



# COLORADO DEPARTMENT OF EDUCATION

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Commissioner of Education

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Deputy Commissioner

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Dear Superintendents,

The state assessment season is already upon us. The Colorado student assessments, TCAP (Transitional Colorado Assessment Program) and CoAlt (Colorado Alternate Assessment), are set to begin next month. As in previous years, CDE has received emails and phone calls about parents refusing to have their students participate in the state required assessment program. This is a good time for a refresher on the Colorado laws and rules governing student participation in state assessments.

**Misconception 1:** Parents may “opt out” their child(ren) from participating in the state assessment program (TCAP/CoAlt).

Clarification: Per Colorado law [22-7-409(1.2)(d)(I)(A)], as part of the school and district accountability system, every student enrolled in a public school is required to take TCAP or CoAlt. There is nothing in this section of the law allowing parents choice regarding this testing. People may be confusing the law governing testing with the law governing instruction in human sexuality. Parents are able to excuse their child(ren) from the curriculum concerning human sexuality. The state assessment does not cover this area of the curriculum; therefore, this part of the law does not apply to TCAP/CoAlt.

Some have also argued that State Law [22-1-123 (5) (a)] gives parents an “opt out” from state assessments because it states, “Schools (etc.)... shall obtain the written consent of a student’s parent or legal guardian prior to the student being given any survey, analysis, or evaluation...” However, this law only pertains to certain types of sensitive, personal student information such as political affiliations, illegal behavior, and family income that are specifically listed in the statute. The TCAP and CoAlt are *not* among the surveys, analyses or evaluations referenced in this statute. Therefore, the State required achievement assessments are not affected by this section of the code.

**Misconception 2:** Schools and districts are not penalized when parents refuse to allow their child(ren) to be assessed.

Clarification: Lack of participation is represented in the new accreditation system as reflected in the Performance Frameworks. Schools and districts not meeting the participation requirements drop one full category on the Performance Frameworks.

**Misconception 3:** Parental refusals have no negative impact on students as a group.

Clarification: The accuracy of all of the accountability data is impacted when students do not participate due to parental refusal. This data is publicly displayed and also is utilized to make policy decisions at the state, district and school levels. Obviously, the more accurately the data reflects the true performance of the students, the better informed policy makers are when high stakes decisions are being made. We entrust our schools with the great responsibility of educating our children. TCAP gives us a common tool to use when we are looking at how well schools and districts are preparing students for the world of college or work. It is useful for Colorado's citizens to be able to look at the performance of its public schools using a common, fair tool, given under the same conditions in every school: TCAP. It is an important method of looking at all our schools and districts in a comparable way.

**Misconception 4:** Parental refusals have no negative impact on their individual child(ren).

Clarification: TCAP does not try to measure all the learning students engage in throughout the year – but it is a very reliable annual measure of student achievement in reading, writing, mathematics and science. Students who do not participate are not provided with this information. In addition, students who do not participate in state testing do not get growth projections, which can be an important gauge of whether or not the student is on track for being college and career ready. As an example, TCAP is able to provide a good prediction of each student's probable ACT scores.

**Misconception 5:** Schools are obligated to provide alternate learning activities during testing times.

Clarification: Since all students are required to take TCAP/CoAlt (see **Misconception 1**, above), schools are not obligated nor required to provide alternate activities.

We wish you success in this year's assessment administration,

Jo O'Brien, Assistant Commissioner

Office of Standards and Assessments