

Opt Out Guidance State by State

August 2015

State	Policy Description
Alabama	Students may not opt out or be opted out of state tests according to state law. The state superintendent of education has offered guidance in two memos issued to city and county superintendents. The first, from the 2013-14 school year , directs school administrators to provide parents requesting opt outs with a copy of state code. The second, released in February 2015 , offers additional clarity on state policy addressing testing requirements.
Alaska	Opt outs are not permitted by state law. The state has provided several parent resources on its website, including documents that clarify state and federal policy and outline the ways state tests can benefit students and schools.
Arizona	State law requires all students to take state standardized tests; student scores are factored into state accountability determinations. “A Parent’s Guide to Understanding AIMS 3-8” refers parents to state and federal law, both of which require testing, and the state attorney general has provided two letters (here and here) clarifying state assessment policy and parents’ opt out requests.
Arkansas	Opt outs are not permitted by state law and all students are required to take standardized tests. An FAQ section on the Arkansas Department of Education website states that students who choose not to participate in state tests are subject to the same consequences they would have faced had they failed to achieve a proficient score on those tests. Any student who fails to demonstrate proficient achievement on state standardized tests is required to participate in an individual academic improvement plan.
California	Opt outs are permitted if a parent or guardian provides a written request to the school. However, the state education agency cautions that students excused from state tests are still counted toward schools’ 95 percent participation rate, and schools may face federal consequences if less than 95 percent of their students take state tests. School districts must provide “easily understood” information describing the nature and purpose of state assessments, and parents must renew their opt out requests each year. The California Department of Education maintains ongoing communications with district superintendents and testing coordinators about any changes or issues that arise related to opt out policy.
Colorado	Districts are required to adopt policies that allow parents to

	excuse their children from state tests. In February 2015, the state board passed a motion stating that school districts would not be punished if less than 95 percent of students participated in assessments, but the US Department of Education responded in a letter that the board could not grant that immunity.
Connecticut	Opt outs are not permitted by state law. The state education agency has provided guidance on how schools can respond to parent opt out requests and distributed a sample letter districts can use when addressing parent inquiries.
Delaware	Opt outs are not permitted by state law. Delaware released a two-page brief summarizing all relevant state and federal legislation. The governor vetoed a bill to permit opt outs on July 15, 2015.
District of Columbia	Opt outs are not permitted. The district’s education agency responds to parent inquiries on an individual basis and has provided information on its website explaining why assessments are useful .
Florida	Opt outs are not permitted by state law. If students do not participate in assessments, districts are required to provide parents information outlining the implications of nonparticipation. The Florida Department of Education responds to opt out inquiries with a copy of a detailed letter from the state commissioner of education. The letter explains why opt outs are not permitted and why state assessments are important and required.
Georgia*	State officials did not respond to attempts to confirm Georgia opt out information. A state assessment manual notes that federal and state laws require all students to participate in state assessments and outlines consequences of nonparticipation. If a student does not take a state test, they receive the same consideration as they would have had they received a “zero” score. Grade retention is a potential consequence, and parents must meet with school officials to determine whether their child will move on to the next grade. The assessment manual instructs districts to notify parents and students of testing dates, the purpose of the tests, and how results will be used.
Hawaii	Opt outs are not permitted. The state education agency has informed district officials that students may refuse to take state assessments but that would not exempt them from consequences of nonparticipation.
Idaho	Opt out policy is up to districts. The state does not allow or disallow opting out. Schools remain responsible for meeting the federally mandated 95 percent participation minimum, and the state has released guidance that explains why standardized tests are important and suggests ways for schools to inform local communities about assessment mandates.
Illinois	Students may not opt out of state tests . The Illinois State Board of Education has released several letters on its website offering

