

State of Arkansas 1% Threshold Waiver Request

June 2026



Last Updated: April 23, 2026

Table of Contents

Table of Contents	2
Introduction	3
Requirement 1: Public Comment	3
Requirement 2: Submission	4
Requirement 3: State-Level Data	5
3A. Assessment Subgroups	5
3B. Assessment Rates	10
3C. AA-AAAS Rates	12
Requirement 4: Assurances	13
4A. State Guidelines for Participation	13
4B. Disproportionality	14
Requirement 5: Justification	15
Requirement 6: State Plan and Timeline	16
6A. AA-AAAS Guidelines Implementation	16
6B. Monitoring and Oversight.....	17
6C. Disproportionality on AA-AAAS	23
Requirement 7: Participation Rates	24
Summary and Waiver Justification	27

Introduction

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) of 2015 [[ESEA §111\(b\)\(2\)\(D\) and 34 CFR 200.6 \(c\) and \(d\)](#)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards. ESSA places a one percent (1%) threshold statewide on the number of students who may participate in alternate assessments. States that anticipate exceeding the one percent (1%) threshold must submit a waiver request to the U.S. Department of Education.

Arkansas assesses students using an instructionally embedded model with the Dynamic Learning Maps (DLM) for students designated as a Student with the Most Significant Cognitive Disabilities (SMSCD). The DLM is aligned with the Essential Elements, as adopted by the state of Arkansas and thus qualifies as an Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS).

Arkansas was granted a waiver in 2018, and waiver extensions in 2019 and 2021. Numbers decreased significantly in 2021 and have been under the 1% threshold thus far. However, based on preliminary data for 25-26 and considering the upward trend in alternate assessment participation over the last several years, the Division of Elementary and Secondary Education, Office of Special Education (DESE-OSE) predicts exceeding the AA-AAAS threshold during the 2026-2027 school year. Pursuant to the Code of Federal Regulations, Title 34 (34CFR), Section 200.6(c)(4), DESE-OSE requests a waiver in the areas of ELA, Math, and Science, for 26-27.

Requirement 1: Public Comment

DESE-OSE provided a public comment period for 30 days from May 1 through June 2, 2026. Public comments, artifacts, and responses will be placed in Appendix A following the public comment period.

- *Evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:*
 - *Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs;*
 - *Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments; and*
 - *Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.*

Requirement 2: Submission

Submission 90-Days Prior to State Testing Window Opening

Table 1: 2026-2027 Alternate Assessment Windows

Assessment	Dates	Participants
Dynamic Learning Maps (DLM)	September 7, 2026 – December 18, 2026 Fall Instructionally Embedded Window	Qualifying students in 3–10 (math & ELA); and 3-8 & 10 (science)
Dynamic Learning Maps (DLM)	February 1, 2027 – April 30, 2027 Spring Instructionally Embedded Window	Qualifying students in 3–10 (math & ELA); and 3-8 & 10 (science)

The earliest alternate assessment window for the 2026–2027 school year begins in September 2026, as shown in the [Arkansas testing calendar](#), which includes the Fall Instructionally Embedded Window (September 7–December 18, 2026) and the Spring Instructionally Embedded Window (February 1–April 30, 2027).

To ensure full compliance with the 90-day requirement, the DESE-OSE will submit this waiver no later than June 9, 2026, which is more than 90 days prior to the opening of the first testing window.

Requirement 3: State-Level Data

3A. Assessment Subgroups

The number and percentage of students in each subgroup of students who took an alternate assessment.

Table 2: AA-AAAS Participation Rate by Subgroup for SY 2024-25			
Group	Total Number in Grades 3-8 and HS	Number Taking AA-AAAS in Grades 3-8 and HS	Percent Taking AA-AAAS in Grades 3-8 and HS
ELA			
All Students	291397	2836	0.97%
Hispanic	45144	400	0.89%
American Indian/Alaskan Native	1645	14	0.85%
Asian	5737	65	1.13%
Black	54975	710	1.29%
Hawaiian/Pacific Islander	3248	44	1.35%
White	166777	1460	0.88%
Two or More Races	13871	143	1.03%
Male	149665	1906	1.27%
Female	141732	930	0.66%
English Learner	24425	386	1.58%
Econ. Disadvantaged	202974	2116	1.04%
Math			
All Students	283530	2831	1.88%
Hispanic	44318	400	0.90%

American Indian/Alaskan Native	1602	14	0.87%
Asian	5276	65	1.23%
Black	54030	709	1.31%
Hawaiian/Pacific Islander	3257	44	1.35%
White	161499	1457	0.90%
Two or More Races	13548	142	1.05%
Male	137913	1901	1.31%
Female	145617	930	0.67%
English Learner	24466	386	1.58%
Econ. Disadvantaged	199644	2112	1.06%
Science			
All Students	252947	2399	0.95%
Hispanic	38936	343	0.88%
American Indian/Alaskan Native	1406	12	0.85%
Asian	5023	59	1.17%
Black	47428	591	1.25%
Hawaiian/Pacific Islander	2801	37	1.32%
White	145145	1237	0.85%
Two or More Races	12208	120	0.98%
Male	129911	1605	1.24%
Female	123036	794	0.65%
English Learner	21278	340	1.60%

