# Texas' Need for a Waiver Renewal

The Texas Education Agency (TEA) is requesting a waiver renewal from select statutes and regulations relating to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). ESEA provides an exception in section 1111(b)(2)(C) from section 1111(b)(2)(B)(i)(I) for grade 8 students enrolled in advanced mathematics courses. In Texas, this exception allows grade 8 students enrolled in Algebra I who have been administered the corresponding State of Texas Assessments of Academic Readiness (STAAR®) Algebra I end-of-course (EOC) assessment to be exempted from the STAAR grade 8 mathematics assessment.

In 2020 Texas requested a waiver from the U.S. Department of Education (USDE) to expand this exception to include any middle school students who take advanced coursework in mathematics, reading language arts (RLA), or science, and the USDE granted the waiver beginning with the 2020–2021 school year and ending with the 2023–2024 school year.

TEA is seeking a renewal of this waiver to continue to expand the exception beyond grade 8 students enrolled in advanced mathematics courses to include any middle school students who are administered an EOC assessment for mathematics, RLA, or science. A renewal of the waiver would continue to increase opportunities for all Texas students to take advanced coursework in middle school by reducing barriers to accessing those advanced courses. Continuing to broaden the exception would support TEA's commitment to ensuring that students receive challenging coursework and that Texas schools are held accountable for improving the achievement of all students.

## Waiver Request Plan

State educational agencies seeking a waiver are required to include a plan addressing the requirements of section 8401(b) of ESEA. 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 renewal by the USDE would affect Title I, Part A, Subpart 1— Basic Program Requirements. Section 1111(b)(2)(B)(i)(I) requires "the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State." Approval of this waiver renewal would continue to align the consistency of measurement for affected students with their course-specific peers rather than their grade-specific peers. Section 1111(b)(2)(C) provides an assessment exception for grade 8 students enrolled in advanced mathematics courses. The approval of this waiver renewal would continue to expand the scope to include any middle school students who are receiving accelerated instruction and who are administered EOC assessments in mathematics, RLA, or science.

TEA has not identified any negative consequences to the state's assessment and accountability systems or to students and educators that would result from the approval of this requested programmatic change.

**Federal Statutory or Regulatory Requirements to be Waived—ESEA, §8401(b)(1)(B)**
TEA is requesting a continued modification of the assessment requirements in section 1111(b)(2)(B)(v), which detail the required frequency of assessments in mathematics, RLA, and science. The renewal request would continue to broaden the advanced mathematics exception (section 1111(b)(2)(C)) to include any middle school students administered EOC assessments in mathematics, RLA, or science.

Section 1111(b)(2)(B)(v)(I) of ESEA requires mathematics and RLA assessments to be administered annually in grades 3 through 8 and at least once in grades 9 through 12. The approval of this waiver renewal would not exempt any students in grade 6 through 8 enrolled in advanced courses from the annual assessment requirement. However, it would continue to align the annual assessment requirement with students' courses rather than their enrolled grade. As Texas provides for the administration of the ACT or SAT to all Texas high school juniors or seniors, students completing an advanced course in middle school will continue to be assessed in high school with one of these assessments in the applicable subject area.

Section 1111(b)(2)(B)(v)(II) of ESEA requires students to be assessed in science at least once in grades 3 through 5, at least once in grades 6 through 9, and at least once in grades 10 through 12. The approval of this waiver renewal would not affect the assessment requirement for grades 3 through 5. Students in middle school will continue to be administered either the STAAR grade 8 science assessment or, if the student is enrolled in an advanced science course, the corresponding EOC assessment. Students completing an advanced science course in middle school will continue to be assessed again in high school using the ACT science assessment.

In requesting this waiver renewal, TEA ensures the continuation of the following:

- students receiving the exception will be administered the EOC assessment administered to high school students under section 1111(b)(2)(B)(v)(I)(bb) of ESEA;
- students' performance on the high school assessment will be used in the year in which students take the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of ESEA and participation in assessments under section 1111(c)(4)(e) of ESEA;
- while in high school, students will be assessed via a state-administered EOC assessment or a nationally recognized high school academic assessment as defined in 34 CFR §200.3(d) that is more advanced than the assessment the state administers under section 1111(b)(2)(B)(v)(I)(bb) of ESEA;
- the state will provide appropriate accommodations consistent with 34 CFR §200.6(b) and (f); and
- students' performance on the more advanced assessment will be used for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of ESEA and participation in assessments under section 1111(c)(4)(E) of ESEA.

TEA will continue to apply the assessment and reporting requirements above to all students affected by this waiver renewal.

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

The approval of this waiver renewal would continue to advance student achievement in Texas in multiple ways. Continuing to expand the assessment exception would ensure that middle school students enrolled in advanced courses would take assessments aligned with the academic content taught during the year. Approving this waiver renewal would also continue to reduce the instructional and time burdens placed on students and teachers resulting from double testing. In 2024, 120,617 grade 8 students were assessed using the STAAR Algebra I EOC assessment. The grade 8 exception exempted such students from also being assessed with the end-of-grade assessment. In the same year, more than 12,500 STAAR EOC assessments for RLA and science were administered to grade 8 students who were covered under the state's previous waiver but who would not be covered in the future without this waiver renewal request.

