



November 28, 2022

Subject: Public Notice of Texas' Waiver Request for

and the Regional and

Coordinator Addressed:

The purpose of this communication is to provide notification that the Texas Education Agency (TEA) has posted a draft waiver request for public comment regarding the number of students who can be assessed with the State of Texas Assessment Readiness (STAAR

®) Alternate 2. The draft waiver request is posted on the [STAAR Alternate 2 Resources](#) webpage.

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by Every Student Succeeds Act (ESSA), section 1111(b)(2)(D)(i)(I) prohibits a state from testing more than 1.0 percent of its students statewide with an alternate assessment aligned with alternate academic achievement standards (i.e., STAAR Alternate 2). The United States Department of Education (USDE) allows states who anticipate exceeding the 1.0 percent cap to submit a waiver request. This year, Texas is again requesting a waiver from the USDE to exceed the 1.0 percent threshold for the 2022–2023 school year.

TEA is accepting public comments regarding the need to request a waiver to exceed the 1.0 percent statewide cap. Please provide comments via email to [assessmentwaiver@tea.texas.gov](mailto:assessmentwaiver@tea.texas.gov). The public comment period begins Monday, November 28, and ends Friday, December 16, 2022, at 11:59 p.m. (CT). Note that TEA will not respond to individual comments but will incorporate the comments in the final waiver request before submission to USDE.

Please forward this notification to all interested persons. If you have questions about the information in this communication, submit your inquiries to TEA using the [Student Assessment Help Desk](#).

Texas Education Agency  
Student Assessment Division  
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