Making Sense of the Opt-Out Movement

EDUCATION NEXT TALKS WITH SCOTT LEVY AND JONAH EDELMAN

Over the past few years, students by the thousands have refused to take their state’s standardized tests. This “opt-out” phenomenon has prompted debate in state legislatures and in Washington, putting states at risk of losing Title I funds. Advocates describe opt-out as a grassroots movement of parents concerned about overtesting, teaching to the test, and a lack of transparency. Others oppose opt-out, viewing universal standardized testing as an important source of information for educators, students, and parents and a necessary tool for ensuring equity in public education. Scott Levy, a New York State public-school parent and local school board member, and Jonah Edelman, cofounder and CEO of Stand for Children, a national organization advocating for college and career readiness for all, draw different conclusions in their analyses of the topic.

IN A JANUARY 2014 SPEECH, Arne Duncan, the U.S. secretary of education, urged parent leaders to hold high expectations for schools. “Please raise your voice for excellence—and against complacency,” he said. “Organize other parents... Ask the hard questions, even when it means shaking things up and challenging the status quo.”

One year later, parents in New York raised their voices and shook things up when 20 percent of all eligible grade 3–8 students refused to participate in the 2015 state assessments. (By my calculations based on state-issued data, more than 225,000 students opted out.) Ironically, the policies (continued on page 56)

WHAT DO WE HEAR from those who oppose testing? Schools burden students with excessive test preparation. Districts force students to take standardized tests throughout the school year that aren’t aligned to what students are learning. Some states and districts have unfairly penalized teachers during this period of transition to common standards of learning.

What might come as a surprise to some is that I agree with all of the criticisms. There is too much test preparation. There are too many unaligned tests given throughout the year. And some states and districts haven’t given enough (continued on page 57)
Many policymakers and pundits characterize test-refusing parents as uninformed middle-class suburbanites who are pawns of the teachers union and who are undermining accountability and the measurement of the achievement gap. An analysis of the facts suggests otherwise.

The New York test refusals were a symptom of legitimate parental concerns, resulting from the negative unintended consequences of school-reform policy. To get a clear understanding of the test-refusal movement, we need to analyze its root causes and the underlying issues that drove parental discontent.

Fringe Parents?

New York’s 20 percent opt-out rate is impressive when compared to other expressions of civic engagement. For example, Governor Andrew Cuomo won the 2014 gubernatorial election by garnering only 19 percent of the eligible vote because of low voter turnout. Additionally, the 20 percent opt-out rate underrepresents the magnitude of parental opposition to New York’s current high-stakes testing policy. Many parents (like me) oppose it, but, for a variety of reasons, decided to have their kids sit for the 2015 exam. According to an April 2015 New York Times article, “even parents uncomfortable with the exams are discovering it is hard to push the button on the nuclear option.” Many superintendents discouraged opt-outs, fearing retribution from government entities. One district warned that schools with an opt-out rate in excess of 5 percent would risk being designated “In Need of Improvement,” at which point the state could require a “re-allocation of financial and educational resources … [that] could be significantly detrimental.” Districts that rely on Title I money worried that the federal government would withhold funds. The test-refusal rate was also very low in New York City, where state tests factor into middle and high school admissions and gifted-and-talented placement. Elsewhere in the state, the refusal rate was about 30 percent (see Figure 1).

Bamboozled by the Teachers Union?

Fifteen days prior to the 2015 state assessments, the New York State Union of Teachers (NYSUT) publicly encouraged opt-out. The Daily News wrote, “The attacks on testing are orchestrated to protect teachers, not students.” The Buffalo News editorial board stated, “Parents are being hoodwinked and NYSUT is the single most influential force behind the push.”

More Test Refusal outside of New York City (Figure 1)

The test-refusal rate was under 2 percent in New York City, where state test results factored into admissions and placement decisions. Outside of the city, the rate was about 30 percent. While low- and average-need districts had the highest test-refusal rates, high-need districts outside of New York City still experienced a 20 percent test-refusal rate.

