Together for Schools Mecklenburg Area Coming Together for Schools

## "Opting out" or "refusing"?

When families decide that their children will not participate in state-mandated standardized testing, they either "opt out" of or "refuse" to take the tests. While "opting out" is the most common description, many families, including those in North Carolina, are actually "refusing" to take the tests.

Families can "opt out" of tests if they live in states that have official opt-out policies and procedures. They fill out the appropriate forms and follow the appropriate procedures.

North Carolina is not one of those states.

Families must "refuse" tests if they live in states that do not have official opt-out policies and procedures. Essentially, they refuse to participate in the process. No one can force a child to pick up a pencil and start filling in bubbles.

While opting out is an official process, families who "refuse" the tests argue that they have a Constitutional right as parents/guardians to make key decisions about their children's education, even in cases when those decisions conflict with state regulations. This argument is based on several Supreme Court cases in which justices used the concept of due process to rule in favor of parental decisions, most prominently *Meyer v. Nebraska*, and *Pierce v. Society of Sisters*.

Families who "refuse" tests are more likely to have their decisions challenged than those able to officially "opt out." But while there has never been a court case that establishes parent/guardian rights in the specific case of standardized test refusal, many parents/guardians have used this fundamental principle to successfully refuse tests. The <u>refusal movement in New York</u> is a particularly strong example.

To access Web links, visit North Carolina test timeline in the Opting out section of Mecklenburg ACTS.org.