



Frequently Asked Questions – “Opting Out” of State Assessments

The Curriculum, Assessment, and Accountability Department often receives questions from the community about “opting out” of state testing. This response aims to clarify the state law and provide transparency regarding state testing requirements so that parents can make informed decisions about STAAR/EOC testing.

Birdville Independent School District fully respects and acknowledges requests to have students *opt out* of STAAR/EOC 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. Do parents have the right to “opt out” their child(ren) from STAAR/EOC testing in Texas public schools?

No – State law makes it clear that students may not opt out of tests, including standardized tests. The complete *Texas Education Code, Sec 26.010. EXEMPTION FROM INSTRUCTION* states:

(a) A parent is entitled to remove the parent’s child temporarily from a class or other school activity that conflicts with the parent’s religious or moral beliefs if the parent presents or delivers to the teacher of the parent’s child a written statement authorizing the removal of the child from the class or other school activity. 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. (b) This section does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the school district and the agency.

****Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.*

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 STAAR/EOC 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. What if a parent has a concern about their child taking the STAAR/EOC?

If parents have concerns about their child taking a STAAR/EOC exam(s), their first step should be to meet with the campus principal to discuss their concerns. In most cases, concerns regarding testing can be resolved based on a conversation. We can often provide information that alleviates some concerns and addresses possible misconceptions. We strongly encourage this conversation to happen as early in the school year as possible so that we have the opportunity to work together to put the best possible plan in place for each of our students.

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

A student who fails to come to school on the STAAR/EOC test days **could 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 of not completing state testing?

If a student attends class but refuses to take the 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/EOC tests. If a parent/student elects to use substitute assessments to meet graduation requirements, full responsibility shall fall on the parent/student. A student electing to substitute an assessment for graduation purposes must still take the corresponding End-of-Course (EOC) assessment required under TEC, §39.023(c), at least once for federal accountability purposes. [link to Texas Administrative Code related to Substitute Assessments](#)

5. If my child does not take STAAR/EOC, will my child be required to receive accelerated instruction?

Yes – HB 4545's tutoring requirements make no distinction between students who do not test and students who do not pass. Students who do not test are considered students who have not passed, and schools are required to create an accelerated instruction plan for every student who does not test. This involves a meeting with parents and associated steps for students, parents, and teachers to complete. Students who do not test will be required to receive 30 hours of tutoring on prior-year knowledge and skills in each tested subject. These hours must be completed by the end of the following school year. For example, if an eighth grader does not take the four required STAAR tests, they will need to complete 120 hours of tutoring on eighth-grade content by the end of their ninth-grade year.

6. Is my child required to receive Accelerated Instruction if they do not take STAAR/EOC but are excelling in their grade-level coursework?

HB 4545 provides no alternate method or assessment that can be utilized to determine whether a student needs accelerated instruction on prior-year knowledge and skills. This means that regardless of a student's performance in class or other measures, if a student does not take STAAR/EOC in spring 2023, they will be required to complete 30 hours of tutoring in each tested subject by the end of the subsequent school year. For example, an eighth grader who does not take any of the four required

STAAR tests would be looking at 120 hours of required tutoring on eighth-grade content to be completed by the end of their ninth-grade year, even if they excelled in eighth-grade coursework.

7. 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. For a student who refuses to test, the district is obligated to assign the score code “S” for the assessment they refused to take. This will result in the lowest score possible and a student’s performance on STAAR/EOC assessments is required [by TEC, [§39.023](#)(c-5)] to be included on the student’s academic achievement record. Additionally, this will trigger other state-required obligations to provide the student with accelerated instruction.

8. Where can I find more information?

Further information can be found in the Student Handbooks on the pages noted below:

Elementary Handbook (Pg 35-36):

<https://www.birdvilleschools.net/cms/lib/TX01000797/Centricity/Domain/4337/ElementaryHandbook2022-2023vADA.pdf>

Secondary Handbook (Pg 37-38):

<https://www.birdvilleschools.net/cms/lib/TX01000797/Centricity/Domain/4337/SecondaryHandbook2022-23vADA.pdf>

For more information about the STAAR/EOC program, visit the [state’s STAAR Resources webpage](#).

For more information about HB 4545 tutoring requirements, visit the [state’s Accelerated Learning Resources webpage](#).

For further questions regarding Refusals to Test, please contact the Texas Education Agency at (512) 463-9734.