



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2018

The Honorable Joy Hofmeister
Superintendent of Public Instruction
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, OK 73105-4599

Dear Superintendent Hofmeister:

I am writing in response to the Oklahoma State Department of Education (OSDE) request on March 15, 2018, for the U.S. Department of Education (Department) to use its transition authority under the Every Student Succeeds Act (ESSA) to allow Oklahoma's local educational agencies (LEAs) to use the ACT, a locally selected, nationally recognized high school assessment, in place of the SAT for accountability purposes in spring 2018. Oklahoma submitted its request to permit LEAs this flexibility prior to implementing section 1111(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (ESEA) and 34 CFR § 200.3(b)(2)(ii), which together stipulate that, before a State may approve a locally selected, nationally recognized high school academic assessment for use by an LEA, the State conduct a technical review of the assessment and submit evidence to the Department that demonstrates that the assessment meets the requirements under 34 CFR § 200.3, including peer review by the Department under ESEA section 1111(a)(4).

In its request submitted on March 16, 2018, OSDE asserts that providing LEAs with the flexibility to administer a locally selected, nationally recognized high school assessment will be in the best interest of schools and students. Because this is the first year the ESEA, as amended by the ESSA is fully implemented, it is reasonable that OSDE has not had time to fully complete the necessary State review of the ACT and submit evidence to the Department for peer review. Therefore, consistent with section 4(b) of the ESSA, which authorizes the Department to ensure an orderly transition to the new law, OSDE may allow its LEAs to implement the ACT as a locally selected, nationally recognized high school assessment for the 2017-2018 school year and to use the results of that assessment in place of the SAT in the State's accountability system, including the identification of schools for comprehensive or targeted support and improvement. The State must, however, ensure that it meets all statutory and regulatory requirements related to locally selected, nationally recognized high school assessments prior to permitting LEAs to administer the ACT in the 2018-2019 school year. These requirements include the submission of evidence in support of the SAT and ACT assessments to the Department for peer review by December 15, 2018. The State must also ensure that, in the 2017-2018 school year, it continues to meet all statutory and regulatory requirements related to assessments, generally, including the

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requirements in 34 CFR §§ 200.2 and 200.6 related to State responsibilities for assessment and the inclusion of all students.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Ashley Briggs of my staff at: OSS.Oklahoma@ed.gov.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
of Elementary and Secondary Education

cc: Carolyn Thompson, Chief of Government Affairs