

April 12, 2015

Dear Ms. Kim Eimers,

In your letter to parents and guardians that have requested their child or children be excused from State assessments, there are a couple of things that were not well-defined or explained clearly enough to help parents or guardians make a thoroughly informed decision.

Your letter states that if a child is enrolled during the testing window you are required to have the child take the test. Does this mean that if the child is in school and parents have told them they will not be taking the test that you are going to force the child to go against the wishes of their parent? Does this mean that a parent's request will not be honored and the only option is to un-enroll the student? Or are you asking parents refusing the tests to ignore compulsory attendance laws and keep their children home for the whole testing window?

Your letter states that the school district is obligated by law to comply with regulations regarding participation in State assessments. Those "regulations" have not been made clear to parents and guardians. Transparency and accountability will be better served through clarification of the federal and state laws and codes that you reference in the letter. Specifically, how do these laws and codes supersede the civil rights of parents as *guaranteed by the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States?* <http://www.oceanetwork.org/currents/Court.pdf>

Your letter states that non-compliance places State and Federal funding in jeopardy. Could you please clarify specifically what State funding is tied to test participation other than funding for the tests themselves? And at this point in time, the withholding of Title I federal funds is theoretical. But if it became a reality, specifically what percentage of the district budget will parents and guardians be putting in jeopardy in the best interest of their own children? In informed decision making on this matter, all facts are required to decide if the decision to refuse this testing will **severely impact the quality of education in the district, as stated in the letter**, versus the impact of lost instructional time, lost instructional dollars, and loss of control of curriculum content as well as private student information.

The concern for compliance with rules and laws mandating testing participation was clearly stated in the letter but an important aspect of these "next generation" assessments has not been sufficiently clarified for parents, guardians, or the public. It is unclear that they know what they are consenting to when they allow a child to be tested through the new testing consortium. COPPA (Children's Online Privacy Protection Rule <http://www.coppa.org/coppa.htm>) requires schools to obtain verifiable parental consent for their children's personal information to be entered during the testing process. But what seems to be missing from the decision making process is clarification of where student information is going, who it is shared with, and for what purposes data will be used.

Are parents and guardians being made aware of our data exchange projects with other states <http://www.mhec.org/sites/mhec.org/files/20131117CrossStateDataProject.pdf> and the linking of information with agencies outside the Department of Education http://nces.ed.gov/programs/slds/pdf/Using_DMV_Records_to_Access_SSNs_Webinar_Nov2013.pdf? With the push for development of longitudinal data systems during the pit of the Great Recession, many issues surrounding the “next generation” tests were not fully vetted in the arena of public opinion partially because it became a “best practice” to “not engage in large scale, open forums.” https://nces.ed.gov/programs/slds/pdf/best_practices.pdf

Your letter stated that there is full understanding of every parent’s desire to make educational decisions they believe are best for their child. It may help this district, this state, and the nation to understand a few things about the current movement to refuse the current testing practices under No Child Left Behind, the Common Core State Standards Initiative and its “next generation” assessments.

1) No Child Left Behind is the federal law upon which the nation was convinced they must comply. Thirteen years later, that nonsensical overstep by the federal government has yet to be challenged in our superior courts. Regardless of what parents think about the standardized testing mandate and with no regard for objections raised by the people affected by the law, the law remains in place and the reauthorization process is far from transparent. Consent by the People has not been deemed to be of importance therefore leaving civil disobedience as the next step in a parent’s duty to defend what they think is best for their children. <http://thecrucialvoice.com/parents/what-parents-think/>

2) The Common Core State Standards Initiative was never about “just” the standards. There was always the intent to develop the “next generation” assessments to correspond with the Common Core Standards. Our American Reinvestment and Recovery Act (ARRA/TARP) dollars served as the seed money for the two consortiums to develop these tests. What has always been missing from any public discussion was *the intent* of the two private, non-profit groups that hold the copyright for the standards, the Council of Chief State School Officers (CCSSO) and the National Governors Association (NGA). The intention was/is to *direct the collection of student data to a single reporting office within the U.S. Department of Education through the reauthorization of ESEA* (the Elementary and Secondary Education Act) – otherwise know as No Child Left Behind. This is found on page 9, item #10, of the CCSSO/NGA “new deal” for ESEA reauthorization. http://www.ccsso.org/Documents/2009/ESEA_Task_Force_Policy_Statement_2010.pdf

3) What should be respected and understood about a parents’ refusal to comply with the rules, regulations, and laws set down for them by their elected representatives, who have not represented their views, is that they feel a strong moral responsibility to do what is right for their children. Many parents feel forced or coerced participation in testing is wrong, and is potentially, and in reality, driving a wedge between them and their child, their teachers, their school administrators, their neighbors, communities, and the larger

society who can't comprehend or understand their stance. What we should understand as citizens is that it is morally reprehensible to turn a blind eye to rules, policies, and laws judged to be wrong for children by their own parents.

4) We ordinary law-abiding, tax-paying citizens pay our taxes because we know it is the cost of maintaining a civil society, which includes "free" public schools. In a representative form of government founded on the Consent of the People, our choices in this manner are to include having "large-scale, open forums" in which to have civil discourse on these topics where a meaningful exchange of ideas could occur, or, civil disobedience as a second choice when the first choice has been denied us. With No Child Left Behind testing mandates, the Common Core State Standards Initiative, and their "next generation" tests and all that go with them, the choice was made for us. Consent in the decision-making process was denied.

Please understand that there is a moral obligation as a citizen of the United States of America that "whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it."

Education policies have made parents and other citizens very unhappy. For testing policies to be destructive to the education of even one child is unacceptable. Yet, we have a whole generation under No Child Left Behind whose learning opportunities were limited by law. The voice of the people continues to be ignored. Actions will speak louder.

I will stop by your office tomorrow to see if there are any statements I've made that need clarification or if you would like any further evidence of the truths presented here.

Your timely response to the questions asked in paragraphs two, three, four, and six would be greatly appreciated since the testing in some schools begins on Tuesday, April 14th.

Sincerely,

Victoria M. Young, DVM
(Contact information included in e-mail)