

# Not All Tests Are Created Equal: Parental Rights and Standardized Tests

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## Abstract

This case focuses on one parent's request to have his daughter exempted from district-mandated computer tests (called STAR Enterprise tests). These tests are administered several times per year as a formative assessment to gauge student achievement in the areas of reading and math. The parent was concerned that the district was spending too much time testing and not enough time teaching students. The principal of the school and the Director of Assessment and Accountability for the district had to determine whether a parent's wishes for his child superseded the mandate set forth by the State Department of Education with regard to gathering sufficient formative data to monitor and report student progress.

## Keywords

standardized tests, parental rights, opting out of testing

## Background

Hillview P-8 School (all names and schools are pseudonyms) is part of the Sherwin City school district, which is located in Alabama. In the 2012-2013 school year, the Sherwin City district served approximately 20,000 students and was composed of 23 elementary schools, eight middle, and ten high schools. Based on its comparatively low percentage (27%) of students on free or reduced lunch and the property values in the surrounding community, Hillview was considered a high socioeconomic status (SES) school in the Sherwin district (Alabama Department of Education, 2013). In the 2012-2013 school year, Hillview had more than 500 students, making it one of the larger P-8 schools in the district.

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In the summer of 2012, the recently appointed superintendent of Sherwin City schools reassigned 22 principals and merged six middle and elementary schools into three P-8 centers. Dr. Bradley, principal of Hillview P-8, was one of the recent transfers. One of the first official announcements of the superintendent to the school board and to parents was that Sherwin City would henceforth be a data-driven district. Being a firm believer in accountability, the superintendent held the view that standardized, computer-based assessment was the best way to gather and report student achievement. The superintendent also required teachers to adopt Pearson curriculum products and proclaimed that student growth in math and reading was to be judged based on STAR Enterprise scores. By the 2012-2013 school year, STAR Enterprise data played a prominent role in both instructional and personnel decisions in all of the Sherwin District's schools. To affirm this, the district instituted a policy by which STAR scores counted for 15% of individual teachers' yearly evaluations.

## Case Narrative

Kate, a 9-year-old student at Hillview P-8 School, was scheduled to take the STAR test for the fourth time in third grade. Kate's previous STAR scores indicated that she was in the 95th percentile rank in math with a grade equivalency of 4.8 and in the 99th percentile in reading with a grade equivalency of 8.3. Kate was a straight A student who seemed to be flourishing both socially and academically.

The Standardized Test of Assessment of Reading (STAR) Enterprise test is a computer-based assessment program that measures student progress in the areas of reading and mathematics. According to the creators of this test, STAR assessments "are the most widely used computer-adaptive tests in K-12 schools" (Renaissance Learning, 2013). Algozzine, Wang, and Boukhtiarov (2011) studied the correlation between STAR reading scores and end of year scores on the Florida Comprehensive Assessment Test (FCAT) for 1,077 middle school students. These researchers found that across all grades, STAR scores were statistically significantly related to end of year scores as measured by the FCAT. According to their website, as of 2013, there were 46 other peer-reviewed studies of the effectiveness of the STAR Enterprise assessments. In the 2011-2012 school year, more than 38 million assessments were administered to students in Grades 1 through 12 in the United States (Renaissance Learning, 2013).

Under Mandated Assessment Program 2012-2013, the Sherwin Student-Parent Handbook stated,

STAR Enterprise Math and Reading will have three to four benchmarks during the school year. STAR Enterprise Math and Reading Growth percentile will be included as a percentage of the student's grade each nine *weeks for those students that show growth* (Student Handbook, emphasis added).

In Kate's class, none of the STAR data were used to calculate her grades for any of the first three quarters. However, due to the district's use of the STAR test, those students who performed below "proficient" on periodic STAR assessments district-wide

were required to spend at least 30 min per day using another program named SuccessMaker. SuccessMaker software targets student deficiencies and provides focused lessons and assessments on the content to be mastered. Students using SuccessMaker were then required by the district to retake STAR tests once per week in an effort to document an increase in their achievement.

Kate's father, Michael, was concerned about the amount of time that Sherwin City's teachers were required to spend on testing and test preparation, as well as the way the results were posted publicly in the district's schools. Michael contacted Hillview's principal, Dr. Bradley, to request that his daughter be allowed to opt out of the fourth administration of the STAR test. Three days later he received the response that his daughter could not opt out because the STAR test represented a vital part of the school's formative assessment program.

