

April 15, 2013

New York State tests and “opting out”

New York State school districts are receiving questions regarding New York State mandated tests and the issue of students “opting out,” or formally refusing to take, state tests. The Elmira City School District wants to clarify that **New York State school districts have no authority to allow students to opt out of state testing.**

Across the country, there is a growing movement of parents who believe that their children should not be required to take state tests. Although some states have opt-out provisions, **New York State does not.** Opting out also is not permitted under New York State commissioner’s regulations except under specific exceptions, such as those involving students with disabilities.

If students do not participate in state tests, there are potential consequences, such as the following:

- 1. It can severely hamper a teacher’s ability to monitor a student’s progress.**
Refusing to take state tests could affect a student’s placement into specific courses and programs such as honors programs. It also can prevent a teacher from knowing when a student is in need of extra help or support services
- 2. It can place a school and/or district under state review.**
If too few students participate in state testing, the Elmira City School District could lose federal and/or state funding. The District could also be put through enhanced review and auditing of programs that are performing well, wasting District resources that are already stretched thin.

State testing programs are required by the federal No Child Left Behind Act (NCLB). NCLB requires states to administer tests in English Language Arts (ELA) and mathematics in grades 3-8 and at least once in grades 10-12. It also requires states to administer testing in science at least once during grades 3-5, 6-9 and 10-12.

**** For clarification about New York State tests and the legality of “opting out,” visit <http://www.p12.nysed.gov/assessment/ei/2013/student-participation.pdf>**