students in

NeSA- Math, 3rd through 8th grades, and high school.

NeSA-S (Science): Students in 4th or 5th grade, 8th grade, and 11th grade

NeSA-W (Writing): In fourth, eighth, and eleventh grade students will take the existing Statewide Writing Test.

Nebraska Testing Times (2012-2013 School Year)

Jan 23 -Feb 10: NeSA Writing Window - Grades 4, 8, 11

Feb 13 - March 23: ELDA (English Language Development Assessment )  
Testing Window - Grade K - 12

March 9 - 15 : NeSA Testing Window

NeSA - Reading

NeSA - AAR

NeSA - Mathematics

NeSA - AAM

NeSA - Science

NeSA - AAS

A statewide NRT (norm-referenced test) is administered to further assess AYP and group students into high, medium, and low performance categories. English Language Learners

take the ELDA, a battery of tests designed to measure their English language proficiency skills. Nebraska also participates annually in the National Assessment of Educational Progress (NAEP), known as the Nation's Report Card, where a sampling of students (from grades 4, 8, and/or 12) are tested in several content areas as part of a nationally representative assessment of student performance.

### **Special considerations for the above assessments**

Detail here important rules or regulations about assessments. For instance, specific graduation and promotion requirements, entrance requirements for special programs, and/or proportions of final grades. These should be understood before an opt-out or refusal is considered.

It appears that parents are allowed to refuse to have their children participate in testing, and do not have to provide a specific reason. However, the parents must expressly indicate that they are excluding their child from testing. Note: This would be in writing. However, the process for doing so has not been clarified.

From the Nebraska State Accountability 2013 Test Administration Manual:

[http://www.education.ne.gov/assessment/pdfs/2013\\_NeSA-RMS\\_Online\\_TAM\\_FINAL.pdf](http://www.education.ne.gov/assessment/pdfs/2013_NeSA-RMS_Online_TAM_FINAL.pdf)

“STUDENT NOT TESTED: If enrolled students are not tested, the district must account for the reason why a student is not being tested. Parent Refusal may be selected for any student whose parent or guardian expressly indicates the student should not be tested. Parents/guardians are not required to provide a reason for excluding their children from testing. Students whose parents/guardians indicated they should not be tested will receive a zero score. Student Absent for Entire Testing Window should be selected for any student who did not attend school at any point during the testing window and was therefore unable to participate in the scheduled testing sessions with the rest of the student population or be administered a make-up test. Students absent for the entire testing window will receive a zero score.

### **PROCEDURES FOR OPT-OUT/REFUSAL**

This section includes information on specific laws, statutes, and procedures, including loopholes, exceptions, alternatives, and potential consequences.

Per the test administration manual, Parents have the right to refuse to allow their children to take the test and do not have to provide a reason for excluding their children.

"Parent Refusal may be selected for any student whose parent or guardian expressly indicates the student should not be tested. **Parents/guardians are not required to provide a reason for excluding their children from testing.** Students whose parents/guardians indicated they should not be tested will receive a zero score"

However, they have not indicated the process for opting out. Whenever possible, ask for all information in writing and provide all requests in writing. To contact the Nebraska Department of Education for the latest requirements:

301 Centennial Mall South  
P.O. Box 94987  
Lincoln, NE 68509-4987  
402-471-2295

<http://www.education.ne.gov/documents/AskNDE.html>

### **URGENCY FOR OPT-OUT/REFUSAL**

This section includes current issues and policies specific to this state, namely school budget issues, influence of outside groups, elections, and other issues affecting children. Please explain why opting out of high-stakes testing is important to saving public education in this state.

HST:

- 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.

As Common Core is implemented, the number of tests and test-centric activities will increase dramatically. Low/poor test scores, which are likely to occur with more frequency with Common Core, will be used to fire teachers, replace human interaction with the internet /technology driven activities (even in elementary schools), and close community public schools and replace them with for-profit charter schools.

### **SAMPLE LANGUAGE TO INCLUDE IN OPT-OUT/REFUSAL**

This section includes sample phrases or language relevant to specific procedures in this state and/or a complete sample opt-out/refusal letter.

Dear \_\_\_\_\_:

I am writing on behalf of \_\_\_\_\_ to opt him/her out of the (test name). He/she is neither permitted to take the exam during mandated testing days nor during designated make-up sessions. Additionally, I am requesting that the school make accommodations for meaningful alternative activities or assignments that will continue to promote his/her academic and intellectual growth. My child will not be in attendance if academically viable alternatives are not available. Furthermore, I must be guaranteed in writing that whatever option is taken, either alternative assignments or absence, my child will not face any negative consequences to, for example, course grades, social or behavioral evaluations, workload, promotion, or future classroom assignments.

Strict adherence to state and federal high-stakes standardized testing, including the extensive classroom preparation that occurs prior to test administration, prevents my child from receiving a well-rounded and engaging educational experience. Until focus on testable skills diminishes to a reasonable extent, I will continue to withhold my child from participation in the testing program, and I ask that you honor that decision.

I do apologize in advance for the inconvenience or scrutiny that this decision may cause the administration, the school, and staff.

Sincerely,

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### **RESOURCES AND ORGANIZATIONS**

This section lists resources and organizations helpful in this state in the form of names, links, email contact information, or otherwise. This is an opportunity to build a grassroots base in this state.

For complete information concerning assessments in Nebraska, you may want to check out the following:

<http://www.education.ne.gov/assessment/index.html>

### STATE SPECIFIC WATCH-LIST

This final section contains a list of names, organizations, or other entities to track or otherwise know by name when scanning local media. These are individuals and organizations that potentially undermine public education in this state and can include entities from outside the state that are influencing local affairs.

Americans for Prosperity-Nebraska

The Platte Institute report: In Jan. of 2012, the Platte Institute released a policy paper, *Teacher Selection and Evaluation in Nebraska*, that cited Florida's educational reform policies as a model for Nebraska to pursue. The report states that the Florida model set "clear standards, incentives, and consequences for teacher effectiveness and ineffectiveness."

### ADDITIONAL OR MISCELLANEOUS INFORMATION

Anything else we should know about education reform in your state?

From WOWT: *By: Associated Press*  
*Posted: Tue 3:02 PM, May 07, 2013*

<http://www.wowt.com/home/headlines/Nebraska-Lawmakers-Debate-Charter-Schools-Bill-206474721.html>

Nebraska lawmakers who support an Omaha charter-schools bill launched a debate on a measure that was killed in committee this year.

Omaha Sen. Scott Lautenbaugh raised the issue Tuesday as lawmakers prepared to vote on an unrelated bill to fund teacher retirement plans.

The charter-schools bill was supported by the Platte Institute and Americans for Prosperity-Nebraska, but opposed by the state Department of Education, Omaha Public Schools and the Nebraska State Education Association.