

# The Opt-Out Movement: Opposing Views

*The debate about state- and federally mandated tests focuses on who controls public education.*

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**T**he opt-out movement, a grassroots movement largely organized by parents who oppose federal and state-mandated accountability tests, is raising critical issues with respect to parent/child rights, federal/state laws, and public school accountability.

Tension between supporters of the opt-out movement and those who support current educational policies prescribed by the No Child Left Behind Act (NCLB 2002) and now the Every Student Succeeds Act (ESSA 2015) continues as the two sides fight about who controls public education.

## Hotly Debated Issues

Prior to NCLB, school accountability systems were a national patchwork of practices. Generally, states had state-specific accountability tests that did not allow true comparisons of academic achievement of students across state boundaries.

Today, with approximately 44 states having adopted the Common Core State Standards (CCSS) and one company (Pearson) primarily contracted to develop, administer, and score assessments to measure student academic achievement on the Common Core, the possibility of

ensuring, through a nationalized accountability system, that all children are learning to set standards is approaching reality.

The purpose of test scores has expanded beyond their original intent of measuring student achievement. For example, today, student test scores are widely used to evaluate teacher and school effectiveness. Poor results affect teacher tenure, school finances, and even school closings.

## Opposing Sides

According to Neill (2016), more than 620,000 students refused to take state-required standardized tests last year. The phenomenon crystallizes two opposing ideological camps.

On one hand, opt-out proponents argue that the movement represents a powerful, democratic means for changing school policies that hurt students—particularly those students of color, those with disabilities, and those from low socio-economic backgrounds—and that turn public schools into profit centers for the commercial testing enterprises under the guise of school reform.

While no single organization or entity is driving the opt-out movement, there is a growing partnership of many who share concerns about the nation's fixation on testing. These groups are using digital media, social networks, parent meetings, and community rallies to share information, coordinate communications, and strengthen attempts to reverse the high-stakes testing in schools.

On the other hand, efforts to stem the tide of the opt-out movement find great support among education reformers, policymakers, pundits, and federal and state education leaders. Education reformers view the opt-out movement as an attack against current reform policies, as a viable threat to return the educational system to the way things were prior to NCLB. Such a reversal, they contend, would lead to widening the gaps

in educational achievement across under-represented groups of students.

Education reformers find significant political and financial support from foundations like the Bill and Melinda Gates Foundation; corporate entities that have financial interests in the accountability movement such as test developers, educational publishers, and developers of analytics technology; the U. S. Department of Education; and state and local education authorities.

### The Position of Opt-Out Advocates

Key points by opt-out advocates include the arguments that the current testing system violates parental rights to oversee their children's health, welfare, and education; the tests negatively affect curricula and teaching; and the uses of the tests extend well beyond ensuring that all children learn.

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**Parental Rights.** Advocates of the opt-out movement assert that parents have the right to oversee their children's education and to ensure that instruction is educationally sound. They oppose the high-stakes implications a single test score—which they view as an incomplete representation of ability—may have on students' academic prospects (Shavelson, Linn, Baker, et al. 2010). They accuse the federal and state departments of education of attempting to stifle parental choice and view threats of reducing funding for schools based on poor test results as illegal.

Many opt-out proponents cite negative impacts of high-stakes testing on children (Kamenetz 2015), including children's perception that what counts as learning is defined by what is on the test and what can be most easily scored. Many parents report that their children's awareness of the high-stakes nature of the tests leads to emotional and physical sickness as a consequence of anxiety.

The opt-out advocates add that testing consumes instructional time better spent rounding out the curriculum and promoting the emotional, social, and academic development of the whole child.

Opt-out advocates have concerns about the privacy of student personal information, including health and family-related information, as it is collected and in some cases sold to for-profit corporations in the market to develop "personalized" learning programs for students. They believe it is within the rights of parents to protect their children from commercial exploitation.

**Negative Impact on Curriculum.** The concern that school curriculum, particularly at the PreK–6 level, has been too narrowly defined is a key concern of many opt-out supporters. Because accountability tests focus on English language arts (ELA) and mathematics, many schools have expanded the time spent on those subjects at the expense of others—including the arts, music, recess, science, and social studies.

Opt-out advocates also argue that the tests further narrow the curriculum by encouraging teachers to "teach to the test" and that standardized tests place too much emphasis on instructional time as test preparation. The instructional time lost to test prep may amount to several weeks.

**Invalid Uses of Scores.** One goal of NCLB was to ensure teachers and administrators used test scores to modify instructional practices to improve student learning. However, many opt-out advocates argue that the lag time between administering tests and receiving results precludes meaningful opportunities to do so.

Further, opt-out advocates assert that by reducing the statistics of learning to a single score in ELA and mathematics, it is impossible for teachers, school administrators, and parents to identify the specific educational objectives that need remediation.

Advocates of opt-out contend that using test scores to evaluate, and many times rank, the pedagogical effectiveness of teachers goes against the weight of the evidence provided by educational researchers, showing that the strategy lacks validity and reliability.

In addition, advocates oppose the practice of using student test scores to determine whether a school should be closed or whether it merits continued funding, saying this represents a punitive model of accountability as opposed to a model of school improvement.

### The Position of Education Reformists

The primary arguments of those who oppose the opt-out movement include the assertion that schools must be held accountable to the public according to federal and state regulations, and that failure to meet minimum testing expectations as a consequence of the opt-out movement should mean losing federal funds. With that, these schools lose the ability to ensure that all children receive equal access to educational opportunities.

