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Opting Out: Parents Creating Contested Spaces to Challenge Standardized Tests

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Abstract: We explore how the opt-out movement has responded to the combination of a stringent federal policy with weak and often variable implementation among the states. Gaps between federal expectations and states' understandings of just how to make NCLB's demands a reality have created policy ambiguity. Parents who oppose standardized testing have recognized the resulting tensions and oversights in state education systems as a policy vacuum rife with opportunities for resistance. We examine how parents have exploited policy ambiguity through creating contested spaces—places of

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agency in stringent policy environments in which grassroots can question policy authority and take action. We conclude by considering whether these contested spaces are sustainable and whether the policy outcomes generated in contested spaces are reasonably equitable.
Keywords: parent participation; accountability; state policy; ambiguity (context); policy analysis; standardized tests

Optando por salirse: Padres creando espacios de disputa para desafiar las pruebas estandarizadas
Resumen: Exploramos cómo el movimiento de opt-out (optando por salirse) ha respondido a la combinación de una política federal estricta con una débil y con frecuencia variable aplicación de esas políticas entre los Estados. Las brechas entre las expectativas federales y como los estados entienden cómo cumplir con las demandas de la ley NCLB han creado ambigüedad política. Los padres que se oponen a las pruebas estandarizadas han reconocido las tensiones resultantes y falta de atención de los sistemas educativos estatales como un vacío político plagado de oportunidades de resistencia. Examinamos cómo los padres han aprovechado la ambigüedad política a través de la creación de espacios de disputa-lugares de la agencia en entornos políticos restringidos en el que movimientos de base pueden cuestionar la autoridad política y tomar acción. Concluimos considerando si estos espacios de disputa son sostenibles y si los resultados de las políticas que se generan en espacios de disputas son razonablemente equitativas.
Palabras clave: participación de los padres; rendición de cuentas; política de Estado; ambigüedad (contexto); análisis de políticas; pruebas estandarizadas

Optando por sair-se: Os pais que criam espaços de disputa para desafiar os testes padronizados
Resumo: Nós exploramos a forma como o movimento de optando por sair-se (opting out) respondeu à combinação de políticas federais estritas e fracas com frequência variável implementação dessas políticas entre os estados. As lacunas entre as expectativas da lei federal NCLB e as respostas estaduais para atender às demandas criaram ambigüidade política. Os pais que se opõem a testes padronizados têm reconhecido as tensões resultantes e falta de atenção dos sistemas de ensino estaduais como um vácuo político cheio de oportunidades para a resistência. Nós examinamos como os pais tomaram a ambigüidade política através da criação de espaços de disputa/lugares para exercitar agência em ambientes políticos restritos em que os movimentos populares podem desafiar a autoridade política e tomar medidas. Conclui-se, verificando se estas áreas de litígio são sustentáveis e se os resultados das políticas geradas em espaços disputas são razoavelmente justa.
Palavras-chave: envolvimento dos pais; Prestação de contas; Política de Estado; ambigüidade (contexto); análise de políticas; testes padronizados

Introduction

Despite steadfast opposition, it appears that standards-based accountability (SBA) is here to stay (McDermott, 2011; McDonnell, 2013; 2009; MidKiff & Cohen-Vogel, 2015; Ravitch, 2010). With the reauthorization of the Elementary and Secondary Education Act, now the Every Student Succeeds Act (ESEA, 1978, 1994, 2001; ESSA, 2015), the focus on standardized testing as the most

important measure for school success remains enmeshed into the 'grammar of schooling' (Cuban, 2013). The current federal law requires 95% of participation from schools to make Adequate Yearly Progress (AYP).

Since the ESEA was reauthorized as the No Child Left Behind Act (NCLB) in 2001, parents have increasingly chosen to opt their children out of standardized testing. This "opt-out" strategy has resulted in some dramatic demonstrations of the continued opposition to SBA including a mass opt out organized by the parents of 17,000 students on Long Island, New York, in 2014. Across the nation, parents have begun to form opt-out groups to collectively raise concerns about standardized testing, such as *Opt Out Of the State Test: The National Movement* (1,400 members); *Parents and Kids Against Standardized Testing* (2,000 members); and individual opt-out webpages for states including New York, Indiana, Texas, North Carolina, and Colorado.

Systematic avenues that allow for parental "voice" in educational policy were once much stronger, including guidelines established in the late 1960s that encouraged parents to volunteer in classrooms (D'Agostino et al., 2001). In the 1970s, the ESEA had parents as core participants in addressing issues of poverty and of educational reform. In the Educational Amendments of 1978, Title One Parent Advisory Councils (TOPACs) and the requirement that parents be involved in decisions about the use of ESEA federal funds (ESEA, 1978) elected parents as advisors. Later in the 1994, President Bill Clinton signed into law the Improving America's Schools Act, a reauthorization of the ESEA that included a comprehensive model of parent involvement, including the creation of School-Parent Compacts and a requirement that 1 percent of funding must be spent on parent involvement (National Parent Teachers Association, 2009).

In contrast, NCLB (ESEA, Title I, Section 1118, 2001) markedly decreased parental voice. NCLB provided comprehensive policies on parent involvement (ESEA, Title I, Section 1118), but limited the roles of parents to that of being receivers of information who solely focus on issues relating to their own children. This reframing of parental roles shrank the authority of parents to shape policy at the local level (as is also true for the role of teacher and administrators in the newest SBA policies). Most recently, the ESSA has increased parental rights with a greater focus on family engagement in schools allowing states to incorporate opt-out policy if the states desire. The specifics of implementation are left to the states and ESSA includes provisions that bars the federal government from punishing states based on the number of opt-out families they have.