Tables 1–3 show the numbers of accelerated students in middle school who took advanced assessments in mathematics, RLA, and science, respectively, in the past four school years based on the previous waiver. As indicated in the tables, the number of accelerated students in middle school continues to grow in mathematics and science.

**Table 1: Enrollment of Middle School Students in Accelerated Instruction and Testing, Mathematics**

| School Year | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
|---|---|---|---|---|
| Grade 6 | 88 | 142 | 214 | 163 |
| Grade 7 | 7,953 | 8,224 | 7,976 | 7,988 |
| Grade 8 | 103,009 | 119,130 | 117,770 | 120,617 |

**Table 2: Enrollment of Middle School Students in Accelerated Instruction and Testing, RLA**

| School Year | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
|---|---|---|---|---|
| Grade 6 | 1 | 0 | 0 | 0 |
| Grade 7 | 0 | 2 | 0 | 0 |
| Grade 8 | 3 | 2 | 6 | 1 |

**Table 3: Enrollment of Middle School Students in Accelerated Instruction and Testing, Science**

| School Year | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
|---|---|---|---|---|
| Grade 6 | 2 | 0 | 1 | 0 |
| Grade 7 | 73 | 68 | 97 | 118 |
| Grade 8 | 8,558 | 10,860 | 12,005 | 12,596 |

The approval of this waiver renewal would also continue to support and increase equity in educational opportunity. Double testing serves as a disincentive to students considering advanced courses. Eliminating this disincentive would, in keeping with the exception requirement to provide all students in the state the opportunity to take advanced coursework in middle school (34 CFR §200.5(b)(4)), continue to reduce barriers to accessing advanced courses.

Additionally, students who enroll in advanced courses earlier will continue to have increased

opportunities for additional advanced academic coursework in high school, including Advanced Placement, International Baccalaureate, dual enrollment, and other college credit opportunities. These programs reinforce equity in postsecondary access by providing all Texas students with free or low-cost access to college and career readiness opportunities prior to high school graduation.

Table 4 shows the number of accelerated students in each grade and subject who took an advanced course in high school in the past four school years. As indicated in the table, the numbers of students benefiting from the previous waiver with college and career readiness opportunities continue to increase.

**Table 4: Enrollment of Accelerated Students by Subject in Advanced High School Courses**

| School Year | Mathematics | | | | RLA | | | | Science | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
| Grade 6 | 0 | 0 | 8 | 76 | 0 | 1 | 1 | 0 | 0 | 0 | 2 | 2 |
| Grade 7 | 0 | 4 | 597 | 6,662 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 16 |
| Grade 8 | 62 | 561 | 9,171 | 77,899 | 0 | 2 | 3 | 2 | 0 | 240 | 3,921 | 4,800 |

In the period since the granting of the previous waiver, the 88th Texas Legislature, Regular Session, 2023, passed Senate Bill 2124, which established the Middle School Advanced Mathematics Program. The law requires LEAs to develop an advanced mathematics program for middle school students that is designed to enable students to enroll in Algebra I in eighth grade. The purpose of the program is to increase the number of students who complete advanced mathematics courses in high school. LEAs are required to automatically enroll each grade 6 student who performed in the top 40 percent on STAAR grade 5 mathematics in an advanced mathematics program. Starting in spring 2025, students who qualify for the advanced mathematics program will receive notice on their STAAR student report card.

**Monitoring and Evaluation of Implementation Effectiveness—ESEA, §8401(b)(1)(D)**
TEA will continue to annually monitor middle school enrollment and testing in advanced courses in mathematics, RLA, and science. In addition to monitoring enrollment and testing, as shown in Tables 1–3, TEA evaluates performance of accelerated testers. Table 5 shows the performance of accelerated middle school students on STAAR EOC assessments over the past four years. Not only did accelerated middle school students pass STAAR EOC assessments, but, in most cases, they achieved the highest performance level.

