RECLAIMING ARKANSAS EDUCATION

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Ed-Flex Waiver Request

Submitted to the U.S. Department of Education:
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Arkansas Ed-Flex Waiver Request

Contact Information and Signatures	
SEA Contact (Name and Position): **Matt Sewell, Assistant Commissioner**	**Telephone:** **501-682-4282**
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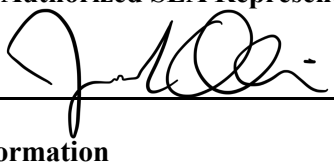
By signing this document, I assure that all application contents are true and complete to the best of my knowledge, and I affirm each assurance listed at the end of the document.	
Authorized SEA Representative (Printed Name): **Jacob Oliva, Secretary of Education**	**Telephone:** **501-683-4783**
Signature of Authorized SEA Representative: 	**Date:** **5/26/2026**

Eligibility Information

Please check the assurances and provide the necessary information below to demonstrate eligibility for the Ed-Flex program.

1. ☒ The SEA has:
   a. Developed and implemented the challenging State academic standards, and aligned assessments, described in section 1111(b) of the ESEA, and is producing the report cards required by section 1111(h) of such Act; or
   b. If the State has adopted new challenging State academic standards under section 1111(b)(1) of the ESEA, made substantial progress toward developing and implementing such standards and toward producing the report cards required under section 1111(h) of such Act.

2. ☒ The SEA will hold LEAs, educational service agencies, and schools accountable for meeting the educational goals described in the local applications and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the ESEA.

3. ☒ The SEA has waived or will waive State statutory or regulatory requirements relating to education while holding LEAs, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

A. Describe the State's authority to waive State statutory or regulatory requirements relating to education (i.e., provide legal citations to relevant statute or regulation).

The Arkansas State Board of Education is authorized under Ark. Code Ann. §§ 6-11-105, 6-15-103, and 25-15-201 et seq. to grant districts and open enrollment charter schools waivers.

Descriptions

1. Describe the process the SEA will use to evaluate applications from LEAs, educational service agencies, or schools requesting waivers of

A. Federal statutory or regulatory requirements; and

B. State statutory or regulatory requirements relating to education.

A. It is essential for districts to align resources behind a single, clear, and coherent set of priorities to guide the work of enhancing student growth. In an effort to support Arkansas school districts with this process, Arkansas Department of Education (ADE) has consolidated the planning process for 17 state and federal applications into one comprehensive planning and application process, known as the AR App. All Ed-Flex waivers will be approved concurrently with ADE's annual AR App approval process. LEAs will indicate any relevant approvals and provide supporting documentation alongside their submission of other state and federal applications to ADE. If districts seek a waiver throughout the year, they can apply and have their waiver approved by submitting an AR App amendment. ADE federal program staff will ensure proposed Ed-Flex waivers are not prohibited by statute, that the requirements concerning public comment have been met, and that an appropriate evaluation measure for the waiver has been proposed. If these conditions are met, the waiver will be approved, and ADE shall notify the LEA.

ADE will approve two kinds of waivers for LEAs: statewide waivers and individual LEA waivers.

1. **For statewide waivers,** LEAs will be able to opt into these once they are approved through ADE's AR App process, streamlining their application process. ADE will propose these waivers with input from LEAs across the state. Their purpose is to alleviate administrative burdens and enhance flexibility for LEAs to better serve students. ADE will publish proposed statewide waivers in its Commissioner's Memo and open a public comment period on its website to gather feedback before they are approved.
2. **Individual LEA waivers** will be available for LEAs to request as part of their AR App application or amendment process. LEAs will submit relevant materials to ADE. ADE will review to ensure that LEAs have had such waivers approved by their board, signed by their superintendent, and that outline evaluation criteria focusing on annual gains in student performance.

Specific waiver requests will be submitted and reviewed through Arkansas's consolidated planning and application system (the AR App). Through this process, ADE will evaluate whether each request meets the underlying purpose of the statute, maintains accountability for student outcomes, and aligns with Arkansas's approved ESSA State Plan. As local needs evolve, additional waiver requests beyond those described above may be proposed and reviewed in accordance with ADE's Ed-Flex procedures.

