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# CSAI Report

## A Review of Statewide Assessment Opt-Outs

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What are states doing to mitigate the trend for parents to keep their children out of statewide assessments?

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# A Review of Statewide Assessment Opt-Outs

## Introduction

Over the past few years, opposition to statewide assessments around the nation has grown. A U.S. News & World Report article noted that as many as 500,000 students are opting out of state tests, including approximately one in five New York students.<sup>1</sup> More commonly known as the opt-out movement, parents concerned about the quality and use of assessments are increasingly choosing to remove their children from statewide standardized assessments. In response, many states have taken action to counteract this movement, hoping to maintain their state accountability programs and meet federal requirements.

The Center on Standards and Assessment Implementation (CSAI) recently reviewed information relevant to the opt-out movement, which is summarized in the first part of this report. Next, we conducted a comprehensive review of public documents, including state actions to counteract the opt-out movement. The second part of this report and Table 1, State Legislation/Policy and Efforts at Reducing Opt-Out, summarizes those findings. Our goal is to provide useful information to states and education organizations leading to quality education policies and practices.

## The Opt-Out Movement

The opt-out movement can be traced to the launch of the Common Core State Standards (CCSS) in 2009. The new, more rigorous standards, eventually adopted by more than 40 states (5 states later replaced CCSS with state-developed standards), paved the way for innovative, more challenging state assessments funded largely by the federal government.<sup>2,3</sup>

One major concern was that the number of students achieving proficiency on the more difficult assessments dropped significantly, sparking parent and teacher anxiety.<sup>4</sup> Another major concern was a federal and state push to include the new assessment results as part of teacher evaluations, often ignoring warnings from experts that the tests were not designed for such high stakes

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<sup>1</sup> Schweig, J. (2016, May 9). The Opt-Out Reckoning. Retrieved from <http://www.usnews.com/opinion/articles/2016-05-09/who-does-the-movement-to-opt-out-of-standardized-testing-help>

<sup>2</sup> PBS. (2015, May 25). What galvanized standardized testing's opt-out movement. Retrieved from <http://www.pbs.org/newshour/bb/galvanized-standardized-testings-opt-movement/>

<sup>3</sup> Strauss, V. (2016, January 31). The testing opt-out movement is growing, despite government efforts to kill it. The Washington Post. Retrieved from <https://www.washingtonpost.com/news/answer-sheet/wp/2016/01/31/the-testing-opt-out-movement-is-growing-despite-government-efforts-to-kill-it/>

<sup>4</sup> PBS, op. cit.

purposes.<sup>5,6</sup> While many educators say that parents cannot selectively choose which assessments their children take, parent advocates counter that they have the right to opt out of assessments they believe are poorly designed and used.<sup>7</sup> Federal law requiring that states test 95 percent of students in specific grades to receive federal funding further complicates the issue for states. The U.S. Department of Education recently sent out letters to all states reminding them of the 95 percent rule.<sup>8,9</sup>

The opt-out movement is gaining more momentum.<sup>10</sup> While opposition to statewide assessment remains the strongest in New York,<sup>11,12,13</sup> the movement has spread to other states, including Colorado, Delaware, Florida, Maine, Michigan, New Mexico, Ohio, Oregon, Pennsylvania, Tennessee, and others.<sup>14,15,16</sup> Opt-out advocates have created resources for parents seeking to opt their children out of assessments (e.g., United Opt Out,<sup>17</sup> Fair Test,<sup>18</sup> and Opt Out of Standardized Testing<sup>19</sup>). However, states and organizations are stepping up to reduce opt-outs.

## The Anti-Opt-Out Movement

Although the opt-out movement is growing, extensive media coverage may give the sense that the movement is stronger than it really is. A 2015 EdNext<sup>20</sup> poll found that the majority of parents (52%) and teachers (57%) still support annual state testing. A second PDK/Gallop<sup>21</sup> poll found similar results. Nevertheless, with approximately 30 percent of parents and teachers supporting the opt-out

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<sup>5</sup> PBS, op. cit.

<sup>6</sup> Strauss, op. cit.

<sup>7</sup> *ibid.*

<sup>8</sup> McIntyre, E. (2016, January 29). Ed Dept threatens penalties for states with high opt-out rates. Education DIVE. Retrieved from <http://www.educationdive.com/news/ed-dept-threatens-penalties-for-states-with-high-opt-out-rates/412942/>

<sup>9</sup> Strauss, op. cit.

<sup>10</sup> *ibid.*

<sup>11</sup> *ibid.*

<sup>12</sup> Camera, L. (2016, March 24). As test time nears, coalition tries to head off opt-outs. US News. Retrieved from <http://www.usnews.com/news/articles/2016-03-24/coalition-tries-to-head-off-the-testing-opt-out-movement>

<sup>13</sup> Harris, E. A. (2015, August 12). 20% of New York State students opted out of standardized tests this year. New York Times. Retrieved from <http://www.nytimes.com/2015/08/13/nyregion/new-york-state-students-standardized-tests.html>

<sup>14</sup> Strauss, op. cit.

<sup>15</sup> Kamenetz, A. (2015). Anti-test 'opt-out' movement makes a wave in New York State. Retrieved from <http://www.npr.org/sections/ed/2015/04/20/400396254/anti-test-opt-out-movement-makes-a-wave-in-new-york-state>

<sup>16</sup> Chalkbeat opt-out tag: [http://www.chalkbeat.org/tag/opt-out/#.Vx5gl\\_krKUK](http://www.chalkbeat.org/tag/opt-out/#.Vx5gl_krKUK)

<sup>17</sup> United Opt Out: <http://unitedoptout.com/>

<sup>18</sup> Fair Test: <http://www.fairtest.org/get-involved/opting-out>

<sup>19</sup> Opt Out of Standardized Testing: <https://optoutofstandardizedtests.wikispaces.com/>

<sup>20</sup> EdNext. (Winter, 2016). 2015 EdNext Poll: Public Backs Testing, Opposes "Opt-out" Movement. Retrieved from <http://educationnext.org/2015-ednext-poll-public-backs-testing-opposes-opt-out-movement/>

<sup>21</sup> PDK/Gallop Poll. (2015, August). Testing lacks public support. Retrieved from <http://pdkpoll2015.pdkintl.org/236>

movement, various organizations and states are increasing their efforts to reduce opt-outs. The Center for American Progress, for example, is collaborating with a group of national education organizations to build an alliance to reduce opt-outs.<sup>22</sup> The National Parent Teacher Association (PTA)<sup>23</sup> issued a position statement opposing opt-outs, stating that the “National PTA supports annual state assessments for students in math and reading for grades 3–8, once in high school, as well as grade span testing in science.” The statement goes on to say that the PTA “does not support state and district policies that allow students to opt-out of state assessments that are designed to improve teaching and learning.” At the same time, the PTA released a Letter to PTA Stakeholders on Assessment Position Statement<sup>24</sup> explaining the importance of assessment and reaffirming the National PTA’s position that opting out is not an effective strategy to address assessment concerns. As this review shows, states are also implementing various methods of reducing opt-outs.

