



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 17, 2021

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

Dear Commissioner Morath:

I am writing in response to the Texas Education Agency's (TEA's) request on December 21, 2020, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State. TEA requested this waiver because, based on State data for the 2018-2019 school year, TEA has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2020-2021 school year.

After reviewing TEA's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics, and science.

As part of this waiver, Texas assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the most recent years for which data was available, (SY 2018-2019) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AAAAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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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.

- Will implement, consistent with the plan submitted in Texas waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by Texas, I expect to see positive results of this plan in the 2020-2021 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). In 2019, NCEO had published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Iris Tian, Executive Director, Student Assessment Division
Julie Cole, Director of Policy and Publications, Student Assessment Division

December 21, 2020

Frank T. Brogan
Assistant Secretary
Office of Special Education Programs
Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Brogan:

I am writing to request a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirements that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State. The Texas Education Agency (TEA) is requesting a waiver of this requirement because it anticipates that Texas will exceed the 1.0 percent cap for the 2020–2021 school year based on the percentage of students who took the AA-AAAS previously.

The attached document, *Texas One Percent Cap Waiver Request*, outlines the requirements necessary for the waiver, including the percentage of students in the state and in each subgroup who took the AA-AAAS previously. This document also includes state-level data that shows Texas has measured the achievement of at least 95 percent of all students and 95 percent of students receiving special education services who are enrolled in grades for which the assessment is required.

TEA requests this waiver while it continues to monitor and provide additional guidance to Texas' local education agencies (LEAs) to make substantial progress toward reducing the percentage of students assessed with an AA-AAAS to fewer than 1.0 percent. This waiver is requested for the 2020–2021 school year. Texas assures that if it is granted the waiver—

- it will continue to meet all other requirements of ESSA and take additional steps to support and provide oversight to each LEA that Texas anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS,
- it will monitor and regularly evaluate each LEA to ensure the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team implement the guidelines established by Texas for participation in AA-AAAS so that all students are appropriately assessed,
- it will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided, and
- it has verified that each LEA that Texas anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS has followed Texas' guidelines for participation in the AA-AAAS.

TEA provided all LEAs in Texas with notice and a reasonable opportunity to comment on this request. Notice of the waiver request and a 30-day public comment period on the waiver was sent to all LEAs in Texas and posted on the [TEA website](#). A summary of public comments is attached to this letter.

Please feel free to contact Iris Tian, Executive Director, Student Assessment Division, at Iris.Tian@tea.texas.gov, or Julie Cole, Director of Policy and Publications, Student Assessment Division, at Julie.Cole@tea.texas.gov if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Morath", with a long horizontal flourish extending to the right.

Mike Morath
Commissioner of Education



TEXAS ONE PERCENT CAP WAIVER REQUEST

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December 2020

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Introduction

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (AA-AAAS). Federal policy limits the number of students who may participate in alternate assessments to no more than 1.0 percent of students in the grades assessed in a state. States who anticipate exceeding the 1.0 percent cap must submit a waiver request to the U.S. Department of Education (USDE).

Texas develops and administers the State of Texas Assessments of Academic Readiness (STAAR®) Alternate 2 as its AA-AAAS. Due to the impact of the COVID-19 pandemic, the spring 2020 STAAR Alternate 2 test administration was cancelled. Therefore, the most recent participation data the Texas Education Agency (TEA) has to report are from the 2018–19 school year. STAAR Alternate 2 participation rates for the 2018–19 school year were 1.5 percent for mathematics, 1.3 percent for reading/language arts (RLA), and 1.3 percent for science. Based on these data, TEA anticipates exceeding the 1.0 percent cap for the spring 2021 STAAR Alternate 2 administration and is submitting the required waiver request. Pursuant to approval of the waiver of the 1.0 percent cap on STAAR Alternate 2 participation, Texas assures it will

- continue to meet all other requirements of §1111 of the ESEA and implement regulations with respect to all state-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public,
- assess at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required,
- require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any subject assessed with STAAR Alternate 2,
- provide appropriate oversight of a LEA that is required to submit such information to TEA and make such information publicly available,
- verify that each LEA required to submit such information to TEA is following all state guidelines in 24 CFR 200.6(d) and will address any subgroup disproportionality in the percentage of students taking STAAR Alternate 2, and
- implement planned system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

One Percent Waiver Request Requirements

I. In accordance with §200.6(c)(4)(i): Submission 90-Days Prior to State Testing Window

A state waiver request must be submitted at least 90 days prior to the start of the state’s testing window for the relevant subject.

