

{This can be used as a simple cover letter}

{insert date}

Dear Superintendent,

Please accept my thanks for your commitment to follow the testing rules and educate my child. I know you and my children's teachers are doing great work.

This year I am refusing to give the school permission to give my children the states' standardized tests for writing. I understand there will not be a field test. I also understand that my child has been taught with the expectation that the standardized test would be an opinion or persuasive essay, but the prompt will be a narrative prompt.

With this cover letter, I am sending my understanding of my parental rights to refuse.

Please email me with the alternative assignment my child will be provided by Feb 21st.

Sincerely,

{parent's signature}

{Print name of parent}

Names of children:

{print first and last names of children}

Notice of Parental Rights to Refuse Standardized Tests

We have the utmost confidence in the teaching skills of our children's teachers and their ability to determine and calculate their grades from daily class participation, class work, home work, quizzes and tests.

We refuse to participate in high stakes standardized testing as a condition our participation in public education. These tests include those that are purchased by the State Department of Education and are coordinated by the schools building test coordinator. The tests are those that are used to determine the A-F report card grade for our school.

We refuse to subject our children's cognitive effort to being used for pernicious political purposes that overtly discriminate against marginalized populations and undermine the democratic purposes of public schools.

You are hereby on notice that any state agent who ignores our parental instruction, and/or who compels, harasses, intimidates, or otherwise forces my minor child, or attempts same, in any way, to participate in any standardized test or assessment, and/or who takes any action that causes my child emotional, psychological, and/or physical harm against these express instructions, will be in violation of federal and state constitutional law, statutory law, and common law.

I: Notice of constitutionally protected right to refuse to participate in state and federal mandated standardized tests:

This is notice that our children have been instructed by us to refuse to take all federal and stated mandated standardized tests and benchmark tests. We are in no way asking for your permission to REFUSE these standardized tests, assessments, questionnaires and surveys for our children.

The Supreme Court has repeatedly held that parents possess the "fundamental right" to "direct the upbringing and education of their children" and the Court declared that "the child is not the mere creature of the State: those who nurture him and direct his destiny have the right coupled with the high duty to recognize and prepare him for additional obligations." (*Pierce v. Society of Sisters*, 268 U.S. 510, 534-35) The Supreme Court criticized a state legislature for trying to interfere "with the power of parents to control the education of their own." (*Meyer v. Nebraska*, 262 U.S. 390, 402.) In *Meyer*, the Supreme Court held that the right of parents to raise their children free from unreasonable state interferences is one of the unwritten "liberties" protected by the Due Process Clause of the Fourteenth Amendment. (262 U.S. 399). Additional rulings are attached as exhibit "A"

We value democracy over commercial interests. We value neighborhood schools. We value protecting our property values from the punitive nature of Oklahoma's A-F report card crippled with significant statistical and scientific flaws. We value teachers and wish them to be protected from the hostility of the VAM and TLE evaluation system that will use our students' to reward their teacher who ended up with our children on their class-rolls by lot or negotiation. We value children with disabilities, poverty, or minority status and expect them to be welcomed with the same enthusiasm as students with less barriers to academic achievement.

We believe state and federal mandated standardized tests are developmentally inappropriate and contain questionable and often inaccurate material. Protecting our children from the oppression of federal and state high stakes standardized tests falls within our constitutionally protected right to "direct the upbringing of our children."

II: Notice of Protection against Sit and Stare: In response to our notice of refusal, we expect our children to be protected from the "sit and stare" policy that some districts are imposing. Forcing a child to "sit and stare" at a test that has been refused by parents is psychological child abuse and will not be tolerated. We do not expect our children to be retaliated against or treated any differently due to our position on this subject. Furthermore, during the administration of any and all make-up tests, our children will continue to receive a free and appropriate public education in his regular classroom environment, alongside the rest of his classmates. It is by no fault of their own that they are in this situation.

III: Notice of Scoring and Coding Expectations: We expect the various tests / assessments will be properly scored as a "refusal," will be considered "invalid," and will not be included in the participation rate. Any attempt by your school district to otherwise code, score, or deviate from these instructions would constitute a due process violation of governmental procedure. Retaliation by refusing to make appropriate placement in courses the following school year will not be tolerated. In additions to a review of assignments, performances and grades, alternative assessments such as the ACT, PLAN and EXPLORE are expected to be used by the district for placement and graduation purposes.

IV: Notice of Withholding Parental Consent:

This is notice that we have not provided written consent for our children to participate in any standardized test. Section 431 of the Oklahoma School Code requires parental consent **before** standardized multiple choice and/or writing tests can be administered, and provides:

“Without the prior written consent of the parent or guardian, no student who is an unemancipated minor shall be required, as part of any applicable program, to submit to psychiatric or psychological examination, testing or treatment; nor may any teacher or staff personnel without such consent elicit by written survey or written examination from any student information of a personal or private nature concerning any of the following areas:

1. Religious beliefs;
2. Mental or psychological problems potentially embarrassing to the student or his family;
3. Sexual behavior and attitudes;
4. Critical appraisals of other individuals with whom the student has a close family relationship;
5. Legally recognized privileged communication.

We are reasonable to believe the standardized tests mandated by state and federal law elicit the type of information contained in this section and therefore our consent is required. Our children commonly discuss their religious beliefs in their writing; they are also likely to critically appraise their family relationships. Any examination that has a “constructed response” or “short answer” response implicates the rights protected by this statute.