**Fiduciary Responsibility.** Education reformers maintain that insofar as public schools are supported by taxpayers, they should be held accountable to the public for showing that they are doing what they are funded to do: positively affect student learning and make progress toward the goals of having all children reach levels of academic proficiency and making them career and college ready.

Recently, and in the wake of the growing opt-out movement, state education departments as well as

regional and local school administrations have enacted policies to ensure public schools meet their obligations.

Reformists assert that teachers do not have the right to support the opt-out movement because in doing so, they are not meeting their mandate of state educational policies. Education reformist also maintain that state and local educational administrators have the right to ensure that teachers do not participate in political affairs while on the job by enacting “gag” orders on all matters relating to federal and state-mandated tests.

Federal regulations require that every child’s progress in reading and math be measured in grades 3–8 and at least once during grades 10–12. Further, the U. S. Department of Education has mandated that all public schools have not less than a 95% compliance rate as to testing, meaning that 95% of children in a school must be tested using one standardized state test.

To ensure compliance, the Department of Education has linked federal funding of educational supports to compliance. It follows that the opt-out movement, likely to push the total percentage of students taking the tests far below 95%, presents a threat of loss of federal funds for public education. State, regional, and local education agencies, therefore, see their task as doing all that is possible to ensure maximum funding by quelling the opt-out movement.

**Testing to Ensure Equal Access.** Reformists assert that the accountability systems established by NCLB and ESSA are designed to close achievement gaps across disparate groups of students, ensure equity in educational opportunities, and eradicate past policies and practices barring students from opportunities to learn—all while preparing students for college and careers. The reformists’ position finds deep support from more than a dozen civil rights groups formally expressing concerns about the opt-out movement’s threat to current testing policies (Strauss 2015).

For example, The Leadership Conference on Civil and Human Rights vehemently opposes parent and community organizations’ boycott of the federal- and state-mandated tests on the grounds the data exposing achievement gaps among sub-populations of students, particularly those of color and from low socio-economic backgrounds, who are English Language Learners, and who have disabilities, are needed to continue the fight to eliminate inequities in school funding and the allocation of curricular resources.

In addition, The Leadership Conference on Civil and Human Rights and others (Camera 2016; Henderson & Zirkon 2015) take the position that opposition to the school accountability laws will undermine the progress made to close the gaps exposed by NCLB. In short, The Leadership Conference sees the accountability system and the associated tests as the best route to equal educational opportunities.

## Conclusion

Whether the opt-out movement represents a serious set-back to the educational reform agenda or whether it represents an attempt to restore educational policy to the local level using the democratic ideals of civil disobedience, historians of education policy are certain to look back at this time and describe it as one of the one of the great watersheds in American public education.

## References

- Camera, L. 2016, March 24. As test time nears, coalition tries to head off opt-outs. *US News & World Report*. [www.usnews.com/news/articles/2016-03-24/coalition-tries-to-head-off-the-testing-opt-out-movement](http://www.usnews.com/news/articles/2016-03-24/coalition-tries-to-head-off-the-testing-opt-out-movement)
- Every Student Succeeds Act, S. 177 (114th Congress, Dec. 10, 2015).
- Harris, E. A. 2015, August 12. 20% of New York state students opted out of standardized tests this year. *The New York Times*. [www.nytimes.com/2015/08/13/nyregion/new-york-state-students-standardized-tests.html?\\_r=0](http://www.nytimes.com/2015/08/13/nyregion/new-york-state-students-standardized-tests.html?_r=0)
- Henderson, W., & Zirkin, N. 2015, January 27. Maintain federal protections for children in underserved schools: Oppose H.R. 452, the student testing improvement and accountability act. *The Leadership Conference*. [www.civilrights.org/advocacy/letters/2015/maintain-federal-protections.html](http://www.civilrights.org/advocacy/letters/2015/maintain-federal-protections.html)
- Kamenetz, A. 2015, January 9. Want your kids to opt out of standardized tests? The Constitution may be with you. *The Washington Post*. [www.washingtonpost.com/opinions/want-your-kids-to-opt-out-of-standardized-tests-the-constitution-may-be-with-you/2015/01/09/beat151b4-973a-11e4-8005-1924ede3e54a\\_story.html](http://www.washingtonpost.com/opinions/want-your-kids-to-opt-out-of-standardized-tests-the-constitution-may-be-with-you/2015/01/09/beat151b4-973a-11e4-8005-1924ede3e54a_story.html)
- Neill, M. 2016. The testing resistance and reform movement. *Monthly Review* 67(10). <http://monthlyreview.org/2016/03/01/the-testing-resistance-and-reform-movement/>
- No Child Left Behind Act (NCLB), 42 U.S.C. §§ 6301 *et seq.* (2002).
- Shavelson, R.J., Linn, R.L., Baker, E.L., Ladd, H.F., Darling-Hammond, L., Sheppard, L.A. Rothstein, R. 2010, August 27. Problems with the use of student test scores to evaluate teachers. *Economic Policy Institute*. [www.epi.org/publication/bp278/](http://www.epi.org/publication/bp278/)
- Strauss, V. 2015, May 6. Civil rights groups blast parents opting their kids out of high-stakes tests. Why they are wrong. *The Washington Post*. [www.washingtonpost.com/news/answer-sheet/wp/2015/05/06/civil-rights-groups-blast-parents-opting-their-kids-out-of-high-stakes-tests-why-they-are-wrong/](http://www.washingtonpost.com/news/answer-sheet/wp/2015/05/06/civil-rights-groups-blast-parents-opting-their-kids-out-of-high-stakes-tests-why-they-are-wrong/)
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