

School Board of Brevard County


2700 Judge Fran Jamieson Way • Viera, FL 32940-6601

Mark W. Mullins, Ph.D., Superintendent



October 29, 2018

MEMORANDUM

TO: Principals 

FROM: Neyda Francis, Assistant Director
Accountability, Testing, and Evaluation

RE: School Board Directive Regarding Opting-Out

Florida Statute 1008.22(3) clearly states "Participation in the assessment program is mandatory for all school districts and all students attending public schools..." and Florida Statute 1008.25(4)(a) states "Each student must participate in the statewide, standardized assessment program..."

Commissioner Pam Stewart has made it clear that state law requires students to participate in the state assessment system. "There is no opt-out clause or process for students to opt-out or for parents to opt-their-children-out."

Brevard will comply with state law and Commissioner Stewart's guidance by following these procedures:

- All students who are present during any testing window, in which statewide assessments are being administered, will sit for the test.
- If students are not present during a regularly scheduled test session, they will be expected to sit for a make-up test that will be administered during the testing window for that assessment.

However, based on discussions from the Brevard School Board at the February 24, 2015 meeting, we have a directive as to how schools will accommodate the parent's wishes to opt-out. The attached opt-out procedures will provide additional guidance.

Please keep in mind, we treat all students with respect. In many cases, the refusal to test is not a decision made by the student. There should be no disciplinary consequences imposed by the schools. You are not obligated to provide non-testing activities for opt-out students.

Attachments: Opt-Out Procedure
Parent Letter

NF/jc


Approved by: K. Jane Cline, Assistant Superintendent,
Elementary, Leading & Learning

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Opt-Out Procedure

1. All students should report to the testing site and seated for testing. Begin by assuming that all students will test, as required by law.
2. If parents inform you their student will opt-out of testing, the student will be assigned to a holding space until the test session ends.
3. If parents inform you their student will minimally participate, the student will go into the testing room and sit while the directions are read. After testing begins, the test will be collected, and the student escorted to the designated area.
 - Remind parents, when students minimally participate their test does not count towards school grade participation
4. If the student does not begin working on the test once testing begins, simply ask, **“DO YOU NEED HELP?”**
 - If the student responds, “No” or there is no answer, then quietly ask, **“IS THERE A REASON YOU HAVE NOT STARTED THE TEST?”**
 - If the student responds, “I do not intend to take the test because I am opting-out,” have a plan in place for the test administrator to contact someone who will quietly remove the student from the testing room. (Follow your usual procedure, if a student tells you that he/she does not feel well.)
 - Once the student has been moved to the holding space, call the parents to explain that the student has refused to test (the child may be present).
 - a. If the parents inform you that they expect their student to take the test, have the student remain in the holding space until the original test session ends and reschedule a make-up test.
 - b. If the parents inform you that they have instructed their student NOT to test, have the student remain in the holding space until the original test session ends. DO NOT reschedule a make-up test.
 - c. If you are unable to reach the parents by telephone, please send a sealed letter home asking the parents to contact you to indicate their expectations for testing. You may use the attached letter or create your own.
 - d. Please make the parents aware of the implications of non-participation in state assessments.
5. If any student becomes disruptive during the test, follow your school's plan for removing the student from the testing environment.

Please keep in mind, we treat all students with respect. In many cases, the refusal to test is not a decision made by the student. There should be no disciplinary consequences imposed by the schools. You are not obligated to provide non-testing activities for opt-out students.

Sample Parent Letter

Date

Dear Mxxxx;

This letter is to inform you that your student refused to participate in a Florida state assessment today when offered the opportunity to do so. We tried to contact you by phone, but were unable to reach you. Please contact XXXXX at XXX-XXXX as soon as possible so that we may determine whether to administer the test at another time.

Please keep in mind that Florida Statute 1008.22(3) clearly states, "Participation in the assessment program is mandatory for all school districts and all students attending public schools..." and 1008.25(4)(a) states, "Each student must participate in the statewide, standardized assessment program ..." Depending on the grade level of your student and the test being administered, there may be consequences for not taking the test. At a minimum, it will mean that you and your child's teachers will not have current or complete information about academic progress this year.

Please contact us as soon as possible.

Sincerely,