The emerging process of opting-out as a form of protest warrants attention due to its nascent stage as a policy outcome. Its impact can be powerful—for example findings from Pennsylvania show that parental opt out can influence the outcome of state standardized testing (Beaver, Westmaas, & Sludden, 2014). Parents acting as participants in the educational system have demonstrated the ability to derail some reform efforts (Labaree, 2010; Marsh & Wohlstetter, 2013; Mediratta, Shah, & McAlister, 2009; Vincent, 1996). Although an increasing number of parents are interested in this type of strategy, they often lack information on how to opt out of standardized testing in their states. Research has demonstrated that parents lack information about accountability policies (McDonnell, 2009; Park & Holloway, 2013), and they especially lack information about student obligation to participate in such policies. States do not keep statistics of who is opting out—or at least the opt-out groups have not found any states willing to share this information publicly.

This study looks at the interaction of policy and resistance during the NCLB era. It builds upon previous research examining how policy design, and especially the lack of policy clarity, can shape political responses and create new constituencies (Campbell, 2011; Marsh & Wohlstetter 2013; McDonnell, 2013; Mettler & Soss, 2004). Our research explores the broad range of state policy responses to parents seeking opt-out options and the subsequent collective push back by opt-out organizations. In particular, we explore the questions: How does state-level policy ambiguity create

spaces for parental resistance to state policy? What are the implications of this for equity and for agency?

Policy Ambiguity and the Creation of Contested Spaces

Much research has looked at the ways in which NCLB reshaped relationships between district, state, and federal agencies (Brown et al., 2011; Debray & McGuinn, 2009; Malen, 2003; McDonnell, 2009; 2013; Superfine, Gottlieb, & Smylie, 2012; Wong, 2008). Flexibility of policy allows for many changes at once. Greater flexibility allows for creativity and a local sensing mechanism, but prevents equality and predictability. Ambiguity is amplified in situations in which local responses and capacities must vary to respond to a core policy idea (Honig, 2001). In such situations, street-level bureaucrats (Maynard-Moody & Musheno, 2003; Weatherly & Lipsky, 1977) have the space to create variable practices and procedures in response to policy. The nature of standards-based assessment has varied widely across states, and the ambiguity of opt-out provisions has varied as well. While participation in the federal NCLB legislation was near universal, states varied to the extent of standard-based assessment beyond explicit requirements. Some states had high-school exit exams while others did not, for example. The tests themselves have been used for a range of purposes, including tracking, entrance into gifted and talented programs, promotion and retention, and rating teacher and principal quality.

Flexibility has led to intentional ambiguity in times of great change, according to classic organizational research (March, 1994). Previous research has highlighted the high levels of ambiguity in parts of the SBA process, including the paradox of fragmented centralization for accountability policies, and particularly has shown that the public lacks information about accountability policies (McDonnell, 2009). The degree of preferred ambiguity varies. It represents a tension between policy flexibility that can respond to local capacities and maintaining fidelity to the policy design (Majone, 1989; McLaughlin, 1987; McLaughlin & Mitra, 2001, Stone, 1997, p. 289). In the case of opt out, the tensions include balancing the values of uniform expectations for testing across all students as compared to an individual student's educational needs along with parental rights to seek these individual needs. While accountability emphasizes the value of making sure all children meet a set educational standard, parental rights in education highlight the long standing value in U.S. education policies of allowing families and local communities to have a strong say in how to educate young people. These conflicting values lead to a fragmented centralization (McDonnell, 2009) regarding opt-out policy design and implementation.

Policy ambiguity can be useful and also detrimental to policy implementation simultaneously (March, 1994; Stone, 1997). Classic policy research views the confusion caused by ambiguity as undesirable (Bacharach, Bauer & Conley, 1986). More recent research has shown that this confusion can be intentional, especially to mask activities that could be politically damaging (Honig, 2001); for example, a lack of participation in mandated exams. Intentional confusion could limit parental agency by frustrating the ability of parents to opt their children out. Most states had little incentive to provide information to parents about opt-out procedures under NCLB. Indeed, showing parents how to opt out would presumably have encouraged the behavior, and states risked losing federal funds if they emboldened dissent toward SBA. Some states may have actually supported parental opt out, but were not able to do so formally for the sake of their funding. After all, more than 20 states filed official protests of the federal NCLB reauthorization. Other states may not have wanted the media coverage of going to battle with families. And, some states may have found harsh penalties inappropriate on parents choosing to withdraw kids from high-stakes testing. Some even resisted particular parts of SBA legislation by denying local funding for implementation (Darling-Hammond,

2004). Other school districts voted to withdraw their participation in mandated state tests. Although the ESSA now allows states to create their own opt-out laws, whether or how they will be remains to be seen.

