



## FREQUENTLY ASKED QUESTIONS

### “OPTING OUT” OF STATE TESTING

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*The Department of Research, Assessment, and Accountability often receives questions from the community about “opting out” of state testing. The intent of this response is to provide clarification of the state law and provide transparency regarding state testing requirements so that parents can make informed decisions about STAAR testing.*

Katy ISD fully respects and acknowledges requests to have students *opt out* of STAAR testing; however, under state and federal laws, the district is unable to honor this type of request because it is not an option offered in Texas.

#### 1) Does a parent have the right to “opt out” his/her child from STAAR testing?

*No - according to the Texas Legislature and the Texas Education Agency, Texas public schools are required to provide all students who are in attendance during the administration (including make-up testing days) an assessment with an opportunity to participate in the test. Specifically, Texas Education Code 39.023(a) requires “all students” to be assessed with the appropriate level test. Consequently, school districts do not have a choice as to whether they administer state tests, End-Of-Course (EOC) tests, or STAAR assessments to all their students; they are **required** to do so by Texas law. **If a school district does not abide by the law, the district is required to report this violation to the Texas Education Agency and thus, face consequences for those actions.***

2) Why doesn't the Texas Education Code Chapter 26.010 apply to state testing?

*The [Texas Education Code Chapter 26](#), "Parental Rights and Responsibilities" clarifies that a parent is **not** entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. **The section does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the school district and the agency.***

3) What are the consequences of missing school during the test administration?

*A student who fails to come to school on the STAAR or STAAR EOC test days may be considered truant under the compulsory attendance laws, and a parent may commit the offense of contributing to nonattendance, depending on how many days the student has been absent. Similarly, a student who fails to attend class more than 90 percent of the days the class is offered may not receive credit or a final grade for the class, unless certain conditions are met.*

4) What are the consequences for not completing state testing?

*If a student attends class but refuses to take the STAAR or STAAR EOC test, the test **MUST** still be scored, as required by the Texas Education Agency. Students who refuse to take the End-of-Course (EOC) exams in high school may not be able to graduate. These are consequences that a parent should seriously consider before choosing to unilaterally "opt" their child out of taking the STAAR or STAAR EOC tests.*

*Per House Bill 4545, students who do not participate in state testing will be required to participate in 30 hours of accelerated instruction for each content area assessment not taken.*

## 5) What are parent options?

*We know that standardized testing is a sensitive topic for many parents and, as noted above, we respect these viewpoints on this subject.*

### **Parent options are:**

- I. Student will participate in state testing.*
- II. Student will not attend school during the administration (including make-up testing days).*
- III. Student will attend school, be provided an opportunity to test (i.e., test administration directions read to the student), and then refuse to test. The assessment will be sent to the vendor for scoring.*

Per TEA, districts must provide all eligible students with the opportunity to test. If a student refuses to test, the district is obligated to submit the lowest possible score for the student, which will trigger other state-required obligations to provide the student with accelerated instruction.

## 6) **Who do I contact at my child's school for additional information?**

*Please contact the Campus Testing Coordinator/Testing Facilitator or your child's counselor.*