

Public Comment for Rule R277-404

received as of November 15, 2018

From: NATHAN WHITING <9725r@msn.com>

Sent: Monday, October 29, 2018 1:39 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: November 1, 2018 regarding proposed amendments to Rule R277-404. Pursuant to R15-1-5(2)

School Board:

Voting to change the parental rights to opt-out of testing is the final nail in the coffin to parental rights and local control. It is hard to imagine the State of Utah has not received 4 Pinocchio's for their claims on protecting local control. Governor Herbert stated, "Local Control of Curriculum - Utah, not the federal government, must be in control of what we teach and how we teach it."

(source: <https://www.utah.gov/governor/priorities/education.html>)

However, the truth is, "Students who opt out of testing will be counted as failing after feds reject Utah's requests for flexibility". The Feds rejected Utah's right to local control. In other words, there is no local control. The Feds have complete control of "what we teach and how we teach it." Governor Herbert has given the Federal Government absolute control over the State's "local" education system. It is directly opposite of his statement. The Fed's rejection voided parents rights as the "primary" to direct their children's education. Which means the State, if it has not already, will have to modify the State Code to remove the language that grants parents the right to direct their children's education. If not, parents could have "standing" under the law and the right to redress.

(source: <https://www.sltrib.com/news/education/2018/07/13/students-who-opt-out/>)

And like many of the things supporting moving education into the "21st Century", the parents were not provided full disclosure. We were told we only spend 11,000 per student compared to 20,000 per student nationally. This claimed by the State exclude the fact were 10th in the nation when you looked at the percent of total budget spent. In other words, we spend a large portion of our budget on education. Today, we spend 40% of our budget on education as opposed to 33%. And a lot of this spending does little to improve learning, in fact, most of the spending goes towards data collection. None of the data collected goes to support parents as the "primary". In fact, most if not all, is not legally the property of the School District or the parents, it is the property of the collector. The State appears also be selling the data to higher education colleges like Stanford. Not only that but, there is ZERO accountability to the public on how this money is spent.

(source: <https://www.deseretnews.com/article/700048237/Utah-10th-for-percentage-of-budget-spent-on-education.html>)

(source: https://www.youtube.com/watch?v=rs-SA83QoPU&feature=youtu.be&fbclid=IwAR1Fyz8qkW2Y-SmoVCz18PNHjSmf3a7zvgif_T8n8Mk_8DZTL-dlogTdBc)

The simple truth is that the State of Utah has repeatedly not been forthcoming at a minimum, to be completely dishonest with the public, on the impacts for opting to receive Federal Funding. No matter how the State or School Board presents it, it is clear there was never any intention of protecting Parental Rights or local control. In fact, everything in the State code that protects parental rights and minors has been altered, removed or otherwise changed to meet with the Federal Standards. This new change is no exception. Utah has abdicated all of her rights on education to the Feds.

(source: https://www.utahnsagainstcommoncore.com/wp-content/uploads/2012/09/GOPConventionFlierHerbert_BW.pdf)

Additionally, all of this is being done while completely ignoring the Constitution. The State is literally watching the Federal government plunder our rights in broad daylight. And when the parents, or peasants, in this case, complain to the State about starving from the lack of education, the State's responses by saying, "let them have Common Core cake".

(source: <http://ctagainstcommoncore.org/across-ct/legal-dept/unconstitutional-and-illegal.aspx>)

And remember these changes in education was done to improve education, especially, those yearly test assessments. Has it improved learning or testing, objectively no, not only are kids struggling now more than ever, they seem to be struggling most in the core subjects of Reading, Writing, Math, and Science.

However, I will say the new education has succeeded in one area. The new education system has been the most successful program ever devised to digitize personal information on U.S. minors and their parents. And in this area at least, we are keeping up with China. The good news is the data is worth a fortune. The bad news...well just look what happens when the data collected is hacked, leaked, or used inappropriately. All of which should have been the first reason above all other reason not to collect the data to begin with.

(source:

<https://www.bing.com/search?q=what+is+going+on+with+test+scores+in+schools&qs=n&form=QBLH&sp=-1&pq=what+is+going+on+with+test+scores+in+schools&sc=1-44&sk=&cvid=10B99746DBFA4A41996BF07F5C490C51>)

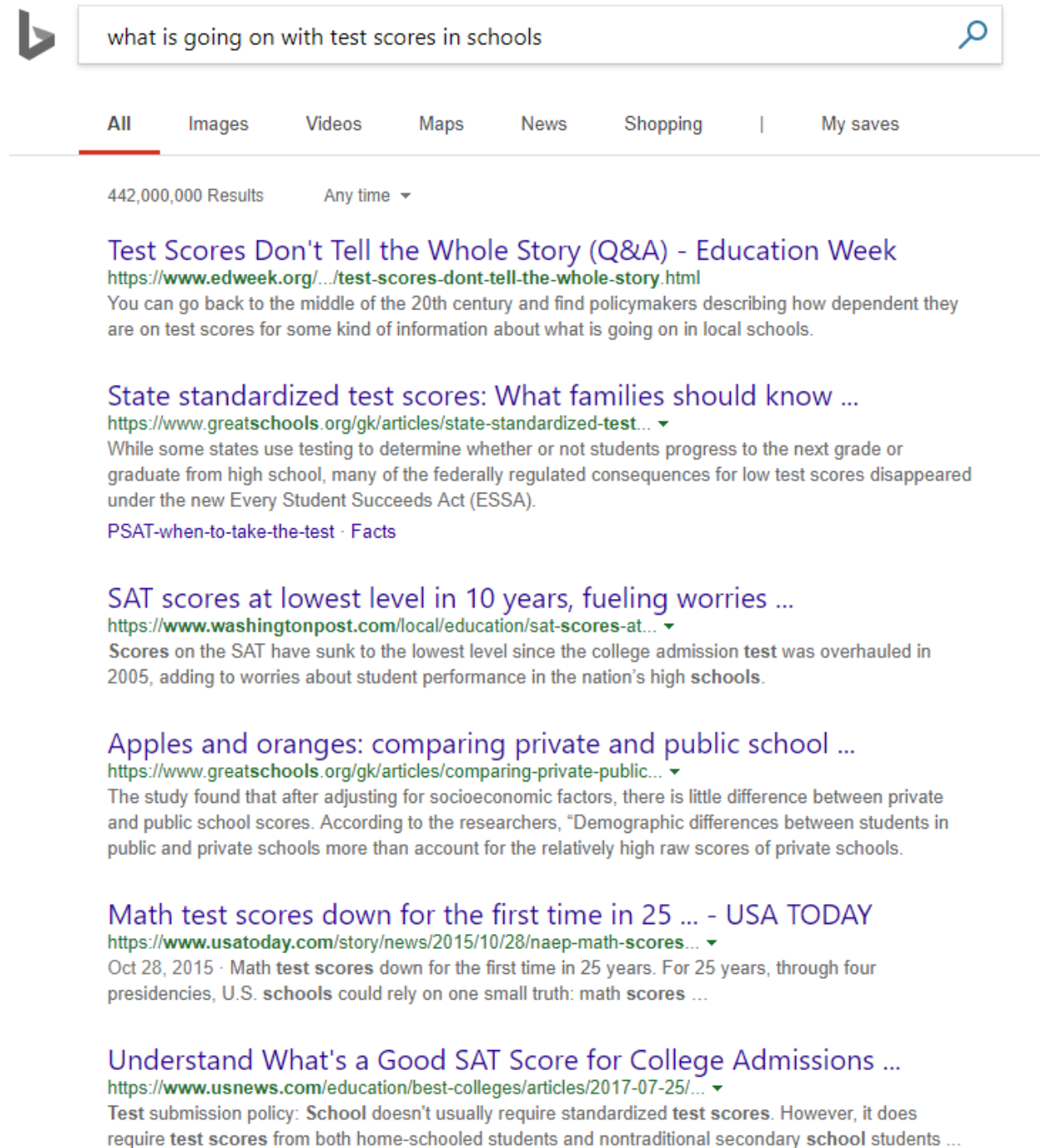
SUMMARY: We are simply failing our children.

- *We need to stop pretending the amount of money we spend equates to the level of education our children receive.
- *Our children should not be treated as a commodity.
- *Our children's basic education should be the first priority, and not their ability to provide the State an attractive workforce.
- *It is not simply that our kids are struggling to get a strong basic education, it is that we now require them to endure more stress to do it.
- *Our goal in education should be a strong foundation in the basics.
- *A student can direct themselves if they have a strong basic foundation on which to operate.
- *Providing our children with a strong educational foundation, at least in the past, has given the State the reputation of having one of the hardest and smartest workforces in the country.
- *And we use to be able to provide this strong educational foundation while spending only \$11,000 per student.
- *We need to stop mass collecting data on minors and their parents.

(source:

<https://www.bing.com/search?q=poor+school+test+scores+common+core&qs=n&form=QBLH&sp=-1&pq=poor+school+test+scores+common+core&sc=1-35&sk=&cvd=5A82C467B88F4A668A44D927820D1A61>)

(source: <https://www.facebook.com/phil.wright.73/videos/10212875367308486/?t=6>)



The image shows a Bing search results page. At the top, there is a search bar with the query "what is going on with test scores in schools" and a magnifying glass icon. Below the search bar, there are navigation tabs for "All", "Images", "Videos", "Maps", "News", "Shopping", and "My saves". The "All" tab is selected and highlighted with a red underline. Below the tabs, the search results are displayed. The first result is "Test Scores Don't Tell the Whole Story (Q&A) - Education Week" with a link to <https://www.edweek.org/.../test-scores-dont-tell-the-whole-story.html>. The second result is "State standardized test scores: What families should know ..." with a link to <https://www.greatschools.org/gk/articles/state-standardized-test...>. The third result is "SAT scores at lowest level in 10 years, fueling worries ..." with a link to <https://www.washingtonpost.com/local/education/sat-scores-at...>. The fourth result is "Apples and oranges: comparing private and public school ..." with a link to <https://www.greatschools.org/gk/articles/comparing-private-public...>. The fifth result is "Math test scores down for the first time in 25 ... - USA TODAY" with a link to <https://www.usatoday.com/story/news/2015/10/28/naep-math-scores...>. The sixth result is "Understand What's a Good SAT Score for College Admissions ..." with a link to <https://www.usnews.com/education/best-colleges/articles/2017-07-25/...>. Each result includes a brief description of the article's content.

