

Talking About Opting Out With Families

Can an educator inform families about their right to opt out?

YES - Section 852 of Title 5 of the California Code of Regulations provides that: "An LEA (local education agency) and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children." 5 C.C.R. § 852(c)

Can an educator provide opt-out forms to parents or guardians?

YES - Educators can provide opt-out forms to parents as long as the form only informs parents of their rights and does not encourage or solicit parents to opt out. It is ok to do this from your SFUSD email and during your work day.

Can an educator encourage or solicit a parent, guardian or student to opt out?

NO - The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children." 5 C.C.R. § 852(c)

Can an educator refuse to administer the SBAC or any other assessment?

NO - According to the California Teachers Association: "Neither the First Amendment nor state law will protect an educator who refuses to administer a state standardized test, refuses to follow district procedures for such testing, tells students not to take that state test, or speaks out against the test while teaching a class." **However, no documented action has been taken against any California educator who has not administered a standardized test. And, there are no examples of funding being withheld from sites or districts with higher percentages of students who opted-out.**

Do English Language Learners need to take the SBAC in order to be reclassified?

NO - According to the SFUSD Multilingual department administrators, "A qualifying score on the SBAC, RI or F&P can be used to meet criterion 2" of reclassification criteria.

Sample script for talking to parents about opting out (based on language from the CTA):

Make sure your tone is not encouraging; it's ok to give your professional opinion as long as you are making it clear you are not recommending.

"During Parent Conferences, in addition to reviewing students' academic progress, we educators often give our families information on issues that can have an effect on our children's academic outcomes as well as their overall feelings about their school experience. This conference, we are focusing on student wellness and want to inform parents of your rights to opt your child out of standardized tests. If you feel that the standardized tests or any assessments your child takes during the school year are detrimental or not of value, you can opt them out of testing by signing this form."

If asked: "My professional opinion is that the SBAC test will not accurately measure your child's progress for the following reason/s. You have the legal right to opt them out"

Possible reasons: level of English language on the test is not accessible to your child, stress during distance learning, tech issues during distance learning, we have multiple effective ways of measuring your child's progress such as (xxxxx), any other reason you see fit.