V. Notice of parents’ rights to inspect tests and test results:

In the event that the districts’ legal counsel advises you to proceed to administer the state and federal mandated tests, we assert our right to inspect the tests that contain field test questions and field tests prior to their administration. We understand that all state and federal mandated tests contain field test questions, and that one of the writing tests is completely a field test question. In previous years our children have been subjected to field tests and field test questions without us being given the opportunity to inspect those items. This right is provided in section 430 of the Oklahoma School Code which provides:

430. Parental Inspection of Certain Materials.

All instructional material, including teachers' manuals, films, tapes or other supplementary instructional material which will be used in connection with any research or experimentation program or project, shall be available for inspection by the parents or guardians of the children engaged in such program or project. For the purpose of this section, "research or experimentation program or project" means any program or project in any applicable program designed to explore or develop new or unproven teaching methods or techniques. (70-11-406)

This is also notice that we intend to inspect the tests prior to their administration and after their administration pursuant to the Oklahoma Administrative Code number 210:10-13-10. Requests to view or take possession of documents. (Exhibit “B”)

cc: Joy Hofmeister, State Superintendent of Public Instruction
_____, President, District Board of Education
_____, Principal
_____, Editor of Newspaper
_____, Attorney for Parents

Exhibit "A"

It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. . . . It is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter.

- Prince v. Commonwealth of Massachusetts, 321 U.S. 158 (1944)

This Court has long recognized that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment.

- Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974)

In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the "liberty" specially protected by the Due Process Clause includes the rights . . . to direct the education and upbringing of one's children.

The Fourteenth Amendment "forbids the government to infringe ... 'fundamental' liberty interests of all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest."

- Washington v. Glucksburg, 521 U.S. 702 (1997)

The liberty interest at issue in this case-the interest of parents in the care, custody, and control of their children-is perhaps the oldest of the fundamental liberty interests recognized by this Court.

In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

The problem here is not that the Washington Superior Court intervened, but that when it did so, it gave no special weight at all to Granville's determination of her daughters' best interests. More importantly, it appears that the Superior Court applied exactly the opposite presumption.

The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make childrearing decisions simply because a state judge believes a 'better' decision could be made.

- Troxel v. Granville, 530 U.S. 57 (2000)

Exhibit "B"

210:10-13-10. Requests to view or take possession of documents. Responses to requests to view or take possession of test documents shall be executed as specified herein. Documents shall include student test books containing secured test items; student answer sheets; and test administrator manuals. In order to maintain the security and validity of the testing materials, individuals making requests to view test documents must comply with the following procedural requirements:

- (1) Test viewing will NOT be allowed beginning one month before and extending throughout the testing window.
- (2) The person will submit a request to the State Department of Education's Office of Accountability and Assessment.
- (3) Viewing shall take place at the State Department of Education.
- (4) The viewing of test documents will be limited to no more than two viewers during a single time period.
- (5) The Assistant Superintendent of the Office of Accountability and Assessment or his/her designee will remain in the room during the viewing.
- (6) Students will not be allowed to view tests.
- (7) The viewing of assessment materials will not be allowed for professional development purposes.
- (8) Viewers of tests shall be prohibited from duplicating, paraphrasing, or summarizing test items in any form--by hand-written means or through use of any mechanical tool (i.e., audio or video tape recorder; copy machine; still picture camera; cell phones camera; or any other electronic or mechanical means.)
- (9) Tests and test materials shall be considered secured documents. No viewer shall be allowed to remove secured documents from the viewing room.
- (10) No unauthorized person shall be allowed to view an OSTP writing assessment prompt until after that prompt has been administered in Oklahoma as a test item. Viewing of writing test prompts shall be subject to the same procedures and conditions as viewing of other test materials.
- (11) Prior to the viewing of any test materials, all viewers shall sign an affidavit stating that
 - (A) they shall not reveal any test items, writing prompts, or other secured information to any person; and
 - (B) they shall not serve as a test administrator nor test monitor.
- (12) A student's answer sheet may be viewed only by the student's parent, legal guardian or by a student of legal age. Any person requesting to view student test documents shall provide proof of his or her status as the parent or legal guardian of the student whose documents are required for viewing. Proof of identification shall be provided in one of the following forms:
 - (A) the student's birth certificate; and
 - (B) a driver's license containing a picture of the requesting person; or
 - (C) other recognized official form of identification. In addition, the person shall provide proof of his or her status as parent or legal guardian of the student whose documents are requested for viewing.
- (13) When sufficient writing prompts are available, once writing assessments have been scored and reported, the SDE will provide the student essay responses to the individual student's home school district by electronic means. The information will be provided as a service to Oklahoma public schools for purposes related to instructional improvement only. Schools and districts receiving such data will make every reasonable effort to insure that these individual student testing results are secure and remain confidential. The SDE reserves the right to use these data for research and assessment improvement purposes.

[Source: Amended at 17 Ok Reg 2886, eff 7-13-00; Amended at 26 Ok Reg 91, eff 10-7-08 (emergency); Amended at 26 Ok Reg 1433, eff 6-11-09]

REQUEST TO VIEW STANDARDIZED TEST DOCUMENTS

To: Oklahoma State Department of Education

From: _____

Date: _____

RE: {insert name of student or students}

The parents of { } request to view the test documents that will be presented for administration during the spring test administration of 2015 pursuant to the procedures outlined in the Oklahoma Administrative Code 210:10-13-10.

{name of student} is a { } grade student enrolled in the following courses at {insert name of school} {insert courses}

{name of student} is a { } grade student enrolled in the following courses at {insert name of school} {insert courses}

To schedule a viewing time please contact us at {insert contact information}

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- (6) Students will not be allowed to view tests.
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