

September 9, 2010

Thelma Meléndez de Santa Ana, Ph.D.
United States Department of Education
400 Maryland Ave. S.W.
Washington, DC 20202

Dear Dr. Meléndez de Santa Ana:

Thank you for your prompt response to Texas' application for \$830 million in funding under the Education Jobs Fund program. Texas applied for these funds on behalf of our teachers and the students they educate. It is our understanding from your letter that the Department of Education ("Department") has denied Texas' application at this time because Texas cannot make assurances in the application in violation of our state constitution or statutes. Certainly Congress did not intend to require states to violate their own constitution and statutes in order for teachers to receive these funds.

I greatly appreciate that during recent meetings and phone calls with Texas officials you and your colleagues tried to protect our schools from the anti-Texas provisions of the Doggett Amendment. Texans remain offended that Congress singled out Texas schools for unfair and unconstitutional hurdles rendering Texas unable to receive the additional federal education funds in 2010.

Your letter appears to indicate that the only way Texas can access these funds is after the state's 2012-13 budget becomes law upon the conclusion of the Texas legislative session. The legislature is expected to adopt its budget in early summer 2011. Therefore, the earliest date that Texas may submit an application that meets the requirements of the Doggett amendment, as you interpret them, would be approximately July 2011.

As stated in my letter dated September 3, 2010, Texas has placed great reliance upon the assurances by the Department that the \$830 million will be reserved for Texas teachers until July 2011 when Texas is able to legally make the assurances you are requiring.

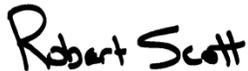
We again request a strong written commitment from the Department that Texas will receive the \$830 million if Texas makes the required assurances after our budget becomes law in July 2011. Please provide this commitment to us by 5 p.m. Eastern Standard Time today.

As you know, Texans had hoped the Department could approve our application so that funding would have been immediately available to Texas teachers and would have been added to funds already appropriated for public education in fiscal year 2011. While many people have asserted that all Texas had to do was merely sign an application indicating it would try to meet the assurances, your decision to deny Texas' application establishes that in your view that was not enough.

If Congressman Doggett had not added the anti-Texas requirements to the Education Jobs Fund bill, Texas teachers likely would start receiving funds this month as the Department is rapidly approving the applications of other states. Because these funds would have applied to the 2011 fiscal year, the Texas Education Agency had existing appropriation authority to distribute the funds upon receipt.

So while school districts, teachers and students from other states across the nation will access immediate funding from the federal Education Jobs legislation, Congressman Doggett and a majority in Congress prevented Texas schools from receiving our share of these federal funds. We look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Robert Scott". The signature is written in a cursive, slightly slanted style.

Robert Scott
Commissioner of Education