

Guidance to Districts and School Receiving Requests for Students to Opt-Out of Testing

Both state and federal law require public schools to annually assess all enrolled students. In Georgia, the Georgia Milestones measures fulfill this mandate for students enrolled in grades 3 – 8 and high school. Neither state nor federal law contain a provision allowing parents to ‘opt’ their student(s) out of testing. While you may have received a request or inquiry from parents regarding administration of the state assessment and ‘opting-out,’ all students must be offered the *opportunity* to test.

Often, parents interested in ‘opting-out’ cite the 14th Amendment to the United States Constitution and various court cases as ones that support their request. However, there is currently no authorization in state or federal law that allows parents to opt-out of Georgia’s state-mandated testing program for its public school students. Rather, much of the case law that is cited affirms a parent’s right to enroll his/her student(s) in public school, private school, or home school. Other cases typically address issues surrounding what is taught in the classroom and have affirmed that the state has a compelling interest in its public schools. Importantly, many of the cases were decided long before the advent of student assessment in public schools.

We all understand and respect a parent’s desire to ensure the best education possible for his/her child. To that end, the Georgia Department of Education (GaDOE) encourages districts and schools to have an open and honest conversation about what the test is and isn’t, along with acknowledging and discussing the parents’ apprehensions and objections. Such a conversation may need to include the misinformation that is promulgated about our state tests. Schools should discuss state and local policies surrounding testing as well as the general uses of assessment data to inform instructional practice.

It is important to inform parents of potential unintended consequences of their request to ‘opt-out.’ *Neither GaDOE nor the local district or school has the authority to waive the student assessment requirement mandated by state law (O.C.G.A. §20-2-281).*

Possible Consequences for Students If They Do Not Take State Tests

There are requirements in both Georgia law (O.C.G.A §20-2-282 - §20-2-285) and State Board of Education (SBOE) Rule that, if not met, carry direct consequences for students. For specified grades in elementary schools and middle schools, these relate to requirements for promotion to the next grade level.

Specifically, SBOE Rule 160-4-2-.11, contains the following language that applies when students do not test in a *state-designated* promotion/retention grade:

(3)(c) 6. ‘A student’s failure to take the state-adopted assessment in grades 3, 5, and 8 in reading and/or mathematics on any of the designated testing date(s) or an alternative assessment instrument that is appropriate for the student’s grade level as provided for by the State Board of Education and the local board of education shall result in the student being retained. The option of the parent or guardian or teacher(s) to appeal the decision to retain the student shall follow the procedure set forth in this rule.’

(3)(c) 8. ‘The decision of the placement committee may be appealed only as provided for by the local board of education.’

Districts should follow their local board policies regarding any local policies impacted, including any pertaining to grades 4, 6, and 7

Designated high school courses require that the Georgia Milestones End of Course (EOC) measures serve as the final exam and that they comprise a defined portion of a student's final course grade. Specifically, SBOE Rule 160-4-2-.13 states that:

(2)(d). 'The Georgia Milestones EOC shall be used as the final exam in the courses assessed by a Georgia Milestones EOC. Georgia Milestones EOC reports shall provide students, parents, and educators with individual scores on each EOC taken; student scores must be recorded on, in, or with the individual student report card.

(2)(e). 'For students who entered ninth grade for the first time before July 1, 2011, the numeric score on the Georgia Milestones EOC shall count for 15% of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.

(2)(f). 'For students who entered ninth grade for the first time after July 1, 2011, the numeric score on the Georgia Milestones EOC shall count for 20% of the student's final numeric grade in the course assessed by the Georgia Milestones EOC.

In the absence of the EOC score, the school will lack this portion of the final course grade and would be compelled to calculate that course grade without this required component. Simply put, this would result in a course grade that would not reflect the true achievement of the student.

Possible Consequences for Districts, Schools, and Teachers If Students Do Not Take State Tests

In addition to the direct impact upon students as noted above, districts and schools receive no credit towards their annual accountability measures when a student does not participate in state testing. This can, in turn, negatively impact both the perception and standing of districts and schools with a broader potential impact upon entire communities. The lack of a test score specifically impacts the required participation rate that schools and districts must meet, along with preventing a complete and accurate picture of the academic performance and quality of instructional programs.

What Parents Can Do

Parents who wish to advocate for a change in testing requirements may be encouraged to contact their federal legislators and to work within the legislative process. As stated earlier, both state and federal laws currently require the annual assessment of all students enrolled in public schools in identified grades and courses and neither law nor policy currently allow for a parent to opt a student out of this requirement for any reason.

Why State Tests are Important

State tests are critical for measuring student learning and ensuring that all of Georgia's students receive a high-quality education. The results from state tests provide the public with much needed information about how all students are performing. Student test scores are the foundation of Georgia's College and Career Readiness Index (CCRPI) and district/school report cards, which are designed to show parents, taxpayers, communities, and school leaders how well students are achieving. Allowing for comparisons between districts and schools is important given the amount of public tax dollars spent to support Georgia's public education system.