

Texas's Need for a Waiver

The Texas Education Agency (TEA) is requesting a waiver from select statutes and regulations relating to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). ESSA provides an assessment exception from section 1111(b)(2)(B)(v)(I) for middle school students enrolled in advanced mathematics courses (1111(b)(2)(C), 34 CFR §200.5(b)). This exception allows grade 8 students enrolled in an advanced mathematics course who have been administered the corresponding State of Texas Assessments of Academic Readiness (STAAR®) end-of-course (EOC) assessment to be exempted from the grade-level assessment.

Texas is seeking to expand the exception beyond grade 8 students enrolled in advanced mathematics courses to include all middle school students who are administered an EOC assessment for mathematics, English language arts, or science. This expansion would increase opportunities for all Texas students to take advanced coursework in middle school (34 CFR §200.5(b)(4)) and reduce barriers to access advanced courses. Broadening the exception would support TEA's commitment to ensure that students continue to receive challenging coursework and that Texas schools are held accountable for improving the achievement of all students.

Waiver Request Plan

State educational agencies seeking a waiver are required to include a plan addressing the requirements of section 8401(b) of ESSA. TEA has addressed each of these requirements below.

Federal Programs Affected by the Requested Waiver—ESEA, §8401(b)(1)(A)

The approval of this waiver by the U.S. Department of Education would affect Title I, Part A, Subpart 1— Basic Program Requirements. Section 1111(b)(2)(B)(i)(I) requires “the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State.” Approval of this waiver would align the consistency of measure for affected students with their course-specific peers, rather than their grade-specific peers. Section 1111(b)(2)(C) provides an assessment exception for grade 8 students enrolled in advanced mathematics courses. The approval of this waiver would expand the scope to include all middle school students who are administered EOC assessments in mathematics, English language arts, and science. TEA has not identified any negative consequences to the State's assessment and accountability systems or to students and educators that would result from the approval of this requested programmatic change.

Federal Statutory or Regulatory Requirements to be Waived—ESEA, §8401(b)(1)(B)

TEA is requesting a modification of the assessment requirements in section 1111(b)(2)(B)(v), which detail the required frequency of assessments in mathematics, English language arts, and science. The request would broaden the advanced mathematics exception (section 1111(b)(2)(C) and 34 CFR § 200.5(b)(4)) to include all middle school students administered EOC assessments in mathematics, English language arts, and science.

Section 1111(b)(2)(B)(v)(I) of ESSA requires mathematics and English language arts assessments be administered annually in third through eighth grades and at least once in ninth through twelfth grades. The approval of this waiver would not exempt any sixth through eighth grade students enrolled in advanced courses from the annual assessment requirement. However, it would align the annual assessment requirement with students' courses, rather than their enrolled grade. As Texas provides for the administration of an SAT or ACT to all Texas high school juniors or seniors, students completing an advanced course in middle school will be

assessed in high school with one of these assessments in the applicable subject area.

Section 1111(b)(2)(B)(v)(II) of ESSA requires students to be assessed in science at least once from third through fifth grades, at least once from sixth through ninth grades, and at least once from tenth through twelfth grades. The approval of this waiver would not affect the assessment requirement for third through fifth grades. For middle school, students will be administered either the STAAR® grade 8 science, or if the student is enrolled in an advanced science course, the corresponding EOC assessment. Students completing an advanced science course in middle school will be assessed again using the ACT Science assessment in grades 11 and 12.

In requesting the advanced mathematics exception in the consolidated state plan, TEA was required to ensure the following:

- Students receiving the exception will be administered the EOC assessment administered to high school students under section 1111(b)(2)(B)(v)(I)(bb) of ESSA;
- Students' performance on the high school assessment will be used in the year in which students take the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of ESSA and participation in assessments under section 1111(c)(4)(e) of ESSA;
- While in high school, students will be assessed via a state-administered EOC assessment or nationally recognized high school academic assessment as defined in 34 CFR §200.3(d) that is more advanced than the assessment the state administers under section 1111(b)(2)(B)(v)(I)(bb) of ESSA;
- The state will provide appropriate accommodations consistent with 34 CFR §200.6(b) and (f); and
- Students' performance on the more advanced assessment will be used for the purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of ESSA and participation in assessments under section 1111(c)(4)(E) of ESSA.

