

# FairTest

## National Center for Fair & Open Testing

### **WHY YOU CAN BOYCOTT STANDARDIZED TESTS WITHOUT FEAR OF FEDERAL FINANCIAL PENALTIES TO YOUR SCHOOL**

A controversial December 2015 memo from the U.S. Department of Education (DOE) is the latest in a series of hollow threats suggesting that states, districts and schools could lose federal financial aid if parents, students or teachers boycott standardized tests. The memo cites several possible penalties for states with high opt-out rates, including withholding some federal funds that help pay for testing. But none of the funding sanctions would affect local schools.

*In fact, the new Every Student Succeeds Act (ESSA) specifically authorizes states to allow parents to opt their children out of exams.* ESSA does require 95% of students to be tested -- but individual states have the power to decide what actions to take if too few students take an exam.

*Even under the old, more punitive No Child Left Behind law, the feds took no action in response to high numbers of test refusals.* When last spring's successful opt out campaign left few New York State school districts with 95% participation, DOE acknowledged it had no plans to penalize districts or schools by withholding funds.

*FairTest is not aware of a single state, school or district anywhere in the U.S. that the federal government penalized for failing to test enough of its students.* To the contrary, eight states (California, Colorado, Minnesota, Oregon, Pennsylvania, Utah, Washington and Wisconsin) have laws specifically allowing parents to opt their children out. None has ever been sanctioned. Last year, DOE continued to do nothing when Oregon made it even easier for students to opt out.

*Therefore, parents and educators should not fear that the federal government will financially penalize their schools if many students boycott standardized tests.*

At the same time, the testing reform movement must be prepared to counter state proposals to punish districts or schools for low test participation. Already Delaware has threatened to drop a school's rating if too many students opt out. On the other hand, Louisiana put a one-year moratorium on any consequences for schools with high test refusal rates. Local activists should push more states to make it clear that parents may opt their children out without penalties

*As always, the best response to government threats to the test resistance movement is to build even bigger, stronger opt-out campaigns and focus their clout on policy makers.* For more information, see <http://www.fairtest.org/get-involved/opting-out>.

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