

National Association of State Boards of Education

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## ➔ Opt Out Policies by State

By Sarah-Jane Lorenzo

States vary in how they respond to parents' requests to opt children out of standardized testing. These responses fall loosely into four categories: most states prohibit opt outs, others permit them, still others differentiate between opt outs and refusals or permit opt outs with constraints, and some let local districts devise their own policies (see map).<sup>1</sup>

A description of each state's response and links to guidance documents are [here](#).

### OPT OUTS PROHIBITED

Thirty-four states and the District of Columbia require all students to take state tests.<sup>2</sup> Most of these encourage schools to counsel parents and students on the benefits of state testing and the potential consequences of nonparticipation.

Others warn that nonparticipation in state assessments will keep students from fulfilling graduation requirements, violate state attendance policies, or, when the tests in question are standardized end-of-course exams, may even affect students' grades. No state wants its students to miss valuable classroom time because they are avoiding state tests, so states that prohibit opt outs have enforced their bans through approaches that range from conciliatory to heavy-handed. Some states promote counseling parents who refuse to let their students take state tests; others warn that nonparticipation will keep students from fulfilling graduation requirements, violate state attendance policies, or, when the tests in question are exams, may affect student grades.

### OPT OUTS PERMITTED

Two states permit opt outs completely. California and Colorado allow students to opt out

of all state tests, and Oregon will join them in January 2016. Although these states allow students to be excused from standardized assessments, they warn districts of the federal 95 percent student participation mandate, enforced under No Child Left Behind. If less than 95 percent of students at a school that receives Title I funds take state tests, the US Department of Education may withhold funding.

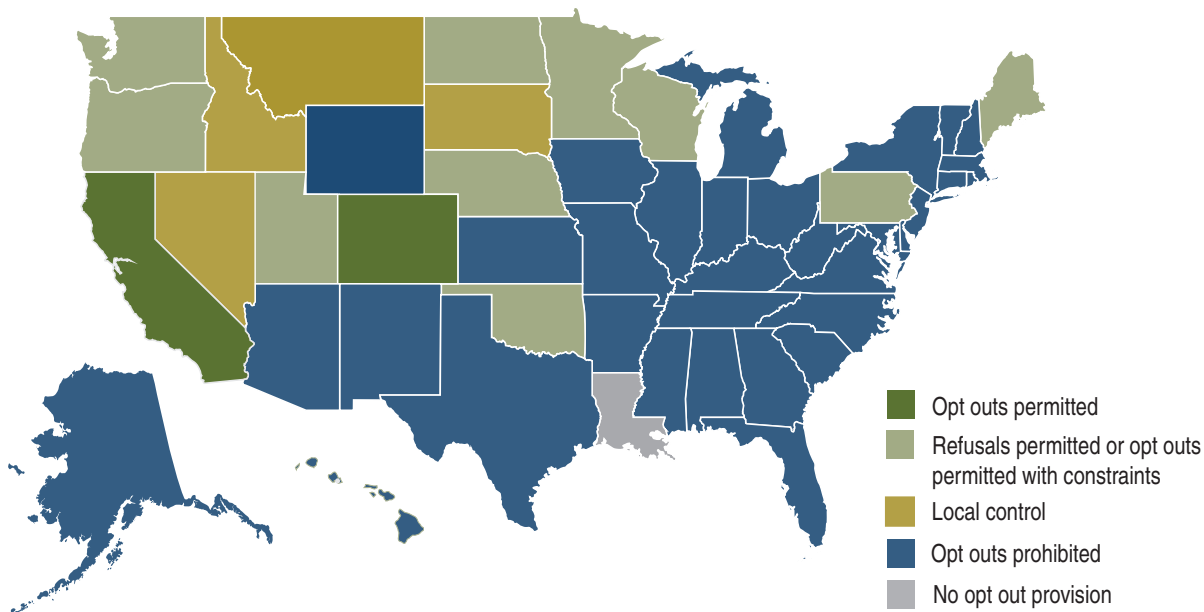
### REFUSALS PERMITTED OR OPT OUTS PERMITTED WITH CONSTRAINTS

Five states allow testing refusals but do not allow opt outs. Maine, Minnesota, Oklahoma, Nebraska, and Washington allow refusals. Their policies permit parents and emancipated students to formally refuse testing but do not exempt them from the potential consequences of nonparticipation. They do allow schools to create alternatives so that children whose parents would otherwise keep them home to boycott tests can remain in school without sitting for them. By accepting parent refusals, schools ensure that students do not miss classroom instruction, but it also means that more parents are

likely to get their children excused from state tests than would occur if the state banned opt outs completely. A higher rate of nonparticipation can result in incomplete data sets for schools and states to use when monitoring the progress of student subgroups or setting cut scores.

Three states permit opt outs with restrictions. Utah and Wisconsin allow opt outs for some but not all state assessments. North Dakota allows opt outs through a silent policy that is not often exercised and encourages schools to counsel

**Most States Require All Students To Take State Tests**



parents to consider testing's benefits to students and schools before they opt their children out.

Two states allow students to be excused from state tests for select reasons. Oregon allows students to be excused from state tests based on religious reasons, medical reasons, or disabilities, and Pennsylvania allows students to be excused from state tests for religious reasons. Oregon will begin allowing opt outs in January 2016.

### **LOCAL DISTRICTS DECIDE**

Four states allow local districts to determine opt out policies. Idaho, Nevada, Montana, and South Dakota each note the potential consequences of creating local allowances and offer different guidance to local education agencies. Nevada, for example, has remained silent on the opt out issue but reminds districts of the federal 95 percent participation mandate and that students may not graduate if they do not take and pass end-of-course exams. Montana recommends forthrightly that all students take state tests but still allows local districts to choose whether they permit or prohibit opt outs and how they respond to nonparticipation.

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### **RESOURCE**

NASBE, [Opt Out Guidance State by State](#), table (August 2015).

### **NOTES**

1. State policy information was obtained from or verified with representatives from state education agencies for 46 states and the District of Columbia. The remaining four—Georgia, New Jersey, New Mexico, and Utah—did not respond to NASBE inquiries but have voiced clear participation policies in public documents (see table).

2. States that do not permit opt outs include Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Rhode Island, South Carolina, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wyoming.