## States’ Efforts at Reducing Opt-Outs

The recently passed Every Student Succeeds Act, like its predecessor the No Child Left Behind Act, continues federal requirements that states assess students in specific subjects and grades. Most states also consider annual testing important for measuring student learning, reducing achievement gaps, and evaluating school quality. Consequently, states are trying to reduce opt-outs.

To better understand their efforts, the CSAI reviewed states’<sup>25</sup> opt-out laws, guidance documents, leadership position statements, and other resources. Reviewed sources include states’ department of education websites (e.g., the student assessments, family resources, and assessment administration sections of the websites); online news sources (e.g., nprEd,<sup>26</sup> PBS Newshour,<sup>27</sup> U.S. News & World Report,<sup>28</sup> The Washington Post<sup>29</sup>); and relevant material from a similar review conducted by the National Association of State Boards of Education.<sup>30</sup>

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<sup>22</sup> Camera, op. cit.

<sup>23</sup> National Parent Teacher Association (National PTA). (2016a). Position statement — Assessment. Retrieved from <http://www.pta.org/advocacy/content.cfm?ItemNumber=4716&navItemNumber=4616>

<sup>24</sup> National Parent Teacher Association (National PTA). (2016b). Letter to PTA stakeholders on assessment position statement. Retrieved from <http://www.pta.org/files/Advocacy/Letter%20to%20PTA%20Stakeholders%20on%20Assessment%20Position%20Statement%20-%20Copy.pdf>

<sup>25</sup>For the purpose of this review, “states” refer to the 50 states and the District of Columbia.

<sup>26</sup> nprEd: <http://www.npr.org/sections/ed/>

<sup>27</sup> PBS Newshour: <http://www.pbs.org/newshour>

<sup>28</sup> U.S. News & World Report: <http://www.usnews.com/>

<sup>29</sup> The Washington Post: <https://www.washingtonpost.com/>

<sup>30</sup> National Association of State Boards of Education (NASBE). (2015). Policy update: Opt out policies by state. Retrieved from [http://www.nasbe.org/wp-content/uploads/Lorenzo\\_Opt-Outs-by-State.pdf](http://www.nasbe.org/wp-content/uploads/Lorenzo_Opt-Outs-by-State.pdf)

Table 1 presents the states' opt-out reduction efforts, relevant legislation, guidance documents for local school districts or families, and additional resources from the websites for the states' departments of education.

Overall, 44 states do not permit opting out of statewide assessments. These states have laws or policies that specifically require student participation in statewide assessments at certain grade levels for certain subjects, and do not have any provisions or processes for opting out. Table 1 provides links to the legislation or policy.

Six states allow opt-outs (California, Colorado, Oregon, Pennsylvania, Utah, and Wisconsin). California, Colorado, and Oregon do not pose opt-out limitations. Pennsylvania's policy allows opting out for religious reasons, but students choosing to opt out still must pass the Keystone exams to graduate from high school. Utah's policy allows opt-out for a limited number of assessments. Wisconsin's policy allows opt-outs for grades 4 and 8–11.

Of the 50 states, only Idaho does not have a statewide opt-out policy, delegating that responsibility to local education agencies. Five states (Maine, Minnesota, Nebraska, Oklahoma, and Washington) do not permit opting out but do allow refusals. In these states, if parents refuse to let their children take the assessment, students are not exempted from the consequences for not participating. Consequences may include not advancing to the next grade or not receiving a diploma.

For the two states that allow opt-out without limitations (California and Oregon), school districts are required to provide families with information about the assessments (i.e., assessment resources) as a way to discourage opting out. California requires school districts to provide easy-to-understand information about the purposes and value of statewide assessments, the scoring system, and how results will be used. California also provides regular communication to educators on opt-out issues. Oregon requires school districts to provide similar information on an opt-out request form (purposes of assessment, learning targets that the assessment measures, and definitions of poor and good performance).

Our review found that nearly all states have assessment information resources on their websites, often located with information on student assessments, parent/family resources, or under the menus for parents/families. For parents/families seeking more in-depth information, assessment administration manuals and assessment blueprints are often available and easily accessible. The *assessment resource* row of Table 1 indicates the types of information that can be found, with links to the resources.

All states, whether or not opting out is permitted, have resources that provide information on their assessments (e.g., the purposes of assessment, scoring information, guide to interpreting and understanding the results). However, for some states, these resources are often technical or administrative in nature and not specifically aimed at families. Approximately 30 states provide

easy-to-understand assessment information (e.g., parent guides, brochures, and/or frequently asked questions with nontechnical answers).

Eighteen states provide for local school districts sample letters that can be customized and sent to parents who request to opt their students out of assessments. These letters may include the purposes of the assessments, explanation of the relevant laws or policies on assessment requirements and opting out, and/or the consequences of not participating in assessments.

Fifteen states provide opt-out guidance documents to local school districts. Of these states, nine provide guidance on how to communicate with families if they request to opt out, and six provide more general guidance. For the nine states, guidance on communicating with families includes explanations of the relevant laws and policies on opt-out; information to alleviate concerns about standardized assessments; and discussions of the purposes, values, and importance of statewide assessments. For the six states that provide general guidance, the information includes explanations of the relevant laws, policies, and consequences for students and schools if they opt out of statewide assessments.

