



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Mike Morath  
Commissioner of Education  
Texas Education Agency  
1701 North Congress Avenue  
Austin, TX 78701-1494

Dear Commissioner Morath:

Thank you for submitting Texas's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of the State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under Texas' consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Texas' consolidated State plan and resubmit it through OMB Max by January 8, 2018. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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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.*

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Texas in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Texas's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Texas indicated that any aspect of its plan may change or is still under development, Texas may include updated or additional information in its resubmission. Texas may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel  
Principal Deputy Assistant Secretary,  
Delegated the authority to perform the  
functions and duties of the position of  
Assistant Secretary, Office of  
Elementary and Secondary Education

Enclosures

cc: Governor  
State Title I Director  
State Title II Director  
State Title III Director  
State Title IV Director  
State Title V Director  
State 21st Century Community Learning Center Director  
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless  
Children and Youths Program

**Items That Require Additional Information or Revision in Texas’ Consolidated State Plan**

<b>Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)</b>	
<p>A.2.iii: Eighth Grade Math Exception: Strategies</p>	<p>Section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), and 34 C.F.R. § 200.5(b) permit the Texas Education Agency (TEA) to exempt an eighth-grade student who takes the high school mathematics course associated with the end-of-course (EOC) assessment the State administers to high school students under ESEA section 1111(b)(2)(B)(v)(I)(bb) from the mathematics assessment the State typically administers in eighth grade under ESEA section 1111(b)(2)(B)(v)(I)(aa). If a State takes advantage of this exception, the State must administer in high school a State-administered EOC or nationally recognized high school mathematics assessment that is more advanced. In its State plan, TEA indicates that it administers Algebra I to meet the requirements under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA. However, it is unclear whether, in high school, a student will take a State-administered EOC assessment or nationally recognized high school academic assessment, as defined in 34 CFR §200.3(d), in mathematics that is more advanced than Algebra I that the State administers to meet ESEA section 1111(b)(2)(B)(v)(I)(bb). Consequently, it is unclear whether TEA is eligible to use this flexibility.</p>
<p>A.4.i.d: If Applicable, Exception for Recently Arrived English Learners</p>	<p>In its State plan, TEA selects the option that allows the State to apply the exception under ESEA section 1111(b)(3)(A)(ii) to a recently arrived English learner but describes in the narrative that it will not include recently arrived English learners in certain accountability performance indicators until after their second year, which is not permissible under ESEA section 1111(b)(3)(A). In its State plan, TEA also states that results of some asylee/refugee students in their first through fifth years in the U.S. will not be included in the accountability system, which is also not permissible under ESEA section 1111(b)(3)(A).</p>
<p>A.4.iii.a.1: Academic Achievement Long-term Goals</p>	<ul style="list-style-type: none"> <li>• In its State plan, TEA provides long-term goals and measurements of interim progress for academic achievement for all students and student groups based on a student achieving a level on the statewide assessment that is below proficient (“Approaches Grade Level,” which is described as one standard deviation below Meets Grade Level). The ESEA requires a State to identify and describe ambitious long-term goals and measurements of interim progress for improved academic achievement, as measured by grade-level proficiency, on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students.</li> <li>• The ESEA also requires that the State-designed long-term goals show improved academic</li> </ul>

	<p>achievement for all students and separately for each subgroup of students. Because its long-term goals and measurements of interim progress for academic achievement are not measured by proficiency and do not show improved academic achievement for each subgroup of students (i.e., Asian, White, and Two or More Races), the long-term goals are not consistent with the statutory requirements.</p> <ul style="list-style-type: none"> <li>• Finally, TEA proposes to use a second criterion of “safe harbor” that seems to measure a school’s performance based on the comparison of prior year and current year academic achievement. Since the ESEA requires that the academic achievement long-term goals be measured by proficiency, not improvement, on the annual statewide assessment, it appears that TEA does not meet the statutory requirement.</li> </ul>
<p>A.4.iii.b.1: Long-term Goals for four-year Adjusted Cohort Graduation Rate</p>	<p>In its State plan, TEA provides long-term goals for the four-year adjusted cohort graduation rate that expect the performance of a student subgroup to decline from baseline performance. Section 1111(c)(4)(a)(i)(I) of the ESEA requires State-designed long-term goals that show improved high school graduation rates for all students and separately for each subgroup of students. Because its long-term goals and measurements of interim progress for academic achievement do not show improved graduation rates for each subgroup of students, TEA has not met the statutory requirements for the establishment of long-term goals for academic achievement.</p>
<p>A.4.iii.b.2: If applicable, long-term goals for each extended-year adjusted cohort graduation rate</p>	<p>In its State plan, TEA provides long-term goals and measurements of interim progress for extended-year adjusted cohort graduation rates in which performance of some student subgroups could decline from baseline performance. Although establishing long-term goals for an extended-year rate is optional, if a State chooses to do so, the ESEA requires a State to identify and describe for all students and separately for each subgroup of students in the State, at a minimum, improved high school graduation rates. Because its long-term goals and measurements of interim progress for the extended-year adjusted cohort graduation rates do not show improved academic achievement for each subgroup of students, the TEA has not met the statutory requirements.</p>
<p>A.4.iv.a: Academic Achievement Indicator</p>	<ul style="list-style-type: none"> <li>• TEA proposes including science, social studies, and writing in the Academic Achievement indicator. ESEA section 1111(c)(4)(B)(i)(I) requires that the Academic Achievement indicator only include measures of proficiency on the annual assessments required under ESEA section 1111(b)(2)(B)(v)(I) (i.e., reading/language arts and mathematics); a State may include performance on assessments other than those required under ESEA section 1111(b)(2)(B)(v)(I) (e.g., science) in the indicator for public elementary and secondary schools that are not high schools required under ESEA section 1111(c)(4)(B)(ii) (i.e., the Other Academic indicator) or in the School Quality or Student Success indicator for any schools, including high schools.</li> </ul>