The STAAR Alternate 2 testing window for the 2021 administration is from March 30 to May 7, 2021. At least 90 days prior to the start of Texas’ alternate assessment window (December 29, 2020), the state will submit a waiver request to USDE to assess more than 1.0 percent of its assessed population in mathematics, RLA, and science.

II. In accordance with §200.6(c)(4)(ii): State-Level Data

Although the USDE recommended that states use registration data in lieu of participation data due to the cancellation of spring 2020 testing, Texas determined that previous participation data presents a more accurate picture. Testing activities were halted in Texas by the first half of March 2020. The registration window for the general STAAR assessment was scheduled to be open through the last day of testing in May. Therefore, not all students were registered to take the general STAAR assessment when testing activities were cancelled. Using spring 2020 registration numbers for the general STAAR assessment would have left out a significant number of testers and misrepresented participation numbers when comparing the alternate assessment to the general assessment.

In the absence of 2019–20 participation data and unreliable registration data, TEA is presenting 2018–19 participation data (the latest data available) to make a credible estimate of the number and percentage of students who would have taken STAAR Alternate 2 in 2019–20 if testing had occurred.

Table 1 shows statewide participation rates from the 2018–19 school year in mathematics, RLA, and science are still above 1.0 percent. Although special education referrals in Texas have continued to increase for the last few years, STAAR Alternate 2 participation rates for RLA and science have remained the same.

TABLE 1. SPRING 2019 PARTICIPATION IN ALTERNATE ASSESSMENT BY CONTENT AREA

DESCRIPTION	NUMBER	PERCENT
STAAR ALTERNATE 2 TESTS, ALL STUDENTS MATHEMATICS	41,3836	1.5%
STAAR TESTS, ALL STUDENT MATHEMATICS	2,821,402	
STAAR ALTERNATE 2 TESTS, ALL STUDENTS READING/LANGUAGE ARTS	47,136	1.3%
STAAR TESTS, ALL STUDENTS READING/LANGUAGE ARTS	3,584,899	
STAAR ALTERNATE 2 TESTS, ALL STUDENTS SCIENCE	16,984	1.3%
STAAR TESTS, ALL STUDENTS SCIENCE	1,280,714	

Without participation data for spring 2020, Texas is not able to report substantial progress in the reduction of the number of students assessed with an alternate assessment. A review of participation data for the last available administration (spring 2019) was conducted to find areas where the state can develop actionable tasks that may result in a reduction of STAAR Alternate 2 participation rates. When data was analyzed by grade/subject and course over the past few years, decreases were found in grade 5 mathematics and reading participation rates between spring 2018 and spring 2019 as shown in Table 2. In addition, there was no increase in participation rates for 12 other tests from spring 2018 to spring 2019.

