

## Testing opt-out/Refusal guide for: VIRGINIA

Form completed by United Opt Out Admin (MM)

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### List of Assessments

#### Standards of Learning (SOLs)

- Writing – grades 5 and 8 and end-of-course
- Reading – grades 3-8 and end-of-course
- Mathematics – Grades 3-8 and Algebra I, Geometry and Algebra II
- Science – Grades 3, 5, 8 and Biology, Earth Science and Chemistry

More rigorous [English](#), [mathematics](#) and [science](#) standards and expectations are being implemented that meet national and international benchmarks for [college-and-career readiness](#).

Students will be tested on the more rigorous content standards, adopted by the Board of Education, as follows:

- Mathematics beginning with the 2011-2012 school year
- English beginning with the 2012-2013 school year
- Science beginning in the 2012-2013 school year

The Standards of Learning is supportive of and in direct response to [No Child Left Behind](#), which was signed into law by then-President [George W. Bush](#) on January 8, 2002. They address student achievement in [four critical areas](#): (1) English, (2) mathematics, (3) science, and (4) history/social science. Students are assessed in English and mathematics in grades 3-8 and upon completion of [certain high school level courses](#). Science and history SOLs are administered in grades 3, 5, and 8 and at the end of completing high school courses in these respective subjects. [http://en.wikipedia.org/wiki/Standards\\_of\\_Learning](http://en.wikipedia.org/wiki/Standards_of_Learning)

#### Special considerations for the above assessments

All Virginia students will have to log on to a computer to take this year's Standards of Learning tests, making Virginia one of the only states to wholly abandon the nearly ubiquitous paper-and-pencil bubble sheets.

Some local school divisions require students to pass their Math and Language Arts SOL exams to move up a grade level, while others do not. Most school divisions use the Math and Language Arts SOL exam scores as just one of the many indicators used to determine advancement or

retention, with grades, teacher recommendation, and scores on formative tests given throughout the year as the primary indicators. High school students are required to pass end-of-course SOL tests in order to graduate, so skipping the test could mean forfeiting a diploma. Students who refuse tests get a zero, officials said. But for younger students, there might be no consequences.

Some, not many, school divisions use SOL exam scores as a factor in determining whether a child is or is not gifted, so that zero on a Math or Language Arts SOL exam might preclude a child from being included in gifted courses.

Additionally, many school divisions begin offering more advanced courses in 6th grade in Math and Language Arts. For instance, most school divisions offer Algebra I in 8th grade to students who are “Algebra ready”. Some school divisions use SOL exam scores to determine whether a student is or is not “Algebra Ready”. So that zero on the 8th grade Math SOL exam could preclude a child from taking Algebra I in 8th grade. With the course progression followed in most school divisions, that means the child will not be able to take Calculus in 12th grade.

State law does require students to pass SOL exams in certain high school level courses to graduate, like English 11, Algebra I, Geometry, Algebra II, Earth Science, Biology, Chemistry, World History Part I, World History Part II, and U.S. History. If your child doesn’t take and pass these SOL exams, they won’t graduate. So, if you want your child to graduate from high school, they have to take and pass these SOL exams.

While state law requires students to pass those exams to graduate, state law does not require students to pass their grade level exams. Passing scores on grade level SOL exams are not required per state law for a student to move up a grade level. State law does not require remedial

instruction or summer school for students who fail their grade level SOL exams. State law does not define what criteria are used to identify students for gifted courses or more advanced instruction. The state leaves those decisions to the local school divisions.

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

There is conflicting information about what is really required or not. It may take pressing the issue to test these waters!

Parents who are going to refuse SOL testing for their children need to be aware of their local school division’s policies on promotion. Parents who are going to refuse SOL testing for their children need to be aware of their local school division’s policies on remediation / summer school / and remedial instruction. Parents who are going to refuse SOL testing for their children need to be aware of their local school division’s policies on inclusion in gifted and more advanced courses, particularly middle school level courses.

According to one parent, “In Virginia, or at least as far as we were advised, there is no code for parent opt-out, so our son was listed as "refusal/disruption" and also given a score of "0"/ FAIL.”

However, according to one other parent: “Under state guidelines, SOL scores can not be used to determine placement for the next academic year. So, if your child’s school or your school division told you that your child had to pass a SOL to move to the next grade level, they lied.”