B. The Arkansas Department of Education has two processes for waiving applicable state requirements: A process for school districts and a separate process for charter schools.

School District Waivers

In accordance with Arkansas Code § 6-15-103, public school districts in Arkansas may submit waiver requests to be considered for exemption from certain state laws, rules, or standards. These requests are first reviewed by the Arkansas Department of Education Waiver Committee, which provides feedback and recommendations. Upon completion of this review, the request may be placed on the State Board of Education agenda for formal consideration. Waivers are evaluated on a case-by-case basis to ensure alignment with state education goals and accountability requirements.

Charter School Waivers

Any revision or amendment to an open-enrollment or district conversion charter may only be made with the approval of the authorizer. Therefore, charter schools are not eligible for District 1240 waivers granted by the State Board of Education. To request waivers that were not granted in the original or renewal application, a charter school must submit an amendment request.

Charter schools must submit an amendment request and any additional requirements to DESE no later than thirty-five (35) days prior to the date of the authorizer meeting at which the request will be heard. Open-enrollment charter schools must also contemporaneously send a copy of the request to the superintendent of the local school district where the public charter is located. Amendment requests should be emailed to ade.charterschools@arkansas.gov.

The Charter School Amendment Request Process is as follows:

1. The submitted amendment request is reviewed by a DESE internal committee and feedback is provided to the charter school.
2. If needed, the charter school updates the amendment request to address any questions or concerns from the internal review committee and then resubmits the amendment request to DESE.
3. The amendment request in placed on the Charter Authorizing Panel agenda for consideration.
4. Representatives from the charter school present the amendment request during the Charter Authorizing Panel meeting.
5. The charter school is provided a written response regarding the decision of the Charter Authorizing Panel regarding the amendment request.
6. The decision of the Charter Authorizing Panel is placed on the State Board of Education agenda for consideration to review or not review. If the State Board votes to review the Charter Authorizing Panel's decision, a hearing will be scheduled for the next State Board meeting to review the amendment request. If the State Board votes to not review the Charter Authorizing Panel's decision, then the decision is final and no further action is taken.
7. The charter school is provided a written response regarding the decision of the State Board of Education regarding the amendment request.

2. Describe the State statutory and regulatory requirements relating to education that the State educational agency will waive.

Pursuant to Arkansas law, districts may petition the State Board of Education for all or some of the waivers granted to an open-enrollment public charter school with the purpose (1) to enhance student learning opportunities; (2) to promote innovation; or (3) to increase access to effective teachers.
A district may not request, and the state board **may not grant waivers of any of the following:**

1. Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner of Elementary and Secondary Education;
2. Public school accountability under Title 6 of the Arkansas Code;
3. High school graduation requirements as established by the state board;
4. Special education programs as provided by Title 6 of the Arkansas Code;
5. Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
6. Health and safety codes as established by the state board and local governmental entities;
7. Arkansas qualified teacher requirements;
8. Ethical guidelines and prohibitions as established by: Arkansas Code § 6-24-101 et seq.; and any other controlling state or federal law regarding ethics or conflicts of interest;
9. Reporting through the Arkansas Public School Computer Network applications as provided under Title 6 of the Arkansas Code; and
10. The school start date set forth in Arkansas Code § 6-10-106.

Additionally, the State Board of Education may grant a waiver of any Standards of Accreditation (e.g., class-size or teaching-load requirements) for no more than one year, and a district may apply for specific licensure exemptions (e.g., emergency teaching permits and provisional professional teaching licenses).

Where a federal waiver necessitates aligned flexibility in State statute or regulation, ADE may grant corresponding state waivers pursuant to its authority under Arkansas law through its current processes, while continuing to hold LEAs accountable for student performance and program outcomes.

3. **Describe the clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students.**

The Arkansas Department of Education intends to meet the following objectives:

- Every child enters kindergarten ready to learn as a result of their experiences in high-quality early care and education.
- Every student has access to grade-level instruction, and every teacher is equipped with the support needed to deliver this instruction.
- Every student has a clear plan for college or career readiness.
- Every school building is safe and secure and supports students' mental and behavioral health and their ability to learn.
- Every classroom has a highly qualified, licensed teacher.