	<ul style="list-style-type: none"> <li>• In its State plan, TEA also proposes to include an Academic Achievement Indicator based on the achievement level termed “Approaches Grade Level.” TEA does not describe how it calculates an Academic Achievement indicator based on proficiency, which is inconsistent with the statutory requirement.</li> <li>• In its State plan, TEA proposes to include failure to meet the 95 percent participation rate requirement in its accountability system (which is permissible) but not necessarily to calculate the Academic Achievement indicator. Section 1111(c)(4)(E)(ii) of the ESEA requires a State to use the greater of 95 percent of all students (or 95 percent of all students in a given subgroup) or the number of students participating in the assessments as the denominator for measuring, calculating, and reporting on the Academic Achievement indicator. Because TEA is including failure to meet the participation rate requirement in its accountability system separately, it is not clear whether TEA is meeting the statutory requirement for calculating the Academic Achievement indicator.</li> </ul>
<p>A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools</p>	<p>The ESEA requires a State to describe an indicator for public elementary and secondary schools that are not high schools (i.e., the Other Academic indicator) that includes, at the State’s discretion, a measure of student growth or another valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance. While TEA provides general information on what will comprise the indicator, it does not provide information regarding how the indicator is calculated, such as a description of the growth model and what constitutes a year’s worth of growth, in order to determine whether TEA meets the statutory requirements.</p>
<p>A.4.iv.c: Graduation Rate Indicator</p>	<ul style="list-style-type: none"> <li>• The ESEA requires a State to describe its Graduation Rate indicator, which must include the four-year adjusted cohort graduation rate, as defined in ESEA section 8101(25), for all high schools, as defined by ESEA section 8101(28), and which may be combined, at the State’s discretion, with an extended adjusted cohort graduation rate(s). In its State plan, TEA indicates that it will determine which graduation rate to use for this indicator based on certain school characteristics. As a result, it is unclear whether TEA is calculating the four-year adjusted cohort graduation rate for all high schools consistent with the statutory requirements. In addition, TEA indicates that it will use the National Center for Education Statistics (NCES) “drop out” definition when calculating the graduation rate. It is unclear how TEA is using this definition consistent with the ESEA requirements to calculate the four-year adjusted cohort graduation rate.</li> <li>• In its State plan, TEA also indicates that it will include a five-year and a six-year adjusted cohort graduation rate in this indicator. However, because TEA does not describe how the</li> </ul>

