



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 19 2008

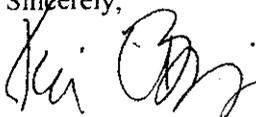
The Honorable Robert Scott
Commissioner
Texas Education Agency
1701 North Congress
Austin, Texas 78701

Dear Commissioner Scott:

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 discussions between the Department and your staff, you made certain changes to Texas' accountability plan, which are now included in the amended state accountability plan that Texas submitted to the Department on May 9, 2008. I am pleased to fully approve Texas's amended plan, which we will post on the Department's website. A summary of the amendments submitted for the 2007-08 school year 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 of the ESEA.

Please also be aware that approval of Texas' accountability plan for Title I, including the amendments approved herein, 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.

I am confident that Texas will continue to hold schools and school districts accountable for the achievement of all students. I wish you well in your school improvement efforts. If you need any additional assistance in implementing the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Patrick Rooney (Patrick.Rooney@ed.gov) or Grace Ross (Grace.Ross@ed.gov) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.

Enclosure

cc: Governor Rick Perry
Cris Cloudt
Shannon Housson

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ASSESSMENT
ACCOUNTABILITY AND
DATA QUALITY

Amendments to the Texas Accountability Plan

The following is a summary of the state's amendment requests. Please refer to the Department's website (www.ed.gov/admins/lead/account/stateplans03/index.html) for the complete Texas Accountability Plan.

Acceptable amendments

The following amendments are aligned with the statute and regulations:

- **General clean-up (Element 1.2)**

Revision: Texas revised its workbook to remove references to the 2005 agreement between Texas and the Department regarding its assessment of students with disabilities. The state administered new assessments – an alternate assessment based on modified academic achievement standards, the Texas Assessment of Knowledge and Skills-Modified (TAKS-M), and an alternate assessment based on alternate academic achievement standards (TAKS-A) – in 2007–08.

- **Clarification to Safe Harbor requirements (Elements 1.2, 3.2, and 7.1)**

Revision: Texas clarified that, in order to make Safe Harbor, a subgroup must decrease the percentage of students scoring non-proficient by at least 10 percent from the previous year and either meet the target for the other academic indicator (attendance or graduation rate) or make improvement from the previous year.

- **Including students with disabilities in AYP determinations (Elements 1.2 and 5.3)**

Revision: Texas will include in AYP determinations for the 2007–08 school year the scores of students with disabilities who are proficient or above (up to a 2.0 percent cap at the district and state levels) on the TAKS-M, an alternate assessment based on modified academic achievement standards.

Please note that approval of this amendment by the Department does not constitute approval of the TAKS-M or the Texas modified academic achievement standards. In approving this amendment, the Department expresses no opinion on the sufficiency of either the TAKS-M or Texas' modified academic achievement standards. Approval of the TAKS-M will continue to be handled through the assessment peer review process that is separate and distinct from the amendment approval process.

- **Timeline for making AYP determinations (Elements 1.4 and 3.2)**

Revision: Texas will conduct standards setting for its new assessment, the TAKS-M, in August 2008, with preliminary AYP results available in October. At the beginning of the 2008–09 school year, all schools and districts will have the same AYP status as during the 2007–08 school year. All schools and districts that cannot exit improvement status will implement the appropriate interventions prior to the start of the school year. If these schools and districts fail to make AYP based upon the 2007–08 assessment data, they will begin offering the next level of services. Schools and districts on the "watch list" (i.e., schools and districts that did not make AYP based upon 2006–07 assessment data) have been notified to plan for the possibility of offering services (i.e., public school choice) and must act immediately on the preliminary building assessment reports. Schools and districts previously identified as in need of improvement that make AYP for the first time will continue to offer the same level of services. Schools and districts previously identified as in need of improvement that make AYP for the second consecutive year based upon 2007–08 assessment data will no longer be identified for improvement and no action is required.