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Survey and Analysis of State Opt-Out and Required Test Participation Legislation

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Survey and Analysis of State Opt-Out and Required Test Participation Legislation

In the spring of 2015, media across the country reported that parents were opting their children out of statewide achievement testing (Kamenetz, 2015). Parents opting their children out of testing reported a variety of reasons for doing so, including concerns about curriculum, the use of the assessments for accountability, and the type, length, and number of tests (Harris, 2015; Todd, 2015).

At the same time, two national polls found that majorities of parents would not excuse their own child from taking standardized tests (59%) and oppose allowing parents to decide whether or not their child should participate in the state math and reading tests (52%) (Henderson, Peterson, & West, 2016; PDK/Gallup Poll, 2015). And in fact, the degree of opt-out rates ranged from states in which only small pockets of districts had higher opt-out rates (Ujifusa, 2015a), to Washington state, where over one-quarter of high school juniors refused to participate (Ujifusa, 2015b).

Further, analyses of opt-out student demographics found that opt-out rates may be higher for certain student populations than others. For instance, a study of New York opt-outs found that students in districts with fewer disadvantaged students and higher test scores were more likely to opt out than students in other districts with more disadvantaged students (Chingos, 2015).

Whatever is contributing to prevalence of opt-outs, it is also the case that parent and advocacy groups are seeking and/or supporting changes to state laws to facilitate future opt-outs (Sawchuk, 2015; Ujifusa, 2016). Such changes are explicitly permitted under the recently enacted (2015) reauthorization of the federal Elementary and Secondary Education Act (ESEA), called the Every Student Succeeds Act (ESSA). The new law does not preempt “a State or local

law regarding the decision of a parent to not have the parent's child participate in academic assessments," and in fact requires Local Education Agencies (LEAs) to provide information to parents about the opt-out process upon request (S.B. 1177-6 to be codified as 20 U.S.C. § 1111(b)(K) and § 1112(e)(1)(2), respectively).

Opt-outs are potentially problematic for three reasons. First, by opting out there is general loss of student information for instructional or diagnostic purposes. Second, opt-outs may interfere with the validity of the test scores. As test scores serve a number of functions, including instructional use, research/evaluation, accountability, and informing the general public, it is vitally important that the test scores represent what all students in a state know and can do, not just those choosing to take the test (Croft, 2015). If there are large numbers of missing test scores, or if the tested population is no longer representative of the student population, there may be validity implications.

Third, opt-outs are problematic because they jeopardize federal education funding for states and districts. Under the 2001 reauthorization of ESEA, all states and districts were required to have 95% of their students participate in statewide assessments or would automatically be labeled as failing. The participation rate requirement remains at 95% under ESSA, but instead of automatically failing, ESSA gives states flexibility to determine how to treat the failure to meet the participation rates within their accountability system (S.B. 1177-6 to be codified as 20 U.S.C. § 1111(c)(4)(E)). On May 31, 2016, the U.S. Department of Education released draft ESSA regulations pertaining to the participation requirement. The proposed regulations would require states to take one of the following actions if a school misses the 95% participation requirement for all students or one or more student subgroups: (1) assign the school a lower summative rating in the State's accountability system; (2) rank the school in the lowest

performance level on the State's Academic Achievement indicator; (3) identify the school for targeted support and improvement; or (4) take "another equally rigorous State-determined action, as described in its State plan …. that will result in a similar outcome for the school in the system of annual meaningful differentiation and will lead to improvements in the school's assessment participation rate so that it meets the 95% participation requirements" (81 Fed. Reg. 104 (May 31, 2016) (to be codified at 34 C.F.R. pts. 200.15)).

States in which local education agencies (LEAs) did not meet the 95% requirement in 2014-2015 are being asked by the U.S. Department of Education to provide specific actions on how to address the problems that occurred in 2014–2015 testing so that they do not occur in 2015–2016 and thereafter (Whalen, 2015). Some examples from a list of such actions recommended by the U.S. Department of Education include: lowering an LEA's or school's rating in the state's accountability system; counting non-participants as non-proficient; requiring an LEA or school to develop an improvement plan to ensure that all students participate in the future; designating an LEA or school as "high risk," with an explanation as to why; and withholding or directing use of State aid and/or funding flexibility. States that fail to develop and implement a plan face Title I and Title IV State assessment funding implications. Twelve states—California, Colorado, Connecticut, Delaware, Idaho, New York, North Carolina, Maine, Oregon, Rhode Island, Washington, and Wisconsin—received the notice that they need to create an opt-out plan (Klein, 2015).