![Refusal rates graph](image)

NOTE: New York State designates each district as high, average, or low need by dividing the district’s poverty rate by its wealth per pupil.

SOURCE: Author’s calculations using New York State Department of Education’s data from (1) District-Level Test Refusal File for 2015 (grades 3-8), (2) Enrollment Data by District and (3) District Needs/Resource categorization.
thought to how to evaluate teachers during the transition period. All that said, I firmly believe that tests are fundamentally necessary and that the new tests aligned with the Common Core State Standards, which are better and fairer than former assessments, are a key tool for educators and parents to ensure their students are on track for college and career.

Last year, roughly 20 percent of New York State public school students refused to sit for standardized tests. In the state of Washington, 48,000 students didn’t take the state assessment. A few other states, such as New Jersey and Colorado, also gained media attention when large numbers of students refused to take tests.

When we look further at these opt-outs, we find an interesting trend. Students who didn’t take the assessments in New York were more likely to be white, well off, and from upscale cities and towns (see Figure 2a). They were also modestly lower achieving than those who took the tests (see Figure 2b). In Washington State, the vast majority of those opting out were from economically advantaged households, and a high percentage were 11th graders. As they prepare for college, many 11th graders take the SAT or ACT and perhaps Advanced Placement exams as well, and they probably don’t relish the idea of also having to take state standardized tests.

Despite the media hype and the overheated and often irresponsible rhetoric of test-refusal activists (which only adds to students’ anxiety), this issue is about common sense and equity. Test refusers commonly try to throw all of education’s ills into the sink. There is no doubt that there was a rocky transition with the Common Core and the aligned tests, but instead of joining a productive debate and coming together with solutions, opt-out activists have taken unilateral action. The ones being harmed are those commonly stuck in the middle—the students. The simple question we need to keep at the center (continued on page 59)

Who Is Opting Out? (Figure 2)

(2a) Students who opted out of New York’s 2015 state tests were much less likely to be economically disadvantaged or English language learners.

(2b) Opt-out students were also modestly lower achieving on average, despite the fact that their families tended to be more advantaged.

NOTES: Tested students are those who participated in New York’s statewide testing program in 2013–14 and 2014–15; opt-out students are those who participated in New York’s statewide testing program in 2013–14 but did not participate in 2014–15. Analysis is based on all students linked to teachers for evaluation under the New York Growth Model for Educator Effectiveness. Data in Figure 2a are for students in grade 4; patterns are similar in grades 5–7.

The union’s endorsement most likely did contribute to the record number of test refusals, but it does not fully explain the opt-out phenomenon. Beginning in 2013, parents began building a well-coordinated grassroots advocacy infrastructure to protest New York’s rollout of RttT. Specifically, parents were frustrated by the rapid and unrealistic timetable for implementation of the Common Core State Standards, the overemphasis on high-stakes testing, and the state’s effort to capture and analyze student data without an adequate plan to assuage data-privacy concerns.

New York simultaneously rolled out the Common Core, the new assessment program, and a new teacher-evaluation system but did not have the institutional capacity to implement so much change at once. Schools were required to teach the Common Core in 2012–13, but very few state curriculum modules were completed when the school year started. In other words, teachers were asked to implement a curriculum that was not available. Furthermore, many of the modules that were released contained errors. Nevertheless, in April 2013, New York became one of the first states to administer high-stakes Common Core tests.

More than 50 parent and educator groups from across the state united to form New York State Allies for Public Education (NYSAPE), with the mission of combating the state’s standardized-testing program and advocating for student data privacy. The group played an integral role in the movement by creating lines of communication between regional advocacy groups and parent and educator groups, relying heavily on social media, particularly Facebook.

