

December 20, 2019

Frank T. Brogan  
Assistant Secretary  
Office of Special Education Programs  
Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Mr. Brogan:

I am writing to request an extension of the limited waiver received last year for the Every Student Succeeds Act (ESSA)<sup>(1)</sup> to allow Texas to exceed the 1.0 percent cap on the number of students statewide who participate in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) for the 2019–2020 school year. The Texas Education Agency (TEA) requests an extension of this waiver because it anticipates that Texas will exceed the 1.0 percent cap for the 2019–2020 school year based on the percentage of students who took the AA-AAAS in the 2018–2019 school year. The state-level data from the previous school year is included in Attachment I. This attachment shows the percentage of students in the state and in each subgroup, who took the AA-AAAS in the 2018–2019 school year. Attachment I also includes state-level data that shows Texas has measured the achievement of at least 95 percent of all students and 95 percent of students receiving special education services who are enrolled in grades for which the assessment is required.

TEA requests an extension of this waiver while it monitors and provides additional guidance to Texas' local education agencies (LEAs) to make substantial progress toward reducing the state percentage to fewer than 1.0 percent. This waiver extension is requested for the 2019–2020 school year. Texas assures that if it is granted the extension —

- it will continue to meet all other requirements of ESSA and take additional steps to support and provide oversight to each LEA that Texas anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS;
- it will monitor and regularly evaluate each LEA to ensure the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team implement the guidelines established by Texas for participation in AA-AAAS so that all students are appropriately assessed;
- it will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided; and
- it has verified that each LEA that Texas anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS has followed Texas' guidelines for participation in the AA-AAAS.

Texas' progress from the previous year and updated plan for monitoring the 1.0 percent threshold on its AA-AAAS, the State of Texas Assessment of Academic Readiness (STAAR®) Alternate 2, is included as Attachment II. This updated plan provides an overview and timeline

<sup>(1)</sup>Section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 as amended by ESSA

of the steps Texas has and will take to ensure that all students are provided the most appropriate assessment.

TEA provided all LEAs in Texas with notice and a reasonable opportunity to comment on this request. Public notice of the waiver extension request and the 30-day public comment period was published in the November 8, 2019 issue of the Texas Register. The waiver extension request has been posted on the TEA website since that time. No comments on the waiver extension were received during the public comment period.

Please feel free to contact Tyson Kane, Executive Director, Student Assessment, at [Tyson.Kane@tea.texas.gov](mailto:Tyson.Kane@tea.texas.gov), or Julie Guthrie, Director of Policy and Publications, Student Assessment, at [Julie.Guthrie@tea.texas.gov](mailto:Julie.Guthrie@tea.texas.gov) if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Morath". The signature is stylized and cursive, with a large initial "M" and a long, sweeping underline.

Mike Morath  
Commissioner of Education