

May 28, 2020

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

Dear Mr. Brogan:

The Texas Education Agency (TEA) is requesting a waiver to expand the assessment exception for advanced mathematics in middle school, under the Every Student Succeeds Act (ESSA 1111(b)(2)(B)(i)(I), 34 CFR §200.5(b)), beyond grade 8 students enrolled in advanced mathematics courses to include all middle school students who are administered an end-of-course (EOC) assessment for mathematics, English language arts, or science.

Texas experiences increasing demand for advanced academic options for middle school students each year. The State's ESEA flexibility waiver addressed this previously by ensuring that middle school students enrolled in high school mathematics were only administered the EOC assessment and not the grade-level assessment for that content area. This elimination of double testing supported State and local education agency efforts to promote advanced academic options for all students.

Broadening the above exception would support the TEA's commitment to ensure that students continue to receive challenging coursework and that Texas schools are held accountable for improving the achievement of all students. Texas strongly believes that, rather than limiting the benefits of this exception to eighth-grade students enrolled in high school mathematics, this exception should include all middle school students seeking exposure to advanced academic courses in mathematics, English language arts, and science. In the attached waiver request, you will find Texas's proposal for expanding the scope of section 1111(b)(2)(C) and how doing so will benefit Texas students.

In completing this request, TEA has addressed each waiver submission requirement in section 8401 of the ESSA. Please feel free to contact Megan Aghazadian, Deputy Commissioner of Operations, at [Megan.Aghazadian@tea.texas.gov](mailto:Megan.Aghazadian@tea.texas.gov), or Jamie Crowe, Director of Performance Reporting, at [Jamie.Crowe@tea.texas.gov](mailto:Jamie.Crowe@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