TABLE 2. CHANGE IN PARTICIPATION RATES SPRING 2017 TO 2019

GRADE/SUBJECT/COURSE	2016–17	2017–18	2018–19	CHANGE FROM SPRING 2017 TO SPRING 2018	CHANGE FROM SPRING 2018 TO SPRING 2019
GRADE 3 READING	1.4	1.5	1.5	0.1	0.0
GRADE 3 MATH	1.4	1.5	1.5	0.1	0.0
GRADE 4 READING	1.5	1.6	1.6	0.1	0.0
GRADE 4 MATH	1.5	1.5	1.6	0.0	0.1
GRADE 5 READING	1.4	1.6	1.5	0.2	-0.1
GRADE 5 MATH	1.4	1.6	1.5	0.2	-0.1
GRADE 5 SCIENCE	1.4	1.5	1.5	0.1	0.0
GRADE 6 READING	1.4	1.5	1.5	0.1	0.0
GRADE 6 MATH	1.4	1.5	1.5	0.1	0.0
GRADE 7 READING	1.3	1.4	1.4	0.1	0.0
GRADE 7 MATH	1.4	1.5	1.6	0.1	0.1
GRADE 8 READING	1.3	1.4	13.4	0.1	0.0
GRADE 8 MATH	1.5	1.6	1.6	0.1	0.0
GRADE 8 SCIENCE	1.2	1.3	1.4	0.1	0.1
ALGEBRA I	1.0	1.1	1.1	0.1	0.0
ENGLISH I	0.8	0.9	0.9	0.1	0.0
ENGLISH II	0.8	0.9	1.0	0.1	0.1
BIOLOGY	1.0	1.1	1.1	0.1	0.0

Anecdotal evidence indicates that statewide training and STAAR Alternate 2 resources are beginning to impact admission, review, and dismissal (ARD) committee decisions. Conversations with district testing coordinators confirm that LEAs are acting on the training they have received regarding participation rates. Beginning at the lower grades, ARD committees are more willing to have students participate in the general assessment, if appropriate, given the new participation requirements. If ARD committees

are adopting the theory of “least dangerous assumption” when considering assessment decisions for younger students, TEA expects to see participation rates decrease in the 2020–21 school year and the years ahead as these students move through the school system.

In addition to analyzing participation data by grade and subject, TEA gathered disability data to find where the participation rates are increasing or decreasing. Table 3 shows data for students with primary disabilities of Intellectual Disability (ID), Autism (AU), and Other Health Impaired (OHI). These disability categories are important to note because students with these primary disabilities are the most likely to be assessed with an AA-AAS. Although there were increases in the number of students identified with a primary disability of ID, AU, or OHI, the percentage of these students assessed with an alternate assessment decreased.

The data in Table 3 increases the state’s confidence that ARD committees are using the knowledge they have received through multi-level trainings to make participation decisions for students with specific disabilities. Texas expects participation rates to continue to decrease for subpopulations as students in upper grades move out of the system and as better-informed assessment decisions are made for students just entering the tested grades.

TABLE 3. STAAR ALTERNATE 2 DISABILITY DATA COMPARED TO STATEWIDE DISABILITY DATA

DISABILITY CATEGORY	2016–17	2017–18	2018–19
Intellectual Disability (ID)	*17,026 / 24,341	*18,257 / 26,353	*18,828 / 28,642
Students with ID assessed with AA-AAS	69.9%	69.3%	65.7%
Autism (AU)	*9,751 / 27,230	*10,444 / 29,398	*10,948 / 31,687
Students with AU assessed with AA-AAS	35.8%	35.5%	34.6%
Other Health Impaired (OHI)	*3,705 / 35,949	*3,915 / 38,275	*3,994 / 41,597
Students with OHI assessed with AA-AAS	10.3%	10.2%	9.6%

*Students assessed with alternate assessment out of students assessed with general assessment

- A. A state must provide state-level data, from the current or previous year, to show the number and percentage of students in each subgroup who took an alternate assessment.** Table 4 shows Texas’ state-level participation data from 2018–19 indicating the number and percentage of students in each subgroup who took an alternate assessment by content area in grades 3–8 and high school.

