

Ladies and gentlemen, thank you for allowing me to speak with you today.

My name is Benjamin Gorman. I'm a high school English teacher at Central High School in Independence. I invite you all to come visit my classroom and meet some wonderful young Oregonians who are learning to critically examine every side of the most difficult questions I can think of.

Today I'm here to ask a question that's not just difficult; it's impossible. Our school districts have been told they must encourage at least 95% of all students to take a test we know won't help in the education of those kids. If there's any doubt about that, let's put that to rest; the tests are not designed to provide diagnostic information. That's not their purpose. The companies that make them and sell them admit that. Furthermore, we don't get the results until after those students are through with the school year. Many districts freely admit they would rather not give the tests. While giving these tests under duress, the districts also have to deal with the fact that parents have the right to opt their children out of the tests, but only if those students have a disability or a religious objection. Caught in this bind, the districts try to limit which of those opt-outs they will honor. Some districts say certain conditions, like anxiety, don't qualify unless they rise to the level of an IEP. Others say that moral objections don't qualify as religious. A different district's superintendent told me he wouldn't accept a religious objection which hadn't been presented to him before the new SBAC test because he didn't believe a person suddenly converted. Both these rejections create dangerous legal liabilities for the districts. If a parent challenged the rejection stating that their child's condition didn't constitute a disability, the district could find itself in an expert-filled courtroom. If the parent challenged the rejection of a religious objection, or even a moral objection, the district would almost certainly lose a legal fight because the district personnel or the elected school board members would be acting as government representatives establishing which religions or lack-of-religions gave parents certain rights, a clear violation of the establishment clause of the first amendment. But because parents don't know about their rights, and because many parents wouldn't consider suing, the opt-out provision, as it currently stands, creates an equity issue; students with parents who have more education and means get one set of rights, and parents

who don't get rejections. How, in this situation, is a district supposed to behave? Like I said, the question is impossible.

As a parent and a teacher, I found myself in a nearly impossible situation, too. I knew I had the right to opt my son out of the testing and, as a teacher, I knew the testing would do him no good. But I also knew that a battle with my son's school district was a battle with my bosses. Ultimately, I chose to opt him out, despite the fact that it put me and my employers in a tight spot. It came down to my moral beliefs, and I ask those of you who are religious to consider if they rise to the level of a religious objection.

Here's what I believe, and what I don't believe.

I do not believe the people who run my school district want to make third graders cry for no reason, nor do they want to deny parents' wishes for their children. The district's leaders are scared, scared that they will be punished by the state, that they will lose funding or be sanctioned in some way, and so they deny those parents and hurt those children because they have made the calculation that those children's unnecessary but temporary pain is offset by the pain the state could inflict on all the children year round.

Here's what I do believe: I believe it's wrong for adults to needlessly hurt children out of fear. I believe every religion agrees on that point.

Passing a universal opt-out takes the decision out of the hands of frightened adults and puts it in the hands of brave parents. I'm asking you to give parents the power to decide what is best for their children. Maybe those parents' courage will flow up the chain of command and be felt in Washington D.C.

Please, be brave for Oregon's parents and Oregon's kids. Support a universal opt-out.

Thank you.