Contested Spaces as a Response to Ambiguity

This article examines the variability of opt-out procedures nationwide in the NCLB era through a focus on the experiences of parents and children who have chosen to resist standardized testing. We find that the dissonance between stated and enacted SBA policy at the state level has created the opportunity for *contested spaces*. We have defined this concept in previous research as "an educational context where ideas are shared and action is taken to challenge dominant social, political, or cultural ideologies that implicate learning and teaching in schools" (Kawai, Serriere, & Mitra, 2014, p. 489). The notion of 'contested spaces' has its roots in theories and fields including sociology (Bourdieu, 1990a; 1990b; 1998); identity theory (Levitt & Waters, 2003; Portes & Rumabaut, 2001); critical theory, feminist theory; political/spatial theory (Altay, 2007; Cahill, 2007; Habashi, 2008; Kjørholt, 2007); and sociocultural theory (Aitken, 2001; Hune, Li, & Beckett, 2006; Melville, 2010; Purbick, Aulich, & Dawson, 2007). It has been broadly defined as a geographically or socioculturally bounded space where contestation occurs for political, social, or cultural influence. In our study, we frame contested spaces with a sociocultural lens of contested spaces not only bound by *physical* space of school districts and states, but also by the *social and cultural identities* embedded within them (Smith & Barker, 2000) that include the social capital to engage in resistance against state education policy. This interaction of power, space, and identities is imperative to understanding school reform efforts.

Our previous work has looked at the ways in which teachers, administrators, and parents work together to contest the ways in which NCLB's standardized testing requirements and AYP in particular define schools as failures (Kawai, Serriere, & Mitra, 2013; Mitra & Serrrier, 2013). In this article we explore how policy ambiguity can facilitate the creation of a contested space wherein parents gain the opportunity to engage with local officials and street-level bureaucrats (Weatherly & Lipksy, 1977) and with the broader discourse of standardized testing. Because the space between codified NCLB policy and enacted NCLB policy was so large, it invited contestation in the form of collective action, a grassroots strategy for pushing back against a top-down policy (Gamson, 1992; Mediratta, Shah, & McAllister, 2009). We examine how opt-out activists and parents have created contested spaces as they navigate the ambiguities of state interpretations of federal policy. Through their own informal channels of information sharing, grassroots activists learned how to design opting out as a political response to what they perceive as injustice. As these parents and activists shared what they had learned about many states' limited ability to respond to opting out activity, they began the spread opting out as an attractive of form of resistance. Additionally, we consider how these contested spaces can promote parental agency, but by doing so, often preserve systemic inequities.

Methods

With the understanding that ambiguity is an important force that shaped the outcomes of NCLB policy on standardized testing, we use a nationwide database to explore how parents are navigating policy ambiguity against the backdrop of an increasingly national movement to opt students out of mandated testing. Since opting out is strongly discouraged and could have even been considered illegal under NCLB, states are reluctant to share information about opt-out practices. We also wanted more information than just the number of official opt outs recorded in the state register

to learn about the experience of opting out for families. To find alternative sources of data, we searched social media outlets, consulted with experts on testing policy, and discussed with opt-out activists what resources were considered the most reliable for understanding opt-out efforts. We identified the website of the group United Opt Out as the most comprehensive source on opt-out data when we conducted our investigation in 2014. We considered this website, http://unitedoptout.com/ a highly useful primary source document. The site is easy to find, managed by a national organization, and was originally designed to encourage opting out. United Opt Out's webpage includes instructions for opting out, notices concerning anti-SBA political actions, and the most active national discussion board we have encountered. Because we could find no more geographically and substantively comprehensive source of information about opting out, we decided to use United Opt Out's site as the best source available for our analysis of how grassroots participants interpret and challenge state policy and district implementation.

United Opt Out National (unitedoptout.com) is targeted towards helping families to opt out of testing. The organization is opposed to mandated standardized testing. It describes itself as an organization of "parents, educators, students and social activists who are dedicated to the elimination of high stakes testing in public education" ("About Us", *United Opt Out National Website*, 2012). The United Opt Out National website originally provided resources, information, and a place for educational advocates and parents to collaborate with others choosing to opt out. The organization has expanded and plans to host its own conference in 2016, boasting of keynote speakers who are scholars and political activists, while the website recently released an interactive national map of opt-out participation.

The website originally provided a space for advocates to compile information about opt-out activity within each state. This website is an authentic example of stakeholder voice—a mostly unfiltered mechanism in which parents and activists can share information and strategy. The goal of the database was to compile materials such as testimonies, procedures, and laws to provide parents information about how they can opt out of standardized tests within their state. The information provided on the website has included copies of codified state law, rules from standardized state-testing manuals, hyperlinks to opt-out activities, correspondence between state officials and opt-out advocates, and discussions of strategy for how to pursue opt-out action individually and collectively.

Validity of Data

The website holds an obvious bias, which is helpful for our research. The participants on the site are looking for loopholes in state law and trying to determine where space and agency exists for parents to opt out, regardless of stated law. The website therefore provides a codebook of sorts for understanding the gaps between codified and enacted law on opt-out procedures, and it does so through the section "Opt Out Guides by State." We found the data on the United Opt Out website to be extensive. Hundreds of individuals participated in online strategy sessions to discuss how to counteract state policies.

To validate and contextualize the perceptions discussed on the website, we compared the information shared on the website to state Department of Education websites. We also looked at media news reports like a CNN article on parents opting out in State College, Pennsylvania (Levitt & Candiotti, 2011) and searched for competing databases. For all components of the additional content analysis, we sought to explain and validate our initial database findings. In state websites, media outlets, as well as peer-reviewed journals and published research briefs, we examined the available information regarding opt-out policies across the nation. We looked for discussions of how statewide contents could explain state policy choices. We also explored accounts of personal experiences interacting with these state policies. In our broader search, we found little written at all

about the Opt Out movement other than newspaper articles. What we did find validated the information we found on the Opt Out site. We found the United Opt Out site to be the most comprehensive compilation of state policy responses to families wanting to opt out of standardized testing. We employed content analysis of grassroots resources, including supplemental web pages, and media coverage of United Opt Out and the broader movement (NCLB Testing 2011, n. d.). We followed and analyzed the content of United Opt Out's Facebook page and related anti-testing Facebook groups.