TABLE 4. 2018–19 SUBGROUP PARTICIPATION DATA

CONTENT AREA	SUBGROUP	ASSESSED WITH GENERAL ASSESSMENT	ASSESSED WITH ALTERNATE ASSESSMENT	ALL STUDENTS ASSESSED	PERCENT ASSESSED WITH ALTERNATE ASSESSMENT
MATH	African American	366,281	7,447	373,728	1.99%
MATH	Hispanic	1,503,614	22,301	1,525,915	1.46%
MATH	White	750,888	9,388	760,276	1.23%
MATH	American Indian	9,239	154	9,393	1.64%
MATH	Two or More Races	68,113	849	68,962	1.23%
MATH	Asian	116,964	1,399	118,363	1.18%
MATH	Pacific Islander	4,291	62	4,353	1.42%
MATH	Economically Disadvantaged	1,744,355	29,870	1,774,225	1.68%
MATH	English Learner	578,694	5,392	584,086	0.92%
READING	African American	463,699	8,332	472,031	1.77%
READING	Hispanic	1,930,853	25,119	1,955,972	1.28%
READING	White	934,758	10,663	945,421	1.13%
READING	American Indian	11,779	163	11,942	1.36%
READING	Two or More Races	82,258	944	83,202	1.13%
READING	Asian	153,144	1,588	154,732	1.03%
READING	Pacific Islander	5,408	72	5,480	1.31%
READING	Economically Disadvantaged	2,198,898	33,479	2,232,377	1.50%
READING	English Learners	730,112	6,092	736,204	0.83%
SCIENCE	African American	163,727	3,017	166,744	1.81%
SCIENCE	Hispanic	681,467	8,986	690,453	1.30%
SCIENCE	White	343,024	3,923	346,947	1.13%
SCIENCE	American Indian	4,093	42	4,135	1.02%
SCIENCE	Two or More Races	29,585	331	29,916	1.11%
SCIENCE	Asian	56,100	574	56,674	1.01%
SCIENCE	Pacific Islander	1,934	22	1,956	1.12%
SCIENCE	Economically Disadvantaged	768,423	11,929	780,352	1.53%
SCIENCE	English Learners	227,567	1,784	229,351	0.78%

- B. A state must provide state-level data, from the current or previous year, to show the state has measured the achievement of at least 95 percent of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required.** Texas follows the federal requirements for participation in statewide assessments outlined in ESEA. All students in grades 3–8, including students with disabilities, are required to take mathematics and reading assessments annually. All students in grades 5 and 8 must take a science assessment. High school students are required to take end-of-course assessments in Algebra I, English I, English II, and Biology. Table 5 shows the participation number and percent of all students tested and Table 6 shows the participation number and percent of all students with disabilities tested in the 2018–19 school year.

TABLE 5. 2018–19 PARTICIPATION DATA OF ALL STUDENTS ASSESSED

CONTENT AREA	ALL STUDENTS	ALL STUDENTS ASSESSED	PERCENT ASSESSED
MATHEMATICS	2,821,402	2,809,750	99.59%
READING/LANGUAGE ARTS	3,584,899	3,565,111	99.45%
SCIENCE	1,280,714	1,268,012	99.01%

TABLE 6. 2018–19 PARTICIPATION DATA OF STUDENTS WITH DISABILITIES ASSESSED

CONTENT AREA	ALL STUDENTS IN SPECIAL EDUCATION	ALL STUDENTS IN SPECIAL EDUCATION ASSESSED	PERCENT ASSESSED
MATHEMATICS	318,453	316,264	99.31%
READING/LANGUAGE ARTS	393,647	390,275	99.14%
SCIENCE	136,661	134,919	98.73%

III. In accordance with §200.6(c)(4)(iii): Assurances That LEAs Followed State Guidelines

- A. Data gathered in October 2019 shows that 765 LEAs that exceeded the 1.0 percent participation rate submitted an explanation and assurances form.** Responses include acknowledgement of assurances that the LEA has implemented the state guidelines for participation in STAAR Alternate 2 and an explanation for why participation rates exceeded 1.0 percent. The Superintendent or Chief Administrative Officer for each LEA acknowledged the following statements:

- Your district or charter school implements clear and appropriate guidelines, consistent with the STAAR Alternate 2 Participation Requirements, to use in determining when a student’s significant cognitive disability justifies participate in in this alternate assessment.
- Your district or charter school will address any disproportionality in the percentage of students in any subgroup taking STAAR Alternate 2.
- Parents are informed when their student will be assessed based on alternate achievement standards, including information about the implications of participation in STAAR Alternate 2.

