



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 25, 2024

The Honorable Jacob Oliva  
Commissioner of Education  
Arkansas Division of Elementary and Secondary Education  
Four Capitol Mall  
Little Rock, AR 72201

Dear Commissioner Oliva:

I am writing in response to the Arkansas Division of Elementary and Secondary Education's (DESE's) request on December 11, 2023 (with additional information provided on March 7 and 19, 2024), for a waiver of the requirements in sections 1111(b)(1)(B)(i) and 1111(b)(2)(B)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which require a State to hold all of its public school students to the same academic standards and administer the same aligned academic assessments to these students.

Arkansas DESE is implementing the exception in ESEA section 1111(b)(2)(C) to permit an 8<sup>th</sup> grade student enrolled in an advanced mathematics course to take the associated State end-of-course (EOC) assessment that is used as the State's high school assessment (rather than the State's grade 8 assessment). Arkansas DESE requested to expand this exception to 8<sup>th</sup> grade students enrolled in advanced science courses as well as 7<sup>th</sup> grade students enrolled in advanced mathematics or science courses. Students enrolled in advanced mathematics or science courses would take the corresponding high school EOC assessments instead of the State's grade-level assessments and then take more advanced statewide assessments or the ACT in high school.

After carefully reviewing Arkansas DESE's request, I am granting, pursuant to my authority under ESEA section 8401(a)(3), for the 2023-2024 through 2026-2027 school years, a waiver of sections 1111(b)(1)(B)(i) and 1111(b)(2)(B)(i)(I) of the ESEA. This waiver will permit any 7<sup>th</sup> or 8<sup>th</sup> grade Arkansas public school student who is enrolled in an advanced mathematics or science course to take the corresponding EOC assessment while the student is enrolled in 7<sup>th</sup> or 8<sup>th</sup> grade. I find that granting this waiver will advance student academic achievement by having students take an assessment aligned with their coursework and encouraging students to take advanced courses earlier in their academic career.

By granting this waiver, the Department and Arkansas DESE have mutually agreed that:

- Arkansas DESE will apply the rules established in sections 1111(b)(2)(C)(i) through (iii) of the ESEA and 34 CFR 200.5(b)(1) through (3) to any 7<sup>th</sup> or 8<sup>th</sup> grade student who does not take the assessment typically administered in that grade.
- If a student does not take the assessment typically administered in the grade in which the student is enrolled:

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- The student will be administered Arkansas DESE’s EOC assessment given to high school students under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA.
- The student’s performance on the EOC assessment will be used in the year in which the student takes the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in the assessment under section 1111(c)(4)(e) of the ESEA.
- In high school, the student will be assessed via a State-administered EOC assessment or nationally recognized high school academic assessment as defined in 34 CFR section 200.3(d) that is more advanced than the assessment the State administers under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA.
- The student’s performance on the more advanced assessment will be used for the purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in the assessment under section 1111(c)(4)(E) of the ESEA.
- Arkansas DESE will ensure that all of the more advanced, State-administered high school assessments (including any nationally-recognized high school assessments) used to fulfill the requirements for this waiver are submitted to the Department for assessment peer review no later than June 30, 2025.

Thank you for your ongoing commitment to improving educational outcomes for all students. If you have any questions, please contact my staff at: [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

Adam Schott  
Principal Deputy Assistant Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Tiffany M. Grayer, Director of School Performance & Monitoring