Another stated: SOL participation is only required by state law in order to receive credit towards high school graduation in named high school courses (such as Algebra, Geometry, etc.). Should your child not participate in SOL testing at the elementary or middle school level, nothing bad happens. I know – we have withdrawn our son from PWCS mathematics SOL testing from 4th through 6th grade – hasn’t taken the test; he’s never been retained.

See: <http://pwceducationreform.wordpress.com/2011/03/21/opting-out-of-state-tests/>

Also see: <http://allthingsedu.blogspot.com/2013/06/the-opting-out-conundrum.html?showComment=1372613854310>

While there is no opt out provision in state law, there is no law, policy, or regulation that prohibits parents from refusing to allow their children to be tested. Your child will receive a zero as their SOL exam scores, but he/she will not be forced to take any exam that you as a parent have refused to allow him/her to take.

Each school division/school board has the authority to pass policies and regulations that govern how their school division operates, including establishing criteria for promotion, inclusion in remedial courses, inclusion in gifted or advanced courses, and awarding of grades. Depending on the policies of your school division, your child’s SOL exam scores may or may not play a role in whether they move up a grade, have to go to summer school, can participate in gifted or more advanced courses, or in the grades they receive.

### **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**

Because of the computer-only SOL testing, parents might try opting out on a clause regarding privacy or technology (i.e. computer based reading causes migraines). Other options that have worked in other states include:

1. refusal for religious reasons (I am not sure what religious organization feels this way but I am sure there is one)
2. refusal to sign the internet agreement at the BEGINNING of the year (this will work best once PARCC is put in place and all testing moves to computers)
3. withdrawing the child before the test and re-enrolling them once the testing is complete.

The following faiths can use the Ethic of Reciprocity as a religious reason for "opting out" of NCLB testing. <http://www.religioustolerance.org/...>

- \* Bahá'í Faith: And if thine eyes be turned towards justice, choose thou for thy neighbour that which thou choosest for thyself.
  - \* Buddhism: Hurt not others in ways that you yourself would find hurtful.
  - \* Confucianism: Do not do to others what you do not want them to do to you
  - \* Hinduism: This is the sum of duty: do not do to others what would cause pain if done to you.
  - \* Islam: None of you [truly] believes until he wishes for his brother what he wishes for himself.
  - \* Judaism: What is hateful to you, do not to your fellow man. This is the law: all the rest is commentary.
- \*For Atheist it's either just morally wrong or it's the pseudo-science of standardized testing in this country is the intellectual equivalent of intelligent design or creationism.

### 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

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decision.

Signed,

Parent/Guardian

### **Resources and organizations**

Fair Test <http://www.fairtest.org/state-national-rebellion-against-highstakes-testin>

Opting Out of the State Test <http://pwceducationreform.wordpress.com/2011/03/21/opting-out-of-state-tests/>

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

Virginia Institute for Public Policy <http://www.virginia institute.org/eri.php>

Students for Education Reform at UVA <https://www.facebook.com/sferuva>

### **Additional or miscellaneous information**

See VA Opt Out stories

[http://articles.washingtonpost.com/2013-05-26/local/39545116\\_1\\_tests-high-school-students-prince-william](http://articles.washingtonpost.com/2013-05-26/local/39545116_1_tests-high-school-students-prince-william)

<http://www.newsleader.com/article/AA/20130614/NEWS01/306140025/Rejecting-SOL-testing-more-common>

VA is rejecting Common Core standards: "The Board of Education is committed to the Virginia Standards of Learning (SOL) program and opposed to adoption of the newly developed Common Core State Standards as a prerequisite for participation in federal competitive grant and entitlement programs.

"The Standards of Learning are clear and rigorous and have won the acceptance and trust of Virginia educators. Whatever adjustments might be warranted to ensure alignment of the SOL

with the Common Core State Standards can be made within the process through which the Board of Education exercises its constitutional authority to establish standards for the commonwealth's public schools." [http://www.doe.virginia.gov/news/news\\_releases/2010/jun24.shtml](http://www.doe.virginia.gov/news/news_releases/2010/jun24.shtml)

DO NOT EDIT United Opt Out