Finally, New York and Washington have initiatives specifically aimed at reducing opt-out. New York's Assessments Toolkit<sup>31</sup> provides materials to help superintendents communicate with educators and parents about the value and importance of statewide assessments and includes sample letters to families and presentations. New York frequently adds new resources. Washington's Opt-In For Student Success<sup>32</sup> (started by the Ready for Washington coalition, consisting of state education agencies, associations, and advocacy organizations) encourages students to talk about the value of assessment and the role of testing in preparing them for college, work, and life. The website contains videos of students describing the value of assessment and documents containing frequently asked questions about the Common Core State Standards, state assessments, and career and college readiness.

In conclusion, while the opt-out movement is growing, states and organizations such as the National PTA have increased efforts to reduce opt-out. States have provided local school districts with sample letters to families when they request to opt out and various resources to help families understand statewide assessments. It is also important to note that EdNext<sup>33</sup> and PDK/Gallop<sup>34</sup> polls have found that less than 35 percent of parents and teachers support opt-out.

Table 1 provides more information about each state's legislation/policy on opt-out, guidance documents, and assessment resources.

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<sup>31</sup> Assessments Toolkit: <http://www.nysed.gov/assessments-toolkit>

<sup>32</sup> Opt-In For Student Success: <http://www.readywa.org/optinwa.html>

<sup>33</sup> EdNext, op. cit.

<sup>34</sup> PDK/Gallop, op. cit.

Table 1. State Legislation/Policy and Efforts at Reducing Opt-Out

State	Efforts/Programs/Policies	Description
Alabama	Legislation/policy	Opt-out not permitted. <a href="#">Alabama Administrative Code § 290-4-2-.01</a>
	Guidance document	The <a href="#">New Summative Assessment System</a> (April 2014) memo was sent to city and county superintendents and instructed them to provide parents who request opt-out with the following statement and a copy of the state code: “Over the past several weeks our office has received inquiries from the field regarding parents requesting their child(ren) to opt out of our state-approved summative assessments. There is currently no such option available in our state according to Alabama law and the Alabama Administrative Code 290-4-2-.01.”  The <a href="#">Absences During Testing Days</a> (February 17, 2015) memo was sent to city and county superintendents to further clarify the state’s position on opt-out.
	Assessment resource	The state’s <a href="#">Student Assessment</a> webpage provides resources, but not specifically for families, including: test security, assessment program handbook, and training presentations.
Alaska	Legislation/policy	Opt-out not permitted. <a href="#">4 Alaska Administrative Code § 06-710</a>
	Assessment resource	The state’s <a href="#">AMP Resources</a> webpage provides resources for families: purposes of assessment, format, scoring, how to help children prepare, a video that gives an overview of the assessment, and a parent letter.
	Letter to families	
Arizona	Legislation/policy	Opt-out not permitted. Arizona Statute §§ <a href="#">15-741</a> , <a href="#">15-743</a> , and <a href="#">15-746</a> . <a href="#">HB 2544</a> and <a href="#">SB 1321</a> (Schools are allowed choose other assessments from a menu of state approved assessments.)  The <a href="#">AzMERIT Testing Conditions, Tools and Accommodations Guidance</a> notes that all students educated using public funds are required to take the AzMERIT.
	Leadership’s position	The <a href="#">Parent Requests to Opt Out of State-Mandated Testing</a> (September 16, 2013) and <a href="#">Update of September 2013 Letter regarding Parent Requests to Opt Out of State-Mandated Testing</a> (December 10, 2014) letters from the attorney general explain that opt-out is not allowed and refers to the relevant laws (A.R.S. <a href="#">15-741</a> , <a href="#">15-743</a> , and <a href="#">15-746</a> ).
	Assessment resource	The <a href="#">AzMERIT</a> webpage provides resources for families and educators: purposes of AzMERIT, who is required to take it, how it will be administered, understanding the results, and other information about the assessment.



State	Efforts/Programs/Policies	Description
Arkansas	Legislation/policy	Opt-out not permitted. Arkansas Code 6-15-419, 6-15-433, 6-15-2009 (searchable on a <a href="#">custom Lexis Nexis database</a> ). A <a href="#">memo</a> (March 1, 2016) to parents refers to the relevant laws.
	Explains the relevant laws and consequences of opt-out	The state’s FAQs — <a href="#">Who is Required to Take the State Assessments?</a> and <a href="#">Where Can I Find Additional Information Regarding Student Assessment Requirements?</a> — refers to the relevant legislations on statewide assessments and consequences of not participating (same consequences as failing the assessments; remediation, retention, and/or no credit for the courses taken).
	Assessment resource	The state’s <a href="#">Assessment</a> webpage provides resources for families: webinars, assessment overview, and FAQ.
California	Legislation/policy	<a href="#">California Education Code Sections 60604–60618</a> .  Opt-out is allowed ( <a href="#">Education Code Section 60615</a> ). Parents have to provide a written request to the school.  School districts are required to provide parents, teachers, and students with easily understood information on the purposes of the assessments, scoring system, and how the assessments will be used ( <a href="#">Education Code Section 60612</a> ).
	Communication with educators	The state regularly communicates with educators on issues related to opt-out via update letters. For example: <ul style="list-style-type: none"> <li>• <a href="#">Federal Update January 08, 2016</a></li> <li>• <a href="#">Federal Update, July 24, 2015</a></li> <li>• <a href="#">Federal Update, July 10, 2015</a></li> <li>• <a href="#">Federal Update, June 12, 2015</a></li> <li>• <a href="#">Update on 2015 Adequate Yearly Progress (AYP)</a> (May 4, 2015)</li> </ul>
	Assessment resource	The California Assessment of Student Performance and Progress (CAASPP) System <a href="#">Communications Toolkit</a> webpage provides information for families and schools on the CAASPP system and Smarter Balanced assessment. For example: <ul style="list-style-type: none"> <li>• List of all assessments in the system</li> <li>• CAASPP key points</li> <li>• Smarter Balanced FAQ (what it is, how it was developed, improvements compared to previous assessments, what it measures, how are results used)</li> </ul> The state’s <a href="#">Smarter Balanced Assessment System</a> webpage provides more information about the assessment.