We found the United Opt Out website to be impressively robust in terms of the accuracy of information shared and the level of sophistication given in the advice among parents and activities. Where state policy existed, the website provided direct language from the codified law. Where state policy did not exist, the website provided testimony from parents who spoke with state or district officials about procedures and precedents. Despite a lack of clear state policy, the discussion participants on the United Opt Out site were often able to provide clarification based on their purported experiences trying to navigate state policy. United Opt Out's webpage is a clear case of policy ambiguity creating a policy vacuum that is then filled by an informal, but increasingly and impressively organized, grassroots effort.

We share the information from this database with the understanding that this data is an unusual view of policy implementation. Rather than a definitive statement on state policy, this provides a starting point for a discussion of grassroots organizing related to SBA. Since this nascent movement is starting from parents, in essence a "DIY" form of education policy, we believe that the information exchanged between these grassroots participants is valuable and in need of documentation. This snapshot therefore reflects a point in time that ultimately will have shifted by publication of this article and thus is most useful as a conceptual exploration of ambiguity and state policy and the discourses surrounding these policies.

Data Analysis Strategies

Using pattern coding to analyze policy texts (Lincoln & Guba, 1985; Miles, Huberman, & Saldaña, 2014), we identified key themes distinguishing opt-out strategies and grassroots interpretation of state opt-out policies. The use of pattern coding provided a process to identify concepts from a range of materials and to synthesize these ideas into meaningful themes through a process of data reduction (Miles, Huberman, & Saldaña, 2014).

We began by considering the ways that grassroots activists characterized the range of state policies. Our classifications were first created by labeling opt-out policy in each state. These initial classifications were based on a classification of policy: 1) Yes, there is a policy, 2) Ambiguous policy, 3) Policy unclear in the data, 4) No, there is not policy. After observing that most states fell in the "Ambiguous policy" category, we reanalyzed the data with more specific labels and expanded classifications of actual practices and procedures. For this second round of analysis, we relied more heavily on the website's discussion in the state forum boards regarding families' experiences interacting with the state on opt-out requests. In doing so, this second level of analysis reflects the perceived implementation of codified law and reflected the perception of flexibility of states to exercise a range of enacted policies underneath vague laws. The re-categorized seven categories were framed around the answer to the question "Can a student actually opt out?" based on a classification of actual practice (adding nuance to the policy classification mentioned earlier). The classifications here were: 1) Yes, it is codified, 2) Yes, but only under certain provisions, 3) Technically yes, but students would lose other incentives, 4) Opting out happens, but procedures are inconsistent because nothing is codified in law, 5) Opting out is unlikely because tests are used for student promotions, 6) Both policy and practice are not clear in the data, and 7) No, absolutely not. Our

labeling strategies allowed us to create both a pie chart and table to depict the range of opt-out policies and to examine the gradations of policy ambiguity.

Interviews of United Opt-Out Strategy

To deepen our understanding of the creation of contested spaces, we wanted to learn more about the theory of action of the United Opt Out group, so we conducted a series of expert interviews with six United Opt Out leaders and members between 2010 and in 2013. These conversations helped explain the numerical data on opt-out practices that we gathered from the database. We drew our interview sample from the leaders of the United Opt Out movement. These interviews served as member checks and validation of our data interpretation. They also helped to contextualize the scope of the movement and the evolution of the United Opt Out organization. The hour-long, semi-structured phone interviews with these leaders focused on the following issues: personal experiences with opting out, participation in the United Opt Out organization, creation and maintenance of the database, and reasons for parental opt out nationwide.

In the remainder of the article, we explore the broad range of conflicting policies and procedures that currently govern the opting out process. Then, we examine the practical outcomes of those policy conflicts and ambiguities by identifying the contested spaces developed by parents to gather information about standardized testing and opt-out procedures. Finally, we consider the consequences of ambiguity and the creation of contested spaces for stakeholders and policymakers.

Exploring State Opt-Out Policies

The information we gathered is a snapshot of a changing picture of the perceptions of state policies by grassroots activists and families. State legislatures continue to revise regulations, sometimes in favor of parental rights and sometimes to remove opt-out loopholes. Our review reveals perceptions of opportunities for contested spaces due to an absence of policy and a lack of an articulated vision. Opt Out participants observed that few state policies contained clear language explicitly allowing or forbidding opt out. The vast majority of states operated within a space of policy ambiguity when dealing with parental opt outs (see Figure 1). The figure demonstrates the consistency with which states lack a clear policy on the opt-out issue. In such contexts, parents could not clearly access information about opt-out policy from state websites or codified policy.