Thanks,

Nathan Whiting

From: Summer Barrett <sumbyjo@hotmail.com>

Sent: Tuesday, October 30, 2018 07:24

To: Board Rule Comments

Subject: Sage/Rise testing rule change

To whom it may concern,

I am very concerned about the new rule change for standardized tests as outlined below:

Under 6(c) the new language states that a school (aka LEA) "shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course."

As a parent of 4 kids in the Davis county school system, I have seen the rise in status that has been given to these standardized tests and it greatly concerns me. I feel as if we are no longer concerned in the state of Utah about educating our kids, but with producing results.

Please consider the lasting effects this change could make and strike it from the rules.

Thank you for your consideration.

Summer Barrett

Kaysville, UT

From: Lori Fletcher <lori@fletch7.com>

Sent: Tuesday, October 30, 2018 07:36

To: Board Rule Comments

Subject: Rule 277-404 6c for Thursday

To whom it may concern for Thursday's board meeting,

"Rule 277-404 6c might seem like small, barely significant language, but its effects may prove to be huge. Besides seeming seriously unethical, implicitly encouraging students to beg their way into an opt-in to Common Core-aligned testing, the effects may be very long-lasting and damaging to an individual child's education." Christel Swasey

Regards,

Mrs. Fletcher

Mother of 5 considering home school because of the drama of Common Core testing.

From: Lori Fletcher <lori@fletch7.com>

Sent: Tuesday, October 30, 2018 07:36

To: Board Rule Comments

Subject: Rule 277-404 6c for Thursday

To whom it may concern for Thursday's board meeting,

"Rule 277-404 6c might seem like small, barely significant language, but its effects may prove to be huge. Besides seeming seriously unethical, implicitly encouraging students to beg their way into an opt-in to Common Core-aligned testing, the effects may be very long-lasting and damaging to an individual child's education." Christel Swasey

Regards,

Mrs. Fletcher

Mother of 5 considering home school because of the drama of Common Core testing.

From: April McLaws <apiegirl@gmail.com>
Sent: Tuesday, October 30, 2018 7:49:14 AM
To: Board Rule Comments
Subject: OPT OUT rule...

We as parents deserve the right to do as WE see fit for our children!
WE deserve to keep our RIGHT to opt out of ANY part of this BS !!!
Leave our RIGHTS in tact!

April McLaws
Washington City resident

From: Wendell W. Ashby <ashbyww@gmail.com>
Sent: Tuesday, October 30, 2018 8:20 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Please respect parental rights to opt out of test

Hello,

The proposed rule change will once again put pressure on families who have opted out of state tests. Please remove this language and support families in their right to opt out of state tests.

“Rule No. 43183, beginning on page 14, called R-277-404, is titled “Requirements for Assessments of Student Achievement”.

Under 6(c) the new language states that a school (aka LEA) “*shall reasonably accomodate a parent’s or guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement in a course*

.”

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Thank you,
Wendell W. Ashby

From: Hanne Peck <hannepeck1948@gmail.com>

Sent: Tuesday, October 30, 2018 8:23 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Opt out CORE testing

To Whom it May Concern:

The option of being able to opt out of CORE testing is vital! I am VERY opposed to the CORE/SAGE testing. Please consider this plea that if you can not get ride of CORE all together that it is absolute wrong to FORCE this CORE testing in as mandatory.

Once again, please do not take away the option of opting out of CORE testing.

Sincerely,

Hanne Peck

From: Colt and Cassie Miller <miller.coltandcassie@gmail.com>
Sent: Tuesday, October 30, 2018 8:33 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Opt-Out Right

The information that the opt-out rights for testing are being taken away from Utah's parents is deeply disturbing, and totally at odds with our rights and freedoms as American citizens. As an American mother, I should have the right of having a say in my child's education, and how they are educated. The fact that the federal government is at the heart of this issue, as I understand it, is doubly disturbing, as they were never intended to have a say in education in the first place. I do not believe that we need their money, because I believe that throwing money at the education problem will not solve it. Please, let's fight back against the federal government's bullying and show them we do not need their money to have good education in Utah.

I do agree that there is a problem with our education system that needs to be addressed, but addressing it with more of the same is NOT going to fix the problem. Tests are not the only way of assessing learning, nor do I believe they are the best way. I went to school here in Utah and even graduated as Valedictorian of my high school. Yet, I never felt that I was in any way smarter than my peers, I was just better at taking tests. I didn't truly learn the material; I only memorized it so I could take the test and then promptly forgot it as soon as I took the test. This is the great tragedy of only using tests to assess understanding! Understanding is never truly gained with a multiple-choice test, and if children are attending school for 12+ years and not truly gaining understanding of the material, then what's the point?

Furthermore, the Sage/Rise tests cannot even do what a traditional test in school can do, because the teachers do not even know what is on the test! The very fact that it is so secretive is highly disturbing to me. The government can put whatever they want on the tests, even controversial or downright morally wrong material, and nobody will know about it until it is too late.

Please, please, DO NOT give in to the federal government's bullying. We deserve to keep the right to have a say in our children's education. According to the Declaration of Independence, we have been granted by God a right to liberty. This change will take away that liberty and be a stepping stone to take yet more liberties away from us. Please take this into consideration when you make this choice.

Thank you,
Cassie Miller

Mother of 4, Duchesne County

From: Amy Taylor <curlysueb4a2bb@gmail.com>

Sent: Tuesday, October 30, 2018 9:28 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Amy Taylor

I would like to have my opinion noted. I am NOT in favor of Sage/Rise Testing. Or any other testing that seeks to judge a child or teacher on the overall result of how well children perform under pressure and time constraints. Each child will learn at their own pace and when we force adults (teachers and parents) to be judged on that pace it is unfair to the child and adult. You may want to have data that shows how we as a state measure up to other states but there are others ways of finding and researching this data. A lot of of schools are using trackable online interfaces that could generate at what level a child is progressing and how well that educator is working to teach the child. I believe it is more important to have Principals, Educators and Parents that are actively involved and genuinely concerned for the individual child's development rather than a state or national statistic.

Thank you for your time and consideration.

Amy Taylor

curlysueb4a2bb@gmail.com

From: Cara Dansie <caradansie@gmail.com>
Sent: Tuesday, October 30, 2018 9:44 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Opting Out and Course Requirements

HI,

I am a teacher and a parent and I have major concerns about this wording and rule: Under 6(c) the new language states that a school (aka LEA) “shall reasonably accommodate a parent’s or guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement in a course.”

State required assessments should NOT be allowed to fulfill a requirement in a course. This is not fair to students or teachers and does not help teachers be better teachers or students be better students.

Students should be allowed to opt out of taking the state required assessments without it penalizing them in any way.

State assessments should be solid enough to stand on their own two feet without any reward attached for those who take it or a penalty for those who don't. If they aren't, then the assessments may be the problem and need to be fixed and not the way in which they are offered as an option or requirement to the students.

This rule needs to be changed for the good of our students and their education.

Sincerely,

Cara Dansie

From: Tonja Henderson <tonjawh@gmail.com>
Sent: Tuesday, October 30, 2018 9:54 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Public comments on R-277-404

To The State Board:

This week I understand you will consider a proposed rule change, R-277-404. I would ask that you strike or change the language that includes, "*shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

To me, that sounds like any requirement in a course *could* potentially be skipped, if a school decides to allow a SAGE/RISE/CommonCore test score to replace it, with parental approval. I see potential danger in the scenarios that could result.

The SAGE test is controversial, unvalidated, and disregards ethics codes for behavioral research testing. Replacing valid requirements of a course with this test would be unwise as it potentially robs students of the learning that takes place as a student completes a valid assignment, undermines the teacher's ability to design assignments which teach and evaluate specific skills and knowledge, and replaces valid assignments with an extreme, experimental test that has yet to be proven valid by industry standard validity reports.

I can't imagine why we would allow these tests to be used on our students at all, knowing there is absolutely no proof they measure academic ability; It would be a grave mistake to allow them to be substituted for valid, approved assignments.

Thank you,

Tonja Henderson

From: Jen P <jenniferp8@gmail.com>

Sent: Tuesday, October 30, 2018 9:56 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Sage opt out

Parents have a right to be in charge of their child's education. Please don't take away the right (or make it more difficult by giving consequences) to opt out of sage testing. Count my vote AGAINST changing the current wording of the law and don't take away our rights.

Jennifer Pate

Logan

From: Angela Gee <queenannegee@gmail.com>

Sent: Tuesday, October 30, 2018 10:32 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Sage testing language change

I do not agree that a standardized test, should be allowed to fulfill a requirement in any school class. As written, those opting out of the test are required to complete alternate assignments such as research papers and essays, potentially requiring more rigorous and lengthy work than a multiple choice test. This could potentially be used to force students toward the test to avoid the extra work and more challenging opt-out assignment. Students and parents should not be punitively punished because they disagree with the premise of standardized testing as a modern for valuable long term assessment. It would be more productive to have everyone demonstrating their mastery of concepts taught in class through project based assessments rather than a multiple choice test that may or may not correspond directly to individual classroom instruction. I find this language harmful to the overall instruction and learning of students and request the wording be changed so standardized tests cannot be a requirement in a class. Standardized testing has many documented drawbacks and has been shown to be somewhat irrelevant in a college student's success and completion of college. Please rewrite the language so that all class requirements are directly linked to classroom materials focused on during the term and so the test does not replace valuable work.