	guidance to schools and informing families of state test participation policy.
Indiana	Opt outs are not permitted under state law. In the state’s 2014–15 assessment program manual , the state education agency clarifies that although state and federal law do not ban parents from refusing to let their students take standardized tests, opt outs are not permitted, and parents who do not send their children to school on testing days with the intent of excluding them from tests are violating state school attendance laws. Students must take state tests to graduate or be promoted from the third grade, and schools with lower than 95 percent student participation may see their performance and improvement grades suffer.
Iowa	Students may not opt out of state tests . The Iowa Department of Education will release opt out guidance in its annual letter to district superintendents in late August or early September. State code prevents students from opting out of state assessments so that officials can avoid using skewed data to determine changes in achievement gaps. Local districts may determine the consequences of nonparticipation in state tests.
Kansas	Students may only be excused from state tests for medical reasons or severe family situations, not in response to parental requests. Districts are responsible for informing schools and parents of state testing mandates.
Kentucky	Students may not opt out of state tests and may only be excused for medical reasons or extraordinary circumstances. Students who refuse to take state assessments receive “zero” scores. The state education agency provided links to guidance for districts, schools, and parents in a March 2015 newsletter.
Louisiana	There is no opt out provision in state law. The only state response to date is an executive order issued in January 2015 by Governor Bobby Jindal that cites existing legislation stipulating that students who do not take tests will receive “zero” scores. There are no other procedures for nonparticipation.
Maine	Students may sit out of standardized tests , but they are not shielded from the consequences of nonparticipation. Local districts have the authority to include state tests as an element of their high school graduation requirements.
Maryland	Students may not be opted out of state tests. Parents may send their children to public or private schools but may not selectively choose or reject certain elements of the public education program. The state education agency has not released any specific guidance or communications to parents or schools.
Massachusetts	Opt outs are not permitted . If a parent submits a written refusal, principals are asked to counsel them on the benefits of state testing. If a parent still refuses to allow their child to take state tests and would otherwise keep their child home from school,

	principals are asked to work with the parent and find a way to keep the child in school during testing. Students are required to pass state assessments to graduate.
Michigan	Opt outs are not permitted . Michigan has released resources for parents and schools, including a letter from the state superintendent and an official position memo .
Minnesota	Parents may refuse to let their children take standardized tests. However, students enrolled in eighth grade during or before the 2011–12 school year must pass state tests in order to graduate high school. The state testing procedures manual notes that the federal 95 percent participation mandate is still enforced and encourages districts to provide transparent information about the potential consequences of testing refusals.
Mississippi	State law requires all students to take standardized tests. The state education agency advises districts of the importance of state testing and provides guidance on what to tell parents who request opt outs. If parents refuse to let their children participate, their children may sit out, but that practice is not promoted or endorsed. District superintendents are trained on state testing policies at various meetings and conferences and were sent a letter by the state superintendent in lieu of the national attention on opt outs this year.
Missouri	Opt outs are not permitted under state law. Students are required to take standardized tests by state and federal mandates, and local districts are required to establish their own policies regarding student participation in state tests. The state education agency offers an explanation of state policy in a legislative Q&A accessible through their website.
Montana	The state recommends that all students take standardized tests but ultimately allows local districts to determine opt out policy. If a district decides not to accept opt out requests, it may determine appropriate consequences for students who refuse to participate in state assessments. The state board of education is expected to decide whether state law requires assessment participation by January 2016.
Nebraska	Parents may refuse to allow their children to take state tests. If a student does not take a standardized test, they receive a “zero” score. In order to excuse their children from state testing, parents must make an official request. Districts are encouraged to meet with parents and counsel them on the benefits of allowing their children to participate in state assessments.
Nevada	Schools may allow opt outs at their own discretion. State laws are silent on whether opt outs are a possibility in Nevada, and the state board does not provide guidance. The office of the state superintendent does not prohibit opting out of criterion-referenced tests, but students cannot graduate if they do not take and pass end-of-course exams. Since state and federal laws

	require participation in standardized assessments, districts have been advised that they may face any consequences associated with low test participation rates.
New Hampshire	Opt outs are prohibited . Students are not penalized for nonparticipation, but districts incur lower participation rates, which are publicly released. Decisions regarding graduation or grade retention based on refusal to take state tests are made at the local level.
New Jersey*	Students may not opt out of state tests. New Jersey notes that all students are required to take standardized assessments according to state and federal law. The state board of education has confirmed that all districts must implement the Common Core and corresponding tests. If students refuse to take tests, schools are not required to provide alternatives. The state education agency has encouraged school administrators to ensure that their district’s discipline and attendance policies are implemented accordingly in cases of nonparticipation. Administrators are also encouraged to counsel parents considering opt outs and inform them of the positive outcomes of state test participation.
New Mexico*	Opt outs are prohibited . Students may only be excused from standardized assessments if they have a medical exemption. An FAQ document explains why students must take standardized tests and notes potential consequences for students who do not participate, such as lack of fulfillment of graduation requirements. The state education agency has made many public resources available. Another can be found here .
New York	Opt outs are not permitted, and all students are expected to take state tests . If parents withhold their children from school during testing, the absences will be managed in accordance with existing attendance policies. Schools are not required to provide alternate activities for students who refuse to participate in standardized testing.
North Carolina	Opt outs are not permitted. The state’s Test Coordinators’ Policy Handbook provides a sample letter that can be sent to parents who request to opt their children out of standardized tests. The handbook also notes that scores on state-mandated end-of-course exams are factored into students’ grades.
North Dakota	Opt outs are permitted by a silent policy that is not often exercised. The state superintendent has informed schools of the potential consequences of opt outs, and schools are encouraged to counsel parents who request opt outs from state tests. This is not a formal policy but a best-practice consideration. Schools are responsible for informing parents of opt out policy.
Ohio	Opt outs are not permitted under state law. Ohio released a document explaining the benefits of state tests and the potential consequences of nonparticipation.

