



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 9 2007

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

Dear Commissioner Neeley:

I am writing in response to Texas' request to amend its State accountability plan under Title I of the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *No Child Left Behind Act of 2001 (NCLB)*. Following our discussions with your staff, the change is now included in an amended State accountability plan that Texas submitted to the Department on May 3, 2007. I am pleased to fully approve Texas' plan, which will be posted on the Department's website. A summary of the approved amendment is enclosed with this letter. As you know, any further requests to amend the Texas accountability plan must be submitted to the Department for review and approval as required by section 1111(f)(2) of Title I.

Please also be aware that approval of Texas's accountability plan for Title I, including the amendment approved above, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

NCLB has provided a vehicle for States to raise the achievement of all students and to close the achievement gap. We are seeing the results of our combined endeavor; achievement is rising throughout the nation. I appreciate Texas' efforts to raise the achievement of all students and hold all schools accountable. If you need any additional assistance to implement the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Patrick Rooney (Patrick.Rooney@ed.gov) or Zollie Stevenson, Jr. (Zollie.Stevenson@ed.gov) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.
Acting Assistant Secretary

Enclosure

cc: Governor Rick Perry
Criss Cloudt

Amendment to the Texas Accountability Plan

The following is a summary of the State's amendment request. Please refer to the Department's website (www.ed.gov/admins/lead/account/stateplans03/index.html) for the complete Texas accountability plan.

Acceptable amendment

We have reviewed your request to amend the Texas accountability plan and found the following amendment aligned with the statute and regulations.

- **Removal of subgroup for students displaced by Hurricanes Katrina and Rita (Elements 1.2, 4.1, 5.1, and 5.2)**

Revision: Texas removed references to the flexibility agreement between the Department and the State to create a separate subgroup for students displaced by Hurricanes Katrina and Rita. This agreement was only for the 2005–06 school year.

- **Including limited English proficient (LEP) students and students with a disability (Elements 1.2, 5.3, 5.4, and 10.1)**

Revision: Texas amended its workbook to follow the October 27, 2006, letter from the Department regarding the Texas standards and assessment system and the September 13, 2006, final regulations regarding LEP students. The Locally Developed Alternate Assessments (LDAAs) will no longer be included as an option for students with disabilities; students in their first year enrolled in a school in the United States may take the Reading Proficiency Tests in English (RPTE) rather than the Texas Assessment of Knowledge and Skills (TAKS) for one test administration and be counted as participants, and students who have been enrolled in schools in the United States for more than one year must take the TAKS in order to be counted as a participant.

- **Other academic indicator targets (Elements 7.1 and 7.2)**

Revision: Texas clarified that the targets for the elementary and middle and high school other academic indicators (attendance and graduation rate, respectively) can be found in element 1.2 of the accountability plan.