***USAGE NOTE: This form must be delivered or presented to the child’s teacher. We recommend that a copy also be given to the principal of the school. If you have more than one student enrolled, a separate letter should be delivered to each teacher.***

[Child’s Teacher]

[Principal of School]

[Name of School]

 Re: [Name of Student]

 Opt Out Notice for HB 4545 Accelerated Instruction – [2022-2023] School Year

Dear [Child’s Teacher]:

 [I previously notified you that I was electing to opt my child out of HB 4545 accelerated instruction offered during the summer.] This letter will inform you that pursuant to Tex. Education Code §26.010 and as provided by the FAQ from the Texas Education Agency, I am removing [Child’s Name] from participation in all Accelerated Instruction offered under Tex. Educ. Code §28.0211 [28.0213 in high school] during the [2022-2023] school year because [his/her] participation in the punitive assignment of supplemental instruction based upon the extremely flawed STAAR assessment, conflicts with my [religious or] moral beliefs. This includes any instruction administered pursuant to HB 4545. I have taken this action after careful consideration of the negative effects of the STAAR assessment process, including the negative effects of accelerated instruction, and for the protection of the mental and physical well-being of my child.

 While I am under not statutory duty to define the nature of my [religious or] moral beliefs, among the issues that form my moral objection are:

[*INSERT ALL APPROPRIATE REASONS, IF YOU DESIRE, OTHERWISE DELETE THE PRECEDING INTRODUCTION AND CONTINUE AT THE NEXT PARAGRAPH.*

* **Accelerated Instruction Results in the Loss of Valuable Classroom Time and Resources:** Most students in accelerated instruction are removed from a classroom setting or deprived of the fullness of the curriculum in order to be trained in test taking strategies. This is not a useful use of student time, staff resources or district money. Moreover, it has not practical purpose for my child who will not be taking the assessment.
* **STAAR Assessment Has Resulted In Physical And Mental Damage To Students**: Numerous reports of high levels of stress, anxiety, sleeplessness, headaches and vomiting has been received from parents of students involved in STAAR assessment. I will not risk the health or safety of my child, nor support a system that subjects children to these risks, simply to provide an additional data point for the Texas Education Agency.
* **The Validity of the Assessment Instrument Has Never Been Independently Verified**: The Texas Education Agency contracted the development of the assessment instrument to a foreign, for profit corporation. No independent evaluation of the instrument has ever been undertaken. Rather, in a blatant conflict of interest, the test developer was permitted to attest to its validity. If the test is invalid, no valid purpose could be served by accelerated instruction.
* **STAAR Assessment Narrows the Curriculum**: The loss of a rich curriculum has been documented in research and in teacher testimony. The use of high-stakes tests is universally found to be associated with teachers focusing on the content of the tests, administering repeated practice tests, training students in the answers to specific questions or types of question, and adopting transmission styles of teaching. In such circumstances teachers make little use of assessment formatively to help the learning process. High-stakes tests are inevitably designed to be as ‘objective’ as possible, since there is a premium on reliable marking in the interests of fairness. This has the effect of reducing what is assessed to what can be readily and reliably marked. Generally this excludes many worthwhile outcomes of education such as problem-solving and critical thinking. This problem is exacerbated when children are removed from class or denied elective choices to be prepped for STAAR testing.
* **STAAR Assessment Violates the Rights of Special Education and ELL Students**: According to Sara Baker, director of the Fannin County special education office, “[t]here is no validity in this test that is going to help [special education students] or is really assessing things that will help that child.” Special education students are denied accommodations guaranteed to them under federal law. ELL students are provided accommodations proven by the TEA’s own research to be ineffective. Permitting my child to participate in this assessment program would give the appearance of agreement or acceptance of this fundamentally flawed approach.
* **STAAR Data Is Not Used to Address Achievement Gaps**: Although ELL students rated Limited English Proficient had an 87% failure rate on the Spring 2013 English I EOC examination, the TEA stated that no documents existed analyzing this achievement gap or proposing interventions or programs to remediate these problems. When a staggering failure rate such as this does not merit so much as a single e-mail within the TEA, one has to question whether any data from the STAAR assessment is actually being used to address academic readiness. I do not consent to my child being tested for mere purposes of data collection.
* **STAAR Assessment Reduces Socialization As A Central Core Of Learning**: The reduction of opportunities to learn to socialize through collaborative classroom activities reduces children’s opportunities to develop healthy social skills. Being seated alone at a desk taking a test all day or for a significant portion of the day isolates children from learning how to develop community-based problem solving skills they will need as adults.
* **STAAR Problem Solving Does Not Prepare Children for the Demands of the Workplace or Higher Education**: The demands of the modern workplace require creative problem solving, initiative and higher order thinking. Higher education requires critical thinking and the ability to demonstrate writing and comprehension skills across the curriculum. Most tests include many topics that are not important, while many important areas are not included on standardized tests because they cannot be measured by such tests. Teaching to the test does not produce real and sustained gains on independent learning measures.
* **[Insert any other reasons you deem appropriate]**

These reasons, among others, have led me to the conclusion that I cannot morally or ethically permit my child to participate in any supplementary tutorials assigned as a consequence of STAAR assessment.

 Regardless of the [Name of District] ISD’s opinion on parental rights to refuse the STAAR assessment, the right to opt out of instructional programming for moral and ethical reasons is clearly provided for by statute. Any analysis of parental rights to opt out begins with Section 26.010 which sits over the entire Education Code, and admits of only two exceptions – neither of which apply to HB 4545 instruction. As the TEA admits in FAQ #17 for HB 4545, the bill contains no provisions restricting the application of section 26.010. That right has not been impinged in any manner by HB 4545 or any other statute. Likewise, the TEA notes that opt out notices for matters not precluded by statute (such as HB 4545) may be given effect by ARDs, in response to a parental grievance, or simply as a matter of informal agreement designed to meet parental and student needs. Notably, the TEA does not list campus desires or preference as a factor relating to affecting a 26.010 notice, and the statute itself provides no means for a local campus to “deny” or “refuse” a properly given opt out notice.

If the district harbors even the slightest doubt that parents can opt out of HB 4545 instruction and that doing so relieves the student of the burden of participation and the district of the burden of provision, I direct you to the Texas Education Agency’s FAQ 19 (currently FAQ 18), added to the FAQ in April 2022 and constituting incontrovertible proof of parental opt out rights. FAQ 19 reads, in full:



While affirming the right of parents to refuse participation in the summer, take note of the specific instruction regarding provision of HB 4545 in the fall, after a summer refusal. “If a student missed summer opportunities **and the parent had not sought to opt out of the offered accelerated instruction (as noted above in question 18), the missed instruction will need to be provided in the fall semester.** This FAQ explicitly notes that an exception to providing AI in the fall exists when the parents has opted out of the accelerated instruction (as referenced in now FAQ 17). There is simply no way to read FAQ 17 and 18, and make a cogent argument that there is no opt out right.

Sec. 26.010, within its own language, contains the sole exceptions to its use. No others may be implied. HB 4545 does not contain any language excepting its provisions from section 26.010. This letter is notice that I have opted my child out of HB 4545 accelerated instruction pursuant to Tex. Education Code sec. 26.010, FAQ 17, and FAQ 18. Confirm that my student’s records have been noted in accordance with this decision and that they have been removed from any planned accelerated instruction activities.

Sincerely,

[Parents Names]