- Students with the most significant cognitive disabilities are included, to the extent possible, in the general curriculum and assessments aligned with that curriculum.
- Your district or charter school disseminates information and promotes the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are tested against grade-level academic achievement standards.
- General/special education teachers and other appropriate staff are knowledgeable about the administration of assessments, including making appropriate use of accommodations for students with significant cognitive disabilities.

TEA will require submission of an explanation and assurances form from each LEA exceeding STAAR Alternate 2 participation rates of 1.0 percent after the 2021 test administration.

B. States will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment. Texas reviewed disproportionality data from the administration of STAAR Alternate 2 in the 2018–19 school year (the latest data available). The disproportionality analysis followed Evans and Domaleski’s brief (2019) recommendations to answer two questions—whether the observed alternate assessment participation rate is consistent with the expectation and whether the participation rates vary across student groups. TEA investigated these questions from two different perspectives:

1. Whether there are similar ratios of focal group and non-focal group students participating in STAAR Alternate 2
2. Whether there are similar ratios of focal group students participating in STAAR Alternate 2 and in the general STAAR assessment.

The baselines of the expected ratios are non-focal group STAAR Alternate 2 participation rates and focal group STAAR participation rates for perspective 1 and 2, respectively. For both perspectives, TEA first calculated the participation rate for each focal group of students, then quantified the difference between the observed participation rate and the expected participation rate using difference in ratios and risk ratios. TEA uses the threshold risk ratio value of 2.0 for decision making.

The list of focal groups of students is

- a. Race and ethnicity
 - i. African American or Black
 - ii. American Indian
 - iii. Asian
 - iv. Hispanic
 - v. Pacific Islander
 - vi. Two or more races
 - vii. White
- b. Social economic status (i.e., economically disadvantaged students)

- c. English proficiency (i.e., English learners)
- d. Gender
 - i. Female
 - ii. Male

Perspective 1 compares the focal and non-focal groups participation rates for STAAR Alternate 2. Analysis from this perspective assumes that there should be similar ratios of students with significant cognitive disabilities between the focal group and the non-focal group of students. Perspective 2 compares the focal group’s STAAR Alternate 2 participation rates and STAAR participation rates. The assumption of the analysis from this perspective follows the definition of disproportionality in Evans & Domaleski (2019): “Disproportionality exists when there is atypical difference in the proportions of participants from a student group who take the alternate assessment in comparison to the general assessment”.

Based on the analyses from both perspectives, the risk ratios are less than 2.0 and mostly are close to 1.0. The risk ratios for African American students in all subjects range from 1.2 to 1.4 indicating that this group of students is 1.2 to 1.4 times more likely to participate in the alternate assessment. The risk ratios for American Indian students and Pacific Islander students in certain subjects are greater than 1.5. However, these numbers need to be interpreted with caution due to the uncertainty associated with very small population sizes (less than 30). In contrast, English learner students and female students are less likely to be identified to participate in STAAR Alternate 2.

Actions that TEA will take based on disproportionality data will be discussed in the next section.

IV. In accordance with §200.6(c)(4)(iv): Plan and Timeline

The state plan outlined below addresses the plan to provide guidance on the implementation of its participation guidelines, the oversight plan to monitor and regularly evaluate each LEA exceeding the 1.0 percent participation rate, and the plan to address disproportionality in the percentage of students taking STAAR Alternate 2.

Texas has provided guidance to the state’s assessment stakeholders using a three-phased approach. Phase one consists of delivering state prepared participation data annually to all LEAs exceeding the 1.0 percent participation rate. TEA used the data that was delivered to LEAs in 2018–19 as a tool in the face-to-face foundational training that was presented to district testing coordinators and regional testing coordinators at each of the 20 educational regions throughout the state. The foundational training workshop included information on how to use the [STAAR Alternate 2 Participation Requirements](#). It also included a review of each LEA’s participation data to find outliers that should be researched. In addition, each LEA exceeding the 1.0 percent participation rate submitted an explanation and assurances form signed by the Superintendent or Chief Financial Officer. In 2019, 765 LEAs submitted the explanation and assurances form. Texas recognizes the success of the initial face-to-face training as regional participation data shows that 50 percent of the regions had decreases in the overall percentage of LEAs exceeding the 1.0 percent threshold.

