



**RESOLUTION TO INCLUDE PARENTS' RIGHT TO  
OPT-OUT OF NEW YORK STATE EXAMS IN THE DOE PARENTS' BILL OF RIGHTS**

*Approved at a CEC15 Special Session Meeting on March 9, 2021, by unanimous vote of the members present, including: Camille Casaretti, Antonia Ferraro, Tia Schellstede, Bess Abrahams, Kimmerly Scott, Mark Bisard, Ivan Banda, Claudia Lechuga and Krystal Casson.*

WHEREAS, the administration of the annual tests in English Language Arts (ELA) and Math and Science are required by the federal Every Student Succeeds Act (ESSA) of 2015, and where the taking of those tests by individual students is not required;

WHEREAS, parents are led to believe that these tests are

*“designed to provide important information about whether students are on track to graduate from high school with the critical thinking, problem solving, and reasoning skills they need to succeed in college and the modern workplace;”*

WHEREAS, state tests are ineffective in fairly assessing student acumen, or tailoring education to individual students;

WHEREAS, these tests highlight disparities and divisions caused by many socioeconomic factors and the impact of systemically racist laws that have gone unchanged;

WHEREAS, there is no equitable way, during a pandemic, to administer a test like this where 70% of students are working remotely, have limited access to internet, and may have environmental implications causing distractions for student-focus;

WHEREAS, spending money on test proctoring surveillance technology, at a time when school budgets are lower than ever, is an imprudent use of funds.

WHEREAS, test proctoring surveillance technology is invasive and punitive for neurodiverse students. It requires cameras to be on when students have a variety of reasons for having them off, and face recognition technology can result in false readings for students of color;

WHEREAS, state tests have been used to justify shutting down schools and are no longer even required by the state for teacher evaluations;

WHEREAS there are various alternatives to the state tests, which can effectively assess student learning, such as project based assessments;

WHEREAS the millions of dollars that the state spends on the tests should be put to better use;

WHEREAS, the stress of worrying about the impact of a particular score is damaging to children and creates a disincentive for learning and participation;

WHEREAS, teachers need flexibility in what and how they teach to address the trauma students have faced and continue to face during the pandemic given the reality that having access to and/or being able to study and practice via remote learning that is required to get a high score on these multiple choice tests;

WHEREAS, in 2015, the New York City Council passed a Resolution calling on the DOE to amend the Parent's Bill of Rights and Responsibilities to include information about opting out of high-stakes testing and to distribute that information to parents at the start of each school year, with the assurance that no consequence will come to the student, teacher or school;

WHEREAS, six years later, there is no evidence that the DOE has incorporated this information into the Parents Bill of Rights<sup>1</sup>;

WHEREAS, the DOE has created a separate Frequently Asked Questions (FAQ) document that is not easily located on their website, requiring parents to search "NYS Exams" in order to locate said document;

WHEREAS, DOE did not update or create a FAQ document for 2021;

WHEREAS, information on opting out of NYS Exams should be clearly posted on the same page as the other information on Testing<sup>2</sup> and accessible in all languages; and

WHEREAS, the language used in the FAQs document directs parents to talk to your child's Principal about opting out but does not include details advising parents that they must opt out in writing. Principals are told they should request that parents meet with them, yet parents are not required to attend said meeting.

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[https://www.schools.nyc.gov/docs/default-source/default-document-library/203712013parentsbillofrights\\_english2146d92204e348c6b76890534fd517ac](https://www.schools.nyc.gov/docs/default-source/default-document-library/203712013parentsbillofrights_english2146d92204e348c6b76890534fd517ac)

<sup>2</sup> <https://www.schools.nyc.gov/learning/student-journey/grade-by-grade/testing>

**THEREFORE, BE IT RESOLVED, that CEC15 calls on the DOE publish and distribute to every parent in the system, including charter families, a revised Parents Bill of Rights that includes a parent's right to opt out of the New York State Exams with a link to the FAQ sheet, a sample opt out letter, and a fillable form that parents can use to opt out of the NYS Exams; and**

**BE IT FURTHER RESOLVED, that DOE add a page to the Parents' Bill of Rights in New York City Schools Account (NYCSA) that will include information and a "button" to Opt Out;**

**BE IT FURTHER RESOLVED, that CEC15 calls on the Biden Administration to reevaluate the requirements of ESSA in light of the pandemic.**