

<b>DATE:</b>	<b>June 20, 2019</b>
<b>SUBJECT:</b>	<b>Discontinuing Use of Substitute Assessments in Future Accountability Cycles</b>
<b>CATEGORY:</b>	<b>Notice</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate staff</b>

The purpose of this communication is to provide a final decision regarding the use of substitute assessments for purposes of accountability. This letter follows the March 21, 2019 To the Administrator Addressed letter concerning the U.S. Department of Education's (USDE) response to its performance review of Texas and the state's use of substitute assessments in academic accountability.

### Context and Summary

Beginning in the 2013–2014 school year, Texas has allowed the use of substitute assessments for accountability purposes. In December 2018, the USDE issued an action item following a federal monitoring visit requiring Texas to cease this policy. On March 22, 2019, the Texas Education Agency (TEA) responded to the USDE asking for additional time to determine options for continuing this policy while remaining compliant with federal law. TEA has extensively explored options, as outlined below, and determined that our state policy on substitute assessments cannot be successfully reconciled with federal accountability statute. As a result, beginning with the 2020 accountability cycle, substitute assessments will not be included in state or federal accountability calculations. Substitute assessments will continue to be an option for students to meet state graduation requirements.

### Assessment and Accountability Requirements under the Elementary and Secondary Education Act (ESEA) as Reauthorized by the Every Student Succeeds Act of 2018

Under ESEA, a state is required to adopt and administer the same academic assessments to measure the achievement of all public elementary and secondary school students in the state.<sup>1</sup> Furthermore, states are required to include these assessment results in the accountability system. ESEA provides districts flexibility with federal assessment requirements through the use of approved locally selected assessments.<sup>2</sup> Under ESEA, locally selected assessments are defined as nationally recognized entrance or placement exams used by institutions of higher education that are administered in multiple states. Locally selected assessments must offer accommodations to all students, including English learners and children with disabilities. These assessments must undergo peer review to demonstrate alignment with the Texas Essential Knowledge and Skills (TEKS). Locally selected assessments must also demonstrate alignment to the three performance levels for the State of Texas Assessments of Academic Readiness (STAAR®), which equate to the Masters Grade Level, Meets Grade Level, and Approaches Grade Level standards. Once a nationally recognized assessment has undergone the peer review and USDE approval process, a district has the flexibility to use the same locally selected, nationally recognized assessment in place of a STAAR end-of-course (EOC) assessment in all of its high schools.

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<sup>1</sup> ESEA §1111(b)(2)(B)

<sup>2</sup> ESEA §1111(b)(2)(H)

## **Texas' Use of Substitute Assessments**

Beginning with the 2011–2012 school year, in accordance with the Texas Education Code (TEC),<sup>3</sup> the commissioner of education adopted into rule substitute assessments under the Texas Administrative Code (TAC) §101.4002. Under this rule, a student may use an adopted substitute assessment in place of a corresponding STAAR EOC assessment to meet the student's assessment graduation requirements.

TEA began including substitute assessments at the postsecondary readiness level (Final Level II) in accountability calculations in 2014. In conjunction with an update to STAAR performance level labels, substitute assessments were included at the Meets Grade Level standard for 2017, 2018, and 2019 accountability. The agency has been conducting studies to establish Approaches Grade Level, Meets Grade Level, and Masters Grade Level cut points for substitute assessments adopted under TAC §101.4002.

### **USDE's Finding**

In August 2018, a team from the USDE's Office of State Support (OSS) Management and Support Unit reviewed TEA's administration of fiscal requirements and certain program requirements of OSS programs—Title I, Part A; Title II, Part A; Title III, Part A; and School Improvement Grants. An action item contained within the OSS report stated that *“TEA must cease the policy of permitting substitute assessments in accountability calculations. All students must take the reading/language arts, mathematics, and science assessments required under ESEA. Exceptions are limited to alternate assessments for students with cognitive disabilities and 8th grade students taking the Algebra I end-of-course assessment in place of the State of Texas Assessments of Academic Readiness (STAAR) grade 8 mathematics.”*

### **Feasibility of Implementing Locally Selected Assessments in Texas**

The agency, in conjunction with the Texas Legislature, stakeholders such as the Texas School Alliance and the Texas Association of School Administrators, as well as district leaders across the state, has been dedicated to the inclusion of substitute assessments in accountability. This spring TEA staff explored the feasibility of implementing locally selected assessments that would meet ESEA assessment and accountability requirements. As existing nationally recognized entrance exams do not demonstrate sufficient alignment with the TEKS for any specific course, the implementation process would require updates to both the student expectations in the TEKS and the state assessment program to establish coursework and assessments aligned with nationally recognized entrance exams. Given this finding, there appears to be no viable path around the OSS finding to cease the use of substitute assessments in accountability. Due to the timing of this notification, Performance Reporting will include the results of substitute assessments submitted by students scheduled to retest in June 2019 for STAAR EOCs. Beginning with the December 2019 and spring 2020 STAAR EOC administrations, substitute assessments will no longer be included in accountability calculations. During the upcoming year, the agency will amend TAC §101.4002 as appropriate and remove references to the inclusion of substitute assessments in accountability during the adoption of the *2020 Accountability Manual*.

### **Continued Use of Substitute Assessments to Meet Individual Student Graduation Requirements**

Substitute assessments may continue to be used to meet individual student graduation requirements as adopted under TAC §101.4002. For additional information please refer to TAC [§101.4002](#) or contact the Student Assessment Division at (512) 463-9536.

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<sup>3</sup> TEC §39.025(a-1), (a-2), and (a-3)

**Contact Information**

If you have questions about academic accountability, please contact the Performance Reporting Division at (512) 463-9704 or [performance.reporting@tea.texas.gov](mailto:performance.reporting@tea.texas.gov).

Sincerely,

Mike Morath

Commissioner of Education

Cc: District and ESC Testing Coordinators