

December 10, 2021

Subject: Public Notice of Texas Request of Waiver for Assessment and Accountability Requirements

To the Education Service Center Testing Coordinator, District Testing Coordinator, and Special Education Coordinator Addressed:

The purpose of this communication is to provide notification that the Texas Education Agency (TEA) is requesting waivers from select statutes and regulations relating to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).

For the fifth year, Texas is requesting a waiver for the 2021–2022 school year from the United States Department of Education (USDE) regarding the 1.0 percent threshold on the percentage of students statewide who participate in alternate assessments aligned with alternate academic achievement standards (i.e., the State of Texas Assessments of Academic Readiness [STAAR®] Alternate 2). To be eligible for the 1.0 percent waiver, Texas must have assessed at least 95 percent of all students enrolled and 95 percent of students with disabilities in the previous school year. Due to COVID-related testing disruptions, the state did not meet the 95 percent requirements last year and received a waiver for 95 percent participation for 2020–2021. As such, for the 2021–2022 school year only, Texas is requesting a waiver of the 95 percent participation rate requirement.

TEA has posted the draft *2021–2022 Texas One Percent Cap Waiver Request* for public comment on the [STAAR Alternate 2](#) webpage. The draft waiver request includes information on both the 1.0 percent waiver request and the 95 percent waiver request.

TEA is accepting public comments regarding these waiver requests via email to [assessmentwaiver@tea.texas.gov](mailto:assessmentwaiver@tea.texas.gov). The public comment period begins Friday, December 10, 2021, and ends **Friday, December 24, 2021, at 10:00 p.m. (CT)**. Note that TEA will not respond to individual comments but will incorporate the comments in the final waiver request before submission to the USDE.

Please forward this notification to all interested persons. If you have questions about the information in this communication, submit your inquiries to TEA using the [Student Assessment Help Desk](#).

Texas Education Agency  
Student Assessment Division  
(512) 463-9536