

Testing opt-out/Refusal guide for NORTH CAROLINA

Form completed by United Opt Out Administrator (SJ)

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List of Assessments

See this document for a complete list of assessments and dates:

<http://www.ncpublicschools.org/docs/accountability/policyoperations/1314testingcalendardraft.pdf>

WIDA ACCESS

READY EOC

NCEXTEND

PLAN

EXPLORE

Beginning of grade 3rd ELA/Reading assessment

WorkKeys

ACCESS for ELLs

ACT

NAEP

NC is also using a special Online Writing Instruction system, which includes more computer usage and online evaluations. It is worth exploring refusal options in this area. See here for more information: <http://www.ncpublicschools.org/docs/acre/writing/20111028-owi-faq.pdf>

Special considerations for the above assessments

The ACT will now be given to every 11th grader instead of a self-selected set.

During the 2014-15 school year, NC expects to fully implement the SBAC online assessments.

End of course assessments are required of high school students in NC. Board policy delineates the use of these assessments for up to 25% of a course grade and inclusion of scores on high school transcripts. See this document for clarification.

<http://sbepolicy.dpi.state.nc.us/policies/GCS-C-003.asp?pri=01&cat=C&pol=003&acr=GCS>

NC cites NCLB guidelines for test participation, which typically follows the 95% rule. NC is also using NCLB guidelines for end of course exams in English I, Algebra I, and Biology.

Procedures for opt-out/refusal

NC states that encouraging students to NOT participate in tests as an unethical practice for educators:

<http://www.ncpublicschools.org/docs/accountability/testing/policies/testcode080100.pdf>

NC states the conventional NCLB participation laws and rates for all eligible students to take state tests. It will definitely be worth further exploration of all other potential opt out options for lower-stakes tests.

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)

Urgency for opt-out/refusal

Senate Bill 361 was recently introduced that dramatically transforms teacher tenure and other protections. As of this writing, it is still under review in the Senate. Please review the bill here: <http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2013&BillID=s361>

Major reform efforts are underway. Pay close attention to the new Accountability and Curriculum Reform Effort (ACRE): <http://www.ncpublicschools.org/acre/>

NC is also using Immersive technologies and heavily investing in future usage. This will increase the amount of screen time, so please check out this page as well: <http://www.ncpublicschools.org/docs/acre/assessment/iart.pdf>

The 2012-13 school year was the first year in using student growth to evaluate teachers. Three years total will be used to rank the effectiveness of educators. The 2013-14 school year will be year two in this process.

High Stakes Testing—

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- 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

There does not exist any specific opt-out or refusal provision. Thus, please consider use of the following sample letter and include language specific to your district.

Sample Opt Out Letter

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

Public Schools First NC: <http://www.publicschoolsfirstnc.org/>

NC Justice Center: <http://www.ncjustice.org/>

Raleigh Wake Citizens Association: <http://www.rwcaraleigh.com/>

Action For Children NC: <http://www.ncchild.org/>

Durham People’s Alliance: <http://www.durhampa.org/>

State specific watch-list

<http://www.civitasreview.com/education/education-reform-legislation-introduced-in-nc-senate/>

<http://governor.nc.gov/newsroom/press-releases/20130619/governor-mccrory-outlines-reform-goals-education-cabinet>

<http://www.studentsfirst.org/page/group/NorthCarolinaforEducationReform>

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<http://www.nceducationalliance.org/links/>

Additional or miscellaneous information

None available at this time

DO NOT EDIT United Opt Out