In 2014, a year prior to NYSUT’s endorsement of test refusal, approximately 60,000 students opted out of taking the state exams. NYSAPE stated, “This was a deliberate decision on the part of parents to show how displeased they are with the Common Core exams and the way in which these tests have narrowed and diminished the education of their children.” A NYSAPE press release in March 2015 (also prior to the NYSUT endorsement) advertised 40 opt-out forums throughout the state during that month alone. The sample test-refusal letter on NYSAPE’s website received 175,000 hits leading up to the 2015 state tests. A steering committee member of NYSAPE wrote in a letter to the New York Times:

The 185,000-plus students who opted out of the state English Language Arts [ELA] test last week did so because of more than three years of organizing by a genuinely grassroots movement of public school parents. This year parent groups held more than 100 forums across the state; rallied, protested and raised thousands of dollars for billboards promoting test refusal; and engaged tens of thousands more parents via Facebook and Twitter.

Testing and Accountability

Merryl H. Tisch, then chancellor of the New York State Board of Regents, urged parents not to opt out, saying, “We don’t refuse to go to the doctor for an annual check-up.” However, many parents viewed New York’s testing system as educational malpractice. Reading a statement on behalf of the state PTA, its executive administrator said, “Parents need to trust that testing will actually benefit their kids and right now, that’s not what they see.” At its core, the opt-out movement is not a rejection of all testing. Parents supported reasonable measurement and accountability but were pushing back against a system that they believed compromised educational quality and failed to accurately evaluate teachers.

What were their specific objections? First, many parents thought the tests were too long.
Students should only take tests that 1) are aligned to what they’re learning, 2) serve a useful purpose, and 3) are of high quality—and many educators consider the new generation of standardized tests to be far superior at assessing student learning than previous ones.

Port the idea of districts conducting thoughtful audits of their assessment practices in order to weed out unnecessary testing. Students should only take tests that 1) are aligned to what they’re learning, 2) are high quality, and 3) serve a useful purpose. While you wouldn’t know it based on the shallow media coverage, many educators consider the new generation of standardized tests to be far superior at assessing student learning than any previous tests. For instance, Massachusetts educators strongly prefer the PARCC exam over the Massachusetts Comprehensive Assessment System (MCAS), which isn’t fully aligned with the state curriculum frameworks. And a recent report by the Thomas B. Fordham Institute, comparing the new tests with older ones, indicated that the PARCC and Smarter Balanced exams had the strongest matches with the criteria that the Council of Chief State School Officers developed for evaluating high-quality assessments.

Personally, I’m glad my sons, now 5th graders, are required to take a standardized test annually from 3rd through 8th grade. I deeply value their teachers’ perspective on how they’re progressing academically and in other ways, but I also want a more objective gauge of whether they’re on grade level in math, reading, and writing. For the same reason, I strongly believe in taking my sons for an annual medical checkup, even if they seem healthy to me.

Every child in our country needs to learn how to read, write, and do basic math. If children can’t master these fundamental skills, they can’t learn and progress in other key ways, and can’t possibly get a good job when they grow up. And they may well end up incarcerated or chronically unemployed.

That’s why educators, parents, advocates, and policymakers need to know how students are doing in reading, writing, and math throughout the K–12 years. For all students, but particularly for the tens of millions of American students growing up in poverty, it’s a life-defining question.

High-quality standardized tests help:

• parents know whether their children are on track so they can work with teachers to resolve issues before it’s too late;
• teachers know how their students compare with others across the state, and help the next grade’s teachers know what kind of support incoming students need;
• educators use data to inform instructional decisions in future years based on cohort performance;

Let’s stay on that last point for a moment. There is a reason the Elementary and Secondary Education Act was signed into law in 1965 at the height of the Civil Rights movement, as there was clear disparity in states across the country in how students were educated based simply on the color of their skin, income level, or ability. Without standardized tests, how would we even know if disproportionate numbers of low-income children and children of color in a particular school or community are behind? How would parents in underserved communities with a high percentage of low-performing schools have any idea (continued on page 61)
system did not promote student learning. Scores were not received until the following school year (five months after testing), and initially, only aggregate results were released, making it impossible to pinpoint individual student weaknesses.

