



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JAN 15 2009

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

Dear Commissioner Scott:

I am writing regarding two recent peer reviews of parts of Texas' standards and assessment system 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). Specifically, Texas recently submitted evidence for peer review regarding its general science assessments and its alternate assessments based on modified academic achievement standards (AA-MAAS) for certain students with disabilities. I appreciate the effort that was required to prepare for these reviews and hope that the process provided useful feedback to support Texas' efforts to monitor student progress toward meeting challenging standards.

As you know, in a letter to former Commissioner Neely on October 27, 2006, the U. S. Department of Education noted that Texas' general standards and assessments in reading/language arts and mathematics, including both the English and Spanish versions of the Texas Assessment of Knowledge and Skills (TAKS) and the Linguistically Accommodated Test (LAT), met the standards and assessment requirements under Title I of the ESEA for grades 3-8 and high school. I am now pleased to inform you that, based on the evidence received from Texas in October, the Department has also concluded that Texas' general standards and assessments in science meet all the statutory and regulatory requirements of sections 1111(b)(1) and 1111(b)(3) of the ESEA.

Additionally, in March 2008, Texas, along with six other States, submitted for peer review evidence of the Texas Assessment of Knowledge and Skills, Modified (TAKS-M), an AA-MAAS authorized under 34 C.F.R. §§ 200.1(e) and 200.6(a)(3). Texas' leadership in developing and implementing an AA-MAAS is commendable. In response to comments from the March review, on October 26, 2008, Texas submitted additional evidence of the TAKS-M for peer review. I am pleased to note that Texas has made significant progress in meeting most of the regulatory requirements for an AA-MAAS, including those concerning technical quality and reporting. However, the Department still has concerns with the performance level descriptors for the modified academic achievement standards. I have enclosed a short list of evidence that Texas must provide to demonstrate full compliance with the regulations for the TAKS-M.

As you know, in January 2007, the Department reviewed evidence from a pilot administration of the TAKS-Alt, Texas' alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities, and found that the TAKS-Alt did not meet the statutory and regulatory requirements of sections 1111(b)(1) and 1111(b)(3) of the ESEA. Accordingly, Texas' standards and assessment system was designated *Approval Pending* and Texas was placed on Mandatory Oversight status, as authorized by 34 C.F.R. § 80.12, with a condition on its fiscal year 2008 Title I, Part A grant. Texas has entered into a Memorandum of Agreement (MOA) with the Department for the TAKS-Alt, indicating steps Texas will take, consistent with the list of evidence in my letter of May 7, 2008, in order to administer fully compliant alternate assessments based on alternate academic achievement standards in reading/language arts and mathematics during the 2008-09 school year. Thus,

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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.

to receive *Full Approval*, Texas must administer both the TAKS and TAKS-Alt in reading/language arts, mathematics, and science in full compliance with all applicable statutory and regulatory requirements during the 2008–09 school year.

I appreciate the steps Texas has taken toward meeting the requirements of the ESEA, and I know you are anxious to receive full approval of your standards and assessment system. We are committed to helping you get there and remain available to provide technical assistance as you continue to complete the work on Texas' standards and assessment system. We will schedule an additional peer review when you have the evidence available to further evaluate your system. If you have any questions or would like to discuss this further, please do not hesitate to contact Grace Ross (Grace.Ross@ed.gov) or Patrick Rooney (Patrick.Rooney@ed.gov) of my staff.

Sincerely,



Zollie Stevenson, Jr., Ph.D.
Director Student Achievement and School
Accountability Programs

Enclosure

cc: Governor Rick Perry
Criss Cloudt
Gloria Zyskowski

**SUMMARY OF ADDITIONAL EVIDENCE THAT TEXAS MUST SUBMIT TO MEET
REGULATORY REQUIREMENTS FOR TEXAS' ALTERNATE ASSESSMENTS BASED ON
MODIFIED ACADEMIC ACHIEVEMENT STANDARDS**

2.0 – ACADEMIC ACHIEVEMENT STANDARDS

1. Modified academic achievement standards that differentiate student performance in reading and math across grade levels.

5.0 – ALIGNMENT

1. A specific plan and timeline to address the gaps identified in the Webb alignment study.