State	Efforts/Programs/Policies	Description
Colorado	Legislation/policy	Opt-out permitted; each district must adopt and implement a written policy and procedure that allows parents to excuse their student from participating in one or more state assessment. <a href="#">Colorado House Bill 15-1323</a> .
	Assessment resources Letter to families	<p>The state provides a <a href="#">sample letter</a> for superintendents and principals to send to parents who request opt-out.</p> <p>The state’s assessment <a href="#">Communications Resources</a> webpage provides tools to help district leadership and principals in training their staff/teachers about assessment.</p> <ul style="list-style-type: none"> <li>• Parents’ guide to <a href="#">understanding assessment score reports</a>.</li> <li>• Parents’ guide on how to <a href="#">use assessment results to support their children</a>.</li> <li>• Guide to <a href="#">communicating with families</a> about assessments.</li> <li>• Guide to <a href="#">communicating with parents about score reports</a>.</li> <li>• “<a href="#">Back to School Toolkit</a>” for teachers help parents understand the new assessment (Colorado Measures of Academic Success).</li> <li>• <a href="#">FAQs</a> that include topics such as the consequences of opt-out (refusal to participate), basic information about the assessments, and how scores are used.</li> <li>• Fact sheets that include topics such as <a href="#">relationships between assessments and standards</a>, <a href="#">state and federal assessment requirements</a>, and <a href="#">Colorado’s academic standards</a>.</li> </ul>
Connecticut	Legislation/policy	Opt-out not permitted. <a href="#">10 Connecticut Statute § 163c-10-14n</a> .
	Guidance documents Letter to families	<p><a href="#">Guidance document</a> on how schools can respond to opt-out requests.</p> <p>A <a href="#">newsletter</a> mentions that opt-out is now allowed, and a sample letter for schools to send to parents who request opt-out is attached (the sample letter is not available on the department of education’s website).</p>
	Assessment resources	<p>The <a href="#">Comprehensive Assessment Program Portal</a> provides assessment resources to students and families: parent guides and practice items.</p> <p><a href="#">Presentations</a> on Smarter Balanced Assessment and Common Core Standards.</p>
Delaware	Legislation/policy	Opt-out not permitted. <a href="#">14 Delaware Code § 1-151</a> .
	Explains the relevant laws	The state Issued a <a href="#">summary</a> that addresses the issue of statewide assessment requirements and indicated the relevant state statutes and regulations. The document can be found on the <a href="#">Assessments</a> section of the department of education’s website.
	Governor veto opt-out bill	The state <a href="#">governor vetoed a bill</a> that would allow opt-out.
	Assessment resources	The state’s <a href="#">Assessments</a> webpage provides basic information on assessments.

State	Efforts/Programs/Policies	Description
District of Columbia	Legislation/policy	The District of Columbia <a href="#">does not allow opt-out</a> .
	Assessment resources	<p>The <a href="#">Assessments</a> section of the Office of the State Superintendent of Education presents information on how important assessments are.</p> <p>The state’s <a href="#">Assessment</a> webpage and <a href="#">The Nine Things You Need to Know</a> provide basic information on statewide assessments.</p>
Florida	Legislation/policy	<p>Opt-out not permitted.</p> <p><a href="#">48 Florida Statute § 1008-22</a></p>
	Letter to families	According to the National Association of State Boards of Education’s <a href="#">Opt Out Guidance State by State</a> , a letter is provided for parents who request opt-out, explaining that opt-out is not allowed and the importance of statewide assessments (no link was provided for the letter, and no information is available on the state’s department of education website).
	Assessment resources	<p>The <a href="#">Assessments</a> section of the department of education’s website presents information about all K–12 assessments. Within that webpage, the <a href="#">Florida Standards Assessments</a> section provides additional information, including an <a href="#">FAQ</a> section that outlines the importance and benefits of statewide assessments.</p> <p>According to the National Association of State Boards of Education’s <a href="#">Opt Out Guidance State by State</a>, a letter is provided for parents who request opt-out, explaining that opt-out is not allowed and the importance of statewide assessments (no link was provided for the letter, and no information is available on the state’s department of education website).</p> <p>A copy of the commissioner of education’s response to state Sen. Don Gaetz (R) regarding opt-out can be found at <a href="#">The Washington Post news</a>.</p>
Georgia	Legislation/policy  Explains relevant laws and consequences of opt-out	<p>Opt-out not permitted.</p> <p><a href="#">20 Georgia Code § 2-281</a>.</p> <p>The <a href="#">Georgia Student Assessment Program: Student Assessment Handbook</a> presents the relevant laws regarding opt-out and explains the consequences of opt-out. Students who do not participate receive a zero score, and parents need to meet with school officials to determine whether their children can move to the next grade. The 2015–2016 version of the <a href="#">Student Assessment Handbook</a> is also available, and it points to the relevant laws and provides a link where parents can search online.</p>
	Assessment resources	The state’s <a href="#">Assessment</a> webpage provides resources for families: purposes of assessment, format/items of the assessments, content areas, and FAQs.

State	Efforts/Programs/Policies	Description
Hawaii	Legislation/policy	<p>Opt-out not permitted.</p> <p>The <a href="#">Test Administration Manual 2013–2014</a> provides a table showing the types of students who are required to take statewide assessments. The 2015–2016 manual is not available yet as of this scan (the state department of education’s website notes that the manual will be available soon).</p> <p>The <a href="#">Student Testing FAQ</a> provides a table showing the required statewide assessments.</p>
	Assessment resources	The state’s <a href="#">Resources</a> webpage provides information for families to help them better understand statewide assessments: Family Reports Interpretive Guide, Parent Information Booklet, Parent Letters, Training and Practice Tests, and Sample Family Reports.
	Sample letter to families	The state’s assessment website provides <a href="#">sample letters</a> for schools to send to parents.
Idaho	No statewide policy on opt-out	Opt-out policy is <a href="#">determined by the district</a> .
	Guidance document Letter to families	The state provides the <a href="#">ISAT Participation Toolkit</a> to assist districts in communicating with parents about assessments. The toolkit includes FAQ, a sample parent letter, and a video for promoting participation.
	Assessment resources	The state’s <a href="#">ISAT Comprehensive Assessment System</a> webpage provides resources for families: general information, goals for parents and students, curriculum information, and a score guide.
Illinois	Legislation/policy	<p>Opt-out not permitted.</p> <p><a href="#">105 Illinois Statute § 2-3.64a-5.</a>  <a href="#">23 Illinois Statute § 1-30.</a>  <a href="#">Illinois State Board of Education Guidance Document</a> provides the relevant laws on assessments.</p>
	Sample letter to families	The Illinois State Board of Education provides a <a href="#">sample letter</a> for schools to send to parents.
	Assessment resources	<p>The Illinois State Board of Education <a href="#">letter to families</a> explains the purposes and importance of the statewide assessment.</p> <p>The state’s <a href="#">Assessment</a> webpage provides resources for families: an information page, a fact sheet, FAQs, and a parent guide.</p>
Indiana	Legislation/policy	<p>Opt-out not permitted.</p> <p>The <a href="#">2015–2016 Indiana Assessment Program Manual</a> notes that it is a violation of attendance laws for parents to refuse to send their children to school in order to avoid assessments (<a href="#">IC 20-33-2</a>). Procedures for managing opt-out are determined at the local level.</p>
	Explains the consequences of not taking assessments	Students must take the assessments to graduate (see Assessment Program Manual, above). Additional consequences are determined at the local level.
	Assessment resources	The <a href="#">Office of Student Assessment</a> webpage provides the assessment manual, which contains information about the assessments, policies, and sample items.

