
Texas Approval Letter

September 30, 2013

Honorable Michael L. Williams
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701

Dear Commissioner Williams:

I am pleased to approve Texas' request for ESEA flexibility, subject to Texas' meeting the condition described below. I congratulate you on submitting a request that demonstrates Texas' commitment to improving academic achievement and the quality of instruction for all of its elementary and secondary school students.

In the fall of 2011, the U.S. Department of Education (Department) offered States the opportunity to request flexibility from certain requirements of the Elementary and Secondary Education Act of 1965, as amended (ESEA), in exchange for rigorous and comprehensive plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. This flexibility is intended to support the groundbreaking reforms already taking place in many States and districts that we believe hold promise for improving outcomes for students. I am encouraged by the innovative thinking and strong commitment to improving achievement for all students that is evident in Texas' request.

My decision to approve Texas' request for ESEA flexibility is based on our determination that the request meets the four principles articulated in the Department's updated June 7, 2012, document titled ESEA Flexibility. In particular, Texas has: (1) demonstrated that it has college- and career-ready expectations for all students; (2) developed and demonstrated that it has a high-quality plan to implement a system of differentiated recognition, accountability, and support for all Title I districts and schools in the State; (3) committed to developing, adopting, piloting, and implementing teacher and principal evaluation and support systems that support student achievement; and (4) provided an assurance that it will evaluate and revise its administrative requirements to reduce duplication and unnecessary burden on districts and schools. This approval decision is also based on Texas' assurance that it will meet these four principles by implementing the high-quality plans and other elements described in its request and in accordance with the required time lines. In approving Texas' request, I have taken into consideration the feedback that was received from the panel of peer experts and Department staff who reviewed Texas' request, as well as Texas' revisions to its request in response to that feedback.

The waivers that comprise ESEA flexibility are being granted to Texas pursuant to my authority in section 9401 of the ESEA. A complete list of the statutory provisions being waived is set forth in the table enclosed with this letter. Consistent with section 9401(d)(1) of the ESEA, I am granting waivers of these provisions through the end of the 2013–2014 school year. If Texas meets the condition described below prior to the end of the 2013–2014 school year, Texas may request an extension of these waivers through the end of the 2014–2015 school year. At that time Texas may request a further extension of these waivers.

My decision to place a condition on the approval of Texas' request is based on the fact that Texas has not yet finalized its guidelines for teacher and principal evaluation and support systems. However, I have determined that, in the 2013–2014 school year, Texas is able to fully meet the ESEA flexibility principles while it continues to finalize its new guidelines for teacher and principal evaluation and support systems.

To request approval to implement these waivers beyond the 2013–2014 school year, Texas must submit to the Department for review and approval, by May 2, 2014, an amended request incorporating final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including the use of student growth, as defined in ESEA Flexibility, as a significant factor in determining a teacher's or principal's summative evaluation rating. If Texas does not submit final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility by May 2, 2014, the waivers being granted to Texas will expire at the end of the 2013–2014 school year, and Texas and its schools will be required to immediately resume complying with all ESEA requirements.

In the coming days, you will receive a letter from Deborah Delisle, Assistant Secretary for Elementary and Secondary Education, containing additional information regarding Texas' implementation of ESEA flexibility, as well as information regarding monitoring and reporting. Please note that the Department will closely monitor Texas' implementation of the

plans, systems, and interventions detailed in its request in order to ensure that all students continue to receive the assistance and supports needed to improve their academic achievement.

Texas continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility as well as their implementation of all other Federal education programs. These laws include 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, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

A copy of Texas' approved request for ESEA flexibility will be posted on the Department's Web site at: <http://www.ed.gov/esea/flexibility/requests>. Again, I congratulate you on the approval of Texas' request for ESEA flexibility and thank you for the work that you and your staff have done. I look forward to continuing to support you as you implement Texas' ESEA flexibility request and work to improve the quality of instruction and academic achievement for all students.

Sincerely,

/s/

Arne Duncan

[Enclosure](#)

cc: Honorable Rick Perry
Lizzette Gonzalez Reynolds, Chief Deputy Commissioner