	<p>extended-year adjusted cohort graduation rates will be combined with the four-year adjusted cohort graduation rate within the indicator, TEA has not fully described its Graduation Rate indicator.</p>
<p>A.4.iv.d: Progress in Achieving English Language Proficiency Indicator</p>	<p>While TEA provides a general description of how it will measure progress in achieving English language proficiency at the student level, it does not provide information regarding how the indicator is calculated. The ESEA requires a State to establish and describe in its State plan a Progress in Achieving English Language Proficiency indicator that is the same indicator across all LEAs in the State, is based on the State’s definition of English language proficiency, is measured by the State’s English language proficiency assessment, and includes the State-determined timeline for students to achieve English language proficiency.</p>
<p>A.4.iv.e: School Quality or Student Success Indicator(s)</p>	<p>The ESEA requires that a State describe a School Quality or Student Success indicator that can be measured statewide and is comparable for the grade spans to which the indicator applies and that will allow for meaningful differentiation in school performance. In its State plan, TEA proposes an SQSS indicator for elementary and secondary school based on “meets grade level” achievement outcomes based on the grades 3-8 STAAR reading/language arts and mathematics assessments, and for high schools based on college, career and military readiness achievement outcomes. For both proposed indicators, TEA has not provided sufficient information to determine whether it meets the requirements. In addition, clarification is needed regarding:</p> <ul style="list-style-type: none"> <li>• For the School Quality or Student Success indicator for elementary and secondary schools that are not high schools, TEA proposes using the percentage of students in grades 3-8 that meet or exceed grade level proficiency on the STAAR reading/language arts and mathematics assessments. Because TEA has not described how this indicator will be calculated, it is unclear whether TEA meets the statutory requirements.</li> <li>• For the School Quality or Student Success indicator for high schools, TEA proposes using achievement outcomes of annual graduates on a college, career, and military readiness indicator. The ESEA requires that each School Quality or Student Success Indicator measure performance for all students. It is unclear whether all students are captured in the “annual graduates” proposed by TEA.</li> <li>• Additionally, because TEA does not provide detail regarding the measures within the college, career, and military readiness component or how the indicator is calculated, it is unclear whether use of these measures allows TEA to meet the statutory requirements for a School Quality or Student Success indicator (i.e., that the indicator is valid and reliable and meaningfully differentiates among schools).</li> </ul>

<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to describe its system of meaningfully differentiating, on an annual basis, all public schools in the State based on all indicators in the State’s accountability system.</p> <ul style="list-style-type: none"> <li>• TEA proposes to assign each school an A-F grade determined by taking the better of what it calls “the Student Achievement” or “School Progress domain.” It is unclear from TEA’s description, however, how a school’s grade would be based on all indicators. In particular, it does not use both the Student Achievement domain and the School Progress domain when differentiating schools. It also appears that TEA does not include the Progress in Achieving English Language Proficiency indicator in the determination of a school’s grade.</li> <li>• Additionally, the State proposes grouping its indicators into three domains but does not describe how those domains are calculated.</li> <li>• In its State plan, TEA also includes a Closing the Gaps domain which does not appear to be based on any of the indicators in its accountability system. Since TEA does not describe how this domain is calculated or the indicators related to this domain, it does not appear that TEA meets the requirements for its system of annual meaningful differentiation to be based on all indicators in its accountability system.</li> <li>• Finally, TEA indicates that it will assign each school a grade but does not describe how school grades are calculated.</li> </ul> <p>Accordingly, it is unclear whether the statutory requirements are met.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<p>The ESEA requires a State to describe the weighting of each indicator in its system of annual meaningful differentiation, including: (1) how the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually; and (2) how the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving English Language Proficiency indicators receive, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate. TEA’s proposed plan does not include the weighting of each indicator. Accordingly, it does not appear that the State meets this requirement.</p>
<p>A.4.vi.a Comprehensive Support and Improvement Schools— Lowest Performing</p>	<p>The ESEA requires a State to describe a methodology that will result in identification of not less than the lowest-performing five percent of all schools receiving Title I, Part A funds for comprehensive support and improvement. In its State plan, TEA describes that it will use its State A-F rating system, and then rank order based on the overall composite score of campuses on the three domains: student achievement or school progress and closing gaps to identify at least the lowest five percent scoring campuses that receive Title I, Part A funds. Based on the description provided, it is unclear how the composite score is reached, whether it includes all required</p>

	indicators, and whether it aligns with ESEA statutory requirements.
A.4.vi.e: Targeted Support and Improvement Schools— “Consistently Underperforming” Subgroups	The ESEA requires a State to describe a methodology for identifying schools with one or more consistently underperforming subgroups that considers performance on all indicators in the statewide system of annual meaningful differentiation. In its State plan, TEA defines “consistently underperforming” as a school having one or more student groups that do not meet interim benchmark goals for three consecutive years or one or more significant achievement gap(s) between individual student groups, but does not describe the interim benchmark goals or significant achievement gaps. Therefore, TEA has not fully described its methodology to identify schools with one or more consistently underperforming subgroups, and it is not clear whether the proposed methodology considers performance on all indicators.
A.4.vi.f: Targeted Support and Improvement Schools— Additional Targeted Support	The ESEA requires that a State describe its methodology for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) (i.e., the State’s methodology for identifying for comprehensive support and improvement the lowest-performing five percent of Title I schools). TEA does not describe a methodology to identify each school in which any subgroup of students, on its own, is performing as poorly as the lowest-performing five percent of schools receiving Title I, Part A funds.
A.4.viii.a: Exit Criteria for Comprehensive Support and Improvement Schools	In its State plan, TEA describes exit criteria that require a school to no longer be in the bottom five percent for two consecutive years, which may not require schools to demonstrate continued progress to improve student academic achievement and school success in the State. The ESEA requires a State to establish and describe exit criteria for comprehensive support and improvement schools that ensure continued progress to improve student academic achievement and school success in the State.
A.4.viii.b: Exit Criteria for Schools Receiving Additional Targeted Support	In its State plan, TEA indicates that a school will exit additional targeted support status when it no longer meets identification criteria, which may not ensure continued progress in improved student academic achievement and school success. The ESEA requires a State to establish and describe statewide exit criteria for schools receiving additional targeted support that ensure continued progress to improve student academic achievement and school success in the State.
A.4.viii.d: Resource Allocation Review	The ESEA requires each State to describe how the State will periodically review resource allocation to support school improvement in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement in a timely manner. Although TEA describes that it will develop a process, the State plan does not provide sufficient information to determine whether the State meets this requirement.