Fourth, the linkage of test scores to teacher evaluations proved controversial. Parents at forums shared anecdotal evidence of teaching to the test, less-creative teaching methods, and narrowing of instruction. In many districts, educators felt compelled to rely on state-scripted lesson plans. The New York State Council of School Superintendents reported that teachers were afraid to deviate from specific content for fear of not being aligned with the state assessments. These concerns were echoed in the findings of the New York Common Core Task Force, which Cuomo convened in 2015 to conduct a review of the standards and how they were implemented. The report highlighted that “students are spending too much time preparing for and taking tests,” teachers were “teaching to the test,” and the narrow focus on ELA and math has “diminished the joy in learning, inhibited creativity, and taken time away from other subjects.” Some schools doubled up on ELA and math instruction at the expense of science, social studies, art, and music. The task-force student ambassador expressed concern that the standards had diminished students’ excitement for learning “because they and their teachers are discouraged from pursuing and teaching topics about which they are passionate.” The state legislature passed a law limiting test prep to 2 percent of instructional time, but it was difficult to enforce.

Additionally, the new formulaic system was not a successful way to identify underperforming teachers. In 2014, only 1 percent of teachers statewide were ranked as “ineffective.” This year, a state court judge ruled in favor of a Long Island teacher, determining that the “ineffective” rating she had received on the growth-score portion of her evaluation (the part linked to student test results) was “arbitrary and capricious.”

Demographics

Critics of opt-out contend that test refusals happen mainly in middle-class and wealthy areas, hurting high-need schools by making it more difficult to measure the achievement gap.

Opt-out leaders believe they are protecting all children from a measurement system that does more harm than good, and they have said they will opt in to standardized tests when the state rectifies the problems.

In fact, reforms placed a particularly difficult financial burden on “average” and “high-need” districts. (In New York State, “need” level has a precise meaning that indicates a district’s ability to meet student needs with local resources. The state designates a district as high, average, or low need by dividing the district’s poverty rate by its wealth per pupil.) The $700 million federal RttT grant that the state received covered only a fraction of the cost of implementing the required reform measures, putting financial strain on districts just after the 2008 recession. For example, in Rockland County, northwest of New York City, six districts collectively received $393,398 but estimated their implementation costs at $10.9 million. As a result, districts with tight budgets funded RttT by increasing class size, providing extra study-hall periods, and cutting athletics, librarians, art, and music. Judith Johnson, then superintendent of the Mount Vernon public schools, testified to the New York State Senate that rapid and unfunded reforms were not helping high-need districts. Rather, reforms were diverting precious resources to “statistically unreliable assessments that are used for high-stakes decision-making.” A recent survey of large urban districts nationwide found that students take an average of 112 mandated assessments during the K–12 years; the survey discovered no correlation between mandated testing time and student performance on the National Assessment of Educational Progress, whose aggregate results are reported via “the Nation’s Report Card.”

While it is true that students who opted out were more likely to be white, less likely to be English Language Learners (ELL), and less likely to be economically disadvantaged, the aggregate statistics do not tell the full story. The low opt-out rate in New York City (where, as previously mentioned, tests were used for admissions and placement) skews the statewide statistics. New York City has a disproportionate share of nonwhite students (86 percent versus 55 percent statewide), ELL students (14 percent versus 8 percent), and disadvantaged students (73 percent versus 54 percent). Outside of the city, high-need districts experienced a test-refusal rate in the 20 percent range. Furthermore, many non-English-speaking parents and parents with limited resources may not have had sufficient

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their children are attending a failing school? How else but with standardized tests?

These aren’t abstract questions. Given that the majority of public school students in our nation are nonwhite and come from low-income families, they are also defining questions for the future of our nation.

At Stand for Children, we work with thousands of low-income parents and guardians in underserved communities all across the nation, from Phoenix to Indianapolis, Boston to Baton Rouge, Denver to Chicago, Tulsa to Tacoma. Like the vast majority of low-income parents, the parents and guardians (including many grandparents raising grandchildren) with whom we work are deeply committed to their children getting a good education, knowing it’s their only hope for a better life. And yet, committed as they are, it’s frighteningly common for parents and guardians with whom we work to believe wrongly that their children are on track because they’re bringing home good grades. It’s also sadly common for these parents to think their children are in good schools—when that couldn’t be further from the truth.

