



FOR IMMEDIATE RELEASE

April 1, 2014



**BTF BLASTS DISTRICT'S "SIT AND STARE" POLICY
AS CRUEL AND UNUSUAL STUDENT PUNISHMENT**



The directive (enclosed) from Superintendent Brown that students who have "Opted Out" of the New York State tests "will only be allowed to read the assessment. No other materials are permissible during the time of the assessment even if they refuse to complete the test booklet" is nothing less than cruel and unusual student punishment.

This is what many parents and teachers are calling a "sit and stare" policy whereby students are punished because they and their parents don't want them brutalized by the New York State Standardized Tests stated BTF President Phil Rumore.

While the Superintendent states that "There is no legal authority that allows a parent to opt-out of testing", there also is no legal authority that prevents a parent from "opting-out" their children from the testing. Indeed, if there were a law or regulations preventing parents from insuring their children are not being abused, it would certainly be over-turned.

To state that parents have no legal right to protect their children is a distortion. There is no law that prevents them from protecting their children.

We call upon the elected School Board and other citizens concerned about the rights of parents to protect their children from the insane testing abuse to demand that the Superintendent retract this procedure and allow the students to go to another room to read a book during the test and not be punished by having them "sit and stare" Rumore concluded.

Enc. Letter from Superintendent Brown, PBS
BTF Position on Sit and Stare





BUFFALO PUBLIC SCHOOLS

Office of the Superintendent
65 Niagara Square Room #712 City Hall
Buffalo, New York 14202
Phone (716) 816-3575
Fax (716) 851-3033

March 28, 2014

Principals and Assistant Principals:

The New York State Assessments provide schools and districts with valuable information on student performance. These data are used for numerous reasons by district and school leaders, teachers and parents to improve the outcomes of our students. Additionally, the results are used throughout a student's educational experience to assist all stakeholders in ensuring that students are college and career ready when they graduate from high school.

There is no legal authority that allows a parent to opt-out of testing (See SED's website <http://www.p12.nysed.gov/assessment/ci/2013/student-participation.pdf>). Below are the District's directions related to any student refusing to take an assessment. Please adhere to the following directives during the administration of the State Assessments. This information should be shared with your teachers and proctors.

- The tests are a requirement of the NCLB legislation and have been deemed, "an important part of instruction in education programs".
- A school district and in fact NYSED are bound by the NCLB to ensure 95% of students are assessed.
- Individual children may "refuse" to take a test by physically pushing away or refusing to prepare or provide responses on the assessment booklets. In this case, the blank test is coded "999" for refusal.
- Students will only be allowed to read the assessment. No other materials are permissible during the time of the assessment even if they refuse to complete the test booklet.

Please contact the Office of Shared Accountability if you have any questions or concerns.

Sincerely,

Pamela C. Brown, Ed.D.
Superintendent

PCB:DM:ihb

President PHILIP RUMORE

March 31, 2014



MEMO TO: All Buffalo Teachers
FROM: Philip Rumore, President, BTF
RE: "Opt" Out/Sit and Stare

BUFFALO TEACHERS
FEDERATION, INC

271 PORTER AVENUE
BUFFALO, N.Y. 14201
(716) 881-5400
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The BTF Council of Delegates has passed the following resolution:

B.T.F Council of Delegates - Sit and Stare Resolution

WHEREAS: Although the B.T.F. doesn't encourage or discourage decisions by parents to refuse testing in Buffalo or around New York, it does recognize that thousands of parents, from across the state, refused to let their children take various tests last year and that the number of refusals is expected to rise this year and;

WHEREAS: Many school districts have adopted, or are considering adopting, educationally unsound and punitive policies that force children (whose parents refuse to let them take certain tests) to "sit and stare" at a blank desk in front of them for the duration of each assessment and;

WHEREAS: NYSED, NY Lawmakers and the Regents have not provided specific guidance to the over 700 school districts in New York as to providing protection to children from harmful "sit and stare" policies and;

WHEREAS: It is both spiteful and counterproductive for any public school district to require a professional educator to direct a child to "sit and stare" at a blank desk while other students are taking assessments.

WHEREAS: NYSUT has forcefully condemned "sit and stare" policies aimed at students whose parents refuse to let their children take state standardized tests as "**unconscionable**" and has actively engaged both Commissioner King and Chancellor Tisch to provide school districts with "**sound guidance**" on "sit and stare" and;

WHEREAS: Precedent has been set by other large districts such as West Seneca Central and Ken-Ton, which have adopted protocols that allow students to read without SED censure or loss of funding and although Buffalo Schools Superintendent Dr. Pamela Brown recently stated that she does not support "sit and stare" policies – Buffalo does not have a written protocol for parents, teachers and administrators to follow and;

WHEREAS: Local education leaders believe that "sit and stare" policies are acceptable. In Lancaster, NY the School Board President recently said "I do not believe this is punishment to have students sit there," and the Board President went on to say to a parent "**if you are not happy, then I ask you to look**

elsewhere...” and The NY State Education Commissioner’s field representative to WNY, recently said “[t]heir premise that sitting there is punishment ... I don’t agree with that.” and;

WHEREAS: The New York State P.T.A. recently stated that “ ... some parents will request that their children be permitted to sit quietly and read a book or even be given alternative work after they refuse a test. **To prohibit these activities seems unreasonable as they are neither disruptive nor do they compromise SED’s test Security Protocols**” and;

WHEREAS: Parents, New York State PTA, parent groups such as NYSAPE, Parents for a Quality Education & Buffalo PTO, superintendents, various school boards & lawmakers along with professional public educators are united in spirit and have voiced concern about “Sit and Stare” policies and;

WHEREAS: NYSUT strongly supports a parent’s right to refuse a state standardized test as it has unequivocally stated that it “**will vigorously defend any NYSUT members who are subject to any negative employment considerations for choosing to opt-out their own child or who advocate, to the extent permitted by law, for others who opt out of State Standardized Tests.**”

THEREFORE BE IT RESOLVED IN UNITY: That the B.T.F. work with and support all of our allies who advocate district policies that provide a supportive testing environment and protect students from harmful “sit and stare” policies and instruct districts to provide alternative locations and/or activities for students whose parents choose to refuse various tests that are given to children and;

BE IT FURTHER RESOLVED: That the B.T.F. seek to work with Buffalo’s Superintendent, School Board and other stakeholders to develop a thoughtful policy on how to deal with children whose parents have refused testing *and* to make that policy public to District families and employees and;

BE IT FURTHER RESOLVED: That the B.T.F. notify all of its members that both the B.T.F. and NYSUT will vigorously defend any members who are subject to any negative employment considerations for choosing to opt-out their own child or who advocate, to the extent permitted by law, for others who opt out of State Standardized Tests and;

BE IT FURTHER RESOLVED: That the B.T.F. request our national affiliates to support the call for an end to “sit and stare” policies by sending a copy of this resolution to their respective offices, and to the news media, and;

BE IT FURTHER RESOLVED: That copies of this resolution be sent to Buffalo Teachers via e-mail.

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You should know that last year the BTF requested that NYSUT, NEA and AFT seek to remove Federal legislation that penalized school districts if 90% of the students do not take the state tests.

This Federal regulation is being used against parents to dissuade them from protecting their children from the damaging effects of these tests.

For more information on the “Opt” out movement, please refer to the following sites and in particular the “999” discussion.

**www.wnyforpubliced.com
www.NYSAPE.org
www.refuseNY.org**