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Opting Out of Standardized Tests

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What does federal law say about opting out?

ESSA, like its predecessor, NCLB, requires districts to measure the achievement of at least 95 percent of all students. Under ESSA, schools that drop below the 95 percent could face consequences from the state. 20 U.S.C. § 6311(c)(4)(E)

Contrary to statements on some anti-testing websites, ESSA does not include a federal right to opt out of standardized assessments. These websites are likely referring to a provision in ESSA that requires districts to provide information to parents regarding the assessment, which may include, “where applicable,” the district’s opt-out policy. As described below, an opt-out policy is not applicable in Texas, therefore school districts in Texas do not need to provide parents with information on an opt-out policy. Districts must, however, provide parents with information regarding their children’s participation in the assessment. 20 U.S.C. § 6312(e)(2).

Is there a right to “opt out” of standardized tests in Texas public schools?

No, in fact just the opposite. State law makes it clear that students may not opt out of standardized or any other tests. Texas Education Code section 26.010 states the following:

EXEMPTION FROM INSTRUCTION. (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.