



Texas Education Agency

## To the Administrator Addressed

Commissioner Mike Morath

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<b>DATE:</b>	February 21, 2019
<b>SUBJECT:</b>	Proposed Testing Requirements for Accelerated Students
<b>CATEGORY:</b>	Notice
<b>NEXT STEPS:</b>	Share with Appropriate Staff

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)(I), requires all students to be tested in mathematics and language arts annually at grades 3–8 and at least once in high school. ESSA, §1111(b)(2)(C), allows an exception to this requirement for accelerated students who take end-of-course assessments. 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 accelerated students take a higher-level assessment in high school so that students continue to receive challenging content and high schools are held accountable for improving the achievement of all students. As part of its plan, TEA will request that the Texas Legislature appropriate funds beginning in the 2019–2020 school year for high school students who completed state testing requirements prior to high school to take once either the ACT or the SAT to fulfill federal testing requirements. TEA would then adopt additional administrative rules that will require all students beginning in 2019–2020 to take appropriate assessments to be used for federal accountability (see attachment). This would require some students to take two tests in one school year—a grade-level assessment for accountability and an EOC assessment for high school graduation. This plan is contingent on the Legislature appropriating funds for this purpose.

### Rule Withdrawal

A proposed amendment to 19 Texas Administrative Code (TAC) §101.3011, Implementation and Administration of Academic Content Area Assessment Instruments, was published as proposed in the August 24, 2018 issue of the *Texas Register* (43 TexReg 5467). The proposed amendment would have required Texas public school districts and open-enrollment charter schools to administer to students assessments in any subject and grade required by federal law but not administered by TEA under Texas Education Code, §39.023. TEA is withdrawing the proposed amendment to 19 TAC §101.3011. The withdrawal of the proposed amendment will be published in the Withdrawn Rules section of the February 22, 2019 issue of the *Texas Register*.

## **Waiver Request**

TEA is requesting a limited waiver of the ESEA, as amended by the ESSA, §1111(b)(2)(C), while it works to better align its assessment and accountability systems with ESSA requirements. The requested waiver would allow advanced students in mathematics and language arts to take secondary level coursework and be assessed in a constructive manner for the 2018–2019 school year. 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 22, 2019. 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 22, 2019, and ends **Monday, March 25, 2019, at 5:00 PM (CT)**. Note that TEA will not respond to individual comments but will incorporate the comments in finalizing the waiver request before submission to the USDE.

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

**Attachment:** [Draft Waiver Plan for Accelerated Students](#)