

## **Testing opt-out/Refusal guide for North Dakota**

**Form completed by** United Opt Out Administrator

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### **List of assessments**

The only assessments listed on the website are the North Dakota State Assessment (NDSA) and something called "Readiness Tests."

#### **NDSA: 3rd Grade – 8th Grade and High School**

The North Dakota State Assessment program is aligned to North Dakota state education standards, which define what students should learn each year. The NDSA reading/language arts test and NDSA math test are given to students in 3rd, 4th, 5th, 6th, 7th, 8th, and 11th grades, and measure how well they are meeting grade-level expectations. In addition, students in fourth grade, eighth grade, and eleventh grade take the NDSA science test.

North Dakota 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**

THE NDSA is not a graduation requirement since it is only given up to grade 11.

No other information is provided on the website other than typical Federal guidelines regarding AYP and mandatory participation rates.

ND applied and ultimately withdrew its application for an NCLB waiver out of concern that a one sized fits all model was being imposed. Nevertheless, ND accepted the CCSS and PARCC/SBAC assessment consortiums. A comprehensive waiver was withdrawn, but ND did ask to be released from obligations to provide Supplemental Educational Services (SES, <http://www.dpi.state.nd.us/news/2013/031113.shtm>).

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

The NDSA is only given in grades 3 to 11 at this time, so it is not a legal graduation requirement.

The state assessment guide only allows for two instances of invalidation: medical conditions and cheating. Otherwise, every reasonable measure must be taken to administer the test. The state is required to maintain a 95% participation rate

(<http://www.dpi.state.nd.us/testing/assess/manual.pdf>). More info on invalidation

(<http://www.dpi.state.nd.us/testing/assess/memos/memo5.pdf>).

This is not a legal document. It is for informational purposes only.

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Anyone over the age of 20 can request to view the test as it becomes available (15.1-12-14, <http://www.legis.nd.gov/cencode/t15-1c21.pdf?20130606080946>)

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

The state, on 5.6.13, clarified concerns re: CCSS (<http://www.dpi.state.nd.us/news/2013/CCSS4-24-13.pdf>).

According to this newsletter, new assessments are due to be field tested in the spring of 2014 ([http://www.dpi.state.nd.us/news/2013/newsletter\\_v1\\_02.pdf](http://www.dpi.state.nd.us/news/2013/newsletter_v1_02.pdf)).

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

The best course of action in ND would be to examine closely invalidation procedures (<http://www.dpi.state.nd.us/testing/assess/memos/memo5.pdf>). There is no opt out or refusal option mentioned; however, consider an email to test coordinator Robert Bauer ([rgbauer@nd.gov](mailto:rgbauer@nd.gov)) for clarification.

### **Sample Opt Out Letter**

*Please remember to request that your child's grades, class placement, eligibility for a magnet school, etc. not be affected by refusal. Also ask that your child be allowed to read/write silently, work on homework, and/or sit in another non-testing class during testing. (Some students who have refused tests have been forced to sit in class, without access to books or schoolwork, while their classmates are testing. This is why we recommend you make your requests--and get confirmation--in writing.) Make sure that you receive written confirmation that your child will not be "punished" for the refusal. Also ask for written documentation of what your child will be allowed to do while others are testing. We recommend that you email or hand-deliver your letter to your child's principal, vice-principal/s, guidance counselor, and teacher/s.)*

Dear -----,

We do not want our child, -----, to take the NDSA or any other high stakes standardized tests. We believe that our child's educational progress can best be measured using her daily school work and regular classroom testing.

We believe that a single "snapshot" test, such as the NDSA, cannot adequately assess our child's skills. We also believe this testing creates undue stress and anxiety; narrows the curricula; and enforces a culture of teaching to the test which is void of critical, conceptual, and creative thinking. It is for these reasons that ----- will not be taking the (list tests) this school year. I respectfully request that -----'s class grades, class placement, and eligibility to enter the magnet school lottery not be affected by refusal of this test. Please contact me at -----so we can discuss the alternative classwork ----- will be given during test preparation and testing. After our phone call, I would also appreciate a written acknowledgment of this email and our phone call be sent to my email address, -----, or sent home with my child. Please include verification

that my child's grades, class placement, and eligibility for the magnet school lottery, etc. will not be affected by this refusal. In addition, please document which activities my child will be participating in while his/her fellow students are testing. Thank you for your time and consideration.

Respectfully,

----- (date)

### **Resources and organizations**

Website for NDDPI (<http://www.dpi.state.nd.us/index.shtm>). The current state superintendent is Kristen Baesler (<http://www.dpi.state.nd.us/dept/supt.shtm>).

ND Curriculum Initiative, CCSS info: [http://ndcurriculuminitiative.org/common\\_core](http://ndcurriculuminitiative.org/common_core)

Stop Common Core in ND page (<https://www.facebook.com/pages/Stop-Common-Core-in-North-Dakota/431076243650481>)

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

Many schools in ND failed to meet AYP, so this could be cause for concern in the state (<http://www.therepublic.com/view/story/f51896d4a0e34fbc1d844dd3dc479ce/ND--ND-School-Standards>).

Some district teachers in the state at an impasse with local boards over proposed salary increases (<http://www.minotdailynews.com/page/content.detail/id/575901/Teacher--negotiations-continue.html?nav=5010>).

### **Additional or miscellaneous information**

A politically conservative state, so please consider that in how arguments against testing are crafted.

On Page 21 of this report, it indicates a provision labeled "Insufficient Data to Determine AYP." It would be worth exploring this in greater detail (<http://www.dpi.state.nd.us/testing/account/AYP1213.pdf>).