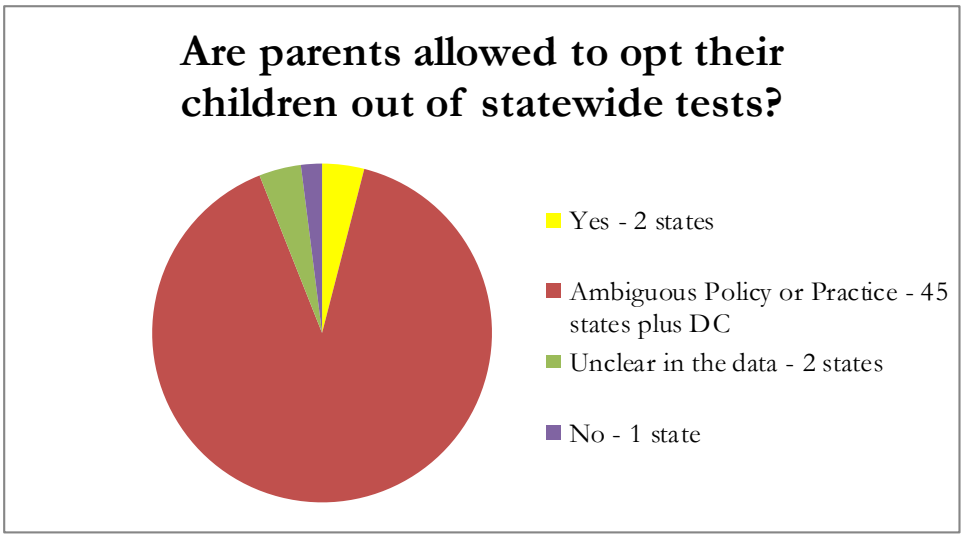

Figure 1. Presence of Ambiguity in the Opt-Out Movement

To verify the claims made by United Opt Out participants, we then looked beyond codified policy to understand parent and activist experiences in interacting with the state system in all 50 states using data from discussion boards and documentation provided by activists to one another on the United Opt Out website. We sought to define the contested spaces created due to the ambiguity of the opt-out system, showing how grassroots responses occurred in a range of state contexts. Based on the sharing of information among activists, we created a more nuanced understanding of the "Ambiguous Policy" category. We also learned about ways that even states with codified policies had loopholes to allow opt out or lack of enforcement mechanisms of the policies.

Table 1 presents a closer look at perceptions of enacted opt-out practices across the United States. We identified two states (CA, WI) that were viewed as enforcing a clear policy allowing for opt out; 12 states (AZ, AR, FL, GA, ND, NH, NM, OR, PA, RI, TN, VT) were viewed as only allowing opt out under certain religious or health exemptions, 20 states (CO, CT, DC, HI, IL, IN, IA, KS, KY, ME, MN, MS, MO, MT, NY, NC, SC, WA, WV, WY) where nothing was found to be codified, but parents had success in opting their children out of testing; one state (MI) where students could technically opt out but would lose scholarship opportunities; 13 states (AL, AK, DE, ID, LA, MD, MA, NV, OH, OK, TX, UT, VA) where the language indicated no presence of opt-out policy but other policy creates strong disincentives for opting out such as linking of testing to student promotion; one state (NJ) where there were reports of threats to parents and families

Table 1
Specific State-by-State Practices Regarding the Opt-out Ability of Parents

Are parents able to opt out their children?	**Definition**	**Which states?**
Yes, codified	Clear language and procedures for opting out	CA, WI
Yes, but under certain provisions	Specific exemptions allowed for health or religion	AZ, AR, FL, GA, ND, NH, NM, OR, PA, RI, TN, VT
Technically yes, but students would lose other incentives	Opt out technically permitted but student would lose opportunity for state scholarships	MI
Opting out happens but procedures are inconsistent because nothing is codified in law	Informal policy consistently allows opt out but nothing written	CO, CT, DC, HI, IL, IN, IA, KS, KY, ME, MN, MS, MO, MT, NY, NC, SC, WA, WV, WY
Opting out is unlikely because tests are used for student promotions	Unwritten policy leading to wide range of interpretation by state officials	AL, AK, DE, ID, LA, MD, MA, NV, OH, OK, TX, UT, VA
Unclear	Informal policy is ambiguous but nothing is written into law	NE, SD
No, absolutely not.	Policy against opting out with enacted consequences	NJ

Note: The source is coded compilation of reports from unitedoptout.com. Cells that are filled in gray indicate ambiguous policy with a range of practices.

(including threats to call the Divisions of Youth and Family Services); and two states (NE, SD) where the data were unclear.

Based on the findings presented in the table and figure, as well as in the interviews we conducted, we explore major themes resulting from this range of policy interpretation. These themes are presented to explain an overall point about the national movement and help frame the discussion about the general effect ambiguity has had on the opt-out movement. Later, we discuss how opt-out policy and practice fits within larger thematic policy conversations regarding ambiguity.

Ambiguity causes Differing Practices between States

States vary dramatically in how they address parental opt-out requests. Only two states (CA, WI) were reported to have clear, codified processes by which students could opt out of statewide assessments for any reason and one had explicit statements about the consequences of attempting to opt out. One of these states, California, has codified policy that states (Ed Code 60615):

> Notwithstanding any other provision of law, a parent's or guardian's written request to school officials to excuse his or her child from any or all parts of the assessments administered pursuant to this chapter shall be granted.

In distinct contrast, the United Opt Out participants discussed how New Jersey policy included no loopholes in its testing policy, which itself even caused a variety of responses. Reports in New Jersey, according to the unitedoptout.com website, ranged from "students made to 'sit & stare'—do nothing in the testing room" to a much more alarming response, which was a parent reported "being threatened with a report to DYFYS for violating state truancy laws."

