

## **Testing opt-out/Refusal guide for Oklahoma**

**Form completed** by Peggy Robertson

**Contact information** (email) [writepeg@juno.com](mailto:writepeg@juno.com)

### **List of Assessments**

OCCT: Oklahoma Core Curriculum Tests (general assessments) for grades 3-8 in subject areas as well as seven EOI assessments. They can be administered with or without accommodations.

OMAAP: Oklahoma Modified Alternate Assessment Program for students with disabilities. Eligibility determined by IEPS and administered with or without accommodations.

OAAP: Oklahoma Alternate Assessment Program (portfolio assessments) for students with “significant cognitive disabilities.” The measure achievement with alternative standards from the OK curriculum. Students must be on an IEP to participate in the OAAP.

For more info. see here <http://ok.gov/sde/accountability-assessments>

Each district will have additional district assessments, as a parent, we recommend finding out more about these assessments – if they do NOT affect the student’s report card grade or grade placement these may be low stakes tests that can be refused. Districts now have many additional tests through out the year that are unnecessary, are created by corporations, and do not inform teacher instruction. Discover what those tests are in your district. Several examples include MAP, Acuity and DIBELS. It is our understanding that DIBELS is used in K-2 – we find this test to be useless and harmful. Here is more information on DIBELS <http://unitedoptout.com/high-stakes-testing-thy-name-is-dibels/>

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

<http://ok.gov/sde/node/4086> (note bold-type print for emphasis by UOO)

### **Section 889.3. Assessment of Students - Requirements of Program. (70 O.S. § 1210.508C)**

A. 1. Each student enrolled in kindergarten in a public school in this state shall be screened for reading skills including, but not limited to, phonological awareness, letter recognition, and oral language skills as identified in the Priority Academic Student Skills (PASS) adopted by the State Board of Education. A screening

instrument approved by the State Board shall be utilized for the purposes of this section.

2. For those kindergarten children at risk for reading difficulties, teachers shall emphasize reading skills as identified in the PASS, monitor progress throughout the year and measure year-end reading progress.

3. Classroom assistants, which may include parents, grandparents, or other volunteers, shall be provided in kindergarten classes to assist with the screening of students if a teacher aide is not already employed to assist in a kindergarten classroom.

B.

1. Each student enrolled in kindergarten, first, second and third grade of the public schools of this state shall be assessed at the beginning of each school year using a screening instrument approved by the State Board of Education for the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.

2. Any student who is assessed and found not to be reading at the appropriate grade level shall be provided a program of reading instruction designed to enable the student to acquire the appropriate grade level reading skills. Beginning with students entering the first grade in the 2011 2012 school year, the program of reading instruction shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section.

3. Throughout the year progress monitoring shall continue, and diagnostic assessment, if determined appropriate, shall be provided. Year-end reading skills shall be measured to determine reading success.

C.

The State Board of Education shall approve screening instruments for use at the beginning of the school year, for monitoring of progress, and for measurement of reading skills at the end of the school year as required in subsections A and B of this section; provided, at least one of the screening instruments shall meet the following criteria:

1. Assesses for phonological awareness, phonics, reading fluency, and comprehension;

2. Document the validity and reliability of each assessment;

3. Can be used for diagnosis and progress monitoring;
4. Can be used to assess special education and limited-English-proficient students;
5. Accompanied by a data management system that provides profiles for students, class, grade level and school building. The profiles shall identify each student's instructional point of need and reading achievement level. The State Board shall also determine other comparable reading assessments for diagnostic purposes and for periodic and post assessments to be used for students at risk of reading failure. The State Board shall ensure that any assessments approved are in alignment with the PASS.