Econ. Disadvantaged	176667	1801	1.02%
---------------------	--------	------	-------

State-level subgroup participation data for SY 2024–2025 show that Arkansas’s AA-AAAS participation rates are closely clustered around the statewide average across subjects. Most racial and ethnic subgroups participate at rates between approximately 0.85 percent and 1.35 percent, indicating generally proportional representation in the alternate assessment. Slightly higher participation rates are observed for male students, black students, and English Learners, while economically disadvantaged students participate at rates just above 1.0 percent. These patterns are consistent across ELA, mathematics, and science. Subgroups with smaller populations exhibit greater percentage fluctuation due to low student counts; however, the absolute number of participating students remains small and does not meaningfully contribute to the State exceeding the 1.0 percent threshold.

Table 3: Risk Ratio (2024-2025)

Group	ELA	Math	Science
Hispanic	0.92	.93	0.93
American Indian/Alaskan Native	1.06	1.06	1.06
Asian	1.11	1.15	1.11
Black	1.31	1.25	1.30
Hawaiian/Pacific Islander	1.20	1.21	1.21
White	0.90	0.92	0.90
Two or More Races	1.07	1.07	1.07
English Learner	1.57	1.57	1.63
Econ. Disadvantaged	1.11	1.12	1.15

Consistent with 34 CFR §200.6(c) and guidance from the Office of Elementary and Secondary Education (OESE) and the National Center on Educational Outcomes (NCEO), Arkansas conducted a risk-ratio analysis to examine whether any student subgroup is disproportionately represented in the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS). NCEO’s disproportionality calculator was utilized for these calculations, presented in Table 3.

Risk ratios compare each subgroup's AA-AAAS participation rate to the statewide participation rate for all students and are used to evaluate the relative likelihood of participation, rather than raw percentages alone. For each subgroup and subject (ELA, mathematics, and science), the State calculated:

- Risk Ratio = Subgroup AA-AAAS Participation Rate ÷ Statewide AA-AAAS Participation Rate

A risk ratio of 1.00 indicates participation at the statewide average; values above 1.00 indicate a higher relative likelihood, and values below 1.00 indicate a lower relative likelihood.

Interpretation Framework

In reviewing results, Arkansas applied the following interpretation ranges:

- Risk ratios near 1.00 (approximately 0.75–1.25) are generally considered proportional.
- Moderately elevated ratios (approximately 1.26–1.99) indicate differences that warrant monitoring and contextual review but do not, by themselves, demonstrate disproportionality.
- Substantially elevated ratios (≥ 2.0), particularly when persistent across subjects and years and based on sufficient sample sizes, may indicate potential disproportionality requiring targeted action.

Given the low-incidence nature of AA-AAAS participation, Arkansas also considered consistency across subjects, stability over time, and factors identified in guidance from NCEO related to interpretation of subgroup participation data, including the impact of small n-sizes and enrollment variability, as well as current statewide enrollment and special education enrollment trends, when interpreting results.

Summary of Results and Interpretation

The risk-ratio analysis revealed generally stable AA-AAAS participation patterns across student subgroups, with most subgroup risk ratios near the statewide average across ELA, mathematics, and science. Several subgroups demonstrated participation rates above the statewide average, with consistency across subjects.

Black students and English Learners demonstrated the highest and most consistent risk ratios across content areas. Risk ratios for Black students ranged from 1.25 to 1.31, while English Learners ranged from 1.57 to 1.63. These values indicate a higher relative likelihood of AA-/AAAS participation compared with the statewide average. Although these ratios do not reach levels commonly associated with substantial disproportionality under federal guidance, their consistency across subjects identifies areas appropriate for continued monitoring and contextual review.

In interpreting these findings, the State considered the low-incidence nature of the AA-AAAS, the importance of examining patterns across multiple subjects, and relevant statewide enrollment and special education participation trends. The analysis did not apply minimum n-size or small-cell suppression criteria; therefore, some variability is expected, particularly among subgroups with smaller statewide enrollment. Risk ratios for larger subgroups are interpreted within this broader context.

Risk ratios reflect relative likelihood of participation and do not, in isolation, indicate the appropriateness of individual assessment decisions or eligibility determinations. Elevated ratios do not by themselves demonstrate inappropriate placement; rather, they inform the State's broader monitoring efforts related to assessment eligibility, training, and implementation fidelity. Overall, the results do not indicate widespread or systemic disproportionality in AA-AAAS participation. The State will continue to review AA-AAAS participation patterns for subgroups with elevated and consistent risk ratios as part of its ongoing monitoring processes.

3B. Assessment Rates

The State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required.

