

Texas Compliance Plan for the One Percent Threshold



State of Texas Assessments of Academic Readiness

ESEA Section 111(b)(2)(D) and 34 CFR 200.6(c) and (d)

Texas Education Agency
Office of Analytics, Assessment, and Reporting
Student Assessment Division
1701 N. Congress Avenue
Austin, Texas 78701
512-463-9534
StudentAssessment@tea.texas.gov

July 2024

Table of Contents

Introduction	3
<hr/>	
Action Steps Taken	3
<hr/>	
I. Collaborated with Internal and External Stakeholders	
II. Revised the State Definition	
III. Updated the Participation Requirements	
IV. Increased Communication	
V. Provided Updated Training Materials and Training Sessions	
VI. Enhanced Justification and Assurances Collection	
Timeline of Compliance Actions	9
<hr/>	
Preliminary Analysis of Participation Data	11
<hr/>	
Conclusion	12
<hr/>	

Introduction

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) of 2015, addresses the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (AA-AAAS). Federal policy limits the number of students in a state who may participate in alternate assessments to no more than 1.0 percent of students in the grades assessed. The Texas Education Agency (TEA) administers the State of Texas Assessments of Academic Readiness (STAAR®) Alternate 2 as its AA-AAAS.

STAAR Alternate 2 is a standardized item-based assessment designed to measure the extent to which a student has learned and is able to apply the defined knowledge and skills in the state curriculum. STAAR Alternate 2 is administered individually to students with the most significant cognitive disabilities who meet the participation requirements. STAAR Alternate 2 includes assessments for mathematics and reading language arts (RLA) in grades 3–8, science in grades 5 and 8, and end-of-course (EOC) assessments in Algebra I, English I, English II, and Biology.

In response to communications sent to TEA from the U.S. Department of Education (USDE), the agency is submitting this compliance plan. The purpose of this plan is to describe steps taken by TEA to address the concern and to demonstrate the substantial progress Texas has made toward reducing the percentage of students assessed with an AA-AAAS during the 2023–2024 school year.

Table 1 shows the percentages and numbers of students who took the AA-AAAS in mathematics, RLA, and science during the last two school years. Although the state's participation rates for the AA-AAAS continue to be above the 1.0 percent threshold, Texas has significantly decreased the number of AA-AAAS testers for each subject from 2022–2023 to 2023–2024.

Table 1: Participation in Alternate Assessments

School Year	Mathematics	RLA	Science
2022–2023	1.6% (46,464 / 2,957,221)	1.5% (46,506 / 3,100,747)	1.4% (19,024 / 1,342,842)
2023–2024*	1.4% (40,057 / 2,843,138)	1.3% (40,082 / 3,100,254)	1.2% (16,046 / 1,307,123)

*Preliminary numbers from 2023–2024 school year

As noted, all data reported in this plan for the 2023–2024 school year is preliminary data. Final data reported for 2023–2024 accountability may differ slightly.

Actions Steps Taken

I. Collaborated with Internal and External Stakeholders

Following the denial of Texas' one percent waiver request in March 2023, TEA convened an internal committee of members from the Student Assessment Division, the Office of Special Populations and Student Supports, and the Office of General Counsel to develop a multilateral plan that would demonstrate compliance with ESEA requirements.

While considering potential action steps, TEA staff reviewed all materials regarding AA-AAAS participation rates from the USDE's Office of Elementary and Secondary Education State Assessment Conference in September 2023. Additionally, TEA staff reviewed effective models and practices adopted from other states in collaboration with the National Center on Educational Outcomes (NCEO).

Throughout each of the additional action steps described below, TEA staff from the Student Assessment Division and the Office of Special Populations and Student Supports involved external stakeholders and partners (e.g., regional and local special education staff and regional and local testing staff) to confirm understanding, support, and implementation. To ensure external stakeholder involvement throughout the process, TEA provided an early announcement of upcoming changes to STAAR Alternate 2 materials, as shown in the [May 2023 Special Education Newsletter](#).