Because of these potential problems, and given the reports of opt-outs during statewide testing in the spring of 2015 and the advocacy of groups promoting legislation to facilitate opt-outs, the purpose of this study was to identify existing law and introduced legislation during the 2015–2016 legislative sessions and to categorize themes therein to better understand the nature

and scope of proposed opt-out policies. Introduced legislation was included in the study because, although most legislation does not become law, it can be beneficial to examine what was being proposed, as legislative language is often shared and modeled across states, and is a reflection, in part, of elected official sentiment on the issue.

Method

To identify the existing state laws, we used a 2015 report by the National Association of State Boards of Education (NASBE) (Lorenzo, 2015). NASBE asked states to provide a summary of their opt-out laws and policies. We reviewed the summaries, and the documents cited in them, to categorize the laws.

For the introduced legislation, we used CQ StateTrack, a database that monitors state legislation. The study included bills filed prior to June 1, 2016. Initially for the 2015 legislative year, we used general assessment-related search terms to identify the bills. We updated the search terms to be more specific for opt-outs in 2016. The new search terms were able to identify bills introduced in 2015 in states with legislatures still in session in 2016. The following searches were conducted: "'opt out' w/200 'assessments'" and "'opt out' w/200 'parent'" (where "w/200" means that the second word would be within 200 characters of the first phrase). We conducted similar searches using the words "excuse" and "refuse" instead of "opt out." We also cross-referenced our results with bills included in the National Conference of State Legislatures' College & Career Readiness Standards Legislation Dashboard for 2015 and 2016 to identify additional bills.

The existing laws and introduced legislation fell into five categories: (1) notification of the right to opt out; (2) description of the opt-out process; (3) what the opt-out student does during testing; (4) consequences for the student; and (5) consequences for the schools.

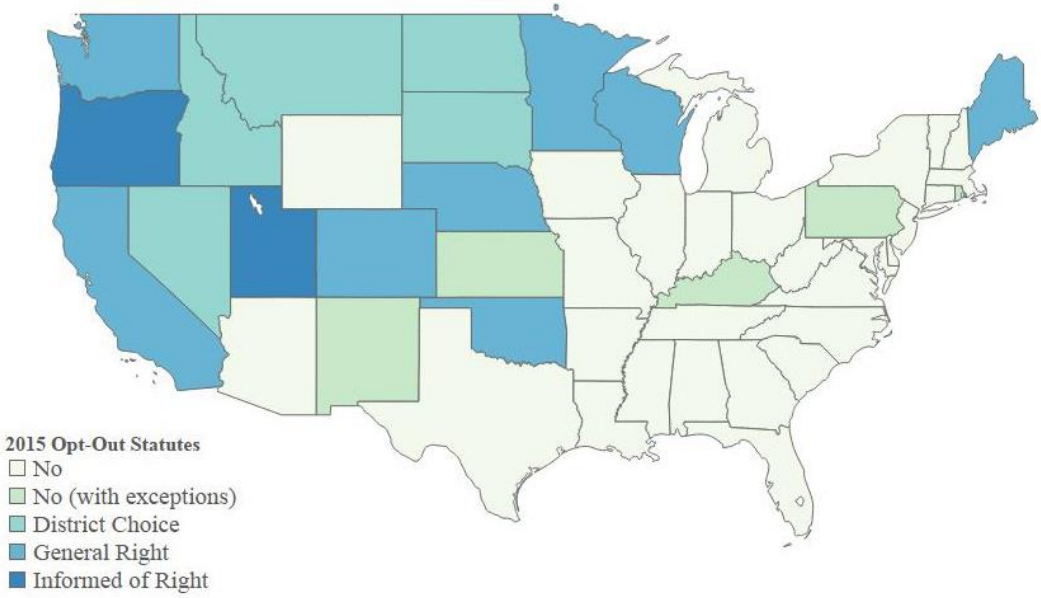
Results

Existing State Laws

The majority of states do not allow for parents to opt their children out of statewide assessments. As seen in Figure 1, 30 states and the District of Columbia do not allow any opt-outs. In the majority of those states, the state law (either through statute or regulation) explicitly states that all students must participate in assessments. For example, the Iowa Administrative Code requires the "assessment of student progress for all students" (Iowa Admin. Code r. 291—12.8(1)(f)). Likewise, Connecticut requires that "Each student enrolled . . . in any public school shall annually take a statewide mastery examination" (Conn. Gen. Stat. § 10-14n). Five other states generally prohibit opt-outs but do allow limited exemptions. The most common reason is a medical reason, which is allowed in Kansas, Kentucky, New Mexico, and Rhode Island (Lorenzo, 2015). Pennsylvania, on the other hand, allows exemptions based on religious beliefs (22 Pa. Stat. § 4.4(d)(4)). For high school graduation, students who opt out of the Keystone assessment are required to participate in a project-based assignment.[1]

[1] Both this report as well as the NASBE report are limited to the ability to opt out from statewide testing for federal accountability purposes. Florida also allows for a limited exemption. In Florida, parents are notified of the opportunity to excuse their student from PSAT/NMSQT testing as part of a state scholarship program (Florida Ed Code 1007.35). Parents are required to provide written notification to opt their student out of the scholarship testing.

Figure 1. 2015 Opt-Out Laws



Note: Alaska and Hawaii are not pictured. Neither Alaska nor Hawaii permitted opt-outs.

Opt-out laws in 15 other states fit into three different groups. The first consists of five states (Idaho, Montana, Nevada, North Dakota, and South Dakota) that do not have a state opt-out policy, but allow districts or schools to create their own policies.

The second group consists of eight states (California, Colorado, Maine, Minnesota, Nebraska, Oklahoma, Washington, and Wisconsin) that allow for opt-outs but do little else.[2] These states do not promote opt-outs by informing parents of the right to opt out. And in some of these states (e.g., Oklahoma) students are not immune from consequences if they opt out.[3]

The third group consists of two states that in 2015 enacted laws allowing for opt-outs and requiring the state and/or schools to inform parents of the right to opt out (Oregon H.B. 2655 and

[2] The NASBE report identifies Wisconsin as requiring parent notification of the right to opt out (Lorenzo, 2015). Although legislation was introduced in Wisconsin that would have required notification (A.B. 239/S.B. 193), the passed budget bill (S.B. 21) did not require it.

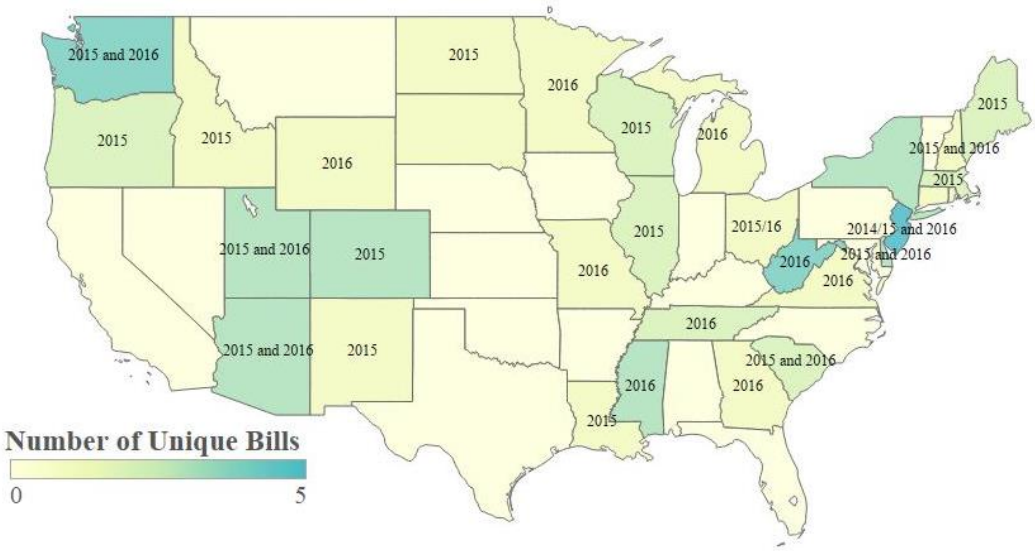
[3] In Virginia, opt-outs are not allowed at the state level, but there is a state policy that if students refuse to participate they will not be immune from the consequences of non-participation.

Utah S.B. 204). The bills will be discussed in more detail in the next section, as they were introduced in 2015.

2015-2016 Legislation

Eighty-seven opt-out bills were filed in 2015 and 2016 (Figure 2). Four opt-out bills were signed into law in 2015. In addition to the Oregon and Utah bills above, Colorado and Wisconsin both passed bills that included an opt-out provision. In 2016, Georgia passed an opt-out bill (S.B. 355). In addition to the bills allowing opt-outs, two states—New Jersey and Virginia—have enacted bills related to opt-outs without authorizing opt-outs. The New Jersey bills (A.B. 448/S.B. 2881) prohibited the withholding of state school aid from a school district based on their student participation rate in state assessments. The Virginia bill (S.B. 427) would have prohibited schools from including opt-outs when calculating the pass rate unless the exclusion would result in the school not meeting state or federal participation rate requirements.

Figure 2. 2015-2016 Introduced Opt-Out Legislation



Note: Alaska and Hawaii are not pictured. Alaska had a set of companion bills; Hawaii had multiple sets of bills in 2015 and 2016.

There were sets of identical companion bills or bills that were reintroduced in 2016 from 2015. This report details 65 unique assessment opt-out bills.[4]

Nearly all of this legislation provided all students with the unrestricted right to opt out, but in some cases it was limited to a particular group, such as in New York (S.B. 6337), where it was limited to students with disabilities; or in Tennessee, where the bill (H.B. 2462/S.B. 215) proposed limiting opt-outs to high school students with grade point averages higher than 2.5 and who also met absence and conduct requirements. In nine cases, the bills permitted opt-outs only from particular tests, most of these being tests based on the Common Core State Standards (Massachusetts H.B. 311, Mississippi S.B. 2468, Mississippi S.B. 2547, New Jersey A. 2981, New Jersey A.B. 4165, New York A.B. 6025/S.B. 4161, Rhode Island S.B. 736, and South Carolina H.B. 4330/S. 872). One bill, North Dakota H.B. 1283, proposed limiting opt-outs to

[4] Because this report is limited to discussing opt-out from statewide testing, other bills, such as bills related to parent opt-out from surveys (e.g., Alabama H.B. 267 and Arizona H.B. 2088), are not discussed here.

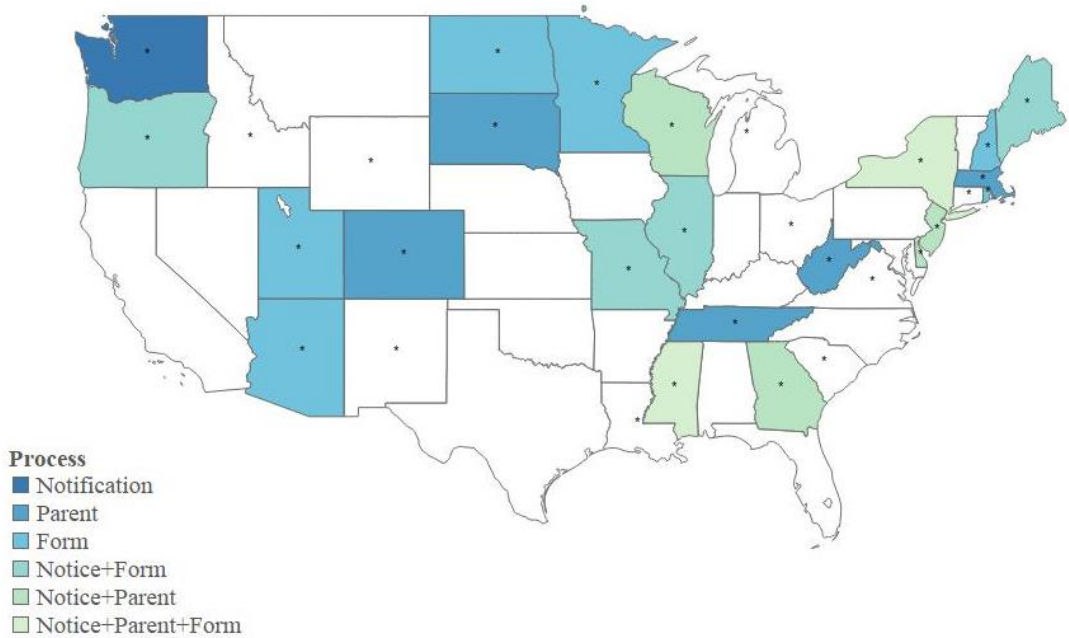
tests other than the ACT test, ACT WorkKeys, and any test needed for graduation or promotion. Another bill (New York A.B. 6025/S.B. 4161) specified the right to opt out of tests developed by a particular vendor.

Four bills did not permit opt-outs but provided additional information related to opt-outs. The enacted New Jersey and Virginia bills were described above. South Carolina H.B. 5156/S.B. 1193 would have approved the updating of test security regulations related to opt-outs. The regulations would clarify language related to "failing to test and exempting students from being assessed" related to opt-outs. The other bill was Maine H.B.471/L.D. 695, which would have required the state department of education to create a report outlining state and federal laws related to the right to opt out and update the report annually.

Opt-Out Process. Many of the bills described the opt-out process. The process typically took two forms: informing parents of their right to opt out and providing information on how parents could request opt-out.

Parent notification. Nineteen bills in 12 states would have required the school, district, or state to notify parents of their right to opt out (Figure 3). Some of the legislation specified the type of information that must be included in the notice. For example, Michigan H.B. 2315 and Oregon H.B. 2655 required notice about the administration of the assessments, the time frame for administration, and the right to excuse a student from participation. In Washington, S.B. 6476 required notification of the right to opt out that included identifying aspects of the high school state standardized test that "could positively affect students if they take or pass the test." Some bills also provided a time frame for notification. For instance, the Missouri bill (H.B. 2315) required notification at the beginning of the school year as well as 30 days prior to testing. New York A.B. 6025/S.B. 4161, on the other hand, required informing parents seven to 14 days prior to testing.

Figure 3. Legislation Describing Opt-Out Process



Note: States with an * are those with some type of opt-out legislation. Alaska and Hawaii are not pictured. Hawaii had legislation that would have required parental notification.

