



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 29, 2024

The Honorable Mike Morath
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

Dear Commissioner Morath:

I am writing regarding the Texas Education Agency's (TEA's) percentage of students with the most significant cognitive disabilities taking an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). The Elementary and Secondary Education Act of 1965 (ESEA) limits the percentage of students that a State may assess with an AA-AAAS to no more than 1.0 percent of all assessed students in reading/language arts, mathematics, and science.

The U.S. Department of Education (Department) recognizes that this was a new requirement starting in the 2017-2018 school year and that most States previously assessed more than 1.0 percent of students with the AA-AAAS. We further understand that States needed time to adjust their systems to reduce AA-AAAS participation rates.

For the 2022-2023 school year, TEA submitted the following AA-AAAS rates to the Department via *EDFacts*:

Reading/language arts: 1.54% **Mathematics:** 1.59% **Science:** 1.44%

The State's AA-AAAS participation rates have increased since the 2021-2022 school year, and remain well above 1.0 percent. As a result, I am placing a condition on TEA's fiscal year 2023 Title I, Part A grant award. To remove the condition, TEA must:

1. Within 60 days of receiving this letter, submit an updated plan for reducing the rate of AA-AAAS participation in future years in order to comply with the 1.0 percent requirement. Please submit this plan by email to the Department at ESEA.Assessment@ed.gov.
2. Submit evidence that the plan and timeline are made publicly available on the State's website when the plan is provided to the Department.
3. Demonstrate substantial progress in reducing the percentage of students tested on alternate assessments in the 2023-2024 school year as validated by TEA's *EDFacts* assessment participation data submission.

The condition will remain in effect until the State can demonstrate it has assessed less than 1.0 percent of students with an alternate assessment.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

If the State continues to report AA-AAAS rates over 1.0 percent in future years, the Department may take additional action. This is particularly true if the State is unable to demonstrate that it is making progress reducing the percentage of students taking the AA-AAAS.

The Department continues to support Texas and all States in meeting this critical ESEA requirement. I appreciate the work you are doing to improve your schools and provide a high-quality education for students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Adam Schott". The signature is written in a cursive style with a clear, legible font.

Adam Schott
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Julie Cole, Director of Policy and Publications, Student Assessment Division, TEA