II. Revised the State Definition

TEA's internal committee started with a review of the state's definition of a student with the most significant cognitive disability. As part of this internal review, TEA staff collected, reviewed, and analyzed varying definitions from several other states. The internal committee then proposed a revised definition of a student with the most significant cognitive disability to ensure that all students with disabilities are administered appropriate state academic assessments based on their individual needs as documented in their individualized education programs (IEPs) and determined by their corresponding admission, review, and dismissal (ARD) committees.

The proposed definition was reviewed by various external stakeholder groups including special education directors from the 20 regional education service centers (ESCs) and from local educational agencies (LEAs) across Texas.

The state had previously defined students with a significant cognitive disability eligible for the alternate assessment as follows:

A student who exhibits significant intellectual and adaptive behavior deficits in their ability to plan, comprehend and reason, and ALSO indicates adaptive behavior deficits that limit their ability to apply social and practical skills such as personal care, social problem-solving, dressing, eating, using money, and other functional skills across life domains

Beginning with the 2023–2024 school year, the state revised its definition of a student with the most significant cognitive disability who may be eligible for the alternate assessment as follows:

A student with the most significant cognitive disability is a student who exhibits significant intellectual and adaptive behavior deficits in their ability to plan, comprehend, and reason and who also indicates adaptive behavior deficits that limit his or her ability to apply social and practical skills (e.g., personal care, social problem-solving skills, dressing, eating, using money) across all life domains. The student requires extensive,

direct, individualized instruction and needs substantial supports that are neither temporary nor specific to a particular content area.

III. Updated the Participation Requirements

Next, TEA's internal committee updated the AA-AAAS participation requirements to align them with the state's revised definition of a student with the most significant cognitive disability. To complete this action step, TEA staff collected, reviewed, and analyzed documents from several other states and received input from NCEO. The draft participation requirements were reviewed and revised throughout June 2023 with various external stakeholder groups, including:

- regional ESC special education directors
- LEA special education directors
- special education teachers
- regional ESC testing coordinators
- LEA testing coordinators
- special education advocates and experts

TEA met its goal to have the updated [STAAR Alternate 2 Participation Requirements](#) available prior to the beginning of the 2023–2024 school year to guarantee the greatest impact on participation rates for the spring 2024 administration of STAAR Alternate 2. The updated participation requirements were available in August 2023, as announced in the [Updated STAAR Alternate 2 Participation Requirements](#) statewide email.

To better support and guide ARD committees in determining whether a student is most appropriately assessed with an alternate academic assessment, TEA produces a companion document to the participation requirements. TEA updated the [STAAR Alternate 2 Participation Requirements Companion Document](#) to align with the updated definition and requirements and to provide further assistance to LEAs in making appropriate assessment decisions for students receiving special education services.

With the implementation of the updated participation requirements at the beginning of the 2023–2024 school year, TEA staff responded to stakeholder feedback and questions by producing the [STAAR Alternate 2 Participation Requirements Frequently Asked Questions](#).

IV. Increased Communications

For the 2023–2024 school year, TEA significantly increased its communications and outreach with external stakeholders regarding STAAR Alternate 2 participation decisions. These communications included the following emails, newsletters, meetings, and webinars.

- The [May 2023 Special Education Newsletter](#) provided recipients an early announcement of upcoming changes to STAAR Alternate 2 materials.
- TEA staff attended the Regional ESC Special Education Directors meeting on June 6, 2023, to discuss the draft participation requirements and gather feedback.