Oklahoma	Parents are not prohibited from withdrawing their children from state testing, but the state education agency advises that nonparticipation could have negative impacts. School districts have the right to create an opt out option, but that is not encouraged or recognized by the state. According to state law, students who are in school within the standardized testing window will be provided the test. The state has provided districts guidance on opt out policy and has suggested ways districts can respond to parents who refuse testing or request more information about state tests.
Oregon	Current law allows students to be excused from assessments based on medical reasons, disabilities, or religious reasons. A law that will take effect in January 2016 allows parents to excuse their children from standardized tests and requires districts to notify them of that right. The state education agency is developing implementation tools and resources for districts.
Pennsylvania	Opt outs are permitted based on religious reasons . Parents have a right to review state assessments at their child's school and decide whether those assessments conflict with their religious beliefs. Districts may not refuse opt out requests based on religious beliefs. Students must either pass the state's Keystone Exam or participate in project-based assessment in order to graduate high school.
Rhode Island	Opt outs are not permitted , and the state education agency expects all students to participate in standardized tests. Local districts may set their own consequences for nonparticipation, and high school students who do not take state tests may face obstacles to graduation.
South Carolina	Opt outs are not permitted. All students must take state standardized tests, according to state law. The state education agency released a memo to all district superintendents in 2014 clarifying state testing policy.
South Dakota	The state has no policy on opt outs. According to state law, public schools must test all students, and the state's accountability workbook notes that federal law requires 95 percent student participation. Local districts are responsible for creating their own policies to address opt out requests or parent refusals. The state sent school districts an internal memo offering guidance.
Tennessee	Opt outs and testing refusals are not permitted. Tennessee requires student participation in state standardized tests, and local education agencies are not permitted to offer alternate activities for students who refuse. The state education agency released a memo clarifying opt out policy to schools in April 2015.
Texas	Parents are not entitled to excuse their children from state standardized tests, according to state law. The state education

	agency advises districts and schools to direct parents to state policy in answer to any questions.
Utah*	Opt outs are permitted under state law . The state education agency says students will be assigned other tasks if their parents opt them out of state tests. However, parents may not excuse their students from all state assessments. The state education agency has provided a list of tests that all students must take.
Vermont	Opt outs are not permitted ; if a parent refuses to let their child take state tests, the child will receive a “zero” score. Local education agencies must comply with this policy or may face fiscal implications. The Vermont Agency of Education has addressed opt out questions on several occasions in its newsletter .
Virginia	All students are required to take standardized tests. There is no opt out policy, but there is a state policy to address parent or student testing refusals. If a parent refuses to allow their child to participate, they will be informed that their child will receive a “zero” score. Schools are encouraged to request a written refusal to keep in students’ files. Student refusals are coded so they will not be factored into school evaluations, but refusals may still affect students’ ability to meet graduation requirements. The state education agency has released two memos (here and here) addressing opt outs.
Washington	Refusals are permitted but not encouraged . State law requires schools to make state assessments available to all students but does not require schools to make students sit for state tests. School districts must report test participation rates to the state and are asked to create local refusal forms for parents and students to complete and sign if they choose not to take state tests. Completed forms are filed by local districts only. State law does require students to take and pass certain assessments in order to graduate.
West Virginia	Opt outs are not permitted. According to an assessment participation manual , all students are required to take state tests. West Virginia sent internal guidance and information to local education agencies.
Wisconsin	Parents may excuse their children from tests administered in grades 4, 8, and 9–11. State law requires all students to take tests administered in other grades. New opt out language in a recently passed budget requires school districts to notify parents of their opt out rights. The state education agency is preparing guidance in response to that new opt out language.
Wyoming	Opt outs are not permitted . Districts have been encouraged to help parents understand the benefits of state tests and the consequences of nonparticipation.

* State did not respond to NASBE inquiries.

