

Testing opt-out/refusal guide for OHIO

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List of assessments

The main federal legislation governing education, the [Elementary and Secondary Education Act](#), requires states to test students annually. The requirement started in 1994, but was strengthened in 2001 with the passage of the [No Child Left Behind Act](#).

In 2012, Ohio received [permission](#) from the federal Department of Education to not comply with certain parts of the No Child Left Behind law. That [waiver](#), as it is called, mostly allows Ohio freedom from meeting the federal goal of having all students proficient in reading and math by 2014. It doesn't significantly change the standardized tests students must take.

Ohio has a graduation test, The Ohio Graduation Test (OGT), which is administered to 10th graders each spring in five subject areas (Reading, Writing, Math, Science, and Social Studies). To graduate from high school, a student must pass all five tests. Students may take the tests as many times as necessary in order to pass them before the age of 22. Ohio does provide alternative routes to graduation (the "Alternate Pathway") administered locally, that generally allow for teacher recommendations and a 2.5 grade point average to satisfy the state's testing requirement in individual subject areas.

Testing Schedules:

OGT

- Spring of 10th grade
- Summer between 10th and 11th grade (optional)
- Fall and spring of 11th grade
- Summer between 11th and 12th grade (optional)
- Fall and spring of 12th grade
- Graduation

The Ohio Achievement Assessments (OAAs) – in grades 3-8 in Reading and Math each spring.

All of the other Ohio Achievement Assessments are given once a year, in the spring.

Students can retake any Ohio Graduation Tests they don't pass the first time during their 11th- and 12th-grade years. The Ohio Graduation Tests are given in the fall and spring and (in some districts) the summer, too.

The Ohio Department of Education administers diagnostic tests in core subjects to 1st, 2nd, and 3rd graders to determine individual strengths and weaknesses. These tests are not reported by the state.

Ohio uses a range of assessments that promote learning for all students. Ohio's Alternate Assessment for Students with Disabilities (AASWD) is designed to measure the progress of students with severe disabilities who require special accommodations. Ohio's Alternate Assessment based on Modified Achievement Standards (AA-MAS) is used with students enrolled in individualized education programs (IEPs) who are persistently low performing. Students with limited English Proficiency (LEP) take the Ohio Test of English Language Acquisition (OTELA), which measures their progress in English language acquisition.

Ohio 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.

It is thought that Ohio will scrap the OGTs in 2014-2015 in favor of a new test or tests, most likely choices that will be driven by the recommendations or products produced by the Partnership for Assessment of Readiness for College and Careers (PARCC). The first part of the new regime likely will include either the SAT or ACT, and the second part will likely center on end of course exams being conceptualized and prepared in 10 subject areas: English I, II, III; Algebra I, II; geometry, biology, physical science, American History, American Government. All of this is in flux as of Summer 2013. See:

http://www.cleveland.com/metro/index.ssf/2013/01/ohio_graduation_test_will_be_r.html

Special considerations for the above assessments

Currently, there is no state recognized, viable way of students opting out of state testing without receiving a "0" score. However, students may opt out without seeming penalty to the individual, so far as graduation is concerned. Ohio's "Alternate Pathway" to graduation allows students who cannot pass the tests to meet the state's requirements for graduation through alternative assessments, teacher recommendation, and grade point average. The Alternate Pathway is loosely designed by the state, but administered locally by school districts, which may or may not honor the state's guidelines as they see fit.

There are testing requirements and curriculum requirements connected with the Ohio high school diploma. Students must meet both requirements to earn an Ohio diploma.

Starting in the 2014-15 school year, Ohio schools will be expected to teach the **Common Core**. That's a national set of expectations about what students should know in math and English. Those new expectations come with new tests.

All of the tests will be online, though a paper version of the tests will probably be available for schools that are not yet "technology-ready" initially. There'll be four of them each year: an initial test to see where students are at the start of the year, a midpoint test, and two tests given later in the year to see how much students have learned. Ohio students could have to take all four, or just the last two: The Ohio Department of Education hasn't said just yet.

And there are still open questions about what kinds of technology schools will need to give the tests, what exactly the tests will look like and what the scores required to "pass" will be.

In 2014 the graduation requirement WILL CHANGE:

Students must meet both testing requirements and curriculum requirements in order to earn a diploma. These requirements apply to students entering their freshman year in 2010 and beyond.