Additional phase one resources available to all Texas LEAs include:

- [STAAR Alternate 2 Resources](#)
- [STAAR Alternate 2 Participation Requirements Companion Document](#) (English)
- [STAAR Alternate 2 Participation Requirements Companion Document](#) (Spanish)
- [STAAR Alternate 2 for Families](#)

Phase two of Texas' plan targets special education administrators and district testing coordinators. With the assistance of specialists at educational regions across the state, TEA is providing direct technical support to LEAs whose data shows increases in STAAR Alternate 2 participation rates for two years in a row or unusually high participation rates in 2018–19. TEA collaborated with specialists from the educational regions in several face-to-face and virtual meetings to develop a direct technical assistance plan. Educational region specialists were presented with data for each LEA in their region and then asked to complete a report describing the technical assistance that had already been provided to each LEA exceeding the 1.0 percent participation rate. The region reports also include plans to deliver technical assistance to each targeted LEA for the 2020–21 school year.

Another component of phase two pertains to a collaboration between TEA's Student Assessment Division and Review and Support Division. The Review and Support Division provides oversight and support to LEAs. During the 2019–20 school year, these two divisions worked together to align [Results Driven Accountability](#) indicators with ESEA guidelines for alternate assessments. As part of this cross-division collaboration, TEA is also developing a new database that will make STAAR Alternate 2 participation data more accessible to LEAs along with disproportionality data. These two divisions within TEA meet on a continual basis to coordinate support for LEAs and ensure that only students with the most significant cognitive disabilities are being assessed with STAAR Alternate 2.

In December 2020, Texas will implement phase three of the plan, which directly impacts the most important stakeholders, members of the ARD committee and specifically classroom teachers. TEA will publish the first of a series of online training modules that will be available to teachers, support staff, and administrators. The first training module focuses on how to use the STAAR Alternate 2 participation requirements to make student assessment decisions and includes case studies. Each of the four sections in the module are followed by a few questions. Responses to these questions will be used to determine the effectiveness of each module and identify revisions.

The timeline below outlines the milestones and actionable steps that bring Texas closer to meeting the overall goal of only assessing students with significant cognitive disabilities with an alternate assessment.

TABLE 7. TIMELINE

August 2020	Provide training for regional testing coordinators and regional special education coordinators
August 2020–August 2021	Conduct bi-monthly meetings with TEA Special Education collaborative
August 2020–June 2021	Provide technical assistance to LEA personnel
November 2020–August 2021	Coordinate collaborative project to determine LEA responsibility for overidentification of students and disproportionality of data
November 17, 2020	Post waiver request for public comment
December 21, 2020	Submit waiver to USDE
December 28, 2020	Publish new online training module “STAAR Alternate 2: Eligibility”
March 29–May 7, 2021	Administer STAAR Alternate 2 during testing window
May 2021	Check-in with regional special education coordinators regarding technical assistance plan and adjustments to the plan
August 2021	Send communication to LEAs regarding disproportionality in local STAAR Alternate 2 participation data
August 2021	Review and analyze 2021 STAAR Alternate 2 participation data
October 2021	Provide data files to individual LEAs with participation data exceeding 1.0 percent