To make this vision real, ADE is building a coherent system of support for school districts that aligns requirements, accountability, funding, and communication.

In this system, funding and accountability are connected to deliver a clear return on investment: ADE uses data to identify what works, builds accountability systems that measure progress toward those goals, and funds proven strategies that are effective.

The AR App is the mechanism that brings this system to life for districts. It serves as both a data collection and planning tool, and an accountability and reporting platform. Thus, it shapes strategic reflection and planning for districts and provides the state insight into how districts are implementing priorities.

ADE's vision for federal waivers is that they will build on and reinforce Arkansas' coherent strategy by increasing flexibility and reducing burden, allowing LEAs to use the AR App as a single planning tool and enabling ADE to better support districts in meeting their goals. Through this waiver, Arkansas seeks to fully align its state education systems from academic standards and assessments to planning, accountability, and supports into one coherent structure that not only meets but exceeds federal expectations. ADE is requesting that this unified state system serve as the basis for Ed-Flex waivers, eliminating the need for duplicative federal elements and allowing Arkansas to deliver targeted, meaningful support to schools and districts.

4. **Describe how the educational flexibility plan is coordinated with activities described in the Title I, Part A section of the SEA's approved consolidated State plan, consistent with subsections (b), (c), and (d) of section 1111 of the ESEA.**

Arkansas's Ed-Flex plan is intentionally aligned with the Title I, Part A components of the State's approved ESSA consolidated plan and is designed to reinforce the requirements of ESEA section 1111(b), (c), and (d).

- **Section 1111(b) – Standards and Assessments:** All waivers granted under Ed-Flex will preserve Arkansas' implementation of challenging academic standards and aligned statewide assessments. Flexibility will be used to enhance LEAs' ability to provide additional instructional supports, extended learning time, and evidence-based interventions that help students meet the State's academic standards, particularly in early literacy and numeracy.
- **Section 1111(c) – Statewide Accountability System:** Additional flexibility provided under Ed-Flex will be fully integrated with Arkansas's accountability framework, including annual meaningful differentiation of schools and transparent reporting of performance for all students and subgroups. The Ed-Flex waivers will not alter accountability indicators, or subgroup identification. Instead, flexibility will support LEAs in addressing identified needs through more effective use of resources aligned to accountability data. Through the monitoring of LEA's AR App responses and progress towards advancing student outcomes, ADE will ensure LEA waiver requests are aligned with the goals and activities outlined in the SEA's approved consolidated State plan.
- **Section 1111(d) – School Support and Improvement:** Ed-Flex waivers will be prioritized for all LEAs as part of their AR App planning process but especially for districts and schools implementing improvement strategies. Flexibility will allow LEAs to align funds with evidence-based interventions identified through needs assessments and continuous improvement cycles, while ADE maintains oversight and technical assistance responsibilities. Annual review of waiver outcomes will inform ongoing support and corrective action where necessary.

This coordinated approach will ensure that the use of flexibility enhances the state's Title I commitments to identify schools in need of improvement, support student subgroups, and implement interventions that lead to sustained academic growth.

5. **Describe how the SEA will evaluate (consistent with the requirements of Title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and LEAs affected by the waivers.**

ADE will utilize state reporting and annual student performance gains to ensure LEAs are meeting an evaluation component under their Ed-Flex waivers. Evaluation may include student performance,

attendance rates, or graduation rates, or other relevant information based on the type of waiver consistent with section 1111 of the ESEA. At the end of each waiver period, ADE staff will evaluate the effectiveness of the waivers granted to determine whether the waiver should be renewed or discontinued.

6. **Describe how the SEA met the requirements for Public Notice and Comment to:**
A. Provide the public with adequate and efficient notice of the proposed waiver authority, consisting of a description of the agency's application for the proposed waiver authority, including a description of any improved student performance that is expected to result from the waiver authority.
B. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

ADE will post a notice to apply for Ed-Flex on Reclaiming Arkansas Education webpage for 30 days, with information on how parents, educators, administrators, and community members can contact ADE to submit comments or ask questions.

7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.