State	Efforts/Programs/Policies	Description
Iowa	Legislation/policy	Opt-out not permitted. The <a href="#">Statewide Assessment Requirements</a> section of the state’s website provides clear language that students are required to take statewide assessments, and provides links to the relevant legislations.
	Assessment resources	The state’s <a href="#">Student Assessment</a> webpage provides resources on assessments: tips, interpreting scores, and annual progress reports.
Kansas	Legislation/policy	Opt-out not permitted. State legislation requires students to take statewide assessments (see the <a href="#">Kansas Assessment Examiner’s Manual 2015–2016</a> ). The Assessment Examiner’s Manual also provides a table showing the subjects and grade levels that require assessment.
	Assessment resources	The <a href="#">Kansas Assessment Program</a> website provides information on the purposes of assessments, FAQs, and sample items.
Kentucky	Legislation/policy	Opt-out not permitted. <a href="#">Kentucky Statute § 158-6453</a> (4, 5) The state’s <a href="#">Assessment</a> webpage lists all required assessments and grade levels.
	Explains the relevant laws Letter to families	The Kentucky Department of Education’s Office of Guiding Support Services and General Counsel provides a <a href="#">letter</a> with a detailed explanation of the legal reasons why opt-out is not allowed. A <a href="#">simplified version</a> of the letter is also provided for schools to send to parents who request opt-out.
	Assessment resources	The <a href="#">Assessment/Accountability</a> webpage provides information for families: description of the assessments, manuals, and sample items.
Louisiana	Legislation/policy	Opt-out not permitted. <a href="#">17 Louisiana Statute § 24.4-F</a>
	Assessment resources	The state provides a <a href="#">family support toolbox</a> : parent guides to individual assessments and student report guides and sample items.  The <a href="#">Family Support Toolbox Library</a> provides additional parent guides, PTA guides, and student report guides.
Maine	Legislation/policy	Opt-out not permitted. <a href="#">20-A Maine Statue § 6209-1A</a> . Does not permit opt-out, but <a href="#">allows refusals</a> (does not exempt parents/students from consequences of not participating in state assessments).
	Explains the consequences of not participating in assessments	A <a href="#">notice</a> explaining the consequences of refusal was sent to schools. <a href="#">Legal information</a> on opt-out was also provided in the letter.
	Assessment resources	The <a href="#">Maine Comprehensive Assessment System</a> webpage provides resources for families: description of the assessments, FAQs, and manuals.

State	Efforts/Programs/Policies	Description
Maryland	Legislation/policy	<p>Opt-out not permitted.  <a href="#">Continuing Resolutions 2015–2016</a>.</p> <p>An overview <a href="#">document</a> for the PARCC assessment notes that parents cannot choose or reject certain elements of the public education system, including assessments.</p> <p>The <a href="#">graduation requirements document</a> notes that students must take the PARCC assessment.</p>
	Assessment resources	<p>The state’s <a href="#">assessment resources</a> website provides information for families: guides to assessments; College and Career Readiness Standards, Common Core State Standards, and Next Generation Assessments; and graduation requirements (including required assessments).</p> <p>The <a href="#">PARCC</a> section of the state’s website provide additional information about PARCC assessments.</p>
Massachusetts	Legislation/policy	<p>Opt-out not permitted.  <a href="#">12 Massachusetts General Law § 69-1I</a></p>
	Guidance documents	A <a href="#">memo</a> to superintendents instructs educators to inform parents of why statewide assessment is essential.
	Letter to families	A <a href="#">letter</a> to families explains the need for statewide assessments and addresses concerns about standardized assessments.
	Assessment resources	The state’s <a href="#">Student Assessments</a> website contains information on all assessments: FAQs, development process, history of learning standards, PARCC, and sample items.
Michigan	Legislation/policy	<p>Opt-out not permitted.  See the state’s <a href="#">official position</a> on opt-out and <a href="#">M-STEP Spring 2016 Test Administration Manual</a>.</p>
	Letter to families	The state released a <a href="#">letter</a> to families explaining that the M-STEP must be administered to comply with state and federal laws. The letter also contains a list of the changes made to the assessment for 2016, information about item types, and information showing what subjects are assessed at grades 3–8 and 11.
	Assessment resources	The <a href="#">M-STEP</a> section of the department of education’s website contain numerous resources for families and educators: descriptions of the assessments, information about computer adaptive assessments, manuals, parent guides, and sample items.
Minnesota	Legislation/policy	<p>Opt-out not permitted.  <a href="#">Minnesota Education Code 120B.30</a>.</p> <p>Does not permit opt-out, but <a href="#">allows refusals</a> (does not exempt parents/students from consequences of not participating in state assessments).</p>
	Assessment resources	The Parent Fact Sheets on the state’s <a href="#">Testing Information</a> webpage explains the reasons for the assessments and that every student is required to take the assessments.