While some states did not have codified language regarding opt-out policy, 13 states (AL, AK, DE, ID, LA, MD, MA, NV, OH, OK, TX, UT, VA) tied promotion and advancement of students to standardized test score results and therefore impacted the student opportunities and outcomes. This bundling of promotion to testing may not explicitly have been an intentional strategy for states to ensure testing compliance (some states have been tying testing to promotion for 40 years before any notion of an opt-out movement), but it still does seem to serve as a mechanism—accidental or intentional—that hinders opt-out attempts. According to the United Opt Out participants, Virginia high school students "are required to pass end-of-course SOL tests in order to graduate, so skipping the test could mean forfeiting a diploma." Meanwhile, Michigan, which was the one state where students could technically opt out but would lose scholarship opportunities, has a policy explained on the United Opt Out website as "test scores are not a requirement for promotion or graduation. However, if students score high enough on the MME, they can qualify for a college scholarship through the Michigan Merit Award." Michigan and Virginia are examples of two states that have different compliance mechanisms, one the "carrot" and one the "stick." Both mechanisms, be they intentional or not, had the effect of preserving ambiguity; neither directly addressed the issue of "opting out" in legislative language. Yet both still support testing compliance as a consequence of codified policies.

Ambiguity causes Variability of Codified Policy and Subsequent Parent Response

When codified opt-out policy was found to be rare and unclear by United Opt Out participants, previous research helps show that the implementation of policy then often becomes variable. Fitting with this body of work, opt-out policy often becomes a problem for the smallest unit (McLaughlin, 1987). Vague policy allows the people answering the phones in the Department of Education to make decisions, including creating new policies or even reversing policies. These street-level bureaucrats (Weatherly & Lipsky, 1977) often have few guidelines in a system with an

ambiguous policy goals and enforcement. A range of contexts influences what kinds of incentives and constraints guide the decisions of these street level bureaucrats (Evans, Rueschemeyer, & Skocpol, 1985; McLaughlin, Scott, Deschenes, Hopkins & Newman, 2009).

Most states have adopted informal processes that are shared with only the most inquisitive parents, such as those who write to state officials—a chief focus of state discussion forums on the United Opt Out website. For example, a participant shared a conversation between a parent and Department of Education (DOE) official. The DOE response to a parent request for information on how to opt out was (United Opt Out website, West Virginia data):

> The obvious answer to your question is just not to send the student to school on the day(s) of the testing and the makeup days. If you would like another option, I will need the information above before I can answer your question.

This response reflected the ability of a front-line employee to create or even reverse policy.

In Pennsylvania and Arizona, families must have a religious reason for opting-out. Despite this narrow codified policy, the implementation of this law is widely defined to include any moral or ethical concerns about the test. For example, one family in Pennsylvania told the state's DOE that they were opting out for health reasons. The Department official asked the family to please use the religious exemption to avoid undue hassle, as a parent in the family active on the website elaborated on her experiences in a follow-up interview (October, 2010):

> I called the Department of Education…in Harrisburg and ended up talking to…the Director of the Department of Assessments…I explained to him the situation with my son…who has extreme test anxiety and was scratching his legs at night before the tests to the point that he was bleeding… [I asked if], there was a medical exception that we could take. And he says, "…I advise you take the religious exemption." And I said, "Well it's not really a religious issue. It's a medical issue…" And he says, "Just do it," you know. "That's what it's for. It's a catchall thing. Just go for it."

The chasm between the law as written and the law as enforced was considerable in this parent's experience. However, this particularly dramatic policy ambiguity and the agency it granted this family, and presumably all families in Pennsylvania, only became clear when this parent took the initiative to contact the state department of education. In this way, policy variability depends in part on each parent's ability or willingness to contact his or her state department of education.

Other examples of exemptions for specific reasons are seen in New Mexico, Rhode Island, and North Carolina, which all require a medical exemption. The guidelines for what can count as a medical exemption (for example, test anxiety) are not clearly stated and often left to interpretation. Discussion on the United Opt website indicates lack of information about these exemptions and a struggle to get answers from state department of educations regarding the bounds of these policies. Given the experience of the parents we spoke with in Pennsylvania, the participants of the United Opt Out have good reason to seek more information.

Layers of Policy Mesh Together to Create a Range of Policy Interpretations

Accountability policy layers federal, state, and local policy together into a web of expectations, consequences, and rewards. While variation occurs between states, it was also observed to occur within states; not all layers of the political system align in agreement on the

value of high-stakes accountability. Participants compared experiences to document how districts might vary in how they conduct opt out, from telling students to stay home to offering alternative education activities for the students at the school site. Other districts would not say what would happen to children who opted out, creating concerns for working families. Thus, district implementation matters as much as state policy in the experience of families seeking opt out.

A range of contexts and reasons influences what kinds of incentives and constraints guide the decisions of street-level bureaucrats (McLaughlin, Scott, Deschenes, Hopkins & Newman, 2009). Website participants even reported how some districts blatantly ignored state guidelines by assisting opt-out families or in other cases frightening and threatening other opt-out families. In the strictest codified environment of New Jersey, the United Opt Out website offered a space for parents sharing strategies for how to covertly opt out even in these harsh conditions; some districts disagreed with the state mandate and quietly ignored parents who kept children home on test days. Other disagreements were more public, such as the case of Florida school board who publicly voted to completely opt out of testing related to the Common Core (Atteberry, 2014).

The state of New York offered one of the most documented examples of variation on the United Opt Out website. New York City officials are on record in video and in writing supporting families who opt out of assessments; by contrast, districts in Northeast New York dissuaded families from opting out, including threatening legal action that was not actually enforceable. The degree of preferred ambiguity reflects a tension between flexibility of policy to respond to local contingencies and the consistency of implementation (Stone, 1997 p. 289). Greater flexibility allowed for creativity and a local sensing mechanism, but inhibited equality and predictability.

