

Question:

You asked for information state assessment opt-out policies since our [2015 publication](#).

Our Response:

Since our February 2015 publication, two additional states passed laws explicitly authorizing opt-outs, bringing the total to four states: California, Colorado, Oregon and Utah. Only Utah permits students to opt out of statewide assessments only; students must participate in locally mandated assessments. Several states give districts the choice to allow students to opt out of assessments.

Last legislative session, twenty-four states considered legislation to authorize opt-outs. Currently, a handful of states, such as Alaska and Arizona, are considering or have considered an opt-out bill this session, but we are not aware of any that have passed.

You can find more information on assessment trends, including how states have addressed testing time and quantity, in our recent assessments [policy brief](#). We continue to see these trends in the states and track the progress of these issues. Additionally, as states pass legislation related to assessments, we are regularly updating our [state policy database](#) on assessments.

This summer, ECS will publish a series of short briefs addressing top policymaker concerns around ESSA, including a brief addressing student participation and opt-outs under ESSA. The question of how the U.S. Department of Education will address less than 95 percent test participation in the states remains a gray area, and a number of Congress members recently sent a letter to Secretary King expressing concern over this issue.