-----Original Message-----

From: Tahnee Hamilton <tahneehamilton@gmail.com>

Sent: Tuesday, October 30, 2018 10:34 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: SAGE/RISE testing - opt out

To Whom It May Concern:

My child attends public school in Lehi, Utah. I have chosen to opt out of standardized testing due to personal reasons. The language of Rule No. 43183, beginning on page 14, called R-277-404, threatens my inalienable right to educate my child in the way I see is best. Please remove any language requiring my student to participate in these tests, or language that removes my ability to opt out of these tests. I am becoming increasingly nervous about federal and state overreach into my child's education and my responsibility to parent. Please do not take away my god-given rights to educate my child.

Thank you.

Tahnee Hamilton
Hamilton Law Office, P.L.L.C.
Attorney
801-634-2131

From: Marsha Tiemann <MTiemann@mossinc.com>
Sent: Tuesday, October 30, 2018 10:40 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Cc: worththeprice@yahoo.com
Subject: New Rule for Assessment Requirements

To whom this message warrants action:

Rule 43183, pg 14 Titled Requirements for Assessments of Students Achievements; under section 6c:

“Schools shall reasonably accommodate a parent/guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement of a course.”

This statement of opinion is absurd and should be left out! This statement is nothing more than an attempt at demonstrating government power. The power which you wish to accommodate reasonably is and always should be left to **the parent/guardian** of the student. Accommodations of entities that are put into law or said rules, are just a cop out of addressing the real issue! The truth is this rule adds no value to the achievements of the future of mine or any other student. These so called assessments that propose to demonstrate a proficiency in some course requirement has the opposite effect on a student’s future for success. When an assessment is required to fulfill a course curriculum, we are not looking after the student’s learning/training process of which the school was intended to provide. Instead, this rule allows an attitude that is universal: “It’s now or never”, or “I can never measure up”, “It’s not worth it” and finally, “I don’t even get what they are asking me to do.”

We, parents/guardians, have a constitutional right to choose our family liberties and protect our student’s (academic or otherwise) learning without disrupting their possibilities for a successful future. We are U.S. citizens, in a democratic society, that reserves us the right to be an advocate for and behalf of, our children, the students that you mention in this rule. I take a stand against this new rule insert and assert that **you must allow a student to opt out of these so called “proficiency assessments”** with parental consent for minors and allow older students to make their own choice on how they will meet a course requirement. These so-called assessments have not proven academic achievement or proficiency, let’s spend our time and money on the things that matter most - our students achievement success now. Our educational system is eroding into something I am not proud of.

Please reconsider this new rule and any other that opposes individual freedom and the core beliefs of family values.

Marsha

Parent Advocate

Salt Lake City

-----Original Message-----

From: Erika Polley <erikapolley@gmail.com>
Sent: Tuesday, October 30, 2018 10:50 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Parental Rights trump the Federal Government's hoops

Parents rights are more important than jumping through the hoops of the Federal government in the name of dollars. I know my child better, and my child's teacher knows my child's abilities better than an invalidated test. Adaptive tests are not fair and are not a way to get a good understanding of how well a class is doing. It should not be used to grade a teacher or school's performance, and my right as a parent to opt my child out is more important than meeting some made up limit by a governmental entity that is simply wasting money in the name of more regulations.

Erika Polley
Mother of 3.
Will always opt my children out of invalidated tests.

From: Lenell Heywood <emaillell@gmail.com>
Sent: Tuesday, October 30, 2018 11:11 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Take out rule 43183

In September, Utah's executive branch published the "Utah State Bulletin" which contains many new rules on a host of subjects. Rule No. 43183, beginning on page 14, called R-277-404, is titled "Requirements for Assessments of Student Achievement".

Under 6(c) the new language states that a school (aka LEA) "*shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

Please take out this rule as it puts a slippery slope on the opt out for SAGE and other tests. Parents should be able to opt out of these tests without their children being pressured in school. Please take out this new language.

Warmly,

LeNell Heywood

Heber City

Sent from my iPhone

From: Mark Bunker <mbunk91@gmail.com>

Sent: Tuesday, October 30, 2018 11:32 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: New SAGE Opt-Out Vs Course Requirements: AGAINST new proposal!!

To whom it may concern,

I am adamantly opposed to the SAGE testing opt out proposal currently on the agenda. There should be no other assignment or correlated score associated with opting out of SAGE/Dibels testing. I have been against Common Core from the onset due to its secretive and federal implementations. This is a red flag moment that should send shockwaves through the Board's bones. They are purposely pitting children against their parents in an effort to comply with this nasty, unconstitutional testing. Why is it unconstitutional? Because education should be local and not federally mandated. Keep Utah safe from this federal overreach. I know you have the bravery to stop this new mandate.

Thank you,

Mark Bunker

Riverton Utah

801.792.7760 cell

mbunk91@gmail.com

From: Daniel Wood <woody96@earthlink.net>
Sent: Tuesday, October 30, 2018 11:45 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Parents Rights in RISE/SAGE Common Core tests

To Whom it May Concern,

As a parent of 6 children and I am FED UP with the education that they are getting in UTAH!!! I am so tired of Utah being a big black hole of following the federal standards, completely failing to offer my children a well rounded education. Since 2011 I have watch as the Common Core Standards have been eagerly accepted and assimilated into the schools. I have watch my children who were thriving and soaking up knowledge; only losing that precious opportunity to learn in a classroom setting due to the months long practicing and test taking. Now a new secretive test and deceptive wording to go along with it because of the epic fail that was SAGE. When it comes to educating Utah children, I give you a failing grade. Even more so now that you are trying not to have a repeat with RISE test, that was the SAGE. Your new wording: Under 6(c) the new language states that a school (aka LEA) "*shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*" This language needs to be stricken and removed from the rules. The language is so ambiguous, it subtly, yet dramatically elevates the status of the SAGE/RISE/Common Core tests, without merit, without valid reason, and with unethical, damaging future effects. Effectively punishing students who opt out and making parents almost powerless to opt out. I can visualize several scenarios at where this new wording could have negative consequences: any requirement in a course *could* potentially be skipped, if a school decides to allow a SAGE/RISE/Common Core test score to replace it, with parental approval. A teacher would eagerly do this so they can get the required opt-in numbers of the standardized test needed for funding for schools, districts, teachers; student who used to be opted out of the government test by his or her parent, will now be strongly tempted to persuade his or her parent to opt in. "I don't have time/don't want to write my final paper. I didn't have time/don't want to read the literature; the school says I can skip this requirement if I take the SAGE/RISE/Common Core test and if you sign this form." This may drive a wedge between my student and me as a parent. It can create a wedge between a student and hard course requirements. It can damage a teacher's professional judgment and his or her course-designing value. It breeds laziness. If SAGE/RISE/CommonCore tests weren't controversial, if they weren't secretive, so that a teacher could actually relate a course with this test, to see if it actually measured the thing that the new rule language implies that this test can adequately replace, that might **almost** make sense. But the tests remain controversial because it is secretive, and they cannot be correlated with the course offerings of any given class by virtue of that secrecy.

Now good teachers will not assign challenging work, classic literature to be read, or challenging essays and reports to be written. Final exams and writing assignments will feel like burdens to students (but are huge assets and blessings in real life, How else will students know how to research, draft, write and edit a well-referenced, fully cited, MLA-formatted paper at the end of the class? Not from a government screen-based test.) Even more so because now any student wouldn't really need to know the literature to pass a government/CommonCore test? No. A student can just read little snippets on the test and bubble in the multiple-guess responses. Thus never learning anything of value; but they sure do know how to take a test well. Homework and assignment become burdens that they can be skipped in exchange of taking a pointless test. I do not want the state to tell me how to parent or have the ability to propandize my children and that is what this wording does if you put into state law the option: it will be from teacher to student, "get your parents to request that the government test will fulfill the essay writing/literature final/ other requirement of the class and I can get my quota for the standardized test." The executive for Utah's SAGE test (AIR VP Jon Cohen) stated that "when you're using a test for accountability, you're not really using it to measure the kid, you are using it to measure the school, or the teacher, or the district." Please measure my kid not what Jon Cohen states as the obvious reason for the new word change.

Concerned Parent,

Laurie Wood

Spanish Fork

From: Deina Mitton <deinerp17@hotmail.com>

Sent: Tuesday, October 30, 2018 1:29 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Rule No. 43183

“Utah State Bulletin” Rule No. 43183, beginning on page 14, called R-277-404, is titled “Requirements for Assessments of Student Achievement”.

Under 6(c) the new language states that a school (aka LEA) *“shall reasonably accomodate a parent’s or guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement in a course.”*

I am just writing to make my opinion known. I am a parent and a teacher and like to be allowed to be a parent and make decisions for my own children. I feel that the wording in this rule as well as the option to take a test in place of a class is not in the best interest of our children. I think we need them to be challenged and to learn things and this may take some of that away from them, enabling them to be less rounded. It may also cause rife at school and at home in my opinion. This option should not be out there for the student or parent to chose. How can one be sure the test demonstrates that the student could pass the course it takes the place of, if the teacher teaching the course can't see what is in/on the test to see if they reflect one to another anyway?

Thanks for hearing me out.

Sincerely,

Deina Mitton

From: Camie <camie73@rocketmail.com>
Sent: Tuesday, October 30, 2018 1:39 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Hearing on Thursday

To Whom it May Concern,

I am deeply concerned about some language in the "Utah State Bulletin" which was published in September. Rule No. 43183, beginning on page 14, called R-277-404, is titled "Requirements for Assessments of Student Achievement".

Under 6(c) the new language states that a school (aka LEA) "*shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

This language needs to be stricken from the rules. The language subtly, yet dramatically elevates the status of the SAGE/RISE/Common Core tests, without merit, without valid reason, and with unethical, damaging future effects.

Thanks for the taking the time to read this.