D. The program of reading instruction required in subsection B of this section shall align with the PASS, shall include provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section beginning with students entering the first grade in the 2011-2012 school year and may include, but is not limited to:

1. Sufficient additional in-school instructional time for the acquisition of phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension;
2. If necessary, tutorial instruction after regular school hours, on Saturdays and during summer; however, such instruction may not be counted toward the one-hundred-eighty-day or one-thousand-eighty-hour school year required in Section 1-109 of this title; and
3. Assessments identified for diagnostic purposes and periodic monitoring to measure the acquisition of reading skills including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension, as identified in the student's program of reading instruction.

E. The program of reading instruction shall continue until the student is determined by the results of approved reading assessments to be reading on grade level.

F.

1. Every school district shall adopt, and implement a district reading sufficiency plan which has had input from school administrators, teachers, and parents and if possible a reading specialist, and which shall be submitted electronically to and approved by the State Board of Education. The plan shall be updated annually. School districts shall not be required to electronically submit the annual updates to the Board if the last plan submitted to the Board was approved and expenditures for the program

include only expenses relating to individual and small group tutoring, purchase of and training in the use of screening and assessment measures, summer school programs and Saturday school programs. If any expenditure for the program is implemented, the school district shall be required to submit the latest annual update to the Board for approval. The district reading sufficiency plan shall include a plan for each site which includes an analysis of the data provided by the Oklahoma School Testing Program and other reading assessments utilized as required in this section, and which outlines how each school site will comply with the provisions of the Reading Sufficiency Act.

2. Each school site shall establish a committee, composed of educators, which if possible shall include a certified reading specialist, to develop the required programs of reading instruction. A parent or guardian of the student shall be included in the development of the program of reading instruction for that student.

3. The State Board of Education shall adopt rules for the implementation and evaluation of the provisions of the Reading Sufficiency Act. The evaluation shall include, but not be limited to, an analysis of the data required in subsection R of this section.

**G. For any third-grade student found not to be reading at grade level as determined by reading assessments administered pursuant to this section, a new program of reading instruction, including provisions of the READ Initiative adopted by the school district as provided for in subsection N of this section, shall be developed and implemented as specified in this section. If possible, a fourth-grade teacher shall be involved in the development of the program of reading instruction. In addition to other requirements of the Reading Sufficiency Act, the plan may include specialized tutoring. [emphasis added]**

H. Beginning with students entering the first grade in the 2011-2012 school year, if the reading deficiency of a student, as identified based on assessments administered as provided for in subsection B of this section, is not remedied by the end of third grade, as demonstrated by scoring at the unsatisfactory level on the reading portion of the statewide third-grade criterion-referenced test, the student shall be retained in the third grade.

I. The parent of any student who is found to have a reading deficiency and is not reading at the appropriate grade level and has been provided a program of reading instruction as provided for in subsection B of this section shall be notified in writing of the following:

1. That the student has been identified as having a substantial deficiency in reading;

2. A description of the current services that are provided to the student;
3. A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified area of reading deficiency;

**4. That the student will not be promoted to the fourth grade if the reading deficiency is not remediated by the end of the third grade, unless the student is exempt for good cause as set forth in subsection K of this section; [emphasis added]**

5. Strategies for parents to use in helping their child succeed in reading proficiency;

**6. That while the results of the statewide criterion-referenced tests administered pursuant to Section 1210.508 of this title are the initial determinant, it is not the sole determiner of promotion and that portfolio reviews and assessments are available; and**

7. The specific criteria and policies of the school district for midyear promotion implemented as provided for in paragraph 4 of subsection M of this section.

J. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

**K. For those students who do not meet the academic requirements for promotion, a school district may promote the student for good cause only. Good-cause exemptions for promotion shall be limited to the following:**

- 1. Limited-English-proficient students who have had less than two (2) years of instruction in an English language learner program;**
- 2. Students with disabilities whose individualized education plan (IEP), consistent with state law, indicates that be assessed with alternate achievement standards through the Oklahoma Alternative Assessment Program (OAAP);**
- 3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;**
- 4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level;**

**5. Students with disabilities who participate in the statewide criterion-referenced tests and who have an individualized education plan that reflects that the student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, first grade, second grade, or third grade; and**

**6. Students who have received intensive remediation in reading through a program of reading instruction for two (2) or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, first grade, second grade, or third grade for a total of two (2) years. [emphasis added]**

L. A student who is promoted for good cause as provided for in subsection K of this section shall be provided intensive reading instruction during an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The school district shall assist schools and teachers to implement reading strategies for promoted students that research has shown to be successful in improving reading among low performing readers.

