

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2021

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

Dear Commissioner Morath:

I am writing in response to Texas' request on April 1, 2021, that the U.S. Department of Education (Department) waive the accountability, school identification, and related reporting requirements for the 2020-2021 school year, pursuant to the authority in section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA). Specifically, Texas requested a waiver of:

Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020-2021 school year.

Report card provisions related to accountability in section 1111(h) based on data from the 2020-2021 school year. These include:

- Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools).
- Section 1111(h)(1)(C)(iii)(I) (Other Academic indicator results for schools that are not high schools).
- Section 1111(h)(1)(C)(v) (School Quality or Student Success indicator results).
- Section 1111(h)(1)(C)(vi) (Progress toward meeting long-terms goals and measurements of interim progress).
- Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

After reviewing Texas' request, I am pleased to approve a waiver of the requirements listed above. The intent of these accountability waivers is to focus on assessments to provide information to parents, educators, and the public about student performance and to help target resources and supports. This is particularly crucial this year, due to the COVID pandemic. As a result,ww3(-)9 0 0 1 12 Tf1 0 0 1 8.8313.26.02 2q6

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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.*

As part of this waiver, Texas assured that:

The State will make publicly available chronic absenteeism data, either as defined in the State's School Quality or Student Success indicator, if applicable, or *EDFacts*, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).

The State will make publicly available data on student and/or teacher access to technology devices and high-speed internet, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the State or LEA level.

Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State's exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions