

Congress of the United States
Washington, DC 20515

July 24, 2014

The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-6100

Dear Secretary Duncan:

On September 30, 2013, the U.S. Department of Education (ED) granted a conditional approval of Texas's request to waive certain provisions of the Elementary and Secondary Education Act (ESEA) based on the stipulation that Texas has achieved or will work to achieve the Department's four principles:

(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) developed, adopted, piloted and implemented 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.

Texas has been a leader in the country in implementing college- and career-ready standards and was among the first states to develop a school accountability system, which are now in place in all fifty states. While we insist that Texas remain committed to maintaining a rigorous accountability system, complying with two separate systems under state law and the federal ESEA law will place significant burdens on Texas. Work is already well underway in Texas to implement meaningful education reforms, including a new state accountability and assessment system that will strengthen Texas schools and foster student achievement. These plans were developed in collaboration with key stakeholders and with the help of educational leaders from across the state.


In the 2014-15 school year, 68 school districts in Texas will pilot a new teacher evaluation system that is being developed in an effort to comply with the third ED reform principle linked to the ESEA waiver. Texas education officials have announced their plan for statewide implementation of the new evaluation system in the 2015-16 school year in order to meet ED's conditional requirements for an ESEA waiver extension. Meeting that timeline will require state rulemaking in the spring of 2015 and extensive training of educators throughout the summer of 2015. However, data from the teacher evaluation pilot will not even be available until the fall of 2015, well beyond the beginning of the 2015-16 school year and long after steps will have to have been taken to ensure statewide implementation according to ED's expectations. In addition, the Texas Legislature, which only meets every other year, will convene from January through May of 2015 and could very well change state laws that might require further tweaking of the new evaluation systems; indeed, Texas legislators have already expressed a desire to better align the state's reform plans with concerns being raised by education stakeholders, including parents, about the potential overuse of high-stakes standardized testing in Texas.

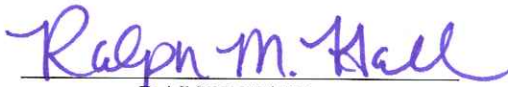
For these reasons, we ask that in considering Texas' application for an extension of our ESEA waiver for the 2014-15 school year and beyond, ED allow Texas an additional year to implement these

comprehensive teacher evaluation changes. Texas' diverse student population demands a level of flexibility at the state and local level so that dollars are spent in the appropriate manner and allocated to best serve and protect our highest risk student populations. The current ESEA waiver provided Texas school districts with additional flexibility in the 2013-14 school year. Without this flexibility for the coming school year, including discretion for the use of Title I funds and the ability to develop accountability and assessment systems that work for Texas, our state's path forward to support vital educational programs and student progress would be unworkable.

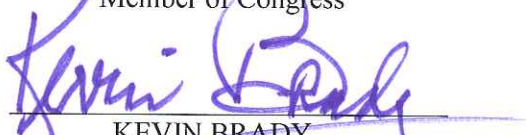
We appreciate your consideration of our comments and ask you to take them under consideration as you review Texas's current waiver and consider the next steps forward.


Sincerely,



KENNY MARCHANT
Member of Congress


RALPH HALL
Member of Congress

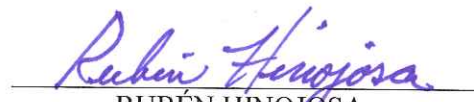

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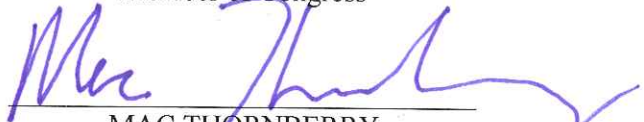

JOHN CARTER
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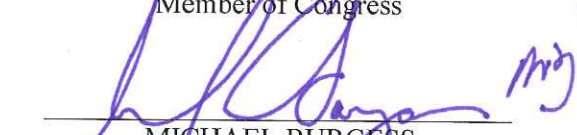

HENRY CUELLAR
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AL GREEN
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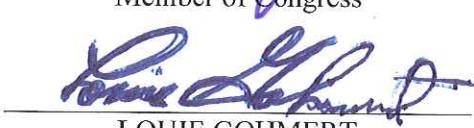

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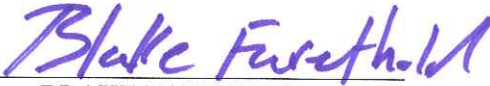

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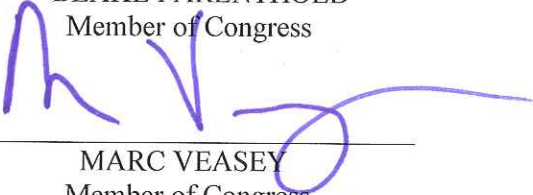

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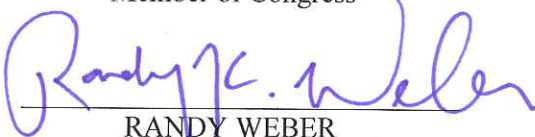
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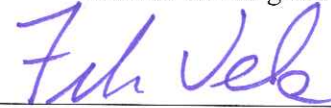
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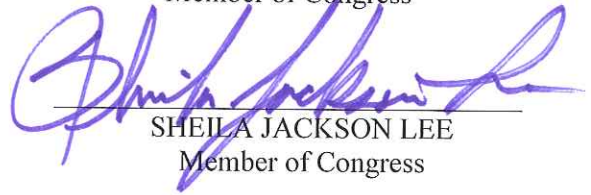
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