**M. Requests to exempt students from the mandatory retention requirements based on one of the good-cause exemptions as described in subsection K of this section shall be made using the following process:**

**1. Documents submitted from the teacher of the student to the school principal that indicates the student meets one of the good-cause exemptions and promotion of the student is appropriate. In order to minimize paperwork requirements, the documentation shall consist only of the alternative assessment results or student portfolio work and the individual education plan (IEP), as applicable;**

**2. The principal of the school shall review and discuss the documentation with the teacher. If the principal determines that the student meets one of the good-cause exemptions and should be promoted based on the documentation provided, the principal shall make a recommendation in writing to the school district superintendent; and [emphasis added]**

3. After review, the school district superintendent shall accept or reject the recommendation of the principal in writing.

N. Beginning with the 2011-2012 school year, each school district shall:

1. Conduct a review of the program of reading instruction for all students who score at the unsatisfactory level on the reading portion of the statewide criterion-referenced test administered pursuant to Section 1210.508 of this

title and did not meet the criteria for one of the good-cause exemptions as set forth in subsection K of this section. The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each retained student;

2. Provide to students who have been retained as set forth in subsection H of this section with intensive interventions in reading, intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of ninety (90) minutes of daily, uninterrupted, scientific-research-based reading instruction. Retained students shall be provided other strategies prescribed by the school district, which may include, but are not limited to:

- a. small group instruction,
- b. reduced teacher-student ratios,
- c. more frequent progress monitoring,
- d. tutoring or mentoring,
- e. transition classes containing third- and fourth-grade students,
- f. extended school day, week, or year, and
- g. summer reading academies as provided for in Section 1210.508E of this title, if available;

3. Provide written notification to the parent or guardian of any student who is to be retained as set forth in subsection H of this section that the student has not met the proficiency level required for promotion and the reasons the student is not eligible for a good-cause exemption. The notification shall include a description of proposed interventions and intensive instructional supports that will be provided to the student to remediate the identified areas of reading deficiency;

4. Implement a policy for the midyear promotion of a retained student who can demonstrate that the student is a successful and independent reader, is reading at or above grade level, and is ready to be promoted to the fourth grade. Tools that school districts may use in reevaluating any retained student may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Retained students may only be promoted midyear prior to November 1 and only upon demonstrating a level of proficiency required to score above the unsatisfactory level on the statewide third-grade criterion-referenced test and

upon showing progress sufficient to master appropriate fourth-grade-level skills, as determined by the school. A midyear promotion shall be made only upon agreement of the parent or guardian of the student and the school principal;

5. Provide students who are retained with a high-performing teacher who can address the needs of the student, based on student performance data and above-satisfactory performance appraisals; and

6. In addition to required reading enhancement and acceleration strategies, provide students who are retained with at least one of the following instructional options:

- a. supplemental tutoring in scientific-research-based reading services in addition to the regular reading block, including tutoring before or after school,
- b. a parent-guided “Read at Home” assistance plan, as developed by the State Department of Education, the purpose of which is to encourage regular parent-guided home reading, or
- c. a mentor or tutor with specialized reading training.

