

April 15, 2019

Dear PTA or SLT parent member,

Earlier this month, Betty Rosa, the Chancellor of the Board of Regents, and MaryEllen Elia, the Commissioner of the State Education Department, felt compelled to release the statement below.



**New York State  
EDUCATION DEPARTMENT**

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**Knowledge > Skill > Opportunity**

**Message from Chancellor Betty A. Rosa, the Board of Regents and State Education  
Commissioner MaryEllen Elia**

As students in grades 3 through 8 take New York's state assessments this week, we appreciate the efforts of school leaders to ensure parents have all information to make a decision about the assessments that is right for their family. We would like to remind school leaders of the importance of honoring requests received by parents to opt their children out of the exams. While federal law does require all states to administer state assessments in English language arts and mathematics, parents have a right to opt their children out of these exams. To be certain, the vast majority of schools honor parents' requests to have their children not take the tests; however, we have also heard of isolated but troubling reports of parents' requests being ignored.

We thank New York's parents, teachers, and school administrators for their support and understanding as we continue to work together in the best interest of all students.

Why did they feel this was necessary? Because reports were pouring in from around the state of administrators using unsavory, and in some cases illegal, tactics to discourage test refusal and buy opt in. (If you skip to [page 9 of this link](#), you will see several pages of NYC-specific incidents.)

Rosa and Elia are very clear that best practice is to “ensure parents have all information to make a decision about the assessments.” Unfortunately, the NYC

Department of Education has failed this test. Not only does the department NOT ensure that parents are provided with sufficient information; its [Test Participation FAQ](#) deceptively gives the impression that opt out is not even sanctioned. (The statement above from Rosa and Elia explicitly states, “parents have a right to opt their children out.”)

Since the NYCDOE has abdicated its responsibilities in this regard, **we request that you, the elected parent representatives in our system, ensure that all parents are informed of their test refusal rights.** We have a [PDF](#) that you can distribute. Alternately, you could distribute the letters that State Senator Robert Jackson or Council Members Danny Dromm and Brad Lander have written on this subject. (Copies of the letters can be [downloaded here.](#))

This would not be some sort of rogue action; in fact, as far back as 2015, the City Council UNANIMOUSLY approved [Resolution 0577-2015](#), calling upon the DOE to amend its *Parents’ Bill of Rights and Responsibilities* to include information about opting out of high-stakes testing. It also called on the DOE to distribute the amended document at the beginning of every school year, to every family, in every grade. To its shame, the DOE has never complied with that resolution.

**The state math tests begin the first week of May, so distribution of these documents must take place ASAP so that parents have the time to make an informed decision about whether they want their children to take the math tests.** If a parent’s response to the [widespread problems with this month’s ELA testing](#) (children testing for unconscionably long hours, sometimes even past dismissal; reading passages many grade levels above what would be appropriate; [computer system malfunctions so egregious](#) that the state had to suspend testing and children lost work or spent hours just trying to log in) is to register protest by boycotting the upcoming math tests, they should know state education authorities have confirmed that they have the right to do so, with no negative consequences adhering to their children.

Thank you and happy to respond to any questions you may have,