Opt-Out Requests. Although 13 bills in 10 states simply required parents to write a note of refusal to the school, 17 bills in 13 states would have required the creation of an opt-out form for parents to complete and return. The bills differed on which entity was responsible for creating the form. Three bills included the form in the bill. Eleven required the state department of education to create the form. Two bills assigned creation of the form to districts, and one to a commission convened for the purpose.

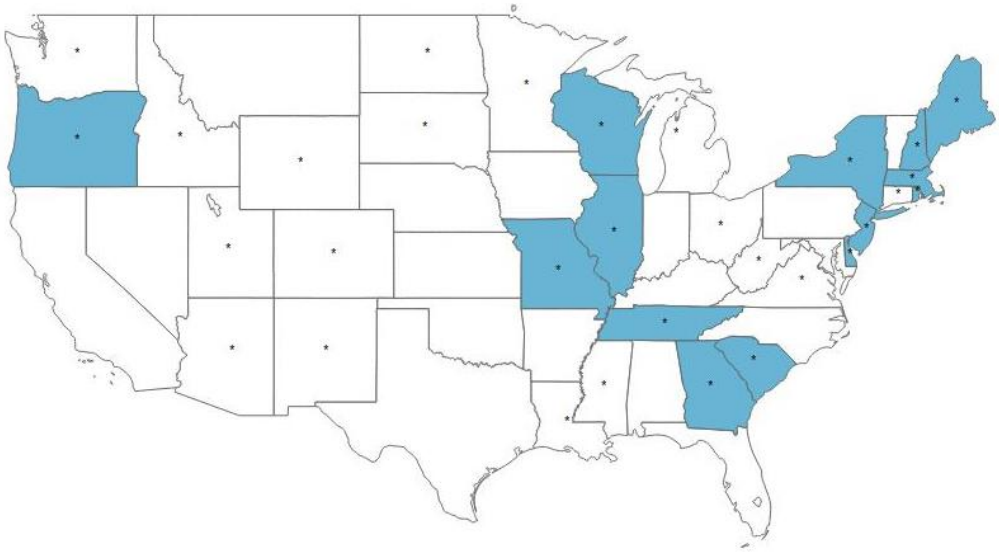
The required content of the form varied. Missouri (H.B. 2315) and Oregon (H.B. 2655) both required an explanation of the right to excuse the student along with an explanation of the purpose and value of assessments. Rhode Island S.B. 736, on the other hand, would inform parents that the student would be provided an alternative setting during testing, that no disciplinary action would be taken against the student, and that the student's academic record would not be adversely affected.

One challenge with the use of the parent form is confirming that it was the parent who completed the form. Utah S.B. 204 sought to address this concern by allowing LEAs to request to speak with a parent about the parent's request to exclude the student. The bill allowed the LEAs to both speak with the parent generally about the request as well as to verify that it was the parent who authorized the request.

A potential benefit of the form is that it could specify, or require clear identification of, exactly which assessments the student would not take. The point is illustrated by West Virginia H.B. 4383 which allowed parents to submit a refusal in writing to the school at any time during the school year, but "[w]here the refusal is not specific as to what standardized assessment it is intended to apply, it shall apply to any and all standardized testing unless and until said refusal is withdrawn by the parent or legal guardian in writing."

What the opt-out student does during testing. Eighteen bills in 14 states specified offering educational activities, or some other type of activity such as study time, reading, or ungraded alternatives, to students who have opted out of a state test administration (Figure 4).

Figure 4. Legislation Requiring Educational Activities



Note: States with an * are those with some type of opt-out legislation. Alaska and Hawaii are not pictured. Neither state had legislation related to educational activities during testing.

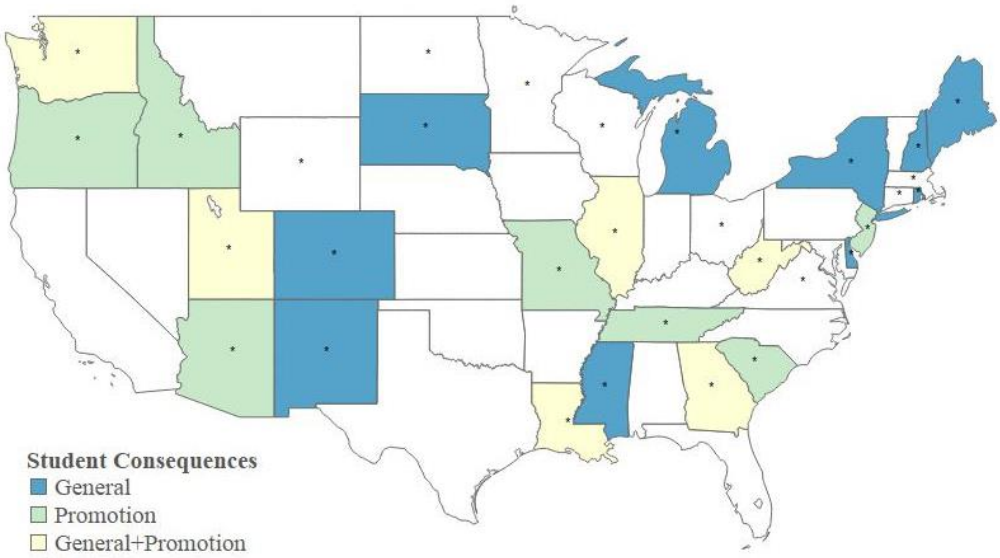
Some of the states provided further definitions of such activities; for example, South Carolina H.B. 4330 required "meaningful alternative activities or assignments that will continue to promote academic and intellectual growth during the standardized testing window." Another bill, H.B. 1338 in New Hampshire, required that the district and parent agree on the activity.