Undeterred, he emailed Dr. Cartwright, the Director of Assessment and Accountability for the Sherwin City schools, again requesting that Kate be allowed to opt out. The next day, Kate's father received the following response from Dr. Cartwright:

The Alabama State Department of Education prescribed that a formative assessment be administered in all schools and school districts during the 2012-2013 school year. The formative assessment is relevant in assessing students and preparing them for Alabama's College-and-Career Ready Standards in Kindergarten through Grade 12. The STAR Enterprise formative assessment platform is a valid measurement of the curriculum and provides a pacing guide for each individual student's learning progression. Opting out of the mandated curriculum is not a choice.

At this point, Michael wrote back to request the specific evidence on the Alabama State Department of Education website that supported Dr. Cartwright's claim that formative assessment is prescribed by the state. He also shared with Dr. Cartwright several links to documents on the State Department of Education's website that stated that the types of formative assessments used in schools are at the discretion of the individual school districts. Finally, he pointed out that the district's own Parent-Student Handbook labeled the STAR assessment as a district-mandated assessment, and not as a state-mandated assessment.

Dr. Cartwright responded by asserting the district's right to mandate tests but did not provide written evidence to substantiate this claim. In this situation, both Drs. Bradley and Cartwright were facing what Carpenter and Brewer (2012) have termed *implicated advocate* issues (see "Teaching Notes" for a more complete discussion). Implicated advocates often have to balance parental and student needs with policy shifts. In the past three decades, such policy shifts have required that principals and other administrators respond to political pressure by implementing centralized, standards-based accountability systems in the name of improving instruction (Skrla, Scheurich, Johnson, & Koschoreck, 2004).

Undeterred by Dr. Cartwright's response, Michael concluded the email conversation with the following response:

I find it interesting that you choose to close by asserting the rights of the district and the superintendent, Dr. Cartwright. You may be correct when you claim that “The Sherwin City School System through its superintendent has the right to mandate tests.” You haven’t actually provided any evidence of this, but you may be correct.

However, the rights of the parent to be an active participant or “partner” (as the Student–Parent Handbook calls us) in my child’s educational process, are not subsumed to the rights of the superintendent or the district.

Parental rights take precedence over the superintendent’s rights when it comes to the education of my daughter. The superintendent does not have the right to force my daughter to do something that I will not allow her to do, including testing.

I remain interested in discussing this with you further. If you can offer me a convincing justification that my daughter’s education will benefit from taking this assessment again, I will reconsider my position. So far your response has amounted to “because we say so,” and that response is inadequate.

At the present time, my daughter, Kate, does not have permission to participate in the STAR Enterprise reading and math benchmark assessments for the remainder of the 2012-2013 school year.

After sending this response, Kate’s father received no communication for several days from either Dr. Bradley or Dr. Cartwright concerning this issue.

## **Conclusion**

Several days before Kate was to take the STAR test, Dr. Bradley called Kate’s father and told him that Kate would be allowed to go to the library while the other students in her class participated in the final administration of the test. Prior to Dr. Bradley’s call, Kate’s father was prepared to contact legal counsel to explore his parental rights with regard to opting out of the STAR test. Subthemes in this case study show (a) the need for administrators to be versed in both the letter and spirit of the law with regard to formative and summative assessments and (b) the need for administrators to be proactive communicators with parents to avoid the type of acrimonious relationship that developed among the administrators and parent in this case.

## **Teaching Notes**

This case study is based on actual events that occurred in the spring of 2013. By examining how the situation was handled, administrators can be prepared when parents ask to have their children exempted from standardized assessments. Researchers have long noted that positive relationships with parents significantly affect educational outcomes for students (Grolnick & Slowiaczek, 1994; Miedel & Reynolds, 1999). Since the district’s Student–Parent Handbook refers to parents as members of

the educational team, it seems important that issues such as these be handled effectively so that parents do not feel alienated from the decision-making process.

*Technical aspects/teaching notes.* Each state mandates that formative and summative assessments be administered in classrooms. However, many parents neither know of nor are familiar with the types of assessments used in schools. By accessing their respective State Department of Education websites, both parents and administrators can verify the specific rules governing assessment in their districts.