**Table 5: Performance of Accelerated Students on STAAR EOC Assessments**

| School Year | Algebra I | | | | English I or II | | | | Biology | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
| Grade 6 Did Not Meet | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grade 6 Approaches | 4 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grade 6 Meets | 3 | 7 | 19 | 11 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| School Year | Algebra I | | | | English I or II | | | | Biology | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
| Grade 6 Masters | 81 | 132 | 192 | 152 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 0 |
| Grade 7 Did Not Meet | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grade 7 Approaches | 1,109 | 667 | 410 | 443 | 0 | 2 | 0 | 0 | 2 | 10 | 29 | 2 |
| Grade 7 Meets | 1,183 | 784 | 810 | 6,741 | 0 | 0 | 0 | 0 | 33 | 35 | 38 | 30 |
| Grade 7 Masters | 5,661 | 6,773 | 6,756 | 804 | 0 | 0 | 0 | 0 | 38 | 23 | 30 | 86 |
| Grade 8 Did Not Meet | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grade 8 Approaches | 26,362 | 21,758 | 22,543 | 25,497 | 0 | 0 | 2 | 0 | 1,765 | 1,740 | 2,225 | 2,858 |
| Grade 8 Meets | 23,515 | 21,678 | 28,823 | 28,555 | 0 | 1 | 4 | 0 | 3,217 | 4,200 | 4,853 | 5,426 |
| Grade 8 Masters | 53,132 | 75,694 | 66,404 | 66,565 | 3 | 1 | 0 | 1 | 3,576 | 4,920 | 4,927 | 4,312 |

**Continuation of Assistance to Student Populations—ESEA, §8401(b)(1)(F)**

TEA will continue to provide support to schools to ensure that middle school students, including those from traditionally underrepresented subgroups, have the opportunity to take advanced coursework. TEA will provide resources and strategies to LEAs to ensure all middle school students are provided the opportunity to be prepared for and to take advanced coursework (CFR §200.5(b)(4)). Students who take advanced coursework in middle school, including those from traditionally underrepresented subgroups, typically go on to take advanced courses in high school. As an example, Table 6 shows that enrollment of accelerated grade 8 students in advanced high school courses continues to increase year over year for most student groups.

**Table 6: Enrollment by Student Group of Accelerated Grade 8 Students by Subject in Advanced High School Courses**

| School Year | Mathematics | | | | RLA | | | | Science | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
| All Students | 103,009 | 119,130 | 117,770 | 120,617 | 3 | 2 | 6 | 1 | 8,558 | 10,860 | 12,005 | 12,596 |
| African American | 8,171 | 9,546 | 9,956 | 10,425 | 0 | 0 | 0 | 0 | 531 | 602 | 900 | 980 |
| Hispanic | 45,345 | 56,951 | 56,168 | 57,541 | 1 | 1 | 3 | 1 | 4,852 | 6,721 | 7,310 | 7,697 |
| White | 35,952 | 37,376 | 36,527 | 36,479 | 2 | 1 | 2 | 0 | 2,095 | 2,372 | 2,469 | 2,605 |
| American Indian | 279 | 330 | 285 | 343 | 0 | 0 | 0 | 0 | 18 | 28 | 21 | 19 |
| Asian | 10,010 | 10,854 | 10,878 | 11,688 | 0 | 0 | 0 | 0 | 834 | 852 | 950 | 951 |
| Pacific Islander | 159 | 138 | 191 | 201 | 0 | 0 | 0 | 0 | 8 | 8 | 15 | 19 |

| School Year | Mathematics | | | | RLA | | | | Science | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 | 2020–2021 | 2021–2022 | 2022–2023 | 2023–2024 |
| Two or More Races | 3,012 | 3,385 | 3,744 | 3,893 | 0 | 0 | 0 | 0 | 202 | 259 | 337 | 312 |
| Emergent Bilingual | 8,522 | 14,445 | 18,464 | 21,985 | 0 | 0 | 1 | 0 | 1,112 | 1,901 | 2,786 | 3,369 |
| Econ. Disadvantaged | 41,078 | 52,337 | 53,369 | 56,013 | 1 | 1 | 2 | 0 | 4,389 | 5,879 | 6,862 | 7,271 |
| Male | 50,018 | 58,631 | 59,043 | 61,428 | 1 | 0 | 3 | 1 | 4,152 | 5,276 | 5,947 | 6,380 |
| Female | 52,991 | 60,375 | 58,595 | 59,185 | 2 | 2 | 3 | 0 | 4,406 | 5,577 | 6,045 | 6,216 |

**Impact on Academic Standards, Assessments, and Reporting—ESEA, §8401(b)(1)(F)**
The proposed waiver renewal for expansion of the exception for advanced mathematics in middle school would have no impact on section 1111(b). However, approval of the waiver would support the intent of section 1111(b) by continuing to remove the double-testing barrier and reinforcing the commitment to providing students with challenging academic standards and assessments. Similarly, the approval of this waiver renewal request would have no impact on section 1111(h) or on the reporting of student subgroups identified in section 1111(b)(2)(B)(xi).

**Public Comment and Feedback—ESEA, §8401(b)(3)(A)(i)–(iii)**
Local education agencies (LEAs) and the public received reasonable opportunity to provide feedback prior to the submission of this waiver request. Public comment was open from December 2 through December 17, 2024. Public notice of the waiver, along with a description of TEA's intent to submit the waiver, was sent to all LEAs and posted to the Student Assessment Correspondence with Districts webpage.

**Duration and Extension of Waiver—ESEA, §8401(d)(1) and (2)**
TEA is requesting that this waiver renewal be approved for four years, the maximum allowable period for a waiver under the ESEA (§8401(d)(1)).