Most of the bills were silent about where the activities would take place. Bills in two states acknowledged the test security implications of having some students test and others participate in alternative activities. Georgia S.B. 355, instead of specifying the types of activities, prohibited the use of "sit and stare" policies where students would be in the same room as the tested students but would not be doing anything. Likewise, a set of bills filed in New Jersey (A.B. 2981, A.B. 3331, and A.B. 4165/S.B. 2767) prohibited any educational activities from taking place in the same room as testing.

Consequences for the student. Unlike existing statutes permitting opt-outs where students bear the consequences of not testing, the legislation filed since 2015 generally required

that there be no punishment of or retaliation against students for opting out. Twenty-one bills in 15 states included such provisions (Figure 5).

Figure 5. Legislation Detailing Consequences for Students



Note: States with an * are those with some type of opt-out legislation. Alaska and Hawaii are not pictured. Neither state had legislation related to student consequences.

Eighteen bills in 13 states stated that there would not be consequences specifically related to student promotion to the next grade. There were a few different models related to promotion (e.g., a third-grade reading requirement) or graduation. One model would require the school or LEA to develop some type of an alternative. The types of alternatives varied from: “sufficient” (Arizona H.B. 2246), “comparable in rigor and skill,” (Washington H.B. 2167), and “not more rigorous” (Utah H.B. 164). Georgia S.B. 355 took a different approach where the placement and promotion procedures would be the same as if the student did not reach grade level expectations on the assessment, but in the case of opt-outs, students could appeal if their retention was based solely on non-participation. One set of bills in New Jersey (A.B. 4165/S.B. 2767) and one bill in

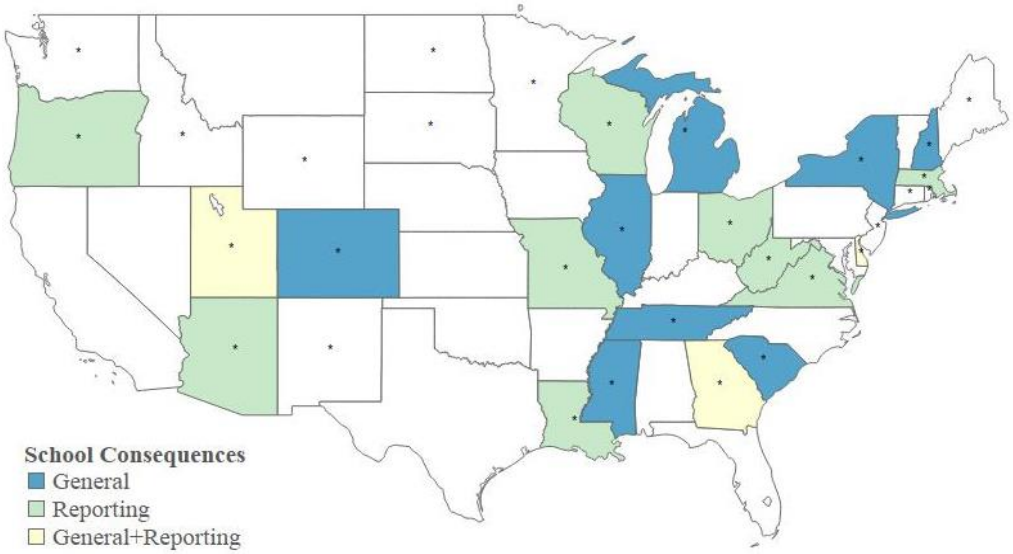
North Dakota (H.B. 1283) did not exempt students from local graduation requirements requiring testing.

Three bills discussed the use of incentives. Utah's S.B. 402, which was enacted into law, prohibits additional incentives/rewards for taking an assessment. In New York, A.B. 6026/S.B. 4161 prohibited incentives for participation. Similar to Washington S. B. 6476, discussed earlier, a pair of companion bills also filed in Washington (H.B. 2670/S.B. 6458) required information about the types of incentives that could positively affect students if they take and pass the high school tests to be included in a notice to parents.