Camie Madsen

Richmond, Utah mother of 4

Sent from my iPhone

From: Tina Anderson <socialtanderson@gmail.com>

Sent: Tuesday, October 30, 2018 2:32 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Rule No. 43183 "Requirements for Assessments of Student Achievement".

As a parent I am continually appalled at the disrespect we are shown as the caretakers of our children in public schools. We opt our kids out because we know them best, know what's best for them, and know what kind of education we want them to have. We also know that our children do not grow from burdens they can skip. Please remove the language from this rule that allows for government/high stakes testing scores to be used in lieu of fulfilling proper requirements to pass a class. Not only is this the wrong way to get students to take the tests, but now instead of pitting schools and teachers against us parents, you are using our children. It's a sad state of affairs.

We need to go back to local education, hand-written assignments and real books. Online learning, digital learning and standardized testing is hurting our kids. There continues to be no hard evidence that digital learning and computerized testing benefits our kids but there IS EVIDENCE that traditional book and paper learning is better.

Sincerely,

Eric and Tina Anderson

Millard County

From: Rashelle Black <rashelle.black@gmail.com>

Sent: Tuesday, October 30, 2018 2:30 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject:

To whom it may concern:

Please remove the new language proposed in Rule 277 404 6c. This would have damaging, long term affects on the education of our kids and limits parent control in choosing what is best for the child. Any state that does not uphold the right of parents to choose what is best for their children educationally is not a state I would choose to live in.

From: Debbie Gullledge <debbie@gulledge.com>
Sent: Tuesday, October 30, 2018 3:43 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Change in Opt-out Rules

I am writing in response to the proposed change in language regarding the opt-out rules for SAGE / RISE tests. I offer this as official comment for the State Board of Education meeting this Thursday.

As has continued to be taught in our schools, decisions in government are based on the values, opinions, and thoughts of the people. In our Utah Constitution the ultimate right to educating children resides with the parents. It does NOT reside with schools, school boards, curriculum companies, testing agencies, or anyone who works for any of these bodies.

Education, ultimately, is an intrinsic reward. It's value is understood and appreciated oftentimes after the formal learning takes place. Anyone who works in the field of education and who understands what true education is all about, understands this truth and would not deny the student of receiving said intrinsic reward. This is what drives a young student to become a lifelong learner and the contributive member of our society. Using an unauthentically assessment based test, that is not standardized in any way, that is tied to money instead of morals as a bribe to get out of true learning and true assessments is at the very least manipulative and at its core, evil. And this is also true for the subtle design to create a contentious environment between a parent who can see through the lie and a child who is still learning the value of learning.

Education is the ability to receive information and then to freely think on it to make a decision for yourself. Everything about this test and the testing system that supports it violates that pure principle.

I am adamantly adding my voice to those who oppose not only this rule, but this test along with any effort by any state or federal education organization to coerce students and parents into taking it for the sake of receiving money. Utah has an opportunity to stand against this type of whoremongering. Take a stand. Be different. Protect the parents and the students of this state.

Thank you,

A concerned citizen and parent of Utah

From: Ben Shapiro <ben@shapirousa.net>

Sent: Tuesday, October 30, 2018 3:49 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Rule No. 433183 "Requirements for Assessments of Student Achievement"

I am writing to request the language under 6(c) of this rule be stricken from the rules. The change in language will give schools and teachers the ability to treat students who don't take the standardized tests differently, and give credit to the students who do take the test for subjects and content that they (the teachers) don't even know is in the test. This in and of itself will cause teachers to treat students who have parents against standardized testing differently and give credit to the other students for work that they didn't do (outside of taking a standardized test). The language elevates the status of these tests without merit, without valid reason, and with unethical, damaging future effects.

If the tests were not secretive, and controversial, so that teachers and parents could see exactly what is being asked, and the teachers could correlate the course work with the test, then it could **almost** make sense. But, the teachers and parents have no way of knowing exactly what is going to be asked in the test for any given student, and therefore cannot correlate the test questions and results to satisfy any particular course requirements.

Please remove this language from the rules.

Thanks,

Ben Shapiro

519 W 5600 S, Ogden, UT 84405

From: Karin J <kjaccard@gmail.com>

Sent: Tuesday, October 30, 2018 4:05:52 PM

To: Board Rule Comments

Subject: Keep Opting out of Testing an Option!

Please do not force - or manipulate - students and parents into taking the SAGE/RISE/Common core tests. Parents deserve to parent their children. They know their children, and do know best. Teachers and the school system are a great SUPPORT for families - NOT vis versa.

Sincerely

Karin Jaccard

From: Rachel Thomas [<mailto:wyldfire76@gmail.com>]
Sent: Tuesday, October 30, 2018 4:40 PM
To: Austin, Lorraine <lorraine.austin@schools.utah.gov>
Subject: Concerned Parent

Dear State Board:

In September, Utah's executive branch published the "Utah State Bulletin" which contains many new rules on a host of subjects. Rule No. 43183, beginning on page 14, called R-277-404, is titled "Requirements for Assessments of Student Achievement".

Under 6(c) the new language states that a school (aka LEA) "*shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

This language needs to be stricken from the rules. The language subtly, yet dramatically elevates the status of the SAGE/RISE/Common Core tests, without merit, without valid reason, and with unethical, damaging future effects.

Thank you,

Rachel Thomas

Parent in Clearfield, UT

801-234-9095

From: Katharine Adams <kmatiss@hotmail.com>

Sent: Tuesday, October 30, 2018 7:41 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: SAGE/RISE rule change--VOTE IT DOWN!!

The rule change that has been proposed regarding SAGE/RISE opt outs MUST be denied! Our children should NEVER be put in a situation where they are forced to choose between improving their grade and their parents' will, nor should schools EVER try to undermine a parent's right to make the decisions they feel are best for their children. This sort of practice is already starting to happen. This rule change is just another attempt to dismiss our parental rights in a very manipulative and deceitful way. I work at a school and see first hand how some children, the ones who truly need the help, are pushed to the side because of these idiotic standardized tests so that the focus can be given to the ones who will benefit the SCHOOL the most. NONE of this is about improving education for our children. It is all about the money. Believe me, if I could come to the meeting on Thursday, I would. You MUST deny this rule change!!!

Katharine Adams

From: Misty Purser <mipurser@alpinedistrict.org>
Sent: Wednesday, October 31, 2018 9:52 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: State Test Scores

To whom it may concern,

I am writing as a teacher in favor of state test scores being counted on student's grades. State tests are given as a measure of student learning throughout the year. When the students come to take the test, however, they have absolutely no reason to try their best because they know the tests count for absolutely nothing. Education is about student learning. The state spends so much to have these tests written and administered. The tests are used to rate teachers (officially or unofficially, they are used for this purpose) and to rate schools. But the tests cannot accurately represent how teachers and schools are doing if the students don't even try on the tests. And if education is about student learning, why are we using the tests to rate everything BUT student learning? Students are less and less being held accountable for their own learning. Count the state test scores on their grades and bring back some student accountability.

--

Thanks,
Misty Purser
Mountain Ridge Jr. High
Science
mipurser@alpinedistrict.org (Make note of my new e-mail)

From: Mark Christensen <mchristensen50@hotmail.com>

Sent: Wednesday, October 31, 2018 9:22 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Rule No. 43183, "Requirements for Assessments of Student Achievement".

Hello,

As a parent of several children in several of our public schools, I'd like to express my concern over this proposed rule change. The idea that a child may now be enticed to take the SAGE test by presenting it as an easier or more palatable alternative to some other coursework is reprehensible.

Not only will this pit parents against their own children, *it also denies the student of being fully engaged in and accountable to the required coursework for their class(es)*. Offering the student an easy-out in order to gain compliance in taking unproven standardized testing (to which their parents oppose) is not a direction I hope to see my schools go and reeks of undermining parental control and primacy of the actual course requirements.

Thanks for your consideration,

Carol Christensen

Davis County resident

-----Original Message-----

From: B Whitney <brennnnnda@yahoo.com>

Sent: Wednesday, October 31, 2018 8:08 AM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Rule R-277-404 6c

Hi.

I'm writing with an overwhelming concern for a proposed "Requirement for Assessments of Student Achievement."

Under 6(c) the new language states that a school "shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course."

This language needs to be stricken from the rules. This would mean that a requirement in a course could be skipped if the school allows a common core test to replace it. Opted out students would face an alternative assessment, which requires no rules or boundaries but is left to the school and teacher's discretion. Kids that take the test might get to answer the RISE (or whatever other name might be used) questions, not designed or even seen by the teacher, and be done with the class without doing a final paper or project while kids who are opted out might be required to read certain books, write essays, or create projects, which take a lot of time & effort. There becomes a great inequality among the kids at school. Also, the kids who are currently opted out might start to feel that they would rather take common core tests than spend time on a final paper or project. It would create friction between a parent who likely has strong convictions that keep them from allowing their child to take common core tests and their children who typically don't want to work any harder in a class than they have to.

It's been my experience with opting my children out of testing that some teachers, even great teachers, don't always understand my reasons for opting my children out. They have pushed my children to test anyway, tried to print the exact same test, scribble out the word SAGE and make my kid take it, and they've called and yelled at me about my decision. I have found opposition from teachers, administrators, and other parents. Often this opposition is met with an unwillingness to even hear my reasons for opting my kids out. I have great reasons for opting my students out but that is a whole different debate though. We already get bullied at times for the choices we make, and should be making as parents, in regards to common core testing. Please don't make our burden greater!!! This has been a long, difficult road. I urge you strongly to reconsider the language of this rule to bring equality into every school & every classroom & to protect the parents who are already fighting a taxing battle.

Thanks for your consideration,
Brenda Whitney

From: MICHELLE BAGLEY <MICHELLEBAGLEY@alpinedistrict.org>
Sent: Wednesday, October 31, 2018 7:30 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Rule R277-404

I am writing in favor of changing the rule so that the state's end of year tests may be counted towards a student's grade.

