



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 14, 2026

Katherine E. Beck
Division Director, Performance Reporting Division
Office of Analytics, Assessment, & Reporting
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701

Dear Ms. Beck:

On January 9, 2026, the Texas Education Agency (TEA) submitted a waiver request to the U.S. Department of Education (Department) of section 1111(c)(4)(B)(iii) and (c)(4)(E)(ii) of the Elementary and Secondary Education Act of 1965 (ESEA). Specifically, TEA requested a waiver to exclude specific campuses that serve a high percentage of students with the most significant cognitive disabilities from the participation rate requirements in the Academic Achievement indicator of the State's accountability system. (The ESEA requires that the State include in the accountability calculation for the Academic Achievement indicator the greater of 95 percent or the actual number of tested students in the school.) TEA indicated that House Bill 8 which passed during the 89th Texas Legislature, 2nd Called Session, specified that, in order to qualify for a waiver of these provisions, a campus must have 90 percent or more of its students have the most significant cognitive disabilities and participate in the summative assessment program.

TEA indicated on February 10, 2026, that, were the Department to grant TEA's waiver request, no campuses in Texas currently meet the State's qualifying criteria. As a result, the Department alerted TEA that it does not need a waiver at this time. The Department requests that TEA rescind its waiver request until such time that there is campus in Texas that meets the requirements in House Bill 8. The Department will consider TEA's waiver at that time.

Sincerely,

Patrick Rooney
Director, School Support & Accountability