

## MINNESOTA

# New federal law puts higher price on opting out of mandated tests

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April 4, 2018, 2:37 p.m. CT

All but invisible in past years, the thousands of students who opt out of Minnesota's standardized math and reading tests will be counted against their schools and districts under new state and federal laws.

The state's new plan under the federal Every Student Succeeds Act will count every student who misses the Minnesota Comprehensive Assessments as "not proficient," except in rare cases of a medical exemption.

This change in the way Minnesota calculates student proficiency could mean a small number of schools will be targeted for state support — at the expense of truly low-performing schools — simply because parents and students refused the test.

That specter is drawing criticism from detractors and supporters of standardized testing.

Daniel Sellers, executive director of the advocacy group Ed Allies, which supports testing, said the mostly white and affluent families who skip the annual tests will hurt students of color by diverting the state's resources.

"You have privileged families making a decision that will hurt historically marginalized communities," he said. "It can have negative consequences on other families."

Denise Specht, president of the test-skeptical teachers union Education Minnesota, said it's unfair of the government to pretend high-achieving students are struggling

with math or reading.

“Scarce resources should go where they will do the most good,” she said in a written statement. “Unfortunately, this policy could perversely send state assistance to schools that don’t need it.”

Josh Collins, spokesman for the state Education Department, said Minnesota had no choice but to measure proficiency this way.

“The feds made us. This is all part of ESSA,” he said.

Collins said that starting with the tests underway this spring, the state will publicly report two different calculations for the MCAs: One will continue to include only those who participated; the other will add nonparticipants, including opt-outs, in the denominator, thereby reducing a school’s proficiency rate.

At Minneapolis South High, where 28 juniors took the math test last year while 393 did not, proficiency was calculated at 29 percent, with eight reaching the cut score. Had those opt-outs been counted as “not proficient,” the school’s math proficiency would have been 2 percent.

That’s for a school that beat the district average on the latest ACT college entrance exam.

## **IMPACT OF OPT-OUTS**

Collins said the state will use the second formula — the one that includes non-participants — for identifying the low-performing schools that get extra help from the state.

But because the state’s new school accountability uses multiple factors to identify struggling schools — including poverty, attendance, graduation rates and progress for English language learners — a high opt-out school like Minneapolis South likely won’t get much state attention.

A summary of the state's ESSA plan says such high schools would get "additional networking and training opportunities focused on needs assessments, continuous improvement planning" and more, but not the most intensive assistance.

"Our most targeted support is going to ... schools that are low on multiple indicators," said Stephanie Graff, chief accountability officer for the Education Department.

Still, Collins acknowledged that counting and publicly reporting opt-out students as not proficient in math and reading could hurt a school's reputation.

"I think that is a dangerous unintended consequence," he said.

## **NEW WARNING**

Since the government approved Minnesota's ESSA plan, the state has updated its model language for parental opt-outs to clarify the consequences of skipping the MCA.

It now warns that the student will be counted as " 'not proficient' for the purpose of school and district accountability," and that the choice "may impact the school, district and state's efforts to equitably distribute resources and support student learning."

It also notes that MCA scores, thanks to a 2016 law, can be used to test out of remedial classes at Minnesota State colleges and universities.

"The goal of that statement is not to intimidate or to discourage (opt outs), per se. It is to make clear that we have done things here at the state to add value to the MCA," Collins said.

The state's ESSA plan goes further than other states in enforcing the participation plan.

ESSA requires at least 95 percent of students, overall and in various subgroups, to be included in the proficiency calculation. That enables up to 5 percent of students to opt out or otherwise miss the tests. Minnesota's formula, however, counts 100 percent of its students.

On the other hand, many states require school districts with big opt-out totals to come up with a plan for addressing the issue. Minnesota has no such clause.

## **IMPACT UNCLEAR**

Assessment coordinators for the Minneapolis and St. Paul districts say it's too early to tell whether opt-outs will be up or down this spring.

Nine percent of high school juniors statewide skipped the math MCA last year, including 64 percent of Minneapolis district juniors and 10 percent in St. Paul.

Kelly Stewart, research and assessment director for the Minneapolis district, said they respect parents' right to opt out. However, "it makes it hard from an equity-of-resource-allocations perspective when there are such high opt-out rates," she said.

Stewart said it's a goal of hers to better explain to parents the value of the tests.

Sellers, who supports ESSA's opt-out provision, said it was included in the federal law at the urging of civil rights groups who like the way standardized tests highlight inequities in the education system. Opt-outs make the results less reliable and obscure performance gaps.

"Too often with students of color, their performance is swept under the rug unless you're carefully paying attention," Sellers said. "You don't make that (achievement) gap go away by hiding the data."

Jim Bartholomew, education policy director with the Minnesota Business Partnership, said the new ESSA provision discourages schools from "gaming the system."

“If you can encourage certain groups of kids not to participate, you can look better or worse. That’s obviously not in the public’s interest,” he said.

At the same time, ESSA is clear that families have the right to opt out.

Jesse Buetow, a teacher at Randolph Heights Elementary in St. Paul, has pulled his fifth-grade son from testing for a third consecutive year, despite the change in law.

“When my kid found out about (the change), he was really frustrated and worried. He said, ‘I don’t want to be labeled as failing,’ ” Buetow said.

Buetow said that standardized tests “don’t measure what our kids know” and that they force teachers to narrow their curriculum. When he learned about the change in the law, he said it only made him more resolute to opt his son out.

“It’s something I believe in,” he said.