For the past several years I have stood in front of my ninth grade students in the second week of May begging and pleading for them to try their best on the SAGE test. "Does this count on our grade?" is always the reply. When they find out that I am not allowed to use the test in any way to boost their score or apply it towards their grade, they lose any motivation to try.

One year I had a student take the test by repeatedly pressing the space bar with his toe. Many times I have had several students finish the test before everyone in the room has even started. It is ridiculous to expect students to put effort into something that has no effect on their lives. It is even more ridiculous to use the results of that assessment to grade my school, or compare my students to others around the state.

If this test has no teeth, we shouldn't be required to give it.

Thank you,

--

Michelle Bagley

Gifted Services Advocate

Secondary I, 7th A.L.L., 8th A.L.L Math Teacher

Mountain Ridge Junior High School

"Intelligence is useless without perseverance."

From: Meg Whitmire <mmaverickmm@gmail.com>
Sent: Tuesday, October 30, 2018 9:01 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Sage/Rise Testing Opposition

To Whom It May Concern:

I writing to voice my concern about and opposition to changing the Requirements for Assessments of Student Achievement in the State of Utah. Parent's and individuals should have the absolute right to opt out of any required tests and/or assignments they do not deem necessary or beneficial to their child's education. These decisions should remain with the parent of a child and it is completely unethical to try in anyway to force or encourage students to take the Sage/Rise tests or anything else controversial.

Allowing students to use the testing to fulfill a requirement is non-beneficial and in many cases damaging to the student's education. Students do not learn through testing, and the Sage/Rise tests are controversial anyway. Using subtle means like this to try and encourage more students and parents to opt into the testing is unethical and wrong. This only benefits the government and has no benefit for the student, which should be the main concern.

Sage/Rise tests should be completely eliminated from Utah's education system along with all of the federal government's funding and common core standards. We do not need their money or their standards. The education of our children should be returned to the control of the people. Please be wise and do not be duped or drawn in by the federal government's evil tactics to control us and our children.

Thank you.

From: Oak Norton <oaknorton@gmail.com>

Sent: Tuesday, October 30, 2018 8:23 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Regarding Rule No. 43183

Dear Board Members,

I am writing briefly to ask you to remove the language in part 6(c) of R-277-404, titled "Requirements for Assessments of Student Achievement" that could allow teachers/schools to force or manipulate children to take state assessments as part of a course grade.

*"shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill **a requirement** in a course."*

State law declares that families in Utah are sovereign and that schools are to be a secondary support to them. Working to find a way around this in negating the opt-out is a violation of the rights of families. No family is obligated to make their child do anything the school dictates but your actions are indicative of an entity trying to overturn those rights. If the board would channel as much energy into finding ways to replace the amount of federal funding at-risk which is only 2 to 2.5% of our entire state budget, we could be free of all federal regulations, redirect that energy (salary) into classroom productive activities, and respect parents and students. Please stop trying to work around the opt-out law.

Sincerely,

Oak Norton

From: Bryce Krogue <bbkrn@yahoo.com>
Sent: Wednesday, October 31, 2018 1:59 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Concerning Test Op-outs v. Course Requirements

To whom it may concern,

As a mother of 2 boys, one in high school and one in elementary I am very concerned about this new language. I have opted my children out of SAGE tests in the past and I feel it is appropriate that these tests are kept as state tests and do not correlate at all with the student's current curriculum or grade in a class. This new language can cause confusion and frustration with students and families. As a teacher, because these tests are secretive, they cannot know what material is covered and therefore cannot give course credit. Please change the language on Rule No. 43183, beginning on page 14, called R-277-404 under 6(c) so that no student feels penalized for not taking a secretive government test that his parents oppose.

Thank you,

Bryce Krogue

From: Leslie DALTON_mrjh <ldalton@alpinedistrict.org>
Sent: Wednesday, October 31, 2018 1:33 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: SAGE/RISE/ASPIRE and student grading

I'm writing to express my support for the option to use end-of-year testing scores as part of a student's grade. Over the past several years, I've noticed a sharp decline in my students' motivation to take the test seriously. A growing number of students tend to answer randomly in order to finish as quickly as possible. The data is not helpful to me in those cases, because it doesn't show their learning or expose areas I need to improve upon.

Parents who don't wish their student's scores to be reflected in their grades are still welcome to opt out of the test. If the policy was changed, I would then be able to devise an alternate assessment for those students that would be useful for everyone, covering the same concepts on the standardized test.

Thank you for considering this important issue. I believe it is in everyone's best interest to allow teachers to use test scores when grading.

--

Leslie Dalton

ELA 8 and 9H, Film Lit.

Mountain Ridge Junior High

"Words are, in my not so humble opinion, our most inexhaustible source of magic." -Albus Dumbledore

From: ElectronicGigabyte <electronicgigabyte@gmail.com>
Sent: Wednesday, October 31, 2018 1:01 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: I have comments on R.I.S.E. test

Hello,

I believe parents should be able to opt their children out of state tests like SAGE/R.I.S.E. tests and have alternate tests provided without it affecting a student's grades.

Please support the right of Parents to opt their children out of state tests like SAGE and R.I.S.E.

Thanks,

Keith Dilley

From: Jeff and Pam Budge <JPBUDGE@msn.com>
Sent: Wednesday, October 31, 2018 11:34 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Public Hearing R277-404 Comment

Board members,

My comment is about [R277-404-6 \(1\)\(c\) - lines 173-175 and R277-404-6 \(1\)\(b\)\(i\) - lines 166-168](#):

Lines 173-175 of R277-404-6 state:

(c) In accordance with Subsection 53G-6-803(1), an LEA shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.

Lines 166-168 of R277-404-6 state:

(b)(i) An LEA may consider, as one of multiple lines of evidence, a student's score on a state required assessment to determine whether a student may enroll in an honors, advanced placement, or International Baccalaureate course.

Both these portions of the rule violate [current state law 53E-4-303](#):

*(4) A student's score on the standards assessment adopted under Subsection (2) may **not** be considered in determining:*

(a) the student's academic grade for a course; or

(b) whether the student may advance to the next grade level.

RISE test scores (or proficiency) cannot be used, whether a parent requests it or not. The parental accommodation portion of [state law \(53G-6-803\)](#), deals with a parent's request for a specific teacher, retainment in the same grade level, and parent visits to the classroom. To tie it in with a parent's request for a RISE score to be used to fulfill a course requirement **is a contradiction of the law.**

Also, if RISE scores will be considered for enrollment in honors courses, etc, it automatically gives the students who take RISE an advantage over the students who do not, **which is also a violation of [state law](#) and [State Board Rule](#).**

This rule change caused multiple problems in schools all over the state because the part of the rule that requires a "parent's request" was completely ignored and notices were sent to students (almost immediately after the rule was passed, so no parent knew about it in order to make a request) that their SAGE test scores would automatically be used in fulfilling a course requirement and parents were told it was because of a new rule; which, as stated above, does not comply with state law. This rule change was seized upon as a way around the law. **It will continue to cause problems unless it is removed.**

For these reasons, I am asking you to **remove these lines from Rule R277-404-6.**

Sincerely,

Pamela Budge

From: kara edwards <kararedwards@gmail.com>
Sent: Wednesday, October 31, 2018 11:57 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Possible rule change on R277-404

Greetings, state school board members,

I am writing in response to the hearing scheduled for tomorrow night.

Please allow teachers to once again use the end of year test as part of a grade.

It is not the parents' place to decide what goes on a grade! As a parent, I feel that the teachers should be making these decisions and not other parents or the state school board. Local control is best, as refrain I often hear from the same parents calling for this hearing, and it doesn't get much more local than the classroom teacher. Please don't take their options away.

Thank you,

Kara Edwards

From: Dawn Carroll <DCARROLL@alpinedistrict.org>
Sent: Wednesday, October 31, 2018 12:31 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: State Testing

To Whom It May Concern:

I very much believe the SAGE/RISE (State test) should count as part of a student's grade. Students have no reason to care about the test because they are not invested in it and there is no accountability for them. I have watched many students over the last few years just buzz through the test without even reading the questions. That being said, it should not be a large portion of the student's overall grade. With my own children, I objected to grading the standardized test only because the total points the teacher assigned was worth more than the total points of all the work they completed that term. That was not fair to the student. However, going to the opposite extreme of not counting it at all is also not fair to the student. They will not be able to use their score to gauge their own progress and neither can the teacher, the school, the district, or the state. There is a middle ground and Utah MUST find it.

Please make State standardized tests count! You cannot get an accurate picture of how students, teachers, schools, and districts are really doing if the students are fudging the test. What we should legislate is that teachers cannot make the test worth more than any other test that term (or assign a maximum percentage under the law that satisfies both parents and teachers).

Thank you,

Dawn Carroll

*Special Education
Math Teacher*

dcarroll@alpinedistrict.org

ph. 801/610-8758 (x494194)

fx. 801/763-7017



From: Jen Forsyth <tweety2jen@hotmail.com>
Sent: Wednesday, October 31, 2018 2:40 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Opt-out rights

Please continue to protect parental opt-out rights! The issue to me is not about whether we are for or against the testing. As parents, and children, we should be allowed the choice.

Thank you,

Jennie Davis

From: Robert Oldham <robert@robertoldham.com>
Sent: Wednesday, October 31, 2018 10:45 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Cc: Melinda Oldham <m@melindaoldham.com>
Subject: Regarding Special Hearing Nov. 1

To whom it may concern,

I have been informed that there will be a hearing held by the State Board of Education on November 1, at 5:00 PM in the board room of the State Office of Education. Because of prior commitments, I will not be able to attend. In lieu of personally making a statement at the meeting, I have written the following statement that I would like to be submitted on my behalf for consideration at the meeting.

As a parent of children in the Utah State public school system, I request that the following language be stricken from Rule No. 43183, R-277-404, titled "Requirements for Assessments of Student Achievement". The language I request to be stricken is, "shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course."

