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June 23, 2011

The Honorable Arne Duncan
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Duncan:

The American people are well aware of the challenges facing our education system and refuse to accept the status quo. The success of the nation's economy and the future prosperity of our families will depend on our ability to pass legislation that helps all children, regardless of background or perceived disabilities, access a quality education.

As you know, the House Education and the Workforce Committee is currently advancing legislation to improve the nation's education system. We began this reform process by introducing and approving the *Setting New Priorities in Education Spending Act* (H.R. 1891) and the *Empowering Parents through Quality Charter Schools Act* (H.R. 2218). Both of these proposals reflect our shared priorities of streamlining the federal role in education and removing unnecessary hurdles to state and local innovation. We plan to follow up these efforts with proposals to improve funding flexibility, support quality teachers, and redefine accountability.

The committee is optimistic a bipartisan consensus is possible on commonsense reforms that reduce the federal footprint in education and allow states and school districts the flexibility to meet the needs of their unique communities. However, as we continue working to attain this goal, we must ensure temporary measures do not undermine our efforts. Toward that end, we respectfully request additional information about the Department's recent announcement that they will grant waivers to states and school districts.

While greater flexibility in our education system is urgently needed, the Department's proposal is cause for concern. Issuing new demands in exchange for relief could result in greater regulations and confusion for schools and less transparency for parents. Additionally, the proposal raises questions

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about the Department's legal authority to grant conditional waivers in exchange for reforms not authorized by Congress.

We strongly believe any initiative that could exacerbate the frustration and uncertainty facing schools is the wrong direction for our nation's education system. To ensure this does not happen, please provide the following information by July 1:


- 1) An explanation of the Department's legal authority for requiring states and schools to abide by certain changes in exchange for regulatory relief;
- 2) A detailed explanation of the Department's proposal;
- 3) An explanation of when the Department's proposal will be finalized;
- 4) An outline of the process for review and public comment; and
- 5) A timeline that clarifies when waivers would become effective.

Thank you for your prompt attention to this matter. You or your designees may contact Brad Thomas with Chairman Kline's staff at 202-225-6558 or Brad.Thomas@mail.house.gov to deliver the response to the above requests.

Sincerely,



JOHN KLINE
Chairman
House Education and the Workforce Committee



DUNCAN D. HUNTER
Chairman
House Early Childhood, Elementary and
Secondary Education Subcommittee