Testing opt-out/Refusal guide for ILLINOIS

Form completed by More Than A Score

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List of Assessments

PARCC Grades 3-8, some in Grade 11
DLM Grades 3-8 and 11
ACT plus Writing
ACT WorkKeys
ACCESS for ELLs (K-12)
NAEP
EXPLORE/PLAN (9, 10)

There are also numerous other assessments specific to districts like Chicago Public Schools (CPS); therefore, we recommend asking your child’s teachers and principal about what testing is taking place, including whether your district attaches high-stakes for students to a particular test.

Special considerations for the above assessments

With the exception of the PARCC and ACCESS, the rest of the above assessments are low-stakes and therefore not required by state law. The new PARCC assessments are replacing ISAT for elementary school and PSAE for high school and will be used for state-level school accountability calculations.

After 2015, the PSAE and its battery of tests will no longer be a high school diploma requirement. Instead the high school PARCC, given to students who have completed certain levels of course material, will be required instead and will be the score included on high school transcripts. See this document from the Illinois State Board of Education (ISBE) for more details on who will take PARCC in Spring 2015: http://www.isbe.net/assessment/pdfs/2014/IL-assessments-14-15.pdf

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Procedures for opt-out/refusal

Illinois law has no testing opt-out provision or specified parental right to opt students out. State law states that all children in specified grades must be tested: “The State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in reading and mathematics and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences. In addition, the State Board of Education shall test... all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in writing during the 2008-2009 school year and each school year thereafter.” (From 105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64) Sec. 2-3.64.)

Additionally, in order to be awarded a high school graduation diploma, previously students had to take the state's Prairie State Achievement test (usually given to high school juniors) although they did not need to “pass” the test to graduate. (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64) Sec. 2-3.64.) With the introduction of PARCC, the high school PARCC exams will become the graduation requirement instead of the PSAE.¹

Although Illinois requires public schools to administer these tests, ISBE does provide an exhaustive list of possible reasons for schools to use when declaring that a student has not taken a state-required test in this chart: http://www.isbe.net/sis/pdf/not_testing.pdf. These “Reasons for not Testing” include medically exempt, homebound exempt, in jail, out of state/country, deceased, absent or refusal, i.e. “student present but refused to participate in testing.” As such, the state clearly recognizes that students may refuse to participate in testing. Parents are encouraged to refuse in writing on behalf of their children who are legal minors.

The Supreme Court has repeatedly held that parents posses 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

¹ The high school PARCC requires Algebra II. But Algebra II will not become a graduation requirement in Illinois until 2017. It is unclear what will be required of students graduating in 2016 who have not taken the necessary coursework for PARCC; they will likely be given a waiver.

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ISBE plans to fully implement their assessments aligned with the CCSS in 2014 for reading and math and have chosen the assessments provided by PARCC for this purpose. This will likely lock in for several years a new assessment structure.

The ISBE is also using a comprehensive Student Information System (SIS) to track data collected from assessments. See here for info: http://www.isbe.net/sis/default.htm

Overall, the city of Chicago is an epicenter of test-based reform. Parents have begun to organize to call for a moratorium on administering the PARCC in the spring of 2015. A mass boycott of the PARCC in lieu of a moratorium is planned. An opt-out or refusal of testing would be a powerful move anywhere in this state. Please see the list of additional resources to connect with other parents and teachers refusing PARCC.

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 English language learners, 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.

Lower test scores and higher failure rates, 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 charter schools---schools privately run with public dollars.

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Sample language to include in opt-out/refusal

Since no opt-out provision is written into IL law, a general letter citing ISBE’s recognition of a student’s right to refuse to participate in a state test would be sufficient to begin a refusal conversation.

Sample Opt Out Letter

[Adpated from FairTest, January 2008]

Dear Principal ___________________ and Superintendent ___________________,

We do not want our child, ______________________________, to take the PARCC or any other standardized tests. As our child’s legal representatives, we are refusing on his/her behalf, and thus he/she will not be participating in these exams. Please respect our parental rights and refrain from asking our child to refuse the test himself.

The range of our child's intellectual and emotional qualities is not measured by standardized tests. We are dissatisfied with these tests for many reasons. They don't measure meaningful learning. They create inappropriate pressures on children. They create counterproductive rivalry among schools and communities. They're responsible for less rigorous and engaging education because teachers feel compelled to raise the scores. Better--more reliable and more authentic--forms of assessment are available.

We object on moral grounds to standardized tests contributing to discrimination, increasing pupil alienation, and spurring unsuccessful students to drop out. We find standardized testing socially unconscionable---leading to gate keeping and perpetuating social segregation.

As concerned parents with the responsibility and right to be involved in the academic training of our child, it is within our legal and moral right to opt out of standardized testing and insist upon better ways of evaluating our child's understanding of ideas. We request useful, authentic assessments which advance fairness, accuracy, quality, and equity: evaluations such as the Learning Record (analysis of students' learning over time by a teacher who knows them well), work sampling over time, structured and informal observations and interviews, performance and exhibitions, audio and videotapes, portfolio and journal assessments, and evaluation including input from teachers, students, parents, counselors, and principals.

____________________________
Date

____________________________
Signature of parent/guardian

Resources and organizations

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More Than A Score http://morethanascorechicago.org, Chicago-based coalition of several parent-run education activist organizations, Chicago-area education researchers and the Chicago Teachers Union; can provide assistance on state-required tests; and may be able to connect you with others resisting tests in your region. Email info@morethanascorechicago.org

Chicago Teachers Union http://www.ctunet.com/, they may also be able to provide assistance elsewhere in the state.

Catalyst Chicago: http://www.catalyst-chicago.org/

Illinois Federation of Teachers: https://www.ift-aft.org/

Teachers for Social Justice: https://www.facebook.com/teachers.forjustice

CORE Teachers (Caucus of Rank-and-file Educators within CTU): http://www.coreteachers.org/

Administrator's Pledge on Ethical Treatment of Students Who Opt Out: for administrators to publicly announce exactly how children who are not taking standardized tests will be treated within a school community

Additional or miscellaneous information