



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

August 8, 2006

The Honorable Shirley Neeley  
Commissioner  
Texas Education Agency  
1701 North Congress  
Austin, Texas 78701

Dear Commissioner Neeley:

I am writing in response to your letter on August 1, 2006, requesting that the Department review the status of two campuses in Texas regarding the inclusion of the participation rate of the students displaced by Hurricanes Katrina and Rita. As you know, the first step in ensuring all children reach proficiency in reading and mathematics is ensuring each student participates in the assessments. Without this important step, it is impossible to be able to accurately measure a student's achievement and progress. As a result, it is vital that each school ensure that every student, to the extent possible, is assessed annually.

The Department recognizes the difficulties facing students who were displaced by Hurricanes Katrina and Rita as well as the difficulties facing the schools that were responsible for these displaced students. As a result, the Department provided Texas the flexibility to not include the performance of this group of displaced students when determining adequate yearly progress based upon assessments given during the 2005–06 school year. However, the difficulties schools faced in adding these students at the beginning of or during the school year in no way precluded the student from participating in the assessment during the spring or makeup sessions along with all other students in the school. Consequently, the Department is not able to approve Texas' request to waive the participation rate requirement for the two campuses in question.

I appreciate Texas's efforts to raise the achievement of all students and hold all schools accountable. If you need any additional assistance to implement the standards, assessments, and accountability provisions of NCLB, please do not hesitate to contact Catherine Freeman ([catherine.freeman@ed.gov](mailto:catherine.freeman@ed.gov)) of my staff.

Sincerely,



Henry L. Johnson

cc: Governor Rick Perry  
Criss Cloudt