Creating Contested Spaces through an Online Community

Using the United Opt Out website as a primary source of public discourse regarding opt out and strategies for grassroots action, we explore ways in which the opt-out experiences of families provided a strategy for collective action.

Collective Action of Parents

Collective action by parents could strengthen the ability to challenge assessments. The United Opt Out website served as a mechanism for developing contested spaces by translating SBA policy ambiguity into an opportunity for resistance through opting out. It was a resource for trading information, building networks and sharing resources. Parents with skills and access to this website could garner information and resources to strengthen their activities and to receive emotional support to engage in potentially risky activities of the political act of opting-out. Specific resources discussed on the website included information gathering from teachers, administrators, and other families about opt-out procedures. The website also shared political capital by explaining how the district and state decision-making processes occur and defining the true scope of ramifications of opting out through a sharing of personal experiences.

The strengthening of collective action included the increasing number of parents who would log onto the website each year seeking information and for advice. For example, one parent from Collier, Florida asked on the website forum, "How do we opt out of FCAT for a 6th grader in Collier?" while others provided detailed answers. Activists and parents used letters, fliers, and comments to post tips to the website. In the Washington State forum, a parent commented, "Grades 3–8 state tests are NOT required." In the Georgia Forum a participant explained:

> The Supreme Court gives the power to the parent…Georgia may slip some sort of parental permission for testing into the forms at the beginning of the year, during Progress Reports, and/or Report Cards. BE AWARE of what you are signing and simply write in blue ink next to your signature what specifically is the intent of you signing the form [e.g. for the report card grades only]!

The website also served as place for emotional support that encouraged others to take action. In the New York forum, one parent said, "I was in the dark, blind to the whole mess which is why it is so important for us to educate parents" and another explained, "We have opted-out of all forms of assessment that aren't for the sole use of the classroom teacher, who I feel is the most skilled to be able to judge my son's progress."

Social Media, Policy Messaging, and State Laws

Social media is effective in puncturing ambiguous policy messages, including in states with strict laws. The communication strategies available through social media can help to puncture the veil of ambiguous policy. By providing pathways for communication among parents within a state and across states on social media websites, Facebook pages and more, parents can share and access the information necessary to understand the risks and rewards of developing contested spaces. This information-sharing helped parents feel brave enough to take action.

Even in states with laws preventing opt-out efforts, parents found that they could work more intentionally through creating contested spaces to work collectively—especially when using social media. For example, Colorado parents and students opted out of the state assessments and used social media including the hash tag "#Ichoosetorefuse" to spread information and strategies regarding opting out. In one letter, advocates told parents who were opting out to tell the school district, "My child will not be tested. I will contact an attorney and the ACLU if my child is forced to test," and "You have the clear directive from me, the parent, stating my parental right to refuse TCAP for my child" and explains that any emails should be forward to the advocacy group so they can forward them to popular media outlets and educational bloggers.

Collective Action to Counteract Ambiguity

Collective action through the use of social media tools can create alternative policy messages to counteract ambiguity. Ambiguous state policies can create fear and concern. A lack of clear information appeared to dissuade many families from considering opting their children out. The greater the ambiguity of policy in a state, the greater the anxiety expressed by parents on the discussion forums and expressed reluctance to pull their students from the standardized tests.

The greatest number of inquiries on the United Opt Out website focused on counter-acting the fear of potential stigma children might face for opting out of state tests. Parents feared that children would be punished. The website documented incidents in which superintendents threatened undefined legal action or school districts would claim to the parents that the school itself would be punished for non-compliance of testing. An interview of an opt-out leader described a superintendent in New York State who used "legalese; [he] does not say if you opt out you will be arrested, but hints at illegal over and over. [It] insists that it is the parents to get kids to school." In this district, parents with limited knowledge of the system were intimidated by the letter of a superintendent and kept their children in the testing environment. The United Opt Out website and similar information sources sought to counter parental fears with guidance on how to interact with state bureaucrats and examples of other families in similar contexts.

Other parents feared that opting out was a sign of not supporting their local schools. The United Opt Out website and related collective action activities provided alternative political messaging to families, including clear answers that counteracted the ambiguity of policies. On United Opt Out's website, parents in many states reported teachers and principals quietly supporting them, especially when their school was not in threat of sanctions or when their children were not likely to raise test scores. One Pennsylvania parent explained: "The teachers and the principals [were] immensely grateful that parents are standing up, because they can't. In their jobs, they cannot legally say anything, or they can be fired." This experience lent support to other parents considering whether to opt out as well.

Ambiguous Policies and the Potential for Inequity

The findings of this study begin to indicate that participation in the contested spaces related to opting out could be correlated with privilege. In policy contexts that require stakeholders to martial their resources and knowledge to enact with a system, the opportunities for inequities can be large. Access to computers and the website alone raises class issues. Furthermore, based on the conversations occurring on the website, we observed common thread across families opting out of a strong will and a strong capacity (McLaughlin, 1987) for decision making about schooling. Based upon previous research, we expect that powerful parents would be more likely to resist policies that do not align with strongly held beliefs (Malen, 2006). This power tends to be correlated with social class (Anyon, 1980). Research by Lareau (1987) shows that social capital skills are more likely to be possessed by middle-class families than working class families. Mediratta, Shah, and McAllister (2009) have demonstrated that power in grassroots efforts is enacted in a political system through information and influence, often in the form of social or capital. Based on this research, we expected to find that parents with greater levels of social capital had greater opt-out options.

