



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUN 23 2009

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

Dear Commissioner Scott:

I am pleased to approve Texas' alternate assessment based on alternate academic achievement standards (TAKS-Alt) and Texas' alternate assessment based on modified academic achievement standards (TAKS-M) in reading/language arts, mathematics, and science under Title I, Part A of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended. Combined with Texas' previously approved English and Spanish versions of the Texas Assessment of Knowledge and Skills (TAKS) and the Linguistically Accommodated Test for reading/language arts and mathematics in grades 3 through 8 and high school and for science in grades 5, 8, 10 and 11, Texas has a fully approved standards and assessment system under Title I of the ESEA. I congratulate you on this significant accomplishment.

My decision regarding Texas' TAKS-Alt and TAKS-M in reading/language arts, mathematics, and science is based on input from peer reviewers external to the U.S. Department of Education (Department) and Department staff who reviewed and carefully considered the evidence submitted by Texas in October 2008, March 2009, and May 2009. I have concluded that the evidence provided demonstrates that Texas' TAKS-Alt and TAKS-M in reading/language arts, mathematics and science satisfy the statutory and regulatory requirements under section 1111(b)(1) and (3) of the ESEA. As a result, Texas' standards and assessment system now includes academic content standards in reading/language arts, mathematics, and science; student academic achievement standards in reading/language arts, mathematics, and science; alternate academic achievement standards for students with the most significant cognitive disabilities in reading/language arts, mathematics, and science; modified academic achievement standards for students with disabilities in reading/language arts, mathematics, and science; general assessments in reading/language arts and mathematics in grades 3 through 8 and one grade in high school and general science assessments for each of three grade spans (grades 3-5, 6-9, and 10-12); alternate assessments based on alternate academic achievement standards in the corresponding grades and subjects; and alternate assessments based on modified academic achievement standards in the corresponding grades and subjects. Accordingly, Texas' standards and assessment system warrants *Full Approval with Recommendations*. This status means that, although Texas' standards and assessment system meets all statutory and regulatory requirements, it could be strengthened in certain respects. In particular, I recommend that Texas continue to monitor the assignment of the level of complexity for the alternate assessment based on alternate academic achievement standards and improve teacher training to ensure that teachers are assigning the appropriate level of complexity of assessment tasks. I have enclosed detailed comments from the peer review team that evaluated Texas' most recent submissions for your information.

I also want to congratulate you on being the first State to have approved modified academic achievement standards and alternate assessments based on those standards in reading/language arts, mathematics, and science. This is a significant accomplishment that I am confident will benefit students with disabilities in

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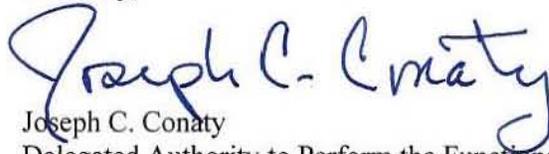
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Texas. Additionally, in light of my approval of the TAKS-Alt, I am hereby terminating the MOA between the Texas Education Agency and the Department regarding that assessment.

Please be aware that approval of Texas' standards and assessment system under the ESEA is not a determination that the system 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*. Finally, please remember that, if Texas makes significant changes to its standards and assessment system, Texas must submit information about those changes to the Department for review and approval.

We have found it a pleasure working with your staff on this review. Please accept my congratulations for Texas' approved standards and assessment system in reading/language arts, mathematics, and science. I wish you well in your continued efforts to improve student achievement in Texas. If you have any questions, please do not hesitate to contact Grace A. Ross at grace.ross@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Joseph C. Conaty". The signature is written in a cursive style with a large, looped initial "J".

Joseph C. Conaty
Delegated Authority to Perform the Functions and
Duties of the Assistant Secretary for Elementary and
Secondary Education

Enclosures

cc: Governor Rick Perry
Dr. Criss Cloudt
Dr. Gloria Zykowski