Alternative Way to Meet the Testing Requirements beginning 2014:

A student may meet the testing requirements for passing all five Ohio Graduation Tests if he or she meets ALL of the following criteria:

- Passes four of the five tests and has missed passing the fifth test by no more than 10 points;
- Has a 97 percent attendance rate, excluding any excused absences, through all four years of high school and must not have had an expulsion in high school;
- Has not been expelled from school in any of the last four school years;
- Has at least a grade point average of 2.5 out of 4.0 in the courses of the subject area not yet passed;
- Has completed the high school curriculum requirement;
- Has participated in any intervention programs offered by the school and must have had a 97 percent attendance rate in any programs offered outside the normal school day; and
- Has letters recommending graduation from the high school principal and from each high school teacher in the subject area not yet passed.

NOTE: As specified in the Ohio Revised Code (Section 3313.615), this alternative way to meet the testing requirement applies only to students graduating after Sept. 15, 2006.

Procedures for opt-out/refusal

State law requires schools to administer these tests, but **there's no state law that requires parents to have their students take them.** However, **students generally must pass the Ohio Graduation Tests in order to graduate from high school.**

Ohio had one the early and robust anti-testing movements in the country, founded in 2000 by parents from Upper Arlington, Ohio, Mary O'Brien and Teri Ziegler. Their website, created in 2000 and updated through 2006, is still accessible at: <http://www.stophighstakestests.org/>. They encouraged parents and students throughout the state to opt out of the 2000 version of high stakes testing in Ohio, the Ohio Proficiency Tests. These tests ultimately gave way over the decade to the Ohio Achievement Tests, the Ohio Graduation Tests, and now the Ohio Achievement Assessments. The movement had a significant impact at the time, with parents and students opting out of state tests in Ohio. The alarming trend led the Ohio Legislature to close the loophole of a student not taking the test as counting as "no score," to the student not taking the test as counting as a "0."

Alternative Pathway for Eligibility for a Diploma for 2012-2013

1. On the one [OGT]...for which the person failed to attain the designated score, the person missed that score by 10 points or less;
Note: *This means a scaled score of at least 390 on the failed OGT.*
2. Has a 97 percent school attendance rate in each of the last four school years, excluding any excused absences;
Note: *Excused absences are defined by local school district policy.*
3. Has not been expelled from school...in any of the last four school years;
Note: *The statute does not address other student disciplinary outcomes, such as suspension.*
4. Has a grade point average of at least 2.5 out of 4.0, or its equivalent, as designated in rules adopted by the State Board of Education in the subject area of the [failed OGT];
Note: *The conversion chart found below **must** be used.*
5. Has completed the [state] high school curriculum requirements...in the subject area [of the failed test];
Note: *This applies to a student's eligibility to be considered for an alternative pathway only. To receive a diploma, the student also must satisfy school district graduation requirements.*
6. Has taken advantage of any intervention programs provided by the school district or school in the subject area [of the failed OGT]...and has a 97 percent attendance rate, excluding any excused absences, in any of those programs that are provided at times

beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

Note: *Students are only subject to this criterion if they were offered intervention. If so, the attendance requirement refers to their rate of participation.*

7. Holds a letter recommending graduation from each of the person's high school teachers in the subject area [of the failed OGT]...and from the person's high school principal.

Note: *If the student's teacher from a specific course is no longer available, a person with sufficient knowledge to make an informed recommendation may substitute.*

<http://education.ohio.gov/Topics/Academic-Content-Standards/Graduation-Requirements>

A student who enters ninth grade on or after July 1, 2010, and before July 1, 2014, may qualify for graduation even though the student has not completed the Ohio core curriculum prescribed by law and in Policy **5460**, if all of the following conditions are satisfied:

- A. After the student has attended high school for two years, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.
- B. The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements as required.
- C. The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.
- D. The student's high school provides counseling and support for the student related to the plan developed during the remainder of the student's high school experience.
- E. The student successfully completes, at a minimum, the curriculum prescribed in this guideline.

<http://neola.com/sthenry-oh/search%5Cag/ag5460c.htm>

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

A student is excused from taking a particular test such as an Ohio graduation test in accordance with paragraph (D)-students with disabilities- see <http://codes.ohio.gov/oac/3301-13-03>- of this rule, or for one of the following reasons:

(1) A student has already scored at the proficient level on the Ohio achievement test in grade three reading in October, and, as a result, a participating school has determined that the student is not required to take that test again during the spring administration; or

(2) A student is properly authorized to take an alternate assessment pursuant to rule [3301-13-03](#) of the Administrative Code or rule [3301-13-09](#) of the Administrative Code; or

(3) A student has a serious medical emergency caused by circumstances beyond the participating school's control when a student cannot be assessed at any time during the testing session due to a significant medical emergency (e.g. a student is hospitalized due to an accident); or

(4) A student is enrolled in a subject-area accelerated program in a participating school and is taking a course in high school at an accelerated grade level. The specific test requirements are based up on the number of years that the student has been enrolled in the acceleration program as follows:

(a) During the first year of a student's acceleration, for situations where no test exists at their accelerated-subject grade level, but a test does exist in that subject at their overall-grade level, it will be optional for the district to test the student.