State	Efforts/Programs/Policies	Description
Mississippi	Legislation/policy	<p>Opt-out not permitted.  <a href="#">37 Mississippi Code § 16-3</a>.</p> <p>The <a href="#">Student Assessment Policies and Legal References</a> section of the state’s department of education website provides all relevant legislations and policies on assessments.</p> <p>Also see the <a href="#">Student Assessment Handbook</a>.</p>
	Guidance documents	<p>According to the National Association of State Boards of Education’s <a href="#">Opt Out Guidance State by State</a>, the state provides guidance to districts on what to tell parents who request opt-out. If parents still refuse to let their children participate in assessments, their children may sit out, but that is not promoted. There is no information about opt-out guidance on the state’s department of education website.</p>
	Assessment resources	<p>The state’s <a href="#">Student Assessments</a> webpage provides resources for families: FAQ, blueprints, interpretive guides, and sample items.</p>
Missouri	Legislation/policy	<p>Opt-out not permitted.  <a href="#">11 Missouri Statute §160-518</a></p> <p>The department of education’s <a href="#">legislative Q&amp;A</a> notes that federal law requires assessments in grades 3–8 and end-of-course assessments in high school. The state does not have an opt-out process.</p>
	Assessment resources	<p>The state’s <a href="#">Assessments</a> webpage provides assessment resources (not specifically for families): guide to the Missouri Assessment Program, blueprints, administration manuals, guide to interpreting results, and sample items.</p>
Montana	Legislation/policy	<p>Opt-out not permitted.  <a href="#">10 Montana § 56-101</a>  <a href="#">MontCAS Participation</a> provides a list of required assessments.</p>
	Assessment resources	<p>The state’s <a href="#">MontCAS</a> webpage provides assessment resources (not specifically for families): FAQ, performance level descriptions, and sample items.</p>
Nebraska	Legislation/policy	<p>Opt-out not permitted.  <a href="#">Nebraska Statute § 79-760.03</a>.</p> <p>Does not permit opt-out, but <a href="#">allows refusals</a> (does not exempt parents/students from consequences of not participating in state assessments; see the state’s <a href="#">Update: Standards, Assessment, and Accountability</a>, p. 27).</p>
	Guidance document	<p>According to the National Association of State Boards of Education’s <a href="#">Opt Out Guidance State by State</a>, districts are encouraged to discuss with parents the benefits of statewide assessments (no link was provided for the guidance document, and no information is available on the state’s department of education website).</p>
	Assessment resources	<p>The <a href="#">Statewide Assessment and Accountability</a> webpage provides assessment resources (not specifically for families): report interpretation guides, performance level descriptions, and sample items.</p>

State	Efforts/Programs/Policies	Description
Nevada	Legislation/policy	Opt-out not permitted. <a href="#">34 Nevada Statute §§ 385.3574, 389.550</a> , and <a href="#">389.805</a> . The state’s <a href="#">Assessments and Testing</a> website provides a list of required assessments.
	Assessment resources	The state’s <a href="#">Assessments and Testing</a> website provides assessment resources for families: information on each required assessment, FAQs, parent guides, and sample items.
New Hampshire	Legislation/policy	Opt-out not permitted. <a href="#">15 New Hampshire Statute § 193-C:3</a> . There is no provision in state laws regarding opt-out.
	Guidance documents	<a href="#">Key Messages</a> and <a href="#">Talking Points</a> guidance documents explain the state’s commitment to college and career readiness, how the new assessment system helps parents and teachers, and how the Smarter Balanced assessment is more accurate and provides more insight into student performance.
	Letter to families	The commissioner’s <a href="#">letter</a> to families outlines the Smarter Balanced assessment and how assessments help parents and teachers.
	Assessment resources	The state’s <a href="#">Assessment</a> website provides assessment resources for families: information on each required assessment, FAQs, guide for parents, and sample items.
New Jersey	Legislation/policy	Opt-out not permitted. <a href="#">6A New Jersey Administrative Code § 8-4.1</a> .  The assessment <a href="#">Historical Context</a> document outlines the legislations regarding assessments; there is no mention of an opt-out process.
	Guidance documents	A <a href="#">letter</a> from the acting commissioner to chief school administrators, charter school lead persons, school principals, and district and school test coordinators addresses opt-out issues. The letter outlines relevant federal and state legislations and provides guidance on how to speak to parents who request opt-out.
	Assessment resources	The state’s <a href="#">Assessment</a> webpage provides resources for families on PARCC assessments: research studies evaluating PARCC, FAQs, a guide to understanding student reports, and sample items.
New Mexico	Legislation/policy	Opt-out not permitted. <a href="#">22 New Mexico Statute § 22-2C-4</a>  The <a href="#">New Mexico Statewide Assessment Program</a> document provides a list of required assessments and grade levels.
	Explains the relevant laws and consequences for not participating	The <a href="#">PARCC Facts</a> document outlines the federal and state laws on assessment participation.  <a href="#">Participation in Statewide Assessments FAQ</a> outlines relevant federal and state laws on assessment participation and the consequences of not participating.
	Assessment resources	The state’s <a href="#">Statewide Assessment Program</a> website provides assessment resources (but not specifically for families): blueprints, score guides, and administration manuals.



State	Efforts/Programs/Policies	Description
New York	Legislation/policy	Opt-out not permitted. <a href="#">Commissioner’s Regulations</a> Part 100.3 and 100.4.  A <a href="#">memo</a> (January 2013) to school superintendents notes the relevant federal and state laws on statewide assessments.
	<a href="#">Assessments Toolkit</a>	Materials to help superintendents communicate with educators and parents about the value and importance of grades 3–8 English language arts and math assessments, including a sample letter to families, a PowerPoint presentation, and sample Twitter and Facebook posts. Additional resources are added constantly.
	Changes in testing procedures	Governor Andrew Cuomo formed the <a href="#">New York Common Core Task Force</a> to recommend possible changes to assessments.  <a href="#">Changes recommended by the task force:</a> <ul style="list-style-type: none"> <li>• Revise Common Core Standards.</li> <li>• Freeze until 2019 on factoring student scores into teacher ratings.</li> <li>• More age-appropriate assessments.</li> <li>• Letting teachers and parents review assessments (release assessment items to the public).</li> </ul> <a href="#">Changes implemented in the 2016 assessments:</a> <ul style="list-style-type: none"> <li>• <a href="#">Fewer questions</a> for ELA and math.</li> <li>• <a href="#">Unlimited time</a> to finish ELA and math assessments.</li> <li>• Teachers were involved in <a href="#">reviewing test questions</a> for ELA and math.</li> </ul>
	Leadership’s position	School chancellor Carmen Fariña and superintendents told principals that they and their teachers <a href="#">should not encourage opt-out</a> .
	Assessment resources	The <a href="#">Office of State Assessments</a> webpage provides assessment resources (not specifically for families): administration manuals, technical reports, sample items.
	North Carolina	Legislation/policy
Guidance document		The document above provides 1) the <i>North Carolina Standardized Testing and Opting Out</i> memo from the Deputy State Superintendent that has information on the requirements and procedures that test coordinators must follow if parents request opt-out; 2) sample letter that can be sent to parents who request opt-out.
Letter to families		
Assessment resources		The <a href="#">North Carolina Testing Program</a> webpage provides assessment resources (not specifically for families): information about assessments, technical information, performance level descriptions, and sample items.