Regarding End of Year Instruction tests: (from here <http://ok.gov/sde/faqs/oklahoma-school-testing-program-ostp-frequently-asked-questions> )

**If an Oklahoma student does not receive a Proficient or above, what are the options for retesting?**

- **Step One:** Students will be provided remediation opportunities and will either:
  - Retake the EOI test; or
  - Score Satisfactory or Proficient on a State Board of Education approved alternate test which can be taken prior to or subsequent to the EOI test.
- **Step Two: Students who do not achieve a Satisfactory or Proficient score through Step One will continue to receive remediation opportunities and will either:**
  - **Retake EOI test; or**
  - **Score Satisfactory or Proficient on a State Board of Education approved alternate test; or**
  - **Demonstrate mastery of the subject matter through an end of course project designed by the State Department of Education (SDE) and approved by the State Board of Education using rubrics approved by the State Board of Education. [emphasis added]**

- Students who do not meet the graduation requirements through Step Two may repeat Step Two as necessary.

Regarding graduation and transcripts:

**In order to graduate from high school, do students have to take all seven EOI tests?**

Students must take all EOI exams for which they have completed coursework. Beginning with the incoming freshman of 2008-2009, students are required to pass four of seven tests in order to graduate. Two of the four tests required are the ACE Algebra I and ACE English II tests.

**Is the district required to track students' mastery of the ACE EOI tests?**

Yes, districts will track all EOI performance levels on students' transcripts and maintain an ACE Demonstration of Mastery Cumulative Record for students who meet the testing requirements using alternate tests and methods. All school districts shall use this cumulative record uniform document or all information required on this document must be contained within the district's student information system. The cumulative record will accompany students when transferring to new districts. For each student who meets the graduation requirements, the student's transcript will read: —This student has met the graduation requirement of demonstrating mastery in the state academic content standards.

**Procedures for opt-out/refusal**

From FAQ <http://ok.gov/sde/faqs/oklahoma-school-testing-program-ostp-frequently-asked-questions>

**What if a student refuses to test?**

Oklahoma law state that tests shall be administered to every student enrolled in a tested grade in the public schools of Oklahoma. If a student is in school when the test is given or is in attendance during any part of the testing window, the school is required to attempt to test the student. If a student refuses to complete a test or take part in testing, the school must still send in the student's answer document for scoring.

See here for state law information on retention and remediation:

<http://ok.gov/sde/sites/ok.gov.sde/files/Statelaws.pdf>

*United Opt Out National* has received information of successful opt out/refusals of EOIs in Oklahoma as well as successful opt out/refusals of testing in first and second grade. Parents and students who decide to move forward with opt out will have to hold their ground and know that it can be challenging but possible. As we hear of additional successful opt outs we will add them to this document. We do not know the ultimate consequences for refusing to take EOIs – they may refuse to let the student graduate –

based on the FAQ above where it states four out of seven must be passed. We recommend pursuing the alternative assessments for the EOIs if possible. All of the opt outs/refusals we have heard about in Oklahoma did not affect the student report card grades. If opt out is attempted in 3<sup>rd</sup> grade we recommend finding out if retention is a consequence before opting out of the test.

### **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 and SBA 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 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,

### **Resources and organizations**

Effort SOS (created by Oklahoma folks!)  
<https://www.facebook.com/groups/effortsos/?fref=ts>

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

ALEC [http://www.sourcewatch.org/index.php/Oklahoma\\_ALEC\\_Politicians](http://www.sourcewatch.org/index.php/Oklahoma_ALEC_Politicians)

Oklahoma for Education Reform  
<http://www.studentsfirst.org/page/group/OklahomaforEducationReform>

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

### **Additional or miscellaneous information**

We suggest demanding that National Assessment of Educational Progress (NAEP) be used for those who feel a need to administer a standardized test. Read here to find out more: [http://www.sdkrashen.com/articles/NUT\\_No\\_Unnecessary\\_Testing.pdf](http://www.sdkrashen.com/articles/NUT_No_Unnecessary_Testing.pdf)

Additionally, if your school is participating in any field tests, these can easily be refused. Field tests are created to determine which questions to use on future tests, and, in essence,

place students in a position of working for the corporations who develop these tests. We suggest refusing them.

If your child brings home homework in the form of test prep booklets, consider refusing these as well. Ask your child's teachers to provide alternative activities or creative projects in place of test preparation.

DO NOT EDIT United Opt Out