Consequences for the school. The bills regarding consequences for the school generally pertained to reporting of results or data maintenance requirements.

Reporting. Similar to consequences for students, 16 bills in 13 states would have generally prohibited consequences for the school (Figure 6). These bills are particularly problematic because they may conflict with some of the proposed ESSA regulations requiring actions such as lowering a school's performance rating for failure to meet participation rates. In addition, 15 bills in 12 states related to how results are publicly reported. For instance, Utah S.B. 204 required rulemaking that would prevent negative impacts of opt-outs on school grades or employee evaluations. Using more neutral language, Ohio H.B. 420 and Wisconsin A.B. 239/S.B. 193 excluded testing refusals when calculating a district's rating. Virginia S.B. 427 would have prohibited schools from including opt-outs when calculating the pass rate unless the exclusion would result in the school not meeting state or federal participation rate requirements. Other bills simply required notations on the school report card if the opt-outs affected a school's rating (Missouri H.B. 2315 and Oregon H.B. 2644).

Figure 6. Legislation Detailing Consequences for Schools



Note: States with an * are those with some type of opt-out legislation. Alaska and Hawaii are not pictured. Neither state had legislation related to school consequences.

Maintaining Data. Despite requiring that schools not face adverse consequences related to opt-outs, only two sets of bills required recordkeeping. Delaware H.B. 50 required the state to maintain a data system to track opt-outs, and New York A.B. 6025/S.B. 4161 required that the state classify an opt-out student as a "refusal" instead of as "absent." It should be noted that absent legislation requiring the tracking of the data, the state department of education could promulgate rules or create business rules to do so; however, requiring through statute would better guarantee funding to track and maintain the data.

Conclusion

Prior to 2015, very few states had a formal opt-out law. Opt-outs were limited to students unable to complete the assessment; otherwise, students would face consequences for not participating. In states that allowed opt-outs, districts were generally permitted to create the policy and process.

Legislation introduced in the last two years moves towards formalizing the opt-out process and removing consequences for both the students and the schools. This shift requires states and test developers to better explain the value of standardized testing and why the student should take part in it.

Some of the legislation also poses practical problems for schools. Having to provide alternative educational activities is problematic from a staffing perspective. There may also be test security implications depending on where the alternative activities take place.

Another challenge with some of the proposed legislation relates to alternatives for promotion or graduation. A couple of the bills require the LEA to create a comparable alternative to the state assessment for purposes of graduation or as a measure of third-grade reading. It would be challenging for LEAs to create such assessments and ensure that they are of the same rigor and content coverage as the state assessment, not to mention ensuring that these assessments are reliable and unbiased.

In addition to challenges for schools, some of the legislation will pose problems for states. States that prohibit consequences against the schools for low participation rates may struggle to meet the ESSA requirement that states take one of four actions against school that fail to meet the participation rate threshold. The first two actions—a lower summative rating and being categorized in the lowest performance level—would likely violate the state law. States would need to determine if the third action (identifying a school for targeted support and improvement) constituted a penalty under the state law or, if not, whether (per the fourth action) they would instead need to develop “another equally rigorous State-determined action” that meets both federal and state requirements.

Finally, most of the legislation does not sufficiently address the validity implications related to public reporting. If there are questions about the validity of the scores, states should require a notation on the school report card. Further, to help identify schools or districts where opt-outs may be distorting the test scores, states should require tracking of the opt-outs to better monitor which and how many students are opting out.

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Appendix A. Legislation Summary

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
AK	HB192/SB89	2015	Referred to Education (4/11/15)											
AZ	SB1455	2016	Motion to reconsider (3/8/16)			●	ED				●		●	
AZ	HB 2056	2016	Held in committee (1/20/16)											
AZ	HB2246	2015	Motion to reconsider (4/1/15)			●	ED				●		●	
CO	SB233	2015	Postpone indefinitely (4/24/15)		●					●		●		
CT	HB5398	2015	Referred to Committee (1/15/15)											
DE	HB243	2016	Assigned to Education Committee (1/19/16)										●	
DE	HB50	2015	Place on House Ready List (1/14/16)	●	●				●				●	●
DE	HR22	2016	Introduced in House (1/14/16)	●						●		●		

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
GA	SB355	2016	Enacted, Effective 7/1/16	●	●				●	●	●	●	●	
HI	HB2730	2015	Referred to END, JUD (2/1/16)	●										
HI	SB2586/ HB273	2015	Passed Second Reading and referred to WAM (2/17/16)	●										
HI	HCR205/HR 151/SCR157/ SR119	2015	House: referred to END, FIN (3/14/16) Senate: report adopted and referred to WAM (3/29/16)	●										
HI	HB868/SB13 49	2015	Carried over to 2016 Session	●										
IL	HB131	2015	Re-referred to Rules Committee (3/27/15)	●		●	ED				●			
IL	HB306	2015	Re-referred to Assignment s (5/13/16			●	ED		●	●		●		
ID	SB1070	2015	Referred to Education (3/10/15)								●			

