Congress of the United States
Washington, DC 20515

August 25, 2014

The Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-3100

Dear Secretary Duncan:

Oklahoma's State Superintendent of Public Instruction, Janet Barresi, has recently asked you to consider a one-year extension of Oklahoma's Elementary and Secondary Education Act (ESEA) Flexibility, to allow Oklahoma continued implementation of ESEA Flexibility through the end of the 2014–2015 school year.

On behalf of the State, we request that Oklahoma be afforded this one-year extension of the ESEA Flexibility in order to allow state leaders and educators the opportunity to focus on the development and implementation of Oklahoma college- and career- ready standards, as well as other State education reforms necessary to continue supporting the Principles of ESEA Flexibility. Additionally, this one-year extension will allow the Oklahoma State Department of Education to remain as a service agency and support system for those districts in the State that need technical assistance, guidance, leadership and capacity to meet the high expectations for each child.

When the U.S. Department of Education first offered Flexibility from No Child Left Behind (NCLB) requirements in 2011, two options were provided to demonstrate commitment to Principle 1 (College- and Career-Ready Expectations for All Students): Option A, adopting a set of standards common to a significant number of states and Option B, adopting standards certified by institutions of higher education within the State. With both options being acceptable to the Department, the State of Oklahoma is now in the unique position of transitioning from Option A to Option B. Allowing the State of Oklahoma flexibility through the end of the 2014-15 school year will enable the State of Oklahoma to continue the process of developing standards in conjunction with institutions of higher education as they pursue certification by those same entities.

Further, current State law requires standards set forth in State law to be more rigorous than the definition provided by the U.S. Department of Education, which only addresses remediation rate at college entry. The State's definition of "college and career" readiness includes a requirement that state standards prepare students for "successful completion of postsecondary education." [See 70 O.S. § 11-103.6a (B)(1)] If given one additional year for transition, the State's standards will exceed the U.S. Department of Education's requirements.

In light of the Department's recently announced changes with regard to meeting the requirements of Principle 3 (Supporting Effective Instruction and Leadership), we believe there is precedent for States to adapt to changes in the implementation process. We ask the Department to show the same willingness to adapt Principle 1 requirements based on implementation realities.

Ultimately, if the State is not allowed to continue implementing Flexibility through the end of the 2014-15 school year, it will have an immediate and profound impact on Oklahoma's students. NCLB requirements require every student to score proficient on assessments or meet other exemptions by the end of the 2014 school year. The State estimates that about 90 percent of our schools would be labeled as failing under this requirement. To lose the waiver would mean 168 schools currently designated as priority would balloon to more than 1,600 schools.

The strict requirements under NCLB would be more harmful than schools just being labeled as "failing." The requirement to set aside 20 percent of district Title I funds translates to schools setting aside $27.198 million for supplemental educational services and school choice options. This could result in the reduction of staff, as 1,658 full-time teachers and more than 1,600 support staff are at least paid in part with Title I dollars. It is not in the best interest of Oklahoma students for their teachers to be pulled out of the classroom and be replaced with tutors or other support specialists in the middle of the school year.

As Oklahoma continues to implement new standards under the Option B requirement, educators, administrators, and parents statewide will be actively engaged, meaning that the transition to college- and career-ready standards will occur throughout the process of their development. Instruction based on such expectations will continue to occur. No time will be lost while the standards are being developed

We make this request with the strong and steadfast support and agreement of our constituents that ESEA Flexibility is essential to the continuous improvement of the education of Oklahoma's children. Thank you for your consideration.

Sincerely,

James M. Inhofe
United States Senator

Tom Coburn M.D.
United States Senator

Tom Cole
United States Representative

Markwayne Mullin
United States Representative

James Lankford
United States Representative

Frank Lucas
United States Representative

Jim Bridenstine
United States Representative

Members of the Oklahoma Congressional Delegation