It is my opinion that, rather than accommodating parent and student needs, this statement will have undesirable consequences on Utah families, including putting unneeded pressure on students and parents with regard to state student assessments.

Thank you,

--

Robert Oldham

Phone: [\(801\) 877-2145](tel:(801)877-2145)

Email: robert@robertoldham.com

From: Melinda G <growingwithtruth10@gmail.com>

Sent: Thursday, November 1, 2018 5:19:35 AM

To: Board Rule Comments

Subject: R-277-404, is titled "Requirements for Assessments of Student Achievement".

Under 6(c) the new language states that a school (aka LEA) "*shall reasonably accomodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

This language needs to be stricken from the rules. The language subtly, yet dramatically elevates the status of the SAGE/RISE/Common Core tests, without merit, without valid reason, and with unethical, damaging future effects.

This law will not only allow for more governing and authority given to the testing, but will also take a way a parents right to say no to these testing. In the long run, this can also effect homeschool, both dual enrolled and homeschooled children. As a dual enrolled home educator, I know that if the opt out is not allowed, I will not be dual enrolling next year. I also know that this will change many dual enrolled homeschoolers minds. Please note, that this would also overstep the current Utah homeschool laws. As of now the board has no authority to force a test, nor to govern our home schools. Currently the board does have some control on what is taught in a homeschool, through dual enrollment. If this law passes, most will just discontinue the dual enrollment process.

Thank you for your time

Melinda~

Learning is not attained by chance, it must be sought for with ardor and diligence.

~Abigail Adams

From: katie.christiansen <katie.christiansen@yahoo.com>

Sent: Wednesday, October 31, 2018 11:35:15 PM

To: Board Rule Comments

Subject: Rule No. 43183

Change it! Students should be tested on the skills and material they have actually learned in the course.

From: Rebecca Baak <beccabaak@yahoo.com>
Sent: Wednesday, October 31, 2018 5:18:16 PM
To: Board Rule Comments
Subject: SAGE TESTING OPT OUT

To Utah Board Of Education,

I have been very disappointed in the down turn of our education curriculum for the last few years since implementing Common Core. The SAGE testing is a complete joke! It is subjective, unclear and teachers/parents don't even get to see the test results. It is not helpful in any way except for frustrating our children and making our teachers look bad.

This latest attempt to coerce parents/students into taking the SAGE test by telling students they may get out of a significant class assignment just shows how little the school board cares about the best interests of the students and the wishes of the parents. The parents of this state have sent a message to the school board by opting out of the SAGE test that we do not feel is in our children's best interests. Have you read any of the studies about the rise in child anxiety and stress? Many contribute this to the education crisis our children are going through and the excessive testing.

I feel that this is a ploy to coerce us parents into having our students take the test so that you can deflect the federal board of education's criticism of our high opt out rates. You have been elected to your position to represent the parents interests in your area. Clearly many of us parents are not happy with the SAGE testing. Instead of defending your constituents you have caved in and are attempting to strong arm us into something that clearly goes against our wishes.

I would also like to point out that this SAGE testing has cost the school districts millions of \$\$ that has exceeded the \$\$ that we receive from the Fed Govt funds.

I am asking that you please respect the rights of the parents, whom you represent and keep the opt out option as is.

Thank you for your consideration.

Rebecca Baak - Layton
Concerned Parent

From: Jennie Earl <jinnamon@gmail.com>
Sent: Wednesday, October 31, 2018 4:58:44 PM
To: Board Rule Comments
Subject: Sage/Rise testing

To Whom it may concern,

I am concerned that the more we make the RISE test a high pressure assessment, the more pressure students are going to experience in taking the assessment. I believe because of the nature of the test it should be used as a small part of what takes place in the classroom and the overall assessment of schools. This change to board rule will put greater pressure on students and teachers to take the state assessment. Many parents have concerns over the data being collected and shared in regards to the state assessment. Please consider the rights of individual families to make these decisions without coercive measures being pushed at the local LEA.

Jennie Earl
Morgan, Utah

From: Clint Edwards <clintedwards2003@gmail.com>

Sent: Wednesday, October 31, 2018 4:06:16 PM

To: Board Rule Comments

Subject: R277-404

Dear state board members,

I am writing to express my support for allowing teachers to decide how and where they use the state test scores in grading. I believe teachers should be able to choose to use the end of year state test as part of the grading system of their choice. This also provides the benefit of making the tests more reliable since the students will actually have some motivation to try their best on the test, which in turn gives valuable feedback and data to the teacher.

As a parent, I find it frustrating when my kids come home after working hard to do their best on the state testing, only to learn they have to now take ANOTHER final exam because the state test can't be used on their grade. This is unfair to the students and parents who believe the state testing provides valuable feedback for teachers and students. Why punish these kids who are trying so hard? Why are we allowing a select few parents on the fringes to dictate what our kids and teachers can do in class? My children should not need to be double tested. This is a waste of time.

Please allow teachers to use these tests as they see fit. That is, after all, the ultimate in "local control."

Sincerely,

Clint Edwards

Sent from my iPhone

From: Rebecca and Nate <nateandrebeccascott@gmail.com>

Sent: Wednesday, October 31, 2018 15:41

To: Board Rule Comments

Subject: Rule No. 43183 - R-277-404 "Requirements for Assessments of Student Achievement"

I am writing to submit a comment on Rule 277-404 6c, which is proposed to change to read that schools "shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.

I believe this is problematic on multiple levels, including the fact that a state test not directly related to the subject of a class should not be taken in place of other assignments. Student learning is not furthered by students taking an unrelated test. They should be doing assignments and work related to each course in order to demonstrate their proficiency in that course.

Furthermore, the SAGE/RISE/Common Core tests remain controversial. The tests are secretive and are not correlated with coursework. They are highly opposed by many parents (including myself) and teachers. Students should not be incentivized to take these tests or to try to convince their parents that they should take them in order to bypass some other course assignment that would actually further their learning.

Thank You,

Rebecca Scott

From: Christel S <212christel@gmail.com>
Sent: Thursday, November 1, 2018 11:17:53 AM
To: Board Rule Comments
Cc: Austin, Lorraine; Board of Education
Subject: Request to State School Board from USPIE

October 30, 2018

Dear State School Board,

As a mother with children in elementary and high schools; as an experienced, licensed teacher currently serving as a special needs aide in a public school; and on behalf of members of [United States Parents Involved in Education](#), I request that rule **R277-404-6c** be stricken from Utah's rules. The rule states: "an LEA shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course."

Thoughtful reading reveals that the rule assumes for the state an unprecedented authority to begin to use "*a state required assessment to fulfill a requirement in a course*".

There can be no "reasonable accommodation" for violation of law, nor for manipulative education policy. The new rule attempts to legitimize an illegitimate thing: to let the state (or school) tempt students to **barter away legitimate course work in exchange for participation** in the state's exercise titled the SAGE/RISE assessment.

That barter is an unheard-of deviation from good education. Never before have K-12 standardized test scores been used *for exchange*, in trade for legitimate education. The schools will "pay" students by releasing them from some course work and will determine-- at least partially if not maximally-- a student's grade in a class if he or she engages in the SAGE/RISE exercise.

It's bad education policy, but it also violates laws.

Under Utah law, a school "**may not reward a student for taking an assessment**" (<https://le.utah.gov/xcode/Title53G/Chapter6/53G-6-S803.html>). It simply may not. Is this rule's offering not a reward to students? The rule tantalizes students with the lure of easy grades-- especially if schools weigh the SAGE/RISE as a large portion of course fulfillment. Meanwhile, students who opt out of the tests may face increasingly difficult class work, if schools try to strong-arm them to take SAGE/RISE, which some schools will, faced with the threat of opt outs lowering the school's' test-based school-grade.

Under Utah law, a school "**shall consider multiple academic data points when determining an accommodation**". (<https://le.utah.gov/xcode/Title53G/Chapter6/53G-6-S803.html>). Even though this rule exalts SAGE/RISE, setting a parturient exchange rate that equates strenuous coursework with

government-test taking; still, the SAGE/RISE is what it was designed to be-- an attempt *to measure schools*, not students. *It never claimed to be a replacement for individuals' learning experiences.* The test's maker, American Institutes for Research, declared that "When you are using a test for accountability, **you're not really using it to measure the kid.** You are using it to measure the school, or the teacher, or the district" (VP Jon Cohen, min. 3:07). <https://vimeo.com/80927107> A SAGE/RISE score is thus not a valid academic data point to consider when determining student accommodations.

Moreover, in a law called "Parental right to academic accommodations" (<https://le.utah.gov/xcode/Title53G/Chapter6/53G-6-S803.html>) we learn that "Each accommodation shall be considered on an individual basis and **no student shall be considered to a greater or lesser degree than any other student**". In contrast to that law, the new rule elevates "reasonable accommodations" only for some: for those who opt in. Opting out is protected and cannot be punished. Vulnerable populations, including those with mental, academic or emotional disabilities, as well as minorities, statistically suffer most from high stakes testing, and they cannot legally or ethically be coerced to opt in; thus they will not have equal opportunity under the new rule. This is significant.

Utah law holds opting out as an important freedom: "upon written request of a student's parent or guardian, an LEA **shall excuse the student from taking a test that is administered statewide**" --and the state is to remain in a "**supportive role to the guardian**" Utah law *requires* the state to be in a supportive role, secondary to the guardian. Neither the state nor the school can usurp the authority of parental, educational best judgment. Tempting students to manipulate their parents into opting them in to tests, either for easy educational rewards or other reasons, **is usurping**. (How is it *supportive to guardians* for the state to create this scenario: "Dad, Mom, I don't have time to write my research paper; I don't want to read this literature for the final; the state/school says I can skip requirements if I take the SAGE/RISE test --so sign this accommodation note"?)

