

HAPPY VALLEY School

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# Happy Valley trustees sue state over controversial test

## CLAS violates privacy, does poor job in determining skills, district claims

BY TERRI MORGAN

Special to the Mercury News

Trustees for one of the smallest school districts in Santa Cruz County are challenging the state Department of Education's 2-year-old California Learning Assessment System test.

The Happy Valley School District, with 156 students in kinder-

garten through sixth grade, filed a lawsuit Wednesday in Santa Cruz County Superior Court against the California Department of Education and acting Superintendent William D. Dawson. The suit charges that some test questions violate students' and parents' privacy. The suit also claims the exam inadequately as-

sesses student abilities.

The Department of Education requires public school districts to administer the CLAS test to fourth-, fifth-, eighth- and 10th-graders. The results are used by the state to determine how well schools are teaching students to reason and think. Last year, Happy Valley students tallied the highest scores in Santa Cruz County on the exam.

Sacramento attorney Thomas Griffin, who is representing Happy Valley in the suit, said the

CLAS test asks students to identify their race, ethnic background, socioeconomic status and any special educational programs they have attended. Some exams also require students to describe their personal beliefs, moral standards and behaviors, he added.

The tests are identified with the student's name and a bar code. Students are also asked to initial a statement giving the state Department of Education the right to use their answers.

"The state's ability to match

students to answers violates both student and parental rights to privacy," Griffin said. "The state has no legitimate reason to collect traceable, confidential information from any public school student."

Susie Lange, a spokeswoman for the education department, said she could not comment on the specifics of the suit because her office had not received the paperwork. She did say that a Los Angeles judge ruled two weeks ago that the tests did not

constitute an invasion of privacy.

That decision, reached by state Superior Court Judge Robert H. O'Brien on May 10, however, addressed only essay questions that required students to analyze a parable, story or poem. It did not discuss questions about student demographics.

Fourth- and fifth-grade teachers at Happy Valley began administering the CLAS test to students in late April. Soon afterward, Happy Valley Superintendent

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## Happy Valley trustees are unhappy about test

### ■ CLAS

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Cheryl Morris-Brothers received calls from parents objecting to test questions their children had repeated to them.

After the exams were completed, Morris-Brothers was advised by the California Department of Education that parents could "opt out" of having their children tested. Of the 50 students tested, parents of 32 decided to withhold their children's results.

"So many parents have 'opted out,' that the remaining pupils do not represent a fair sampling of

the total student population at Happy Valley School," Morris-Brothers wrote.

Earlier this month, the five-member board of trustees voted unanimously to challenge the state education board, and told Morris-Brothers to withhold the

completed tests and identifying data from the state until the issue could be resolved in court.

Until then, Happy Valley's CLAS tests will remain "under lock and key in a safe place," said Tim McGuire, school board president.