- TEA staff attended the LEA Special Education webinar on June 8, 2023, to discuss the draft participation requirements and gather feedback.
- The TEA Student Assessment Division's Accessibility Working Group met on June 8, 2023, to discuss the draft participation requirements and gather feedback.
- The TEA Student Assessment Division's District Working Group met on June 9, 2023, to discuss the draft participation requirements and gather feedback.
- The [Updated STAAR Alternate 2 Participation Requirements](#) statewide email on August 10, 2023, notified all regional and district testing coordinators of the updated STAAR Alternate 2 participation requirements.
- The Texas Assessment Program weekly email dated [August 14, 2023](#), also notified all regional and district testing coordinators of the updated STAAR Alternate 2 Participation Requirements.
- The [Texas Assessment Programs Updates for the 2023–2024 School Year](#) statewide email on August 17, 2023, informed all regional ESC executive directors, Texas public school district superintendents, and Texas open-enrollment charter schools of the updated STAAR Alternate 2 Participation Requirements.
- The [August 2023 Special Education Newsletter](#) provided an announcement to recipients regarding the updated STAAR Alternate 2 Participation Requirements.
- TEA staff attended the Regional ESC Special Education Directors meeting on September 5, 2023, to present the updated participation requirements and answer questions.
- TEA staff attended the Region 10 ESC Texas Complex Access Needs Network meeting with LEA special education directors on October 2, 2023, to discuss the updated participation requirements and answer questions.
- TEA staff attended the Disability Rights Texas and Texas Council of Administrators of Special Education meeting on October 5, 2023, to discuss the updated participation requirements and answer questions.
- The Texas Assessment Program weekly email dated [October 30, 2023](#), notified all regional and district testing coordinators of the STAAR Alternate 2 registration process and resources to assist LEAs in making assessment participation decisions to ensure all students are appropriately assessed.
- The [November 2023 Special Education Newsletter](#) provided an announcement to recipients regarding the updated STAAR Alternate 2 resources, including the updated participation requirements (in English and Spanish), the companion document (in English and Spanish), the participation requirements FAQ document, and the STAAR Alternate 2 webinar video and accompanying PowerPoint presentation.

- The Texas Assessment Program weekly email dated [November 6, 2023](#), again notified all regional and district testing coordinators about the STAAR Alternate 2 registration process, including a reminder about the updated participation requirements.
- The Texas Assessment Program weekly email dated [November 13, 2023](#), again notified all regional and district testing coordinators about the STAAR Alternate 2 registration process, including another reminder about the updated participation requirements.
- The TEA Student Assessment Division sent notice on November 14, 2023, to LEAs that exceeded the 1.0 percent participation rate for 2023.
- The TEA Student Assessment Division sent notice on November 17, 2023, to regional testing coordinators, requesting assistance to work with LEAs in their regions to ensure all students are appropriately assessed.
- The Texas Assessment Program weekly email dated [November 20, 2023](#), reminded all regional and district testing coordinators about the STAAR Alternate 2 registration process and the updated participation requirements.
- The Texas Assessment Program weekly email dated [December 4, 2023](#), again reminded all regional and district testing coordinators about the STAAR Alternate 2 registration process and the updated participation requirements.
- The Texas Assessment Program weekly email dated [December 11, 2023](#), was the final reminder to all regional and district testing coordinators about the STAAR Alternate 2 registration process and the updated participation requirements.
- TEA staff attended the Texas Health and Human Services Commission Blind Children’s Program meeting on February 29, 2024, to discuss the updated participation requirements and answer questions.

Through this robust increase in communication from TEA, stakeholders were provided with updated information and resources regarding STAAR Alternate 2 participation decisions to ensure students receiving special education services are appropriately assessed.

V. Provided Updated Training Materials and Training Sessions

For the 2023–2024 school year, TEA staff from the Student Assessment and Special Education Divisions created, revised, and presented numerous training materials and training sessions for various stakeholders regarding STAAR Alternate 2 participation decisions. These training resources included:

- STAAR Alternate 2 Overview and Eligibility training course, available in TEA’s Learning Management System beginning September 25, 2023
- Annual Student Assessment Regional ESC Testing Coordinator Training, September 29, 2023

- Fall 2023 Updates for STAAR Alternate 2, TELPAS, and TELPAS Alternate webinar training for regional ESC testing coordinators and LEA testing coordinators, October 19, 2023
- Updated STAAR Alternate 2 Participation Requirements webinar training for regional ESC testing and special education coordinators and LEA testing and special education coordinators, October 19, 2023
- Updated STAAR Alternate 2 Participation Requirements webinar training, repeat session on October 20, 2023
- Texas Assessment Program Updates training session at the Texas Assessment Conference, November 6, 2023
- STAAR Alternate 2 Revised Participation Requirements training session at the Texas Assessment Conference, November 7, 2023
- STAAR Alternate 2: Before, During, and After the Assessment course, available through the TEA Learn website beginning December 14, 2023

The webinar training provided on October 19 and 20 had a total of 1,208 participants. However, because TEA wanted to ensure that the information reached as many educators as possible across the state, the agency posted video, PowerPoint, and PDF versions of the webinar on the [STAAR Alternate 2 Resources](#) webpage.