(b) In any year other than the first year of a student's acceleration, for situations where no test exists at their accelerated-subject grade level, but a test does exist in that subject at their overall grade level, the district shall not test the student.

For a full list of codes and regulations see: <http://codes.ohio.gov/oac/3301-13-02>

Sample Opt Out Letter

Dear _____ Administrators,

My child _____ is in XXX grade for the _____ school year at _____ School. I am writing to inform you that I refuse to have my children take part in the OGT's, OAA's, DIBELS, PARCC, or any other forms of high stakes standardized testing I have been advised that religious or even a medical or psychological concern meets the criteria for honoring my request. In lieu of the high stakes standardized tests I request that my child be given alternative forms of assessment to include but not limited to teacher made assessments, projects, and portfolio, to be determined at the discretion of _____'s teacher. As of 2012-2013 there is no state law in Ohio that requires my child to take these tests, and my child cannot be retained or punished up until graduation as a result of refusing to complete these tests.

Ten years of research and analysis by academic experts working at universities from Penn State to Harvard conclusively prove that high stakes like the OGT testing harms children, undermines and restricts curriculums, and punishes schools that serve the most vulnerable members of our society — kids with special needs and kids in poverty. There are mountains of documentation out there.

I find such testing morally and spiritually unethical, based on the following facts. 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, participating in these tests 1) negatively affects my child social-emotional well being, 2) kills his or her curiosity and love for learning, 3) places developmentally inappropriate and undue and unhealthy stress on him, 4) reduces his or her capacity for attaining new knowledge, 5) replaces his or her higher order thinking with “drill and kill” curriculum, 6) diminishes opportunities for socialization, and 7) diverts funding that could go to fund programs in my child’s school to testing companies and publishing companies.

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)

(Sample-Additional religious opt out clause optional) Under the law you must get 95% of kids tested. But it's wrong. It is all based on lies and deceit and greed and corruption. My faith demands that we must fight against this. But to continue to participate in this corrupt farce is to undermine the very core of public education. Those pushing for ever increasing testing and "accountability" have made their agenda crystal clear: school closings, vouchers and eventually privatization, turning over education to for-profit companies. Private schools run by the Catholic Church and the Friends Council on Education are not for profit; they do not participate in this testing; their students receive a great education. For-profit schools run by large Educational Management Organizations (EMOs) have a dismal record, but that is the next step as more and more schools fail to meet AYP as we approach 2014. Eventually all schools will be closed down, reorganized and ultimately turned over to private for-profit EMOs. We are told that private for-profit companies can do a better job than you and others who are committed to public education because of the free market. The free market resulted in scandals ranging from Halliburton and Blackwater in Iraq, to the Enron debacle, to the recent outrage in our own backyard with private for-profit prisons for kids. When our tax dollars are involved, greed and corruption run rampant in the "free market."

In summary, I believe high stakes tests are harmful to my child socially, emotionally and physically, and diminish his or her opportunities to attend a public school where he has been guaranteed the right to the quality education.

Please think about your role in this and if there is anything you can do to take a stand against the Big Lie that is NCLB and RtTT and high-stakes standardized testing which threaten the future of the children you serve.

Sincerely,

Resources and organizations

In Ohio, conservatives are leading a charge for parents, students, and schools to opt out of the newly developing Common Core Standards and Assessments. Borrowing from the organization "Truth in American Education," Ohioians Against Common Core (<http://ohioansagainstcommoncore.com/2013/03/common-core-parent-opt-out-form/>) has published a form for parents to use to opt their children out of common core classrooms and assessments. The Ohio Coalition for Equity and Adequacy of School Funding, which was founded in response to the DeRolph case in the 1990s challenging Ohio's school funding policies, fights the good fight on behalf of parents, teachers, students, and public schools in response to a plethora of activities in Ohio schools brought about by the state legislature, led by longtime public school advocate William Phillis: See <http://www.ohiocoalition.org/> Regional groups in Ohio such as the Teacher Resistance and Action Network (www.TRAAN.weebly.com) attempt to draw attention to the negative effects of the testing regimes in Ohio and the country on student learning, classrooms, teachers, and the curriculum.

See a petition sponsored by The Patton College of Education against high stakes testing: <http://www.thepetitionsite.com/280/580/143/stop-the-misuse-of-standardized-testing/>

State specific watch-list

StateImpact <http://stateimpact.npr.org/ohio/tag/testing/>

Additional or miscellaneous information

None available at this time