TEA will apply the assessment and reporting requirements above to all students affected by this waiver.

Advancing Student Achievement—ESEA, §8401(b)(1)(C)

The approval of this waiver would advance student achievement in Texas in multiple ways. Expanding the assessment exception would ensure that middle school students enrolled in advanced courses would take assessments aligned with the academic content taught during the year. Approving this waiver would also reduce the instructional and time burdens placed on students and teachers resulting from double-testing. In 2019, 108,000 grade 8 students were assessed across Texas using the STAAR® Algebra I EOC assessment. ESSA's middle school exception exempted such students from end-of-grade double-testing. However, in the same year, more than 12,640 STAAR® EOC assessments were administered to middle school students who have not been covered under the ESSA exception but would be covered under this waiver request.

The approval of this waiver would also support and increase equity in educational opportunity. Double-testing serves as a disincentive to students considering advanced courses. Eliminating this disincentive would, in keeping with the ESSA exception requirement to provide all students in the State the opportunity to take advanced coursework in middle school (34 CFR §200.5(b)(4)), reduce barriers to access advanced courses. Additionally, by enrolling in advanced courses earlier, students have increased opportunities for additional advanced academic coursework in high school, including Advanced Placement, International

Baccalaureate, dual enrollment, and other college credit opportunities. These programs reinforce equity in postsecondary access by providing all Texas students with free or low-cost access to college and career readiness opportunities prior to high school graduation.

Monitoring and Evaluation of Implementation Effectiveness—ESEA, §8401(b)(1)(D)

TEA will monitor annually middle school enrollment and testing in advanced courses in mathematics, English language arts, and science. TEA will include a summary of this data in its waiver renewal to the U.S. Department of Education. The data summary will address the following:

- What were the trends in enrollment of middle school students in advanced mathematics, English language arts, and science courses?
- How did middle school students perform on EOC assessments?
- Were any negative consequences identified for students that resulted from the broadening of the assessment exception?

Continuation of Assistance to Student Populations—ESEA, §8401(b)(1)(F)

TEA will provide support to schools to ensure middle school students, including those from traditionally under-represented subgroups, have the opportunity to take advanced coursework. TEA will provide resources and strategies to LEAs and schools to ensure all middle school students are provided the opportunity to be prepared for and to take advanced coursework in middle school (CFR § 200.5(b)(4)).

Impact on Academic Standards, Assessments, and Reporting—ESEA, §8401(b)(1)(F)

The proposed expansion of the exception for advanced mathematics in middle school would have no impact on section 1111(b). However, approval of the waiver would support the intent of section 1111(b) by removing the double-testing barrier and reinforcing the commitment to providing students with challenging academic standards and assessments. Similarly, the approval of this waiver request would have no impact on section 1111(h) or on the reporting of student subgroups identified in section 1111(b)(2)(B)(xi).

Public Comment and Feedback—ESEA, §8401(b)(3)(A)(i) – (iii)

Local education agencies (LEAs) and the public received reasonable opportunity to provide feedback prior to the submission of this waiver request. Public comment was open for 30 days, from XX to XX. Public notice of the waiver, along with a description of TEA's intent to submit the waiver, was posted to the TEA ESSA web page, widely broadcast in newsletters, and emails were sent to each LEA superintendent.

Duration and Extension of Waiver—ESEA, §8401(d)(1) and (2)

TEA is requesting this waiver be approved for four years, the maximum allowable period for a waiver under the ESEA (§8401(d)(1)). TEA also anticipates submitting a waiver extension request showing the waiver's success in contributing to improved student achievement (ESEA, §8401(d)(2)(A)) and that such an extension will be in the public interest (ESEA, §8401(d)(2)(B)).

TEA Strategic Priorities

TEA's comprehensive strategic plan outlines the agency's transformative effort to improve alignment, focus, and performance in service of strengthening academic outcomes for over five million students in public schools across Texas. TEA will improve outcomes for all public school students in the state by providing leadership, guidance, and support to school systems. These priorities and enablers serve as the foundation for all efforts at TEA, including the implementation of ESSA. Through policy alignment, such as requesting this waiver to reduce

cumbersome double-testing requirements, TEA will provide more effective support to better assist LEAs in improving student outcomes.

