



VICTORIA INDEPENDENT SCHOOL DISTRICT

FREQUENTLY ASKED QUESTIONS “OPTING OUT” OF STATE TESTING

The Victoria ISD Assessment and Accountability Office 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 testing.

Victoria ISD fully respects and acknowledges requests to have students opt out of STAAR 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 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 window (including make-up testing days) of 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, “*Parental Rights and Responsibilities*,” 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 to prevent the child from taking a subject for an entire semester. *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?

A student who fails to come to school on the STAAR or STAAR EOC test days may be considered truant under the compulsory attendance laws, and a parent may commit the

Note: This FAQ is intended for informational purposes and is not intended to serve as a comprehensive reference of every provision of every education-related law enacted and may be updated pursuant to new legislation.

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 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. 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.

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 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 test, will my child be required to receive accelerated instruction?

House Bill 4545 requires Accelerated Instruction for all students who do not meet passing standards for STAAR or EOC assessments. This includes students who do not take a required state assessment. For additional information related to HB 4545 accelerated instruction at your child's campus, please contact the campus principal.

6. 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:

- a. Students will participate in state testing.
- b. Students will attend school, be provided an opportunity to test (i.e., test administration directions read to the students), and then refuse to test. The document (online or paper) will be sent to the vendor for scoring.

7. Who do I contact at my child's school for additional information?

Please contact the Campus Testing Coordinator/Testing Facilitator.