I’m talking about the African American grandmother in Memphis who was horrified to discover after we taught her how to interpret standardized test results that her four grandchildren—all of whom were getting As and Bs in school—were up to three grades behind in reading. With the assistance of Stand for Children, she found the children extra help right away, and they’ve caught up.

I’m thinking of the many dozens of Latino immigrant parents we worked with in the Murphy School District in Phoenix who were dismayed to learn their district was chronically failing to educate their children. Armed with that information and empowered by the state’s open-enrollment law, they moved their children to better public schools.

Then there are the African American parents we supported at School 93 in a low-income neighborhood of Indianapolis, who, after learning their school was one of the worst-performing in the state of Indiana, advocated to bring a proven local school-improvement model called Project Restore to their school. The result has been a dramatically improved instructional focus, a positive school climate, and marked progress for students.

How would that caring Memphis grandmother have known her grandchildren were behind if it weren’t for standardized tests? Without standardized tests, how would the committed Murphy parents have known their district was wantonly failing? How would the School 93 parents have found out there was a problem with their children’s school? What would have happened to all of those children if they didn’t have this critical information point to add to the others?

I can tell you this with confidence: standardized tests aren’t a nuisance to the families we work with, nor for me. For the families we serve, whose children are more apt to attend low-performing schools and have less-effective teachers than their privileged peers, the time taken for standardized tests is a reasonable cost for receiving vital information about how their children are doing academically. The same should hold true for more affluent families choosing to opt out of the annual assessment. If children who are experiencing success in schools or for whom schools generally “work” (that is, white, middle-class, nondisabled children) don’t participate in the assessment, their parents lose valuable information. And decisionmakers lose valuable information about where there may be bright spots to learn from and where improvement or intervention is needed.

That’s why civil rights organizations such as the Leadership Conference on Civil and Human Rights, the National Urban League, the National Disability Rights Network, and National Council of La Raza campaigned so hard—and successfully—during the debate over the Every Student Succeeds Act to convince Congress and the Obama administration to continue to require annual measurements of student progress.

Opponents of standardized tests often ignore the vital role assessments play in the struggle for educational equity. They also commonly argue that the United States tests students more than most countries. That’s simply untrue.

Andreas Schleicher of the Organization for Economic Cooperation and Development (OECD), which oversees the multinational Program for International Student Assessment (PISA) exam, expressed wonderment at U.S. news coverage of test refusals. “The U.S. is not a country of heavy testing,” Schleicher noted. In fact, he told the Hechinger Report and U.S. News & World Report that most of the 70 OECD nations give their students more standardized...
access to information or the ability to submit the paperwork required to exercise their opt-out right.

Aggregate statistics also fail to reveal granular differences among districts. For example, Blind Brook and Bronxville, in Westchester County, experienced a 23 percent and 2 percent opt-out rate, respectively, yet both are wealthy, high-performing districts, and they are located just 13 miles apart. Bay Shore, a Long Island district where the majority of students are nonwhite and classified as economically disadvantaged, experienced a 44 percent opt-out rate. Lackawanna, a Buffalo-area district with 90 percent of its students classified as economically disadvantaged, had a 46 percent opt-out rate.

Because opt-out is a grassroots phenomenon, communities varied in the extent of their participation, based in part on factors such as: 1) degree of parental involvement in the local schools, 2) whether the local PTA had an organized advocacy committee, 3) parental awareness of school-reform issues, and 4) access to the Internet and social media.

When Traditional Advocacy Fails

A group of national civil and human rights organizations have denounced test refusal, stressing that “we cannot fix what we cannot measure” and that, instead of having their kids opt out, parents should be “stimulating worthy discussions” about overtesting. New York parents tried to engage state officials in discussion but couldn’t get them to listen.

