

Time to Learn Model Opt-Out Legislation (Two Options)

Model Opt-Out Legislation - Option 1 Broad Opt-Out Legislation

(1) Parents' Right to Excuse Children from Standardized Assessments.

Upon the written request of a public school student's parent or legal guardian, a school district shall excuse the student from taking any statewide standardized assessment or any other standardized assessment implemented at the school or school district level.

(2) No Adverse Consequences to Students, Teachers, or Schools by Reason of Parents' Excusing Their Children from Standardized Assessments.

It shall be unlawful for the State Department of Education, any school district, or any officer or employee of the State Department of Education or of any school district to

- a. impose or cause to be imposed on a public school student any adverse consequences—including but not limited to consequences relating to course grades, grade promotion, graduation, placement in advanced academic programs, or participation in extracurricular activities—by reason of the public school student's having been excused from taking any assessment pursuant to subsection (1) of this Section;
- b. impose or cause to be imposed on a public-school teacher any adverse consequences—including but not limited to consequences relating to teacher evaluations or pay—by reason of one or more of the teacher's students' having been excused from taking any assessment pursuant to subsection (1) of this Section;
- c. impose or cause to be imposed on a public school any adverse consequences—including but not limited to consequences relating to school grades or school interventions—by reason of one or more of the school's students' having been excused from taking any assessment pursuant to subsection (1) of this Section;

(3) No Adverse Consequences to Teachers for Counseling Students and/or Parents on Parents' Right to Excuse their Children from Standardized Assessments.

- (4) It shall be unlawful for any school district, or any officer or employee of any school district to discipline or discharge a teacher by reason of that teacher's having counseled parents and/or students regarding the exercise of the right granted in subsection (1) of this Section.

Model Opt-Out Legislation - Option 2 Narrow Opt-Out Legislation

(1) Parents' Right to Excuse Children from Certain Standardized Assessments.

Upon the written request of a public school student's parent or legal guardian, a school district shall excuse the student from taking any standardized assessment other than those standardized assessments implemented pursuant to the State's applications for federal education grants, including but not limited to grants under the Elementary and Secondary Education Act ("ESEA"), or implemented pursuant to the State's application for any federal waiver program, included but not limited to the ESEA Flexibility program.

(2) No Adverse Consequences to Students, Teachers, or Schools by Reason of Parents' Excusing Their Children from Standardized Assessments.

It shall be unlawful for the State Department of Education, any school district, or any officer or employee of the State Department of Education or of any school district to:

- a. impose or cause to be imposed on a public school student any adverse consequences—including but not limited to consequences relating to course grades, grade promotion, graduation, participation in extracurricular activities, or placement in advanced academic programs—by reason of the public school student's having been excused from taking any assessment pursuant to subsection (1) of this Section;
- b. impose or cause to be imposed on a public-school teacher any adverse consequences—including but not limited to consequences relating to teacher evaluations or pay—by reason of one or more of the teacher's students' having been excused from taking any assessment pursuant to subsection (1) of this Section;
- c. impose or cause to be imposed on a public school any adverse consequences—including but not limited to consequences relating to school grades or school interventions—by reason of one or more of the school's students' having been excused from taking any assessment pursuant to subsection (1) of this Section;

(3) No Adverse Consequences to Teachers for Counseling Students and/or Parents on Parents' Right to Excuse their Children from Standardized Assessments.

It shall be unlawful for any school district, or any officer or employee of any school district, to discipline or discharge a teacher by reason of that teacher's having counseled parents and/or students regarding the exercise of the right granted in subsection (1) of this Section.