In addition to breaking the letter and spirit of Utah's laws, the new rule lacks wisdom, integrity and common sense. It belittles the teaching profession, it ignores the impossibility of verifying its "exchange rate"; it ignores the lack of SAGE/RISE test validity approval; it disregards the voice of the people and responds to moneyed lobbies; and it is not well-intentioned toward children..

Consider:

1. The rule denigrates the judgment and value of a teacher. A teacher's work is teaching, including customizing projects and finals and reports for students. Why is that life-work to be dismissed with a cheap trade for a SAGE/RISE score?
2. Evaluation is impossible, of the alignment between a course requirement and the SAGE/RISE. Teachers are never permitted to preview SAGE/RISE tests-- nor read them after they are given-- and that "confidentiality" means that equating (or trading) that test --for anything-- is meaningless.
3. Few, if any, tests would be worthy to replace high-quality course requirements, but in the case of SAGE/RISE, there is a foundational validity abyss. SAGE, used by both Florida and Utah, went under serious scrutiny --after Utah was already using it-- when Florida commissioned two independent companies to verify its validity. (This may have happened, in part, because a famous Utahn offered \$100,000 to the State Office of Education if it would produce evidence that the SAGE test had been tested for validity. The State Office could produce nothing.) Then

Florida, using Utah students' scores as its guinea-pig study of SAGE validity, found pages and pages of egregious problems ([see page 172-177](#)). The independent verifiers admitted that SAGE demonstrated "notable exceptions" to the use of "best practices". See the full report of SAGE's defects here: https://www.flgov.com/wp-content/uploads/pdfs/FSA_Final_Report_08312015.pdf In light of that report, does it make sense to use this test (or RISE, which is not materially different) as **real currency in a trade against educational experience and work?**

4. The rule disregards the voice of the people, who have written laws to protect the right to opt out. The rule responds instead to unelected agents and [moneyed lobby groups](#) which aim to increase Utah's opt-in rate. The USBA lobby's stated priority for political lobbying this year is [quashing the rights of students and parents to opt out](#) of SAGE/RISE, saying: "students... *should participate* in state created end-of-year assessments, and *educators should be allowed to encourage and motivate* students to do their best on the state exams." <http://usba.cc/wp-content/uploads/2018/10/JLCPriorities.pdf> Interestingly, this board gets pressure, but no financial reward, from the federal government for increased opt-in rates. It also gets pressure from USBA to promote increased opt-in rates. But this board (and USBA) might remember that state law **prohibits schools or educators from bribing** ("encouraging and motivating") students to take the SAGE/RISE tests. It is nothing but selfish for adults to bribe students --for the benefit of adults' interests (school grading, school funding, etc.)

Rather than complying with USBA pressures, this board should prioritize truly child-centric, parent-and teacher-supportive, **honest education**. Let's not enshrine the manipulation of children through acceptance of this rule. Let's not *become* the school bullies that our state laws so firmly stand against. Let's strike **R277-404-6c** from the books.

Sincerely,

Christel Swasey
Utah Advisory Board Member
[United States Parents Involved in Education](#)

From: Janis Christensen [<mailto:janischristensen@gmail.com>]

Sent: Thursday, November 1, 2018 3:21 PM

To: Board of Education <board@schools.utah.gov>

Subject: R-277-404

Utah State School Board Members,

I write in **strong opposition to the rule change** designated in the September "Utah State Bulletin", p.14.dealing with "Requirements for Assessments of Student Achievement".

Under 6 (c), the taking of a controversial state required assessment may actually fulfill a course requirement for a student! It would appear that this change is not with the student and his/her quality of education in mind, but rather so that a teacher, school, district may incentivize or coerce a student to take a test whose authenticity has been regularly questioned. For whose benefit is this?? Definitely not the student's!!

I also stand in opposition to the comment included in the testing guide which suggests it is unethical for a teacher to inform parents of their right to opt-out their student and then it refers to Utah Code. Ironically, Utah Code designates parents as being primarily responsible for their child's education. Informing a parent of their right is not the same as encouraging them to take whatever action and to include this statement in the testing guide is to intimidate or threaten a teacher who is transparent with a parent. It is highly offense to treat our teachers in such a demeaning and disingenuous manner.

I hold you Board Members in high esteem and I would hope and expect that you will act in a manner that is supportive of individual students, parents and therefore families. I would ask you to oppose the R-277-404- 6 (c) and remove the threat against transparent teachers as represented in the testing guide.

Thank you.

Janis Christensen

Weber District School Board

USBA Board of Directors.

From: Alyson Williams [<mailto:alyowil@gmail.com>]

Sent: Thursday, November 1, 2018 4:41 PM

To: Board of Education <board@schools.utah.gov>; Neilson, Scott <Scott.Neilson@schools.utah.gov>

Cc: Deidre Henderson <dhenderson@le.utah.gov>; Francis Gibson <fgibson@le.utah.gov>

Subject: Regarding proposed rule change: R277-404-6c

Dear State Board Members:

I am writing with concern over a proposed change to a rule that governs the way State controlled testing is implemented. While state law prohibits incentives for students taking the year-end State test, the proposed rule seems to offer the incentive of using that score in place of other coursework. How can a board decision revise or overrule State law?

Not only does this seem to directly contradict the law, it causes me concern because of the way teachers and administrators in my district have already attempted to circumvent the law, or pressure parents to not opt out of the test by making those students opting out take on more difficult work or more time consuming course requirements than those who agree to test. This often feels like a punishment to the student. Even though the way the rule is written makes it sound like an accommodation to parents, in practice I've seen students pressured by teachers (under pressure themselves by administrators to increase test participation) who then pressure their parents to agree to the testing despite unresolved concerns relating to the test itself.

I also can find no evidence that the SAGE/RISE assessment has been validated for the purpose of fulfilling specific course requirements and since teachers can't review it, it seems an arbitrary and unethical practice to recommend the assessment for that purpose.

Regards,

Alyson Williams

Parent, Spanish Fork

P.s. I am copying my State Representative and Senator on this email as they are familiar with the intent of the State law for which this rule is being proposed.

From: Logan Toone <ltoone@dsdmail.net>
Sent: Thursday, November 1, 2018 7:07:03 PM
To: Board Rule Comments
Cc: Nielsen, Darin; Dickson, Sydnee; Newey, Reid
Subject: Comment on Assessment Board Rule

Friends on the USBE,

I was able to attend the public hearing on the board rule for student assessment tonight, and I wanted to share a few thoughts with you as you consider this important rule. I have three thoughts to share with you as I encourage you to keep the provision discussed tonight (allowing parents to request that a proficient score on a summative state assessment (RISE) be used as a replacement for another course requirement) in board rule.

Thought #1: The provision is not a threat to parents or students who wish to opt their students out of state assessments. There is nothing in the provision which can be applied to restrict or limit a student's opportunity to opt out. There is nothing in the provision which would cause LEAs to modify opt out procedures currently in place. Changing the rule in order to protect parental rights for opting out is unnecessary; for if the rule were changed, parental rights to opt out would remain exactly as they are now – protected by other provisions in board rule and state statute.

Thought #2: The often-stated (and feared) reason for including the provision is not a reality. Some who fear the erosion of parental rights believe the provision's intent was to "give the test teeth" or "make students try harder on the test." Anyone who works with teenage students knows that student priorities are not influenced by state board rules. A snapchat from a friend on the day of the test has more bearing on a student's effort than any state board rule could ever have. Students are motivated by instructional relevance, relationships with their teachers, their own personalities, and good teaching practice. If this provision is reduced to the use of "carrots and sticks" for encouraging student effort on tests, then it will truly fall short of its purpose. But this provision is not about carrots, sticks, or student motivation and effort. My third thought outlines what I believe is the real reason for keeping the provision in board rule.

Thought #3: As a state, we are engaged in a competency-based education (CBE) pilot, and my district (Davis) is one of the participating districts in that pilot. The premise of CBE effort is the notion that students who can demonstrate competency should not be required to have seat time in classes (for seat time's sake) or perform coursework they have already mastered (for the course work's sake). Our instructional models and efforts are customized based on student's needs and demonstrations of student mastery. The provision discussed in tonight's public hearing is an enabling provision with respect to competency-based efforts. It allows a teacher and parent to work together to make determinations about how a reliable line of evidence of student mastery (the state summative test) can be used to inform thoughtful decisions about student work load and additional course

requirements. When thoughtfully applied, this provision can support efforts moving us toward more personalized, competency-based approaches in our classrooms. And since it doesn't really threaten the rights parents have to opt students out of assessments, I would strongly encourage you to keep the rule as it currently stands.

Thank you for your consideration of these thoughts and for your service on the board. I truly appreciate the work you do for students throughout Utah.

Logan T. Toone

Assistant Superintendent

Davis School District

phone: [801-402-5253](tel:801-402-5253)

email: ltoone@dsdmail.net

From: C Kie [<mailto:ckiesecker@gmail.com>]

Sent: Friday, November 2, 2018 9:44 AM

To: Board of Education <board@schools.utah.gov>

Subject: opposition to Utah Rule No. 43183, replacing curriculum with a standardized test

Dear members of the Utah School Board,

I write to you as a parent concerned about Utah Rule No. 43183, (page 14) R-277-404, "Requirements for Assessments of Student Achievement" which states that an LEA *"shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course."*

While I generally appreciate the attempt to accommodate parents, I wonder about the legality of this Rule:

- We have been assured that Common Core is not curriculum, **because that would be over reach.** In this case, the Utah state assessment is trying to REPLACE curriculum.
- Utah is a local control state, meaning the state can not dictate (or replace) curriculum for local districts/schools.
- Current [Utah statute](#) states that a school **"may not reward a student for taking an assessment"**

A score from a one-size-fits-all, one-time assessment does not replace actual learning and classroom, student-teacher engagement. It's startling that you would even consider replacing a child's right to an adequate education with a standardized test.

Please reconsider.

