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Submitted by: Oklahoma State Department of Education

To: U.S. Department of Education Office of Elementary and Secondary Education Washington, DC 20202

Executive Summary

The Oklahoma State Department of Education (OSDE) respectfully submits this request for a waiver from the federal peer review requirements under the Elementary and Secondary Education Act (ESSA), as authorized by Section 8401. This waiver applies to all ESSA-required 3–12 statewide academic assessments including mathematics, English Language Arts (ELA), science in grades 3–8 and high school, as well as the College and Career Readiness (CCR) assessment used once in high school.

This request reflects Oklahoma’s commitment to modernizing assessment strategies while upholding instructional rigor, accessibility, and valid measurement for accountability. OSDE seeks flexibility to expand its use of alternative assessments including the Classical Learning Test (CLT), the SAT, and innovative benchmark assessments. These would be used in lieu of assessments constrained by a peer review system that has grown restrictive, outdated, and effectively monopolistic.

Statutory Authority

This waiver is submitted pursuant to:

- **Section 8401 of ESSA** – Waiver authority for improved instruction and outcomes
- **Section 1111(b)(2)** – Requirements for statewide assessments in mathematics and reading or language arts for grades 3–8 and one additional assessment in high school
- **Section 1111(b)(2)(H)** – Use of nationally recognized high school assessments for accountability
- **Section 1204 of ESSA** – Innovative Assessment and Accountability Demonstration Authority
- **34 CFR 200.2–200.6** – Federal regulations governing technical assessment standards



- **USDE Peer Review Guidance (2023)** – Framework used to determine assessment approval

Rationale for Waiver Request

1. Monopolistic Constraints from Peer Review

- Peer review has, in practice, validated a single vendor (ACT) for CCR, limiting Oklahoma's flexibility and locking districts into exclusive options for federal accountability.
- Similar constraints exist for other grade-level assessments, where federal approval suppresses competition and innovation.
- The process imposes disproportionate entry barriers on new assessments, discouraging state-led initiatives or emerging assessment platforms from participating.

2. Outdated and Static Review Protocols

- ESSA assessments now include AI-based scoring, adaptive platforms, and continuous diagnostic tools — yet peer review standards prioritize legacy formats.
- For instance, benchmark assessments provide real-time diagnostics throughout the school year but lack a peer review pathway despite its alignment to state standards.
- The rigidity of the review framework prevents Oklahoma from piloting tools better suited to modern classrooms and individualized learning.

3. Subjectivity in Approval

- Reviewer interpretations often vary by state, resulting in inconsistent acceptance of assessments with comparable technical documentation.
- This subjectivity introduces planning uncertainty, which in turn complicates procurement, budgeting, and stakeholder communication.

4. State Statute on Classical Learning Test (CLT)

- In May 2025, Oklahoma enacted House Bill 1096. That bill requires that CLT be administered at brick-and-mortar test centers, underscoring its commitment to secure, standardized testing conditions.
- This statute affirms **Classical Learning Test (CLT)** as a state-authorized CCR option. However, federal peer review policies do not allow its use in ESSA accountability unless formally approved, despite alignment and infrastructure guarantees.



5. Oklahoma University Admissions Policy

- The University of Oklahoma recently announced that it will begin accepting CLT scores for admissions, while continuing to accept the SAT.
- While this decision reflects institutional discretion, it affirms that multiple assessments serve different purposes, and that CLT and SAT remain a valid and relevant CCR measure.
- Oklahoma recognizes that admissions acceptance is not determinative of ESSA compliance. However, university recognition remains a strong signal of postsecondary relevance, which is central to the CCR definition under ESSA.
- The SAT's acceptance across in-state institutions underscore the need for its continued eligibility as an accountability assessment, even if not peer-reviewed.
- ESSA should not prevent states from using assessments that meet local postsecondary benchmarks, even if they lack peer review credentials.

6. Federal Limitations vs. State Authority

- Oklahoma's university systems and legislature recognize SAT and CLT as legitimate indicators of college readiness.
- Federal peer review restricts Oklahoma from integrating these tools into its K–12 accountability system, despite local policy support and rigorous state-aligned implementation plans.
- Oklahoma will maintain rigorous technical standards, ensuring validity, reliability, and alignment, through a state-driven review process that reflects the needs, priorities, and educational context of Oklahoma rather than relying solely on federally centralized criteria.
- Oklahoma is not seeking to opt out of federal requirements. Instead, Oklahoma seeks to demonstrate that a state-led evidence process can achieve comparable technical rigor and fairness.
- States cannot confidently forecast which assessments will be approved, complicating budgeting, implementation timelines, and stakeholder communication.

7. Assurance of Accessibility

- All assessments used under this waiver will comply with federal accessibility laws including:
 - IDEA

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- Section 504 of the Rehabilitation Act
- ESSA Sections 1111(b)(2)(B)(vii)–(viii) — inclusion of students with disabilities and English Learners
- OSDE will ensure:
 - Full participation of required subgroups
 - Disaggregated reporting of performance data
 - Monitoring of accommodations and universal design principles across all assessments
 - Monitoring disaggregated performance data annually to ensure that no subgroup is disproportionately affected.

Implementation and Oversight

- Year 1: Administer benchmark assessments in ELA and math across all districts in the state of Oklahoma.
- Year 2: Conduct comparability validation studies across other states with widespread adoption of benchmarks, including using third-party evaluators and/or academic research partners to enhance credibility.
- Year 3–5: Implement new benchmark assessments with fidelity monitoring, accessibility audits, stakeholder feedback loops, and periodic recalibration or norming studies to maintain validity over time.

Duration of Waiver

OSDE requests a five-year waiver, beginning with the 2025–2026 academic year, with the option to renew based on student outcome data, technical documentation, and continued compliance with federal civil rights protections.

Conclusion

Oklahoma is committed to providing high-quality and innovative education systems. Granting this waiver would empower the state to modernize its CCR assessment approach in alignment with local policy, national trends, and the needs of diverse learners without compromising rigor, accessibility, or accountability.

OSDE respectfully requests the U.S. Department of Education’s approval to proceed with expanded flexibility under the authority of ESSA Section 8401.

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