

Waiver Request for Special Campus Accountability Requirements December 2025

Texas' Need for a Waiver

House Bill 8 (HB 8), passed during the 89th Texas Legislature, 2nd Called Session (2025), added Texas Education Code §39.0511, requiring the Texas Education Agency (TEA) to submit a waiver request for certain federal accountability-related requirements.

The TEA is requesting a waiver of requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), related to the rate of participation in state assessments and high school graduation rates for special campuses in which 90 percent of students receive special education services and have been identified as having a significant cognitive disability. For this waiver, students with a significant cognitive disability specifically refers to students who are eligible for alternative assessment under Texas Education Code (TEC), 39.023(b).

In Texas, some school districts establish specific campuses to serve the unique educational needs of students with the most significant cognitive disabilities. On these special campuses, most, if not all, students receive special education services and individualized instruction based on their individualized education programs (IEPs). Students are also likely to participate in the State's alternate assessment aligned to alternate academic achievement standards (AA-AAAS), if they are able to participate in state testing at all. These students typically take longer (more than 4 or 5 years) to meet the requirements of their IEPs and graduate from high school. For these reasons, Texas is requesting to waive campuses with over 90 percent of students with a significant cognitive disability from participation rate requirements and graduation rate requirements for these special campuses.

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 by the USDE would affect Title I, Part A, Subpart 1— Basic Program Requirements. ESSA section 1111(c)(4)(E)(ii)(II) requires the state to annually measure the achievement of not less than 95 percent of all students based on the number of students participating in state assessments. ESSA section 1111(c)(4)(B)(iii) requires the state to annually measure for public high schools the four-year adjusted cohort graduation rate. TEA is requesting a waiver to exclude these special campuses from the participation calculation under ESSA §1111(c)(4)(E)(ii)(II) and from the graduation calculation under ESSA §1111(c)(4)(B)(iii).

With the approval of this waiver, Texas would still be able to annually measure the achievement of 95 percent of students as the State's participation rates have been above the 95 percent participation requirements for both the general assessment and the alternate assessment as indicated in the table below. In addition, approval of this waiver would not have a significant impact on the State's graduation rates as the State's graduation rates have been around 90%.

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Participation Rates 2022-2025

2022	2023	2024	2025
99%	99%	99%	99%

4-Year Graduation Rates 2022-2025

2022 (2021 Grads)	2023 (2022 Grads)	2024 (2023 Grads)	2025 (2024 Grads)
90.0%	89.7%	90.3%	90.7%

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 change.

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

TEA is requesting a modification of the accountability requirements in section 1111(c)(4)(E)(ii)(II), which for the purpose of measuring, calculating, and reporting an achievement indicator, require the denominator to be the greater of 95 percent of all students or the number of students participating in the assessments. The waiver request would still permit Texas to measure participation of students at these special campuses. However, the students' participation in state assessments would not be included in the reporting of the achievement indicator. The campus would continue to have the achievement indicator calculation without the denominator adjustment for the 95 percent participation rate requirements.

TEA is also requesting a modification of the accountability requirements in section 1111(c)(4)(B)(iii), which requires an indicator including for public high schools in the State the four-year adjusted cohort graduation rate. The waiver request would still permit Texas to measure the graduation rate of students at these special campuses. However, the graduation rate would not be included in the school's statewide accountability system results and would not impact whether a school is identified for support and improvement.

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

The approval of this waiver would continue to advance student achievement in Texas in multiple ways.

The approval of this waiver renewal would also continue to support and increase equity in educational opportunity.

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

TEA will monitor these special campuses to ensure there are no unintended consequences based on the implementation of this waiver.

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

TEA will continue to provide support to campuses, including special campuses that may be impacted by this waiver. TEA will monitor the special campuses impacted by this waiver to ensure IEPs are implemented with fidelity.

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The proposed waiver for exclusion of certain accountability requirements for special campuses would have no impact on section 1111(b). Students will continue to be instructed on the relevant alternate academic standards and tested with alternate academic assessments as appropriate.

The approval of this waiver request would have no impact on the reporting of student subgroups identified in section 1111(b)(2)(B)(xi). The approval of this waiver request would have no impact on section 1111(h) as the state, district, and school report cards would continue to include the calculated achievement without participation adjustments and would continue to report the calculated graduation rate.

Public Comment and Feedback—ESEA, §8401(b)(3)(A)(i)–(iii)

As required by section 8401 of ESEA, a State must provide the public and any interested LEAs in the State with notice of and a reasonable opportunity to comment and provide input on the waiver request prior to the submission of the waiver request to USDE. 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 [To The Administrator Addressed Correspondence](#) web page. Public comment on the waiver request is open from December 4 through December 24, 2025. The submitted comments and responses from TEA will be included in the appendix.

Duration of Waiver—ESEA, §8401(d)(1)

TEA is requesting that this waiver be approved for four years, the maximum allowable period for a waiver under the ESEA. This waiver is being requested beginning with the 2025–2026 school year through the 2028–2029 school year.

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Appendix: Public Comments

Date	Position	Affiliation	Public Comment	TEA Response