State	Efforts/Programs/Policies	Description
North Dakota	Legislation/policy	<p>Opt-out not permitted.  <a href="#">North Dakota Century Code 15.1-21-08</a></p> <p>A <a href="#">silent policy allows opt-out</a>. Schools are encouraged to convey to parents the benefits of standardized assessments and consequences of not participating in statewide assessments.</p> <p>The <a href="#">State Assessment Program</a> webpage for staff notes that annual administration of the statewide assessment is required by state and federal laws (with citations to the relevant laws).</p>
	Assessment resources	The <a href="#">State Assessment Program</a> webpage provides resources for families: performance level descriptions, scoring guides, and sample student reports.
Ohio	Legislation/policy	<p>Opt-out not permitted.  <a href="#">33 Ohio Code § 3301.0710</a>.</p> <p>Ohio's <a href="#">Guidance on Student Participation in 2015–2016 State Tests</a> notes that opt-out is not allowed.</p>
	Guidance document	The document above provides 1) guidance for schools on communicating with parents the consequences of parents withdrawing their students from assessments; 2) lists possible consequences for districts, schools, and teachers when students do not take the assessments; 3) describes the importance of state assessments.
	Assessment resources	The state's <a href="#">Testing</a> webpage provides resources for families: information on assessments, FAQ, how assessments are built, required assessments at each grade level, and sample items.
Oklahoma	Legislation/policy	<p>Opt-out not permitted.  <a href="#">70 Oklahoma Statute §§ 1210.508 and 1210.523</a>.</p> <p>Does not permit opt-out, but <a href="#">allows refusals</a> (does not exempt parents/students from consequences of not participating in state assessments).</p>
	Guidance document	<p>The Oklahoma State School Boards Association provides educators with <a href="#">Standardized Testing: A Reference Guide for Oklahoma School Districts</a>. The guidance document outlines the law regarding what assessments are required, parents' right to "opt out" of learning materials and activities (but no specific opt-out option for state-mandated assessments), and the consequences of not participating in assessments.</p> <p><a href="#">Opt-out response letter to parents</a> notes the relevant state laws and possible consequences for schools.</p>
	Assessment resources	The <a href="#">Office of Assessments</a> provides resources for families: presentations, FAQs, and sample items.

State	Efforts/Programs/Policies	Description
Oregon	Legislation/policy	According to <a href="#">HB 2655</a> , the opt-out form needs to provide the purpose and value of statewide assessments. The notification of the right to opt-out also needs to provide the purpose of the assessment, learning targets and make-up of the assessments, and the differences between good and poor performance on the assessments.
	Assessment resources	The state's <a href="#">Assessment</a> webpage provides resources for families: description of assessments, standards, FAQs, and guides on communicating results.
Pennsylvania	Legislation/policy	Opt-out is allowed for religious reasons. <a href="#">Pennsylvania Code § 4.4</a> notes that opt-out is allowed based on religious reasons. However, those who opt out still must pass the Keystone Exam or complete a project-based assessment to graduate high school.
	Extra burden on parents who choose to opt-out	The <a href="#">Handbook for Assessment Coordinators</a> (2016) notes that assessments will be available for parents to review 2 week prior to the assessment dates. Parents who choose to opt-out must review the paper version of the assessments on the school district's property while district personnel are present. If parents find the assessments to be in conflict with their religious beliefs, they must submit a written request to the superintendent or chief executive officer.
	Assessment resources	The <a href="#">Pennsylvania System of School Assessment</a> webpage provides assessment resources: guide to getting ready, scoring information, and sample items.
Rhode Island	Legislation/policy	Opt-out not permitted. <a href="#">16 Rhode Island Statute § 60-4</a> . The <a href="#">Assessment Exceptions</a> webpage notes that all students in public schools are required to take statewide assessments. A <a href="#">news report</a> (January 14, 2015) noted that there is no formal opt-out policy.
	Letter to families	The commissioner's <a href="#">letter to families</a> whose children did not participate in statewide assessments notes the usefulness of individual student reports.
	Assessment resources	The state's <a href="#">Assessment</a> webpage provides resources for families: purposes of assessment, guides for parents, FAQs, scoring guides, and sample student reports.
South Carolina	Legislation/policy	Opt-out not permitted. South Carolina Code of Regulations §§ <a href="#">43-262</a> and <a href="#">59-18-310</a> .
	Assessment resources	The state's <a href="#">Information for All Assessment Programs</a> webpage provides resources for families: purposes of assessment, scoring guides, blueprints, samples items, and sample family letters that explain the purposes and specific assessments.