Sincerely,

Cheri Kiesecker, parent

From: Christel S <212christel@gmail.com>

Sent: Friday, November 2, 2018 22:52

To: Rasmussen, Benjamin

Cc: Stallings, Angie

Subject: Re: Question on hearing

Dear Ben and Angie,

Along with the legal questions that I raised in my written submission to the board concerning last night's hearing, (to recap: rewarding or punishing students for taking or not taking standardized tests is illegal; not giving equal opportunity to all students —minorities and the academically disabled, for example, who statistically need more accommodations than their peers— is illegal; using only one data point to make an accommodation is illegal; using nonvalid data points is illegal; etc.) —in addition to that, I have another legal question that a friend asked me today.

Under Utah's local control of education law, it seems that the LEA's or districts choose curriculum, while the state sets standards. If so, there's another reason that R277-404 6c needs to be stricken from the books. Either the schools set unique curriculum and assignments, or the state does. Who has that authority? We moms, dads and teachers were promised, by State representatives, when we began questioning Common Core in 2012, that "It's not curriculum; it's only standards." Now, if that's true, if the state approves the exchange of Common Core tests as a curricular exchange for class assignments, there's an assumption that class curriculum equals state Common Core testing-tests. The tests then are the curriculum, after that accommodation is made. It seems then that there's a legal question about whether the state overreached its delegated authority to determine curriculum.

Thanks for considering striking this law from the books.

Christel Swasey

United Women's Forum Statement to the Utah State Board of Education

November 1, 2018

I am speaking to the board representing the Salt Lake chapter of the United Women's Forum, a group of several hundred individuals which seeks to educate on, and promote principles of the proper role of limited government and protecting individual rights. I formerly taught junior high school English and reading in Jordan School District, and have taught privately for over 30 years.

The United Women's Forum formally requests wording be stricken from rule R277-404, under 6(c):

The wording in question: "*...shall reasonably accommodate a parent's or guardian's request to allow a student's demonstration of proficiency on a state required assessment to fulfill a requirement in a course.*"

We request this wording stricken for the following five reasons:

Progressive Nature of Language

My experience in education - as a student, an educator, and a parent - has been to note a trite but tenacious trend towards progressively tolerating unsound practices. The proverbial story of the nomad who allowed his camel space for the camel's nose inside his tent during a windstorm comes to mind. At first, it makes sense to allow relief for the camel to breathe. By the end of the windstorm, the camel is completely inside the tent, and the nomad is completely outside. Generations ago, kindergarten was an "opt in" program. Today, we have kindergarten entrance exams. Whatever the issue - what starts as "prohibited" or "must not" gives way to "best practices" or "recommended" - and finally becomes "mandatory."

The wording in question subtly shifts away from any course requirements *other than* state tests. This seriously dilutes the intent behind Utah's opt out law, by implying that something *other than* the state tests *may be* used. This is seriously weaker than the actual law, which states the tests *may not* be used to determine a student's individual grade

Until this rule change, students "must not" be assessed solely by the SAGE/RISE assessments. Now, if this rule is left to stand, students "may" be assessed in part by these tests. It doesn't take a clairvoyant to know where this ends up - I am not willing to let even the tiniest part of this educational camel into the tent.

Stepping Down from Excellence

By allowing the tests to serve as coursework requirements, this rule wording elevates the status of the tests. It gives them more credence than they deserve if they can now be used in place of legitimate course work. Considering the unresolved issue of their validity in the first place, this is a troubling move.

Allowing students to take a test over more meaningful class work seems to encourage a further dumbing down of students. It almost feels like luring them to take the path of least resistance in their own education. When faced with the choice of writing a notated research paper or taking a computer adaptive test, how many students are likely to choose the research paper?

Choosing the test over teacher-generated coursework seems like a siren song of ease and convenience; it would be nearly irresistible in this current educational culture - a culture which, ironically, has created the very stressful climate students would be seeking to ameliorate by choosing the test.

Erosion of Parents' Rights

This additional wording weakens parents' ability to opt their children out of these assessments. If the tests can be substituted for other more demanding coursework, generated by the teacher who teaches the course - as I've mentioned - it's only natural that many overworked, overscheduled, stressed kids will want to choose this option.

Whatever the reasons parents have chosen to opt their children out of assessments, those reasons will become more difficult to justify and defend to their children, who may feel pressure to take the tests as an easier course assignment. I'm betting there's not a parent in this room that hasn't had a grand time withstanding the pressure of their teens on issues of far less consequence.

There has already been a serious erosion of respect for parents in the popular culture; educators shouldn't lend any credence to that cultural trend by putting anything in place that can pit parents against their children.

Diminishes Teachers and the Teaching Profession

This has the potential to further erode the dignity of teaching as an art, and as a true profession. After receiving a college degree, teachers are often left to have their work critiqued, directed, and assessed by those who don't even have equal training - "educrats," as Michelle Malkin has so aptly named them. The introduction of tests such as SAGE and RISE have further diminished their rank as a professional by placing far too much weight on students' tests results as a measurement of teachers' effectiveness and success.

The true injustice of this is that teachers didn't construct these assessments, cannot see them, nor can they see the results in any meaningful way to adjust their teaching to make any impact on those results. And now, with this wording change, meaningful coursework of any kind, designed by those teachers to give them the feedback they need about their students, can be overridden and substituted for these very tests they didn't create and can't see. Why would someone choose to get a university degree when their job is gradually becoming little more than proctoring such a test?

The Proper Role of Representative Government

As I have observed this governing body over a period of about 5 years, I have seen an entity whose proper role has been severely diminished by the educrats I have spoken of. It has appeared that instead of directing the State Office of Education as agents of the parents which they represent, the Office of Education has seen this board as a body to rubber stamp anything they have been directed to do - from either the federal office of education, or the corporations who view themselves as greater "stakeholders" in education than the parents of these children.

This is an egregious misunderstanding of accountability.

Your stewardship is to the parents who elected you. They elected you to make decisions which protect their children, and further their genuine education. When you see your role as nothing more than doing the State Office's bidding, rather than to direct that office's operations, you forget the nature of representative government. Your job is to represent parents and families - not direct them. When you implement policy which make homes and families more beholden to the schools, rather than the other way around, you forget this - to the detriment of those homes and families.

My name is Wendy Hart, and I represent the United State Parents Involved in Education (USPIE). Thank you for allowing me to address Board rule: R277-404. We request two changes, one to the rule and one to the testing ethics guide that accompanies the rule.

In the testing ethics guide, it states *“Unethical testing practices include:... Explicitly or implicitly encourage[ing] parents to opt-out their students from participating in a state assessment.”* It then lists a reference to Utah Code. This citation of code implies that encouraging opting out, which is a natural right of parents enshrined in state law, is actually prohibited. But there is NO actual prohibition against informing parents of their rights. It appears to be coercing teachers to keep silent for fear of retaliation should kids be opted out. And is informing parents different than encouraging parents to opt out? And if so, who will determine the difference? Should a child who struggles with text anxiety be forced to take the test simply because the parent didn't know? As a parent of a special needs child, who will be demoralized by taking the test, should I not be able to partner with the teacher and be informed of my options? To me, it is akin to saying I have the right to remain silent, but a police officer could lose his job for informing me of that right. Is our need for test data on every student so high that we believe we are above the law in informing parents? Please remove this line from the ethics manual. It makes no sense to penalize a teacher for informing parents of their rights.

We also ask that Section 6c be removed from the rule. The wording *“... an LEA shall reasonably accommodate a parent’s or guardian’s request to allow a student’s demonstration of proficiency on a state required assessment to fulfill a requirement in a course”* will result in manipulating students to challenge their parents' desire to opt out. The parents, themselves, will not be initiating this request. Schools feel a great amount of pressure to have students take these tests, especially their high-performing ones. The real problem in all of this is the high-stakes nature of the test, and the pressure we are placing on this one, single data point. It isn't too big of a stretch to say there is a huge incentive in the schools to have kids take the test. And this incentive is passed on to the parents via their students. This additional wording will create a rift within the family for parents who wish to opt out.

In the past 5 years, I have heard repeated concerns from parents who describe their students not wanting to be opted out because if they take SAGE, they will not have to take the final exam. And Often the student is assured that the teacher-created final exam will be much more difficult than taking SAGE. The result, in many instances like this, will be parents going against their convictions to opt out because we have made the stakes too high. Too often, already, parents are denigrated in front of their students by remarks of how stupid or unformed or problematic the parents are who opt out. These reports are not isolated incidents, but they are a consistent pattern.

In one instance, a student, I'll call Brittany, was told she would need to present an oral report in front of the class if she was opted out. Brittany is an excellent student but very introverted. The requirement was clearly designed to encourage her to take SAGE, and she and her mother saw it as punitive. Brittany was told it was a shame she didn't take SAGE because her scores would have “really helped the school.” It wasn't about helping Brittany, it was about helping the school. When did we start believing that kids owed the schools? Do we have a free public education or is there a cost associated with our “free”

education in the form of test scores? It is acknowledged, that even though there is a state law protecting this right, almost everyone in education in this state is aligned against the parent who wants to opt out. Do we really want to martial the students to fight that battle against their own parents, as well? If these tests were actually seen as beneficial to the students and the parents, we wouldn't need to incentivize people to take them. There is no direct correlation between the end-of-year test and whatever the teacher might create as a course requirement, including the final. An accurate measure of what the teacher taught in class and what the student learned will only be shown by a teacher-created exam. As *Jon Cohen, VP of AIR who created our SAGE test, stated: "When you are using a test for accountability, you're not really using it to measure the kid, you are using it to measure the SCHOOL, or the TEACHER or the DISTRICT."* Even the test creators state you can't measure a child's success on this test directly. It certainly shouldn't take the place of a teacher-informed and teacher-created metric. If we truly want to treat teachers as the professionals they are, we will stop lording these tests over our teachers and our schools. It's a single data point, no more, no less. It shouldn't include greater test prep and stress than the MCAT. And we should never, ever set ourselves up as taking sides against a parent when it comes to

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