Historically, there has been a clear path for parents to influence their children’s schools: reach out to the principal, superintendent, or school board, or run for a spot on that board. However, RttT reduced local control, and par-

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Test-Refusal Impact

Policymakers could not ignore the unprecedented number of test refusals. Less than a year after Cuomo wanted to link 50 percent of a teacher’s evaluation to student test scores, he called for a “total reboot” of the system and formed the Common Core task force to investigate. The task force concluded that the “one-size-fits-all” reforms caused “parents, educators, and other stakeholders to lose trust in the system.” It recommended an overhaul of the Common Core standards and a mora-
BOOKS

Educational Entrepreneurship Today

Editors: Frederick M. Hess and Michael Q. McShane | Harvard Education Press | May 2016

Over the past decade, entrepreneurship has moved from the periphery to the center of education reform. Policy measures, philanthropic support, and venture capital increasingly promote initiatives that drive innovation within and outside the traditional education sector. In Educational Entrepreneurship Today, Frederick M. Hess and Michael Q. McShane assemble a diverse lineup of high-profile contributors to examine the contexts in which new initiatives in education are taking shape. They inquire into the impact of entrepreneurship on the larger field—including the development and deployment of new technologies—and analyze the incentives, barriers, opportunities, and tensions that support or constrain innovation.


REPORTS

Does Pre-K Work? The Research on Ten Early Childhood Programs—And What It Tells Us

Authors: Katharine B. Stevens and Elizabeth English | American Enterprise Institute | April 2016

With growing public and political support, the early childhood field is advancing quickly, now focused primarily on expanding school-based pre-K. This report examines 10 of the best known, widely cited pre-K programs of the last half century and the corresponding research. It shows neither that “pre-K works” nor that it does not, but rather that some early childhood programs yield particular outcomes, sometimes, for some children. The authors call for a stronger knowledge base to answer the crucial policy question: what early interventions can substantially improve children’s lives? They argue that answering that question, not whether pre-K can increase children’s skills in kindergarten, is imperative to moving the field forward.


A Survey of Parental Rights and Responsibilities in School Choice Laws

Author: Gerard Robinson | American Enterprise Institute | May 2016

For the past 25 years, school choice has been an important part of the K–12 education reform agenda, with advocates touting choice as a way to empower parents with new educational options for their children. Yet remarkably little attention has been paid to how school choice laws actually address parents. In a new report titled “A survey of parental rights and responsibilities in school choice laws,” Gerard Robinson examined how school choice laws actually refer to parents and found that they fall far short of what is necessary for truly empowering parents.

Andreas Schleicher, who oversees the multinational PISA exam, expressed wonderment at the news coverage of test refusals, noting that most of the 70 OECD nations give their students more standardized tests than we do in the United States.

Standardized tests are common the world over because they serve an essential purpose—to provide information about learning in schools. That said, standardized tests obviously don’t measure the myriad other ways children need to develop to be contributing members of society, and we need to make sure that schools don’t overly focus on core subjects and fail to educate the whole child. We also need to ensure that instruction is relevant and engaging so that students are motivated to come to school and learn.

Furthermore, there are ways in which we can improve standardized testing in our country. An issue that gets little attention from the news media is that too many schools lack the technology or bandwidth to enable efficient standardized testing to take place. This situation must be remedied so we can minimize the time needed to administer standardized tests (and enable more students to benefit from better technology throughout the school year).

In addition, test providers should deliver assessment results more quickly so parents and teachers can use the information right away. And perhaps we need to consider shifting toward shorter assessments taken at intervals throughout the year. That approach needs further exploration, but it could provide teachers and parents with more immediately useful information. There are such tests on the market, but most don’t align with what students are learning, and they don’t yet enable monitoring of how educators, schools, districts, and states are doing.

For now, I hope that more parents will begin to recognize that standardized tests provide invaluable information that can help us move toward equity in public education and improve the system for everyone. Let’s stop this battle and instead work together for solutions that help all students get the education they deserve.