

March 17, 2020

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

Dear Mr. Brogan:

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). On March 13, 2020, Governor Abbott issued a disaster declaration in response to the COVID-19 pandemic. On March 16, 2020, Governor Abbott waived the state requirements related to State of Texas Assessments of Academic Readiness (STAAR®) for the 2019-2020 school year. In light of this waiver and at the request of Governor Abbott, TEA is requesting the Department of Education (DOE) to waive the federal testing and accountability requirements for the 2019-2020 school year, which include the end-of-course (EOC) and grade 3–8 assessments for every school district and open-enrollment charter school in the state.

Governor Abbott is working closely with the Texas Education Agency (TEA) to ensure that schools continue to deliver instruction to students while students are absent or while schools are closed due to COVID-19. This includes tailoring instruction for students with special needs so that they have access to the same education as other students in the district. Governor Abbott will continue to work with the TEA on developing additional methods to ensure that students are learning and ready to succeed at the next grade level.

Texas is seeking to waive the assessment and accountability requirements under ESSA for 2019–2020 in this extraordinary circumstance where the closure of schools during the state’s testing window has inhibited the ability of the state to accurately measure students’ performance and report results to parents and stakeholders.

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–II) requires “the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and administered to all public elementary school and secondary school students in the State.” Section 1111(b)(2)(D) allows a State to provide alternate assessments aligned with challenging State academic standards. Section 1111(b)(4)(C) requires “a system of meaningfully differentiating, on an annual basis, all public schools in the State.” Section 1111(b)(4)(D) requires the state to identify schools “based on the system of meaningful differentiation.” Approval of this waiver would align federal requirements with the prioritization of public health during this pandemic crisis. TEA has not identified any avoidable consequences to the State’s assessment and accountability systems or to students and educators that would result from the approval of this request.

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

TEA is requesting a waiver for the 2019–2020 school year of the assessment and accountability requirements in sections 1111(b)(2)(B)(i), 1111(b)(2)(D), 1111(b)(4)(C), and 1111(b)(4)(D), which detail the required frequency of assessments, accountability, and identification of schools for improvement.

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

The approval of this waiver would support the state’s prioritization of student and public health in the face of the COVID-19 pandemic crisis.

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

The approval of this waiver will not break the chain of consecutive years of low performance under section 1111(b)(4)(D). TEA will monitor the performance of previously identified campuses.

Sincerely,



Mike Morath
Commissioner of Education