<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>In its State plan, TEA provides a link to its equity toolkit website and provides a table that shows the three likely causes for the most significant differences in rates of access to educators with corresponding strategies TEA will use to address identified likely causes. However, the ESEA requires a State to describe the extent, if any, that low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. The ESEA also requires a State to describe the measure(s) it will use to evaluate and publicly report its progress with respect to how low-income and minority children are not served at disproportionate rates by ineffective, out-of-field, and inexperienced teachers. Although TEA generally describes its educator equity efforts in the State, the State does not provide sufficient information to determine whether the State meets this requirement.</p>
<p>A.6: School Conditions</p>	<p>The ESEA requires a State to explicitly describe how it will support LEAs receiving assistance under Title I, Part A to improve school conditions for student learning, including through reducing incidences of bullying and harassment and the use of aversive behavioral interventions that compromise student health and safety. Although TEA describes strategies to support Restorative Justice statewide, it does not address the requirement to improve school conditions for student learning by reducing incidences of bullying and harassment. Therefore, it is unclear whether TEA meets the statutory requirement.</p>
<p>A.7: School Transitions</p>	<p>TEA describes how it will support LEAs to use needs assessment data to align needs to federal funding and statewide initiatives to decrease the risk of students dropping out. However, the ESEA requires a State to describe how it will support LEAs receiving Title I, Part A funds in meeting the needs of students at all levels of schooling, including how TEA will work with such LEAs to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.</p>
<p><b>Title I, Part C: Education of Migratory Children</b></p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<ul style="list-style-type: none"> <li>• TEA describes how it will identify the unique educational needs of migratory children. However, the ESEA requires that a State also describe how it will identify the unique educational needs of preschool migratory children and migratory children who have dropped out of school.</li> <li>• The ESEA requires that a State describe how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part</li> </ul>

	A; and through the integration of services available under Title I, Part C with services provided by those other programs. TEA does not provide any information addressing this requirement.
<b>Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk</b>	
C.1: Transitions Between Correctional Facilities and Local Programs	Although TEA includes a plan for assisting in the transition of children and youth from correctional facilities to locally operated programs, it does not include a plan for assisting in the transition of children and youth <i>between</i> locally operated programs and correctional facilities (i.e., the transition from correctional facilities to locally operated programs as well as the transition from locally operated programs to correctional facilities). The ESEA requires a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs.
<b>Title II, Part A: Supporting Effective Instruction</b>	
D.4: Improving the Skills of Educators	In its State plan, TEA provides a description of the professional development requirements established to improve the skills of teachers and principals, in order to enable them to identify students at risk of dropping out of school, and to instruct students with disabilities and students of limited English proficiency. However, the ESEA requires each State to describe how it will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs and provide instruction based on the needs of such students, including students with low literacy levels and students who are gifted and talented.
D.5: Data and Consultation	In its State plan, TEA describes how it will use data to identify which equity plan strategies are most pursued by LEAs and then make decisions about using Title II, Part A funds to support the implementation of those strategies. However, the ESEA requires the State to describe how it will use data and ongoing consultation as described in ESEA section 2101(d)(3) to continually update and improve the activities supported under Title II, Part A. Additionally, the ESEA requires a State to describe ongoing consultation for all required stakeholders consistent with ESEA section 2101(d)(3), which includes teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.
<b>Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement</b>	
E.1: Entrance and Exit Procedures	<ul style="list-style-type: none"> <li>TEA describes that home language surveys are administered to new students, but does not assure that students who may be English learners are assessed within 30 days of enrollment. The ESEA requires a State to provide an assurance that all students who may be English</li> </ul>

