

# **ATTACHMENT 3**

Excerpt from September 21, 2012, Texas Register, In Addition, Notice of Intent to Apply for Waiver Under Section 9401, P.L. 107-110, No Child Left Behind Act of 2001

Jason Frizzell  
Assistant General Counsel, Contracts  
Comptroller of Public Accounts  
Filed: September 12, 2012

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**Office of Consumer Credit Commissioner**

**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/10/12 - 09/16/12 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/10/12 - 09/16/12 is 18% for Commercial over \$250,000.

The monthly ceiling as prescribed by §303.005<sup>3</sup> for the period of 09/01/12 - 09/30/12 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The monthly ceiling as prescribed by §303.005 for the period of 09/01/12 - 09/30/12 is 18% for Commercial over \$250,000.

<sup>1</sup> Credit for personal, family or household use.

<sup>2</sup> Credit for business, commercial, investment or other similar purpose.

<sup>3</sup> For variable rate commercial transactions only.

TRD-201204639  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: September 6, 2012

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**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/17/12 - 09/23/12 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/17/12 - 09/23/12 is 18% for Commercial over \$250,000.

<sup>1</sup> Credit for personal, family or household use.

<sup>2</sup> Credit for business, commercial, investment or other similar purpose.

TRD-201204817  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: September 12, 2012

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**Texas Council for Developmental Disabilities**

**Requests for Proposals**

The Texas Council for Developmental Disabilities (TCDD) announces the availability of funds for 1 project to recruit, engage, empower and support families of children with special needs attending schools in the

Educational Service Center Region 17 to become involved with their child's public school.

The Council has approved funding for up to \$300,000 per year, for up to 5 years, for the project funded under this Announcement. Funds available for this project are provided to TCDD by the U.S. Department of Health and Human Services, Administration on Intellectual and Developmental Disabilities, pursuant to the Developmental Disabilities Assistance and Bill of Rights Act. Funding for the project is dependent on the results of a review process established by the Council and on the availability of funds. Non-federal matching funds of at least 10% of the total project costs are required for projects in federally designated poverty areas. Non-federal matching funds of at least 25% of total project costs are required for projects in other areas.

Additional information concerning this Request for Proposals (RFP) or more information about TCDD may be obtained through TCDD's website at <http://www.txddc.state.tx.us>. All questions pertaining to this RFP should be directed to Joanna Cordry, Planning Coordinator, at (512) 437-5410 or via email [Joanna.Cordry@tcdd.state.tx.us](mailto:Joanna.Cordry@tcdd.state.tx.us), or to Cynthia Ellison, Senior Grants Specialist, at (512) 437-5436 or via email [Cynthia.Ellison@tcdd.state.tx.us](mailto:Cynthia.Ellison@tcdd.state.tx.us). Application packets must be requested in writing or downloaded from the Internet.

**Deadline:** One hard copy, with original signatures, and one electronic copy must be submitted. All proposals must be received by TCDD, not later than 4:00 p.m. Central Time, Wednesday, November 21, 2012, or, if mailed, postmarked prior to midnight on the date specified above. Proposals may be delivered by hand or mailed to TCDD at 6201 East Oltorf, Suite 600, Austin, Texas 78741-7509 to the attention of Jeri Barnard. Faxed proposals cannot be accepted. Electronic copies should be addressed to [Jerianne.Barnard@tcdd.state.tx.us](mailto:Jerianne.Barnard@tcdd.state.tx.us).

**Proposals will not be accepted after the due date.**

**Grant Proposers' Workshops:** The Texas Council for Developmental Disabilities will conduct telephone conferences to help potential applicants understand the grant application process and this specific RFP. In addition, answers to frequently asked questions will be posted on the TCDD website. Please check the TCDD website at [http://txddc.state.tx.us/grants\\_projects/rfp\\_announcements.asp](http://txddc.state.tx.us/grants_projects/rfp_announcements.asp) for a schedule of conference calls for this RFP.

TRD-201204823  
Roger Webb  
Executive Director  
Texas Council for Developmental Disabilities  
Filed: September 12, 2012

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**Texas Education Agency**

**Public Notice Announcing the Intent to Request Waivers Under P.L. 107-110, the Elementary and Secondary Education Act, as Amended by the No Child Left Behind Act of 2001, Section 9401**

Purpose and Scope of the Waiver Requests. The Secretary of Education at the U.S. Department of Education (USDE) may waive any statutory or regulatory requirement of the No Child Left Behind Act of 2001 (NCLB) for a state educational agency, local educational agency (LEA), Indian tribe, or school through a local educational agency that receives funds under a program authorized by the NCLB Act.