In addition to the training materials listed above, the Student Assessment Division created a short video, [STAAR Alternate 2 Eligibility for Parents and Guardians](#), to assist with ARD committee assessment decisions. Again, the goal with providing all these training resources is to ensure appropriate assessment decisions are made for students with the most significant cognitive disabilities.

VI. Enhanced Justification and Assurances Collection

With the denial of Texas' waiver request, TEA staff began reviewing the state's justification and assurances form to determine what sections of the form needed to be updated for the 2023–2024 school year to gather more specific information. Additional details, such as a definition of a small campus and a required campus number, were added to the justification section of the [STAAR Alternate 2 Justification and Assurances Form](#). In the assurances section of the previous form, LEAs had been required to analyze and address any disproportionality in STAAR Alternate 2 participation rates. In the enhanced form, LEAs are required to answer three new questions (11, 12, and 13) about disproportionality. Three questions (14, 15, and 16) were added regarding the updated participation requirements, and two additional assurance statements (b and e) were included based on the updated participation requirements.

In November 2023, after analyzing data from the 2023 administration of STAAR Alternate 2, TEA sent notification to LEAs that exceeded the 1.0 percent participation rate. The notification included the LEA's participation rates for 2023, a link to disproportionality

calculation guidance, a link to the justification and assurances form, and required actions. Additionally, TEA sent each regional ESC testing coordinator participation rate data for his or her region.

TEA staff provided guidance and oversight of each LEA that was requested to submit the justification and assurances form. Responses from 811 LEAs that assessed more than 1.0 percent of their students with an AA-AAAS in 2023 are provided in the [STAAR Alternate 2 Justification and Assurances Summary](#). Additionally, TEA staff are cross-referencing and verifying the responses provided by LEAs for accuracy.

Timeline of Compliance Actions

Table 2 provides a timeline and summary of compliance actions Texas has taken over the past 18 months to comply with ESEA requirements.

Table 2: Compliance Actions

Date	Action Taken
March 2023	<ul style="list-style-type: none"> • Received denial of waiver extension from USDE
April 2023	<ul style="list-style-type: none"> • Convened internal committee • Developed multilateral plan • Began reviewing USDE materials regarding AA-AAAS participation rates • Began reviewing other states materials regarding AA-AAAS participation rates • Began consultation with NCEO
May 2023	<ul style="list-style-type: none"> • Communicated upcoming changes • Drafted new state definition • Reviewed and revised new state definition with stakeholders • Finalized new state definition • Drafted updated participation requirements
June 2023	<ul style="list-style-type: none"> • Reviewed and revised draft participation requirements with stakeholders
July 2023	<ul style="list-style-type: none"> • Finalized updated participation requirements • Began reviewing trainings and associated data
August 2023	<ul style="list-style-type: none"> • Announced and published updated participation requirements
September 2023	<ul style="list-style-type: none"> • Trained regional ESC special education directors • Trained regional ESC testing directors • Analyzed spring 2023 assessment data • Drafted updated justification and assurances form • Attended USDE State Assessment Conference
October 2023	<ul style="list-style-type: none"> • Trained regional ESC testing coordinators and LEA testing coordinators • Trained regional ESC testing and special education coordinators • Trained LEA testing and special education coordinators • Met with Region 10 LEA special education directors • Met with advocacy groups • Posted participation requirements companion document • Posted participation requirements FAQ document • Posted training course in LMS • Began communicating about STAAR Alternate 2 registration
November 2023	<ul style="list-style-type: none"> • Communicated about availability of all updated resources • Trained participants at Texas Assessment Conference • Met with specific LEA special education and testing staff • Notified LEAs with participation rates exceeding 1.0% • Requested assistance from regional ESC testing coordinators • Began collecting justification and assurances data
December 2023	<ul style="list-style-type: none"> • Met with specific LEA special education and testing staff • Posted training course in TEA Learn • Analyzed justification and assurances data
February 2024	<ul style="list-style-type: none"> • Met with advocacy group
March 2024	<ul style="list-style-type: none"> • Opened STAAR Alternate 2 testing window
April 2024	<ul style="list-style-type: none"> • Posted parent video
May 2024	<ul style="list-style-type: none"> • Posted justification and assurances summary • Received USDE non-compliance letter
June 2024	<ul style="list-style-type: none"> • Began analyzing spring 2024 assessment data
July 2024	<ul style="list-style-type: none"> • Posted compliance plan • Responded to USDE non-compliance letter

