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New York Schools With Many Students Who Skipped Tests Won't Lose Money

By KATE TAYLOR AUG. 20, 2015

School districts will not be penalized for having large numbers of students refuse to sit for the New York State standardized tests this year, education officials said on Thursday, ending months of uncertainty over how they would respond to a growing antitesting movement.

For months, state and federal officials warned that districts that fell below a 95 percent participation rate might lose federal funds, while the leaders of the so-called opt-out movement have dismissed these as empty threats.

More than 200,000 third through eighth graders declined to take the exams this year. In a number of districts, students who refused to take the tests outnumbered those who did.

As recently as last week, the state education commissioner, MaryEllen Elia, said that she was not sure if the federal Education Department would withhold money from districts with high opt-out rates. She declined to rule out the possibility that the state would do so on its own.

But on Thursday, the chancellor of the State Board of Regents, Merryl H. Tisch, said that the federal Education Department informed the state's Education Department "a couple of weeks ago" that it was leaving any decision about financial penalties to the state. And Ms. Tisch, whose board oversees the state agency and appoints the commissioner, said the state did not plan to withhold money from districts.

"I think when you withdraw money from a school district, what you're doing is you're hurting the kids in the school district," she said. "So I don't think that's an effective way to deal with it."

The number of students who opted out of the tests this year was quadruple the number from the year before and constituted some 20 percent of potential test takers, hampering the state's ability to analyze the test results.

Many have pointed to Gov. Andrew M. Cuomo's push to tie teacher evaluations more closely to test scores as fueling parents' and teachers' anger about testing and leading to parents choosing to have their children opt out.

Asked about opt-outs on Thursday, the governor, a Democrat, sounded almost resigned about the issue. "At the end of the day, parents are in charge and parents make the decisions," he said.

Ms. Tisch said that Ms. Elia had told the Board of Regents she would present a plan to them in September about how she would work with superintendents and principals whose districts and schools had high opt-out rates, in order to get them to reverse the tide of test refusals.

Ms. Tisch did not rule out withholding money in the future if the state discovered that district officials were encouraging opt-outs.

School officials need to know, Ms. Tisch said, that “they have to be responsible to work with parents to explain why the testing system is so important to the district and to the school.”

Loretta Fowler, superintendent of the Chateaugay Central School District, near the Canadian border, which had an 89 percent opt-out rate, said she was relieved by the State Education Department’s decision.

“I think it shows that they’re willing to listen and work together to understand parents’ position and to guide us,” Ms. Fowler said. “It could have been a much more punitive decision.”

She particularly praised Ms. Elia, who she said seemed to be bringing a new spirit of collaboration to the agency.

Loy Gross, co-founder of a test refusal group called United to Counter the Core, was less complimentary. She said she had not been concerned about districts’ losing money, because the federal government had never before withheld funds from a school for falling below 95 percent.

“At this point, quite frankly, it makes Elia look more than a little silly,” for holding out the possibility that districts might be penalized, Ms. Gross said.

She said it was pointless to try to pressure superintendents to dissuade students and parents from opting out.

“I think parents who are most informed and educated about the nature of the tests are the very parents who are opting out,” she said. “So she can direct the superintendents to say anything they want to — I don’t think it’s going to have an impact on the opt-out rate.”

Thomas Kaplan contributed reporting.

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