The state has long emphasized college and career readiness standards, high-quality assessments, differentiated accountability, and improving teacher quality. However, the state recognizes that the lack of NCLB's reauthorization in a timely manner has created an obsolete system that

does not adequately reflect the accomplishments of the state's schools. This, combined with LEAs being required to meet and function within two different assessment and accountability systems, takes valuable resources and time away from the intent and focus of improving student achievement and school accountability.

Texas has developed and begun full implementation of a statewide system that surpasses the requirements of the Elementary and Secondary Education Act (ESEA), as amended. Specifically, the state has already fully implemented the Texas College and Career Readiness Standards (CCRS) and this year is transitioning to a consolidated, differentiated accountability and interventions system that, upon approval of the waiver request, would be a single differentiated accountability system with tiered interventions beginning in school year 2013-2014. This differentiated accountability system is based on the state's rigorous new assessment system. Also, Texas continues to build upon its stringent teacher certification system that ensures every new certified teacher meets the federal highly qualified teacher requirement to ensure teacher and principal accountability for improved teaching and learning for all students.

Therefore, to further support the implementation of the state's CCRS, the state accountability system, the state assessment system, the Texas accountability intervention system, and the state's teacher certification and principal accountability systems, the Texas Education Agency (TEA) intends to request a waiver of the statutory provisions listed in the September 6, 2012, To The Administrator Addressed letter available at [http://www.tea.state.tx.us/taa\\_letters.aspx](http://www.tea.state.tx.us/taa_letters.aspx) to reduce duplication and unnecessary burden on TEA and LEAs. TEA believes that these waiver requests will provide the state and LEAs with the flexibility needed to reduce duplication and unnecessary burden while allowing LEAs to focus resources on one coherent system of accountability and improvement. TEA believes these waivers will increase the academic achievement of students by improving and aligning the quality of instruction with the state's CCRS. LEAs will be better prepared to meet the robust assessment and accountability systems while being supported by the state's intervention and support system.

Texas must ensure in the waiver request that the state has met or will meet all of the eligibility requirements outlined by the USDE and authorized in statute under the ESEA, Section 9401.

Further Information. For more information, contact Gene Lenz, TEA Division of Federal and State Education Policy, by email at [nclb@tea.state.tx.us](mailto:nclb@tea.state.tx.us) or by telephone at (512) 463-9414.

TRD-201204828

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: September 12, 2012



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is October 22, 2012. TWC, §7.075 also requires that

the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on October 22, 2012. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2012-0606-PWS-E; IDENTIFIER: RN102676723; LOCATION: McLennan County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.45(f)(4) and (5), by failing to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute (gpm) per connection, and that authorizes a maximum hourly purchase rate plus the actual service pump capacity of at least 2.0 gpm per connection or is at least 1,000 gpm and able to meet peak hourly demands, whichever is less; 30 TAC §290.44(a)(4), by failing to locate the water line a minimum of 24 inches below the ground surface; and 30 TAC §290.42(e)(3)(G), by failing to obtain an exception in accordance with 30 TAC §290.39(l) prior to using any primary disinfectant other than chlorine; PENALTY: \$1,860; ENFORCEMENT COORDINATOR: Katy Schumann, (512) 239-2602; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: Aus-Tex Parts & Services, Ltd.; DOCKET NUMBER: 2012-0729-MWD-E; IDENTIFIER: RN102314218; LOCATION: Hays County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014060001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; and 30 TAC §305.125(17) and TPDES Permit Number WQ0014060001, Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2011 by September 1, 2011; PENALTY: \$13,750; ENFORCEMENT COORDINATOR: Stephen Thompson, (512) 239-2558; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753-3087 (512) 339-2929.

(3) COMPANY: BIVA ENTERPRISES, INCORPORATED dba Papa Keith's 2; DOCKET NUMBER: 2012-1288-PST-E; IDENTIFIER: RN101774818; LOCATION: Huntsville, Walker County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once a month (not to exceed 35 days between each monitoring); PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Kristyn Bower, (512) 239-2616; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.