

Alisan Taylor, Principal
Lookout Valley Elementary School
701 Browns Ferry Road
Chattanooga, TN 37419

Bonnie MacDonald, Teacher
Lookout Valley Elementary School
701 Browns Ferry Road
Chattanooga, TN 37419

Dear Ms. Taylor and Ms. MacDonald,

Please excuse my frustration, and know that it is never directed at you personally, but at the current system as a whole. After receiving Ms. Taylor's reply this weekend, I spent the rest of the evening doing more research, and I realized that the letter you graciously forwarded my from the State is nothing more than specifically worded **bully tactics meant to coerce us parents into bowing to the whims of the DOE**, which has already been infiltrated. My assertion that I would be forced to withdraw [REDACTED] from school altogether was premature, as I don't have to go that route after all. **My son WILL be in attendance this entire week, and I have the support of the existing laws to back my decision as a parent.**

As the parent of [REDACTED] I prohibit anyone from administering the Tennessee Comprehensive Assessment Program (TCAP) to my child.

Currently, there is no legal authority in existence to deny my right as a parent/guardian to refuse the standardized testing of my child. Furthermore, neither federal nor state law mandates that my child must take the TCAP. The laws only require that schools administer TCAP to students. [(ESEA) §1111 (b) (3), TCA 49-1-617] This law should not be misconstrued in any way as a requirement that my child is mandated to take the TCAP.

In addition, TCA 49-2-211(a) states that, *"Every LEA shall develop a policy setting forth the rights of parents and students as guidelines for teachers and principals with respect to the administration of surveys, analyses or evaluations of students."* Section (b)(1) of this law states that, *"[t]he policy shall enable a parent or legal guardian to opt their student out of participating in a survey, analysis, or evaluation."* (Note that there are no definitions of "survey," "analysis," or "evaluation" in this statute.)

Current practices indicate that TCAP scores are, in fact, being misused to evaluate student performance and determine class placements, as if they were widgets in a factory. They are also being used to evaluate teacher effectiveness, as though the teacher is nothing more than a simple series of output values. Although the TDOE refers to the TCAP as an "assessment," a review of academic literature indicates that TCAP is actuality being used as an "evaluation" of students.

See these links for details and definitions of "assessment" and "evaluation."

- http://resource.mccneb.edu/edutut/Online%20Pets%20Course/Assessment_evaluation_grading.htm
- <http://duke.edu/arc/documents/The%20difference%20between%20assessment%20and%20evaluation.pdf>
- http://centerforschoolsuccess.org/index.php?option=com_content&view=article&id=86&Itemid=150

Moreover, TCAP scores are being used to analyze students. In particular, Tennessee's Race to the Top application explicitly provides for the use of TCAP scores in data analysis of student achievement.

Based on the above information, it appears that the TCAP is, in fact, being used as a tool for both the evaluation and analysis of students based on TCA 49-2-211(b)(1); therefore, it seems that parents are within their legal rights to refuse the TCAP for their children.

During TCAP Testing

During the testing period, my child will be allowed to read a book, work on homework, or participate in an educational activity in another room.

School districts in Tennessee recently received a memorandum from the state's General Counsel dated April 14, 2015 that suggests that students will be forced to "sit and stare" if they refuse the test, and that our only options as parents are private school or homeschool. It is abhorrent that our state would condone such an act of **abuse** and I refuse to allow this to happen to my child.

My child will be removed from the testing classroom prior to the dissemination of the tests. **If he is not, my child, per my instruction, shall take the test and shall mark every answer incorrectly.** Doing so will negatively affect the school and district rankings. Please remember that a memorandum from the TN Department of Education dated April 29, 2014 stated that a child's refusal to take the test would not affect a district or school's test scores/rankings. **Therefore, it would be wise for a district to allow students to refuse the test without penalty.**

If my child is forced to "sit and stare," please be aware that students will likely notice and be disturbed that my child does not have to take the test. Please note that page 12 of the 2015 Spring TCAP Teacher Directions manual states that "special circumstances, interruptions, or distractions that affect individual or group performance can invalidate test results." If my child is forced to "sit and stare," I will contact the Department of Children's Services, local media, the school district, and the manufacturer of the test, Pearson, and notify them of this abuse. I will also let the Pearson Corporation know that forcing my child to "sit and stare" likely created a distraction for other students, **thereby invalidating the test results of the entire class.**

After TCAP Testing

I expect that my child's grades will not be affected by our refusal of the TCAP. While state law requires that TCAP scores make up 15%-25% of a child's final semester grades, **our former Commissioner of Education waived this requirement in 2014.** Despite TCA 49-1-201(d)(1), this was allowed. The Attorney General opinion dated July 2, 2014 stated that "the requirements of Tenn. Code Ann. § 49-1-617...can be waived; they are not statutory requirements related to "federal and state student assessment and accountability" under Tenn. Code Ann. § 49-1-201(d)(1)(J)."

Because it appears that I do have the legal right to opt my child out of the TCAP evaluation, and the law requiring the use of TCAP scores in grades seems to be subjectively disposable, my child's TCAP scores (or lack thereof) will not be factored into his grades.

Please reply to me in writing, confirming that you will abide by my expectations set forth in this letter. You may contact me in writing if you have any questions.

Thank you,

Dan Baker