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
LA	HB22	2015	Referred to Education (4/13/15)							●	●		●	
MA	HB311	2015	Study ordered (3/16/16)											
MA	HB3395	2015	Study ordered (3/16/16)		●				●				●	
ME	LD1396	2015	Dead (6/9/15)	●		●	ED		●	●				
ME	HB471/ LD695	2015	Vetoed (6/22/15)											
MI	HB5444/ SB826	2016	Referred to Committee (4/26/16)							●		●		
MN	SF2604	2016	Amended, opt-out language removed			●	ED							
MO	HB2315	2016	Public Hearing Completed (2/29/16)	●		●	ED	●	●		●		●	
MS	HB1176	2015	Died in committee (2/3/15)	●	●						●	●		
MS	SB2468	2015	Died in committee (2/3/15)			●	L	●						
MS	SB2547	2016	Died in Committee (2/23/16)			●	L							
ND	HB1283	2015	Failed to Pass			●	ED			O				

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
			Committee (4/13/15)											
NH	HB1338/ HB603	2015 and 2016	Bill Killed (5/5/16)			●	S		●	●		●		
NJ	AB4485/ SB2281	2015	Enacted (11/9/15)									●		
NJ	SR129/ SR137	2015	SR 129: Filed with Secretary of State (6/29/15) SR 127: Filed with Secretary of State (7/23/15)						●					
NJ	A 2981	2016	Referred to Assembly Education Committee (2/16/16)	●	●				●					
NJ	AB3331	2016	Referred to Assembly Education Committee (2/22/16)						●					
NJ	AB4165/ SB2767	2014	Referred to Senate Education Committee (5/7/15)	●	●				●	O				
NM	HB129/ SB217	2015	House: Postponed indefinitely (2/4/15) Senate:							●				

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
			Postponed indefinitely (3/7/15)											
NY	AB6777/ SB5337	2015	Referred to committee (1/6/16)		●				●	●		●		
NY	AB 6025/ SB4161	2016	Held for consideration in Education (5/25/16)	●		●	L		●	●		●		●
NY	SB 6337 (reintroduced SB1938)	2016	Referred to committee (1/6/16)											
OH	HB 420	2015	Amended, House Education, (Second Hearing) (2/10/16)										●	
OR	HB2655	2015	Enacted	●		●	ED		●		●		●	
OR	HB2714	2015	In committee upon adjourn. (7/6/15)	●		●	S	●			●			
RI	SB736/ H5845	2015	Held for further study (4/8/15)			●	O		●	●				
SC	HB4330/ S872	2015	Added sponsor (5/3/16)						●		●	●		

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
SC	HB5156/ S1193	2016	Referred to Committee (4/14/16)											
SD	HB1093	2015	Deferred (2/11/15)		●					●				
TN	HB2462/ SB2159	2016	House: Taken off notice for calendar (3/16/16) Senate: Assigned to Committee (3/23/16)						●					
TN	HB1268/ SB1298	2016	Sponsors added (1/21/16)		●						●	●		
UT	HB164	2016	House filed (3/10/16)			●	ED			●	●			
UT	SB204	2015	Enacted			●	ED			●	●	●		
UT	SB224	2016	Senate filed (3/10/16)										●	
VA	SB427	2016	Enacted (3/11/16)										●	
WA	HB2167	2015	By resolution, reintroduced and retained in present status (3/10/16)								●			
WA	HB 2670/ SB6458	2016	By resolution, reintroduced and	●						●	●			

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
			retained in present status (3/10/16)											
WA	SB6460	2016	By resolution, reintroduced and retained in present status (3/10/16)								●			
WA	SB6476	2016	By resolution, reintroduced and retained in present status (3/10/16)	●							●			
WI	AB239/ SB193	2015	Failed (4/13/16)	●	●				●				●	
WI	SB21	2015	Enacted		●								●	
WV	SB362	2015	To Education (1/29/15)							●		●		
WV	HB2774	2016	House Education (1/13/16)											
WV	HB4014	2016	Vetoed (4/1/16)											

				Process					Educ. activities	Consequences for students		Consequences for schools		
State	Bill	Year	Status as of June 14, 2016	Notice	Parent note (no form)	Form	Who creates the form (L=bill, ED=depart., SD=school district, O=Other)	Form contents	Mentioned	Mentioned	Promotion/ Graduation	General	Public reporting	Maintaining data
WV	HB4384	2016	House Education (2/3/16)		Y					Y	Y		Y	
WY	HB72	2016	Failed (2/9/16)											