

Frequently Asked Questions “Opting Out” of State Assessments

Tomball ISD fully respects and acknowledges requests to have students “opt out” of STAAR/TELPAS 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/TELPAS 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](#) 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 prevent the child from taking a subject for an entire semester off. 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?

Depending on the circumstances, a student may be subject to truancy prevention measures and a parent may commit the offense of contributing to nonattendance, if the student fails to attend school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period. Texas Education Code § 25.093; Texas Family Code § 65.003

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. 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. 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.

5. What are parent options?

- *The student will participate in state testing.*
- *The student will not attend school during the administration (including make-up testing days).*
- *The student will attend school, be provided an opportunity to test and then refuse to test. The document will be sent to the vendor for scoring.*