



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 06 2015

The Honorable Johnny Key  
Commissioner of Education  
Arkansas Department of Education  
Four Capitol Mall  
Little Rock, AR 72201

Dear Commissioner Key:

I am writing in response to Arkansas' request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Arkansas may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), has reviewed Arkansas' request dated July 27, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Arkansas' ESEA flexibility request through the end of the 2015–2016 school year, subject to the below conditions.

My decision to renew approval of Arkansas' ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Arkansas to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Arkansas will be able to continue implementing its plan to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Arkansas' approved request will be posted on ED's website.

This letter also provides my approval of Arkansas' amendments its ESEA flexibility request. A summary of Arkansas' significant approved amendments is enclosed with this letter.

To receive approval to implement ESEA flexibility beyond the 2015–2016 school year, Arkansas must meet the following conditions:

- Submit to ED, no later than September 30, 2015, a high-quality plan that details the steps the State is taking to ensure that the assessments it will administer in reading/language arts and mathematics in the 2015–2016 school year and each year thereafter are “high-quality assessments,” as defined in the document titled *ESEA Flexibility*, and are aligned to the State's academic content standards.

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<http://www.ed.gov/>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- Submit evidence to ED that the State is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in the teacher and principal evaluation and support systems in the 2017–2018 school year and each year thereafter.

If Arkansas resolves these conditions and makes no additional changes to its ESEA flexibility request at this time, and is otherwise continuing to fulfill the commitments in its ESEA flexibility request, I will consider Arkansas' request for renewal of ESEA flexibility for additional years.

Arkansas continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Arkansas will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Karen Dorsey Hargrove or Elizabeth Witt of my staff at: [OSS.Arkansas@ed.gov](mailto:OSS.Arkansas@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of Arkansas' students.

Sincerely,

(b)(6)

Ann Whalen  
Delegated the authority to perform the functions  
and duties of Assistant Secretary for Elementary  
and Secondary Education

Enclosure

cc: M. Annette Barnes, Assistant Commissioner, Division of Public School Accountability

## **Approved Amendments to Arkansas' ESEA Flexibility Request**

The following is a summary of significant approved amendments to Arkansas' ESEA flexibility request. ED approves these amendments because Arkansas' ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/ar.html>) for Arkansas' complete ESEA flexibility request.

### **Transition to College- and Career-Ready Standards (Principle 1)**

**Revision:** Arkansas will use the State Personnel Development Grant (SPDG) to continue its work to develop personnel to establish Response to Intervention systems within schools. Personnel will receive online training designed by the State with the assistance of the Arkansas Cooperative and Academic Institute of Research.

### **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

**Revision:** Arkansas will not assign schools new ratings under the State system of differentiated recognition, accountability, and support based on assessments administered in the 2014–2015 school year. Arkansas will resume assigning school ratings based on assessments administered in the 2015–2016 school year.

**Revision:** The State will eliminate the use of scholastic audits to determine the type and level of support needed to improve student academic performance. Each Priority and Focus school will use an online tool to guide development of the school's program improvement plan.