- Acknowledging the authority of the states to establish, implement, and evaluate academic standards, the courts have been reluctant to interfere with school assessment of student performance. Judges have consistently based these rulings on the belief that an educated citizenry is an appropriate governmental goal and have upheld the practice of using standardized tests to establish minimum proficiency standards. While alternative assessments, such as portfolios, have received some attention, machine-scored tests continue to be used and are supported both through federal policies and funding. As the Common Core standards are adopted across the country, a national, standardized proficiency test is expected to be administered in a majority of states in the future (McCarthy, Cambren-McCabe, & Eckes, 2013, p. 79).
- In several states, parents are banding together to opt their children out of end-of-year state-mandated tests. For instance, at the Earth School in New York City, nearly one third of students were withdrawn from school to avoid taking new standardized tests aligned with the Common Core. Similarly, at a large middle school in Long Island, more than half (134) of the 260 students slated to take state exams were kept home from school based on objections from parents (Spencer & Yee, 2013). This phenomenon is not localized to one state or region. Across the country, in Texas, California, and Washington, parents and teachers alike are protesting the administration of state-mandated standardized tests. California law does not require students to take annual exams and parents are responding in increasing numbers by exercising their right to opt out when these exams are administered. In Seattle, teachers joined together against the standardized testing movement and boycotted the implementation of state exams in their district. One participant, a ninth-grade reading teacher, called the tests a waste of valuable instruction time and cited their lack of validity as a reason for her protests against them (Watanabe, 2013).
- The National Center for Fair and Open Testing is an organization that has the stated goal of ending “the misuses and flaws of standardized testing and to ensure that the evaluation of students, teachers, and schools is fair, open, valid, and educationally beneficial.” Their website offers resources, such as “opt-out” templates for parents as well as research-based publications for those opposed to standardized testing ([www.fairtest.org](http://www.fairtest.org)).
- Issues of parental rights over their children’s education have appeared previously in the U.S. Supreme Court. In *Prince v. Massachusetts* (1944), the Court

ruled that the State could not overrule a parents' responsibility and rights to raise their children, stating "it is cardinal with us that the custody, care, and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the State can neither supply nor hinder."

- According to *Meyer v. Nebraska* (1923), the right of parents to raise their children free from interference by the state is protected by the 14th Amendment of the U.S. Constitution. In this case, the Supreme Court ruled against a state legislature and criticized its attempt to interfere "with the power of parents to control the education of their own" (*Meyer v. Nebraska*, 1923).
- *Implicated Advocates*—Carpenter and Brewer (2012) coined this term to describe the situation in which many administrators currently find themselves. *Implicated* refers to the fact that "the positionality of the educational leader in the U.S. is now interwoven within prescriptive, state-developed policies, such as accountability policies, which contribute to social reproduction despite the stated goal of ensuring equity" (Carpenter & Brewer, 2012, p. 2). An *advocate*, in this context, is one who is expected to intercede on behalf of the educational community even when working to dismantle the policies they are obligated to implement. Shippy and White (2009) point out that dominant discourses (e.g., accountability and standardized testing) force school leaders to curb their desire to address issues of social justice to respond to external forces. In this case, these external forces often derive from political pressure from elected leaders.
- In the spring of 2013, the parents of an eighth-grade student made the decision to have their son opt out of new state exams based on Common Core Standards because they felt he was unprepared to take them. As a result, school administrators barred the student from playing in a baseball game and from participating in two practices. The parents sued claiming the district violated their 1st and 14th Amendment rights by forcing the tests on their son and then punishing him. They also cited the fact that neighboring school districts allow students to opt out without reprisal. A judge threw out the lawsuit in April 2013 and ruled that the parents failed to provide sufficient evidence that their son's constitutional rights were violated ("Parents Sue New York School District," 2013).

### Discussion Questions

1. Does a parent have the right to determine which assessments his or her child will participate in while at school? Why or why not?
2. What are the potential consequences of allowing students to opt out of assessments mandated by the school?
3. How did Dr. Cartwright handle the situation? What would you have done differently in addressing the concerns of Kate's father?
4. If you were the principal, what would your initial response have been to Kate's father?

5. Many schools in the Sherwin district post each class' STAR scores for math and reading on the door outside their respective classrooms. What are the positives and negatives of this practice?
6. Once the decision was made to allow Kate to opt out of the STAR test, do you think sending her to the library was an acceptable solution? Why or why not?
7. Should students scoring below "proficient" be tested repeatedly in an effort to demonstrate growth? What are the pros and cons of such a practice for students? For teachers? For administrators?
8. What specific steps, if any, should administrators take to familiarize parents with state and district policies regarding assessment?
9. Is it problematic that the district handbook states that STAR data will only be used in calculating grades "for students that show growth"? Why or why not?
10. In the case of standardized testing, what are some important issues administrators face when balancing the needs of students versus the demands from the public (especially with regard to accountability)?

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