	<p>learners are assessed for such status within 30 days of enrollment in a school in the State.</p> <ul style="list-style-type: none"><li>• In its State plan, TEA describes entrance and exit procedures for English learners with disabilities. Specifically, TEA states that a local committee determines an appropriate assessment instrument. It is unclear from the description whether this statement addresses just the identification assessment or the annual English language proficiency assessment as well as identification for English learners with disabilities. The ESEA and its regulations require the State to annually administer one statewide English language proficiency assessment to all English learners, including English learners with disabilities.</li><li>• Additionally, TEA states that the decision for entry into English learner services will be determined by committees. The ESEA requires a State to describe standardized statewide entrance procedures.</li><li>• In its State plan, with regard to exit procedures for all English learners, TEA describes the use of “TEA-approved tests,” but does not describe what these are or how they are used, and includes the results of a “subjective teacher evaluation.” Additionally, TEA states that the decision to classify students as proficient and recommend exit from English learner services will be determined by a local committee (LPAC). The ESEA requires a State to describe standardized statewide entrance and exit procedures.</li><li>• Although TEA explains that the entrance and exit procedures for English learners are established in the Texas Education Code, it does not explain consultation regarding the standardized statewide entrance and exit criteria. The ESEA requires that TEA describe the meaningful consultation with LEAs representing the geographic diversity of the State regarding these standardized statewide entrance and exit procedures for English learners.</li><li>• The Department further notes that the plan discusses several entrance and exit procedures that appear to raise civil rights concerns (entrance procedures that may not include a valid and reliable English language proficiency assessment in all four domains; the use of committees for entrance decisions for ELs with disabilities, without clarity on whether a valid and reliable English language proficiency assessment is required; exit procedures that require a score on a content assessment, and that require a subjective teacher evaluation, in order to exit English learners). Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act require a valid and reliable assessment of the four language domains (speaking, listening, reading, and writing) for both identification for, and exit from, English learner services (See ED/DOJ Dear Colleague Letter: English Learner Students and Limited English Proficient Parents (2015); Policy Update on Schools’ Obligations Toward National-</li></ul>
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	<p>Origin Minority Students with Limited-English Proficiency (September 1991)).</p> <ul style="list-style-type: none"> <li>○ Please note that the Department only reviewed information provided in Texas’ consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. The Department’s review of consolidated State plans is not a determination that all the information and data included in the State plan comply 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. It is TEA’s responsibility to comply with all civil rights requirements.</li> </ul>
<p>E.2: SEA Support for English Learner Progress</p>	<p>The ESEA requires a State to describe how it assists eligible entities in meeting the State-designed long-term goal for English language proficiency established under ESEA section 1111(c)(4)(A)(ii), including measurements of interim progress toward meeting such goal, based on the State’s English language proficiency assessment under ESEA section 1111(b)(2)(G). The ESEA also requires a State to describe how it assists eligible entities in helping to ensure that English learners meet challenging State academic standards. In its State plan, TEA states that LEAs that receive Title III, Part A funds are held accountable for English learner achievement in learning the English language. However, TEA does not describe how it will assist eligible entities in meeting the State-designed long-term goals and challenging State academic standards.</p>
<p>E.3: Monitoring and Technical Assistance</p>	<p>The ESEA requires a State to describe the steps the SEA will take to further assist eligible entities if the strategies funded under Title III, Part A are not effective. Although TEA explains that it will conduct reviews and monitor the progress of each eligible entity receiving a Title III, Part A subgrant in helping English learners achieve English language proficiency, it does not address the steps it will take to further assist eligible entities if the strategies funded under Title III, Part A are not effective.</p>
<p><b>Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B</b></p>	
<p>I.4: Access to Services</p>	<p>While TEA includes information about facilitating access to extracurricular activities, it does not describe procedures that ensure homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and</p>

	extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels. <i>(Requirement I.4iii)</i>
I.6: Policies to Remove Barriers	While TEA demonstrates that policies related to the enrollment and retention barriers to homeless children and youth are developed, reviewed, and revised, the TEA State plan does not demonstrate that the SEA and LEAs have developed policies that they will review and revise to address barriers related to the identification of homeless children and youth, or barriers to enrollment and retention <i>due to outstanding fees or fines, or absences</i> . The McKinney-Vento Act requires the State to demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.
<b>General Education Provisions Act (GEPA)</b>	
GEPA 427	Section 427 of the General Education Provisions Act requires a State to provide a description of the steps it will take to ensure equitable access to, and participation in, the programs included in its State plan for students, teachers, and program beneficiaries with special needs, and this is not addressed in TEA’s plan.