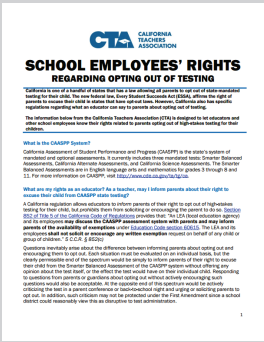
OPT OUT

KNOW YOUR RIGHTS

& DON'T MISS THESE RESOURCES

As standardized testing is under way or about to begin in schools across California, many parents are reaching out to teachers with questions about these tests and asking if they can opt out of the testing for their child. California is one of handful of states that has a law allowing all parents to opt out of state-mandated standardized testing. At the same time there are also California regulations governing what educators can say to parents and families. CTA has put together a number of resources to help educators have these conversations.



CTA CALIFORNIA TEACHERS ASSOCIATION

SCHOOL EMPLOYEES' RIGHTS
REGARDING OPTING OUT OF TESTING

California is one of a handful of states that has a law allowing all parents to opt out of state-mandated testing for their child. The new federal law, Every Student Succeeds Act (ESSA), affirms the right of parents to excuse their child in states that have opt-out laws. However, California also has specific regulations regarding what an educator can say to parents about opting out of testing.

The information below from the California Teachers Association (CTA) is designed to let educators and other school employees know their rights related to parents opting out of high-stakes testing for their children.

What is the CAASPP System?

California Assessment of Student Performance and Progress (CAASPP) is the state's system of mandated and optional assessments. It currently includes three mandated tests: Smarter Balanced Assessments, California Alternate Assessments, and California Science Assessments. The Smarter Balanced Assessments are in English language arts and mathematics for grades 3 through 8 and 11. For more information on CAASPP, visit http://www.cde.ca.gov/ta/tg/ca.

What are my rights as an educator? As a teacher, may I inform parents about their right to excuse their child from CAASPP state testing?

A California regulation allows educators to inform parents of their right to opt out of high-stakes testing. Section 852 of Title 5 of the California Code of Regulations provides that: "An LEA (local education agency) and its employees **may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions** under Education Code section 60615. The LEA and its employees **shall not solicit or encourage any written exemption** request on behalf of any child or group of children." (5 C.C.R. § 852(b))

Questions inevitably arise about the difference between informing parents about opting out and encouraging them to opt out. Each situation must be evaluated on an individual basis, but the clearly permissible end of the spectrum would be simply to inform parents of their right to excuse their child from the test and to answer questions about the test without expressing a personal opinion about the test itself, or the effect the test would have on their individual child. Responding to questions from parents or guardians about opting out without actively encouraging such questions would also be acceptable. At the opposite end of this spectrum would be actively criticizing the test in a parent conference or back-to-school night and urging or soliciting parents to opt out. In addition, such criticism may not be protected under the First Amendment since a school district could reasonably view this as disruptive to test administration.

1

THIS IS A MUST READ

For Educators:

School Employees' Rights Regarding Opting Out of Testing

This document, drafted in part by CTA's Legal Department, outlines your rights as it relates to talking to parents about opting out of tests for their children. It also covers a little background on the CAASPP system and shares CTA's official positions on testing and opting out.

For Parents

You can Opt Out - Parents Know your Rights

Also available in Arabic | Armenian | Cambodian | Chinese
Hmong | Korean | Russian | Spanish | Thai | Vietnamese

Sample Parent Letter

It's all available @ cta.org/optout

CUT & SHARE THE URL WITH PARENTS

cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout | cta.org/optout