Table 4: Overall Assessment Rates for SY 2024-2025		
ELA	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	291397	42683
Students Enrolled	293567	43219
Assessment Participation Rate	99.26%	98.76%
Math	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	283530	42796
Students Enrolled	285460	43281
Assessment Participation Rate	99.32%	98.88%
Science	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	252947	37673
Students Enrolled	254561	38125
Assessment Participation Rate	99.37%	98.81%

Data in Table 4 demonstrate that Arkansas met and exceeded the federal requirement to assess at least 95 percent of all students and 95 percent of students with disabilities in each required subject. Assessment participation rates remained consistently high across ELA, mathematics, and science, indicating strong statewide assessment administration practices.

Table 5: Historical Assessment Rates for SY 2019-2024				
Year	Group	ELA	Math	Science
2020-2021	All Students Grades 3-8 and High School	97.27%	97.52%	97.46%
	Students with Disabilities Grades 3-8 and High School	96.09%	96.49%	96.26%
2021-2022	All Students Grades 3-8 and High School	98.79%	98.98%	98.92%
	Students with Disabilities Grades 3-8 and High School	98.15%	98.46%	98.26%
2022-2023	All Students Grades 3-8 and High School	99.07%	99.17%	99.13%
	Students with Disabilities Grades 3-8 and High School	98.64%	98.82%	98.72%
2023-2024	All Students Grades 3-8 and High School	99.05%	99.29%	99.36%
	Students with Disabilities Grades 3-8 and High School	98.58%	98.85%	98.87%
2024-2025	All Students Grades 3-8 and High School	99.26%	99.32%	99.37%
	Students with Disabilities Grades 3-8 and High School	98.765	98.885	98.81%

Historical participation data in Table 5 confirm that Arkansas has consistently met federal assessment participation requirements for all students and students with disabilities across subjects.

3C. AA-AAAS Rates

AA-AAAS participation rates for SY 2017-18 through 2023-24 (including estimates for SY 2024-25, if available) in each subject for which the State is seeking a waiver.

Table 6: AA-AAAS Rates by Subject, by Year

School Year	ELA	Math	Science
2017-2018	1.21%	1.20%	0.54%
2018-2019	1.32%	1.32%	1.15%
2019-2020	No testing	No testing	No testing
2020-2021	0.83%	0.83%	0.79%
2021-2022	0.88%	0.88%	0.87%
2022-2023	0.89%	0.89%	0.95%
2023-2024	0.92%	0.94%	0.90%
2024-2025	0.97%	1.00%	0.95%
2025-2026 (estimate)	1.0013%		

Arkansas’s AA-AAAS participation data show a clear pattern of decline followed by stabilization and modest increases over time, as seen in Table 6. During 2019–2020, Arkansas reassessed its definition of “students with the most significant cognitive disabilities” through a stakeholder review process, which further clarified the characteristics of students who may appropriately meet the 1% threshold. The combined effects of new, well-defined eligibility criteria for the alternate assessment, statewide training, and the impacts of COVID-19 contributed to participation rates falling below the federal 1% threshold in 2020–2021, as reflected in Table 5 above.

Since that time, though the State has continued targeted monitoring and training, participation rates have increased gradually each year while remaining below the 1.0 percent threshold through 2024–2025. Because AA-AAAS participation represents a low-incidence population, small changes in statewide enrollment—particularly declines in overall student enrollment alongside increases in the proportion of students receiving special education services—have a magnified effect on calculated participation percentages. Preliminary estimates for 2025–2026 indicate that Arkansas remains in compliance. However, the upward trend observed in recent years—together with statewide demographic shifts and changes in enrollment patterns—suggests that Arkansas is likely to exceed the 1% cap in the 2026–2027 school year.

Importantly, the observed post-2020 decline in AA-AAAS participation coincides with the State’s revision of participation criteria and enhanced professional development for IEP teams, demonstrating that changes in participation reflect deliberate improvements in assessment

decision-making rather than temporary fluctuations. The State’s prior reduction in AA-AAAS participation following these actions demonstrates Arkansas’s capacity to respond effectively when participation approaches or exceeds the 1.0 percent threshold.

Requirement 4: Assurances

4A. State Guidelines for Participation

Followed the State’s guidelines for participation in the AA-AAAS - Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS.

Local education agencies (LEAs) that were projected to assess more than one percent (1%) of their tested population using the alternate assessment during the 2025–2026 school year were required to submit a justification for those assessment decisions in fall 2025. DESE–Office of Special Education (DESE-OSE) identified 76 out of 259 LEAs that exceeded the one percent participation cap in one or more subjects for which the Dynamic Learning Maps (DLM) assessment was administered during the previous school year. As part of this process, LEAs confirmed that the Arkansas Alternate Assessment Criteria, which was revised through a stakeholder review process in 2020, was applied to every student determined eligible to participate in the alternate assessment. The Alternate Assessment Decision-Making tool reflects those updated criteria and includes the following IEP Team Statement of Assurance:

IEP Team Statement of Assurance:

Our decision was based on multiple pieces of evidence that, when taken together, demonstrated that the Arkansas Alternate Assessment is the most appropriate assessment for this student