State	Efforts/Programs/Policies	Description
South Dakota	Legislation/policy	Opt-out not permitted. <a href="#">South Dakota Statute § 13-3-55.</a>
	Letter to families	<a href="#">Grades 3 – 8</a> and <a href="#">Grade 11</a> sample letters to families explain the purposes of the Smarter Balanced assessment, format of the assessment, notes that students’ grades will not be affected by their performance on the assessment, and a link to more information and sample items.
	Assessment resources	The state’s <a href="#">Smarter Balanced Assessment Consortium</a> webpage provides resources for families: scoring guides, level descriptors, and blueprints.  The state’s <a href="#">Smarter Balanced Assessment portal</a> provides additional resources for families: practice assessments and tutorials.
Tennessee	Legislation/policy	Opt-out not permitted. <a href="#">49 Tennessee Code § 1-617.</a>
	Guidance documents	The state issued a <a href="#">memo</a> (April 14, 2015) clarifying its position on opt-out: parents may not refuse to let their children participate in statewide assessments.
	Assessment resources	The state’s <a href="#">TNReady: Math and ELA</a> webpage provides resources for families: parent guide (contains purposes of the assessments and FAQ), practice tools, and sample items.
Texas	Legislation/policy	Opt-out not permitted. <a href="#">Texas Education Code § 26.010.</a>  The state’s <a href="#">Assessment Resources for Students and Parents</a> webpage provides a list of required assessments.
	Guidance documents	Although there was no guidance available on the state’s website, the Texas Association of School Boards issued a <a href="#">guidance document</a> noting the required statewide assessments and the consequences of not participating.
	Assessment resources	The state’s <a href="#">Assessment Resources for Students and Parents</a> webpage provides resources for families, assessed curriculum, blueprints, brochures (explains scores and results), performance level descriptions, study guides, and sample items.
Utah	Legislation/policy	<a href="#">Opt-out is allowed</a> under state law, but <a href="#">only for a limited number of assessments.</a>
	Assessment resources	The state’s <a href="#">Assessment and Accountability</a> webpage and <a href="#">Testing Ethics Policy</a> training presentation provide an overview of the purposes, importance, and benefits of statewide assessments, a guide to interpreting the results, and notes that students should not be discouraged to participate in statewide assessments.  The <a href="#">SAGE brochure</a> provides families with information about the assessment: an overview of the assessment, subjects assessed, and links to sample items.

State	Efforts/Programs/Policies	Description
Vermont	Legislation/policy	Opt-out not permitted. <a href="#">16 Virginia Statutes §§ 165(a)(1) and 166(g)</a> .
	Guidance documents	The state issued the <a href="#">Participation in Statewide Assessments</a> document, outlining the relevant laws on statewide assessments and notes that schools must account for 100 percent of enrolled students.  The state's <a href="#">April 17, 2015</a> and <a href="#">May 8, 2015</a> newsletters noted that neither federal nor state laws provide an option for opt-out and cannot provide local districts with guidance on opt-out.
	Assessment resources	The state's <a href="#">Assessment</a> webpage provides basic information on the Vermont Comprehensive Assessments System.
Virginia	Legislation/policy	Opt-out not permitted. <a href="#">8 Virginia Administrative Code 20-131-30(B)</a> .
	Guidance documents	The state issued a <a href="#">memo</a> (May 23, 2013) noting that Virginia Board of Education regulations do not allow opt-out and that students who do not participate in assessment will receive a score of zero.  A more recent <a href="#">memo</a> (May 1, 2015) provides updated details on opt-out.
	Assessment resources	The state's <a href="#">Standards of Learning and Testing</a> webpage provides resources for families: FAQ, standards, curriculum, blueprints, results and scoring guides, and sample items.

State	Efforts/Programs/Policies	Description
<p>Washington</p>	<p>Legislation/policy</p>	<p>Opt-out not permitted.  <a href="#">28A Washington Code 655-071</a>.</p> <p>Does not permit opt-out, but <a href="#">allows refusals</a> (does not exempt parents/students from consequences of not participating in state assessments).</p>
	<p><a href="#">Opt-In For Student Success</a></p>	<p>Started by the Ready for Washington coalition (a coalition of state education agencies, associations, and advocacy organizations), this is "a project to encourage students to use their voice to talk about a high-quality education, the value of assessments and being prepared for college, work and life." (No information on when Opt-In For Student Success was started.)</p> <p>Contains:  <a href="#">Six videos of students describing the value of assessments</a>.</p> <p>Three one-page documents: <a href="#">Student quotes about assessments</a>; <a href="#">FAQ on Common Core, Smarter Balanced, and what career and college ready means</a>; <a href="#">reasons for taking the Smarter Balanced Assessment</a>.</p> <p><a href="#">Infographic</a> on using Smarter Balanced scores to determine whether you are ready for college or career.</p> <p>1:40-minute animated video describing Smarter Balanced and its value and importance (available on the <a href="#">program's home page</a>).</p>
	<p>Assessment resources</p>	<p>The state's <a href="#">Assessments Family Resources</a> webpage provides information on Smarter Balanced assessments: reasons Washington is using Smarter Balanced, fact sheets, FAQs, learning expectations, sample items, and several National PTA resources (e.g., Parents' Guide to New Assessments in Washington).</p> <p>The <a href="#">Frequently Asked Questions about State Testing</a> explains the importance of state assessments and consequences for students, schools, and districts if parents refuse to let their children take the assessments.</p>

State	Efforts/Programs/Policies	Description
West Virginia	Legislation/policy	Opt-out not permitted. <a href="#">West Virginia Code §18-2E-5</a> .  The <a href="#">Guidelines for Participation in West Virginia State Assessment 2015–2016</a> indicated that all students are required to take state assessments.
	Local action	While there is no guidance from the state, some school districts have taken actions to address the issue: <ul style="list-style-type: none"> <li>Wayne County school officials <a href="#">called an assembly to address concerns</a>, and the county’s assessment director told students that opting out is not legal and gave them a letter to present to their parents.</li> <li>The Harrison County superintendent <a href="#">expressed his opinions</a> on opt-out on a local television show and gave schools the authority to discipline students who opt out (opting out was classified as “insubordination”).</li> </ul>
	Assessment resources	The <a href="#">West Virginia General Summative Assessment</a> webpage provides resources for parents: assessment facts, tips for supporting their children, a presentation that provides an overview of the purposes of assessment, and guides from the National PTA.
Wisconsin	Legislation/policy	<a href="#">Opt-out is permitted</a> only for students in Grades 4 and 8–11.
	Assessment resources	The <a href="#">parent FAQ</a> on Wisconsin’s Department of Public Instruction’s webpage indicates the consequences for schools and districts if students opt out and the benefits of standardized assessments, and deals with concerns about state assessments taking too much classroom time, how to prepare students for assessments, and how to deal with students’ stress during assessment periods.
Wyoming	Legislation/policy	Opt-out not permitted.  The state <a href="#">Attorney General’s opinion</a> on opt-out is <a href="#">being circulated to inform parents</a> that opt-out is not allowed. The letter also provides the relevant legislations on assessments.
	Assessment resources	The <a href="#">Student Assessments</a> webpage provides resources for families: purpose of each assessment, performance level descriptions, blueprints, student report guide, and sample items.