



# Parent Notice Requirements for Students at Risk of Failure

(512) 463-9000

disasterinfo@tea.texas.gov

[tea.texas.gov/coronavirus](https://tea.texas.gov/coronavirus)

As announced in March, all State of Texas Assessments of Academic Readiness (STAAR®) administrations scheduled for April, May, and June 2020 are cancelled. Student Success Initiative (SSI) promotion/retention requirements found in the Texas Education Code (TEC), §28.0211 are waived for the 2019–2020 school year. However, Texas school districts and open-enrollment charter schools are still required to provide early notice to parents or guardians of students in grades 4 and 7 identified to be at risk of failure on the first administration of an assessment required for grade advancement in the next school year.

Under Texas Administrative Code (TAC) [§101.2009](#), the superintendent must establish the instruments and procedures to be used to determination which students are at-risk. Given that the STAAR administrations for April, May, and June 2020 are cancelled, the at-risk determination will need to be made through means that do not involve state testing results from the current year. The current rule requires this notice to be issued before the end of a school year. If a district or charter school is not able to or does not have sufficient information to make a determination about a student’s risk of failure at this time, the school district or charter should request a waiver to delay the notice requirement from the Commissioner until the start of the 20-21 school year.

Follow the instructions below to complete a waiver request:

1. Please visit TEA’s webpage on State Waivers to access general information about the waiver process: <https://tea.texas.gov/texas-schools/waivers/state-waivers>.
2. Please also review Waiver Process FAQ for information on how to access TEAL for the purposes of submitting a waiver request: <https://tea.texas.gov/sites/default/files/Waiver%20Process%20FAQ.pdf>.
3. Once in the TEAL waiver application, under the “Create New Waiver” tab, select the waiver type “**Other Waiver**” to create and submit a waiver request for the required early notice of students at risk of failure (COVID-19 disruptions).
4. Please complete the LEA contact information, including filling in the date the board approved the waiver request.
5. For the section titled “Waiver Description,” please use this language: “Waiver of required early notice of students at risk of failure (COVID-19).”
6. For “General Questions #1,” please use this language: “Waiver of required early notice of students at risk of failure (COVID-19 disruptions).”
7. For “General Questions #2,” please enter N/A.
8. For “General Question #3,” please use this language: “TEC 28.0211(d)(3) and TAC 101.2009(b).”
9. For “General Question #4,” please enter N/A.
10. For “General Question #5,” please enter N/A.
11. For “General Question #6,” please enter N/A.
12. For “Requested Years,” please select only “2019-2020.”

13. For “LEA Attachments,” please include the board agenda from the meeting in which the waiver application request was approved.
14. Please submit your completed waiver. For a *District Editor*, at the end of the waiver application you will find a **Complete & Route** button. This will route the application to your Superintendent for review and approval. For a *District Superintendent*, at the end of the waiver application you will find a **Review and Submit** button. This will take you to a review and submit details page. If the application is complete and ready for submission, select the **Submit to TEA** button.