



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

OCT 27 2006

The Honorable Shirley Neeley
Commissioner of Education
Texas Educational Agency
William B. Travis Building
1701 North Congress Avenue
Austin, Texas 78701-1494

Dear Commissioner Neeley:

Thank you for submitting additional evidence regarding Texas's standards and assessment system under the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB).

We submitted Texas' additional evidence to external peer reviewers. Based on their recommendations, we have determined that both the English and Spanish versions of the Texas Assessment of Knowledge and Skills (TAKS) and the Linguistically Accommodated Test (LAT) meet the standards and assessment requirements under the ESEA for grades 3–8 and high school. In addition, you have affirmed that Texas is no longer using the Reading Proficiency Tests in English (RPTE) for the purpose of determining the adequate yearly progress (AYP) of English language learners.

Please note that the peers did not review evidence pertaining to alternate assessments for students with the most significant cognitive disabilities because, through 2006–07, such assessments are part of the agreement executed on December 1, 2005, between your agency and the Department under 20 U.S.C. 1234f. Texas must submit its alternate assessments for peer review by the Department prior to their use in 2007–08.

Because the English and Spanish versions of the TAKS and the LAT meet the requirements of NCLB and because Texas is no longer using the RPTE for AYP accountability purposes, conditions regarding compliance with the ESEA standards and assessment requirements that we placed on Texas' fiscal year 2006 Title I, Part A grant award have been removed. Please note that Texas must continue to meet the requirements of the agreement executed on December 1, 2005, with respect to the alternate assessment of students with the most significant cognitive disabilities.

The Department remains committed to working with Texas to meet the requirements of NCLB and to raising the performance of all children. If you have any additional questions, would like to discuss this further, or want to request technical assistance,

please do not hesitate to call Catherine Freeman (202-401-3508) or Zollie Stevenson (202-260-1824) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry L. Johnson". The signature is written in a cursive, flowing style with a large initial "H" and "J".

Henry L. Johnson

cc: Governor Rick Perry
Lisa Chandler