Preliminary Analysis of Participation Data

TEA has conducted preliminary analyses of the 2024 STAAR Alternate 2 participation data to determine that it has made significant progress in decreasing participation in the AA-AAAS for mathematics, RLA, and science and in ensuring that students are assessed appropriately. The preliminary analyses also show decreases in participation across all grades and subjects. To better understand current alternate assessment participation trends, TEA will continue to examine STAAR Alternate 2 participation data by grade, assessment, and student group to determine appropriate action steps for implementation of the changes listed above as well as additional action steps for the 2024–2025 school year.

TEA follows the federal requirements for participation in statewide assessments outlined in ESEA. All students in grades 3–8, including students with disabilities, are required by ESEA to take both mathematics and reading assessments annually, and all students in grades 5 and 8 must take a science assessment. All high school students are required to take EOC assessments in Algebra I, English I, English II, and Biology. The preliminary data in Table 3 shows that Texas continues to exceed the federal participation guidelines, set at 95 percent, for all students in the 2023–2024 school year.

Table 3: Participation Rates of All Students

Subject	2022–2023 All Students	2022–2023 All Students Assessed	2022–2023 Percentage Assessed	2023–2024* All Students	2023–2024* All Students Assessed	2023–2024* Percentage Assessed
Math	2,957,221	2,925,690	98.9%	2,843,138	2,817,867	99.1%
RLA	3,100,747	3,011,938	97.1%	3,100,254	2,992,086	96.5%
Science	1,342,842	1,323,514	98.6%	1,307,123	1,291,969	98.8%

*Preliminary numbers from 2023–2024 school year

Similarly, the preliminary data in Table 4 indicates that Texas continues to exceed the federal participation guidelines for all students with disabilities in the 2023–2024 school year, set at 95 percent. In the 2023–2024 school year, there were more students receiving special education services who were eligible to be assessed than in the 2022–2023 school year. TEA finds it encouraging that although the numbers of students receiving special education services increased, the percentage of students taking the AA-AAAS decreased.

Table 4: Participation Rates of Students with Disabilities

Subject	2022–2023 All Special Education Students	2022–2023 All Special Education Students Assessed	2022–2023 Percentage Assessed	2023–2024* All Special Education Students	2023–2024* All Special Education Students Assessed	2023–2024* Percentage Assessed
Math	427,492	421,052	98.5%	470,993	464,461	98.6%
RLA	445,639	431,403	96.8%	492,575	476,252	96.7%
Science	179,018	175,180	97.9%	190,241	186,666	98.1%

*Preliminary numbers from 2023–2024 school year

Conclusion

TEA has worked diligently to ensure that all students in Texas are assessed appropriately, and the agency has demonstrated substantial progress in reducing the percentage of students assessed using its AA-AAAS in the 2023–2024 school year, with a 0.2 percent reduction in all three subjects—mathematics, RLA, and science.

As discussed above, the state implemented the following action steps to achieve this reduction in the AA-AAAS participation rates for the 2023–2024 school year:

- I. Collaborated with internal and external stakeholders
- II. Revised the state definition of a student with the most significant cognitive disability
- III. Updated the STAAR Alternate 2 Participation Requirements and accompanying resources
- IV. Increased communication to various stakeholders regarding the changes to the STAAR Alternate 2 program
- V. Provided updated training materials and training sessions on the changes to the STAAR Alternate 2 program to various stakeholders
- VI. Enhanced the justification and assurances collected from LEAs who exceeded the 1.0 percent participation threshold

TEA plans to build on the substantial progress made for the 2023–2024 school year by improving the implementation of the updated participation requirements. It will continue to support and provide oversight to LEAs and to analyze the state participation data so it can address any disproportionality in the percentage of students taking an AA-AAAS. TEA will continue to collaborate with its external stakeholders at the federal, regional, and local levels to ensure that all students are appropriately assessed.