



## To the Administrator Addressed

Commissioner Mike Morath

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<b>DATE:</b>	<b>February 20, 2020</b>
<b>SUBJECT:</b>	<b>New Proposed Testing Requirements for Accelerated Students</b>
<b>CATEGORY:</b>	<b>Notice</b>
<b>NEXT STEPS:</b>	<b>Share with appropriate staff</b>

The purpose of this communication is to notify public school districts and open-enrollment charter schools of new proposed testing requirements for accelerated students.

### Background

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), §1111(b)(2)(B)(v), requires all students to be tested in mathematics and language arts annually in grades 3–8 and at least once in high school. This section also requires all students to be tested in science at least once each in elementary school, middle school, and high school. ESSA, §1111(b)(2)(C), allows an exception to the testing requirement for a grade 8 student enrolled in a high school mathematics course who takes the corresponding end-of-course assessment. However, these students must take a state-administered end-of-course (EOC) assessment or nationally recognized high school academic assessment that is more advanced.

The Texas Education Agency (TEA) has been working with the U.S. Department of Education (USDE) on its ESSA State Plan to ensure that students continue to receive challenging coursework and that Texas schools are held accountable for improving the achievement of all students. As part of its plan, TEA is seeking to expand the advanced mathematics exception beyond grade 8 students enrolled in advanced mathematics courses to include all middle school students who are administered an EOC assessment for mathematics, language arts, or science. This expansion would increase opportunities for all Texas students to take advanced coursework in middle school and reduce barriers to access advanced courses. If TEA receives USDE approval to expand the testing exception, then this will eliminate the need for any double testing.

### Waiver Request

TEA is requesting a waiver of the ESEA, as amended by the ESSA, §1111(b)(2)(C), to broaden the advanced mathematics exception to include all middle school students administered EOC assessments in mathematics, language arts, and science. The approval of this waiver would not exempt any sixth through eighth grade students enrolled in advanced courses from assessment requirements. However, it would align the assessment requirements with students' instruction, where possible. A copy of the waiver request is available on the TEA website at [https://tea.texas.gov/about\\_tea/laws\\_and\\_rules/essa/every\\_student\\_succeeds\\_act/](https://tea.texas.gov/about_tea/laws_and_rules/essa/every_student_succeeds_act/).

**Public Comment**

TEA will also provide notification of this waiver request by publishing information in the *Texas Register* on Friday, February 28, 2020. TEA is accepting comments regarding this waiver request via email to [performance.reporting@tea.texas.gov](mailto:performance.reporting@tea.texas.gov). The public comment period begins Friday, February 28, 2020, and ends **Monday, March 30, 2020, at 5:00 PM (CT)**. Note that TEA will not respond to individual comments but will incorporate the comments as it is finalizing the waiver request before submission to the USDE.

**Proposed Rule**

A proposed amendment to 19 Texas Administrative Code (TAC), §101.3011, Implementation and Administration of Academic Content Area Assessment Instruments, will be published as proposed in April 2020. The proposed amendment will require, beginning in the 2020–2021 school year, all students to be administered appropriate assessments to be used for federal accountability. This requirement includes administering an EOC assessment (not a grade-level assessment) to a middle school student who is completing instruction in the corresponding course. The EOC assessment may be used to fulfill the student’s graduation requirement and will be used for the campus’ and district’s federal accountability calculations. The proposed amendment would also require high school students who complete state testing requirements prior to high school to take either the ACT or the SAT once to fulfill federal testing requirements. TEA worked with the 86<sup>th</sup> Texas Legislature, 2019, to appropriate funds for this purpose.

Please forward this notification to all interested persons.

**For Further Information**

If you have any questions about this information, please contact the Performance Reporting Division of TEA at (512) 463-9704 or [performance.reporting@tea.texas.gov](mailto:performance.reporting@tea.texas.gov).

Sincerely,

Mike Morath  
Commissioner of Education

cc: District and ESC Testing Coordinators