Our examination of discussion forums and follow-up interviews with United Opt Out activists raised the question of whether opting out might be a somewhat exclusive educational activity. Our research was not designed to examine this question in detail, but we suggest a great need for future research on this issue. Given that states were reluctant to offer information explicitly about opt-out procedures, families with more social and political capital appeared to have options within the NCLB system that other families did not. The opt-out movement members, leaders, and participants we talked to all had some combination of post-graduate education, experience with local government, experience with school administration, a history of public protest, or connections with local media. These options were even stronger in the more tightly controlled states, such as New York, where the website documented the example an administrator who opted her children out of the statewide assessments with no sanctions placed on her children, even when other families were unable to do so. One of our interviewees explained, "I do know a principal who opted [his/her] third grader out and the third grader still advanced." This principal had stronger resources and knowledge of the school system as well as political connections to opt the child out of testing. These conditions raise important questions about the equity of intentional ambiguity as a policy strategy and its implications for parents lacking social and political capital.

Not all of the exclusivity of opting out seemed to stem from socioeconomic status, however. Sometimes the political will of families (McLaughlin, 1987) overrode social class to create active parents who sought alternatives for their children. This pattern seemed to be greatest for families raising children with special needs according to one of the leaders in the United Opt Out movement and our scanning of comments made on the Facebook pages of the United Opt Out and related movement pages. Perhaps a history of navigating the maze of policies governing special education helped build the bureaucratic skills and confidence opt-out parents used to find their way through

the policy ambiguity surrounding opting out. Additional research is needed to examine this relationship between special needs and the creation of contested spaces in opt-out contexts and also on the impact of this relationship for English Language Learners who are particularly targeted in the ESEA policy (Abedi, 2004).

Discussion

Even with the reauthorization of the ESEA, the continued testing component of SBA policy represents a rigid form of policymaking. This paper demonstrates how ambiguity and the resultant variability of opt-out policies among the states during the NCLB era created contested spaces for voice and agency. Policy paradoxes arise when the design and implementation of policies create contradictory goals, mixed messages, and unclear procedures (Stone, 1997). We identified a variety of responses to this ambiguity from actors at different levels—bureaucrats at state education agencies make up rules, parents find loopholes, and school administrators coach parents into following the schools' interpretation of policy.

In this article, we showed how policy ambiguity under NCLB created opportunities for contested spaces in which stakeholders could question the validity of policy and develop their agency to respond and resist SBA policy. However, ambiguity has the paradoxical capability of either strengthening or weakening a parent's agency. Through the development of United Opt Out, a virtual community was created in which parents could exercise their voice within an ambiguous policy structure and gain information that facilitated their ability to resist that policy, if they decided that resistance made sense for them. Nonetheless, United Opt Out's benefits were especially great for parents with high levels of social capital.

This article demonstrates some of the limitations of ambiguity as a policy strategy. Policy ambiguity played an important role in shaping responses to NCLB policy, but it was not a cure-all for those who sought to prevent resistance to SBA. When other parents and activists are just a click away, policy ambiguity can be readily translated into contested space by the basic information facilitated through grassroots mobilization. The use of social media proved to be a powerful convening mechanism for opt-out families to share information that could counteract ambiguous information. More research is also necessary on the ability to create contested spaces in opt-out policy spheres, including examining the consequences of the varying levels of parental agency, both due to transparency of state policies and to social capital to discern options for families.

How opt out varies across states and demographic groups also needs further study, including how the size of the opt-out movement influences the clarity of state policy. Future research also should explore instances in which contested spaces create coercion—instances when families may pressure to opt out of the testing system who do not want to do so. While opting out can empower parents to make the best choices for their children, it can also encourage struggling students to stay home and not be counted as a way to skew test data.

The possibility of contested spaces may also be dependent on the size of grassroots resistance. As long as the numbers of families participating in the opt-out process were small in number, many states were perceived as continuing a policy of "looking the other way" or not having a formal policy. These states do not have to enforce their policies or even explicitly label opting out as acts of defiance. Oddly, this official strategy embraces the same ambiguity that makes informal networks of policy discussion like United Opt Out so important for so many parents.

The new ESSA legislation bars the federal government from punishing states for opt-out families, but the state-level response to this development is not yet clear. Opting out as a strategy might also be a matter of scale. If opt-out actions continue to grow in size, states might be forced to

engage in the issue of opt out more directly in the public sphere even if the new regulations allow amnesty for opt-out families. Policymakers might eventually be forced to make critical choices regarding the added value of forcing all families to participate in accountability systems or allowing flexibility for families to choose to participate.

We end with a caution regarding the potential for exacerbated inequities in an ambiguous policy system. The greater the amount of effort required to gain information in a policy system, the more an individual's social capital and resources can influence access. As a result, policymakers can use this ambiguity to avoid public engagement and therefore sway decision-making. Research demonstrating these links causally could help to articulate the equity gaps that some policy designs may exacerbate. Our study was not designed to reveal the demographics of *who* opted out but instead to consider state policy in response to opting out. Considering the demographics and social capital of stakeholders in future research will allow an exploration of ways in which families choose and have the capacity to push back against state policies and the ways in which state policies vary based on the demographics of those who challenge the system.

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