Public Comments Regarding Texas One Percent Cap Waiver Request

11/17/20–12/17/20

Number	Date	Subject	Commenter	District or Organization	Comment
1	11/18/20	Need waiver for 1%	District Testing Coordinator, Counselor	Chillicothe ISD	I am the DTC for a small rural district. With 200 students, we have had 4 students (2%) the last two years and this year we have 6 students (3%) who will need to take the STAAR Alt 2 assessment. The 1% guideline does not encompass the individual needs of our students.
2	11/18/20	Against waiver process	Special Education Director	Central ISD	It bothers me that as a district, we have to waste time completing a form every year when we will almost always be over the 1% because we are a small school and only 1 or 2 students will throw us into this category. That time spent going through data to report that it is due to being a small school is time that we should be spending taking care of students. Paperwork is a major issue in education today. Let us take care of kids!!!
3	11/18/20	Supports waiver request	Principal	Brownsville ISD	I support the Texas One Percent Cap Waiver Request because a child's needs do not warrant limitations. Unfortunately, we do not have the power to control a child's disability therefore; we should not hinder with a cap. If a child merits a service, we must provide. It is our duty to bestow a service that will enable a child to succeed. The focus must be progress and the success of a child versus a number and/or limit. Thank you.
4	11/19/20	Supports waiver request	Superintendent	Jourdanton ISD	I am writing in support of the waiver of the 1% cap for STAAR Alt 2. My district has seen the enrollment of students with significant disabilities continue to rise in our rural area and our school district, which makes it is very difficult to remain in compliance with the 1% rule.
5	11/19/20	Against 1% cap	Special Education Coordinator	Harlandale ISD	STAAR ALT 2 participation requirement is pretty clear for students with the most significant cognitive disabilities. 1. LEAs with residential facility/treatment centers, are flagged for the wrong reasons

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Number	Date	Subject	Commenter	District or Organization	Comment
					<p>2. Cite those districts that allowed a student with "speech services or other non-significant cognitive disability" to participate in STAAR ALT 2 in lieu of a fictitious cap.</p> <p>3. Take into considerations, that gen ed enrollment is down while sped enrollment is not.</p> <p>Caps are antiquated and are a violation of FAPE which goes against the very foundation of IDEA B; student specific individualized programming. Caps are as inexcusable as are administrative conveniences.</p>
6	12/04/20	Edits to draft waiver request	Data Quality Manager	Houston ISD	<p>I came across two items in verifying the data tables in your Draft for the 2020-21 Texas One Percent Cap Waiver, located at STAAR Alternate 2 Resources Texas Education Agency. Please scroll down for the second item.</p> <p>Item 1</p> <p>I believe I came across an error in one of your data tables in reading through the 2020-21 Texas One Percent Cap Waiver request. On page 8, Table 6 (2018–19 Participation Data of Students with Disabilities Assessed) for the Percent Assessed column, the percent assessed values don't match the other columns present. i.e., the calculation is incorrect. The "All Students in Special Education" values and the "All Students in Special Education Assessed" columns seem reversed. I say this because the students assessed n-count is larger than the students n-count, or something else is going on. Please see the tables below for an illustration of what I am seeing.</p> <p>I wouldn't go entirely on my findings; I'd double-check the original data analysis numbers. 😊</p> <p>Screenshot of the current table as published in the waiver document.</p>

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					<p>Percentage calculation for assessed students with current values as published.</p> <p>Note the over 100% values as the assessed n-counts are higher than the population n-counts.</p> <p>Values in two columns switched to now match your percentages.</p> <p>Item 2</p> <p>Also, table 4, page 7 has two percentage values that don't match the values. See the table below for reference.</p>
7	12/11/20	Providing input on 1% cap	District Testing Coordinator	Dallas ISD	<p>Dallas ISD would like to give input regarding the 1% Cap Waiver for STAAR Alternate 2.</p> <ol style="list-style-type: none"> 1. Dallas ISD offers ongoing professional development related to IEP decision-making throughout the school year. This includes training on making appropriate assessment decisions for students receiving special education services. The audiences for these trainings include administrators, teachers, central staff, and test coordinators. Teachers are also provided support regarding curriculum, instruction, and assessment alignment and practices. 2. Dallas ISD has seen a decrease in overall enrollment. Approximately 2787 students that currently receive special education services are receiving instruction based on prerequisite skills in a self-contained classroom more than 50% of the time and this does not include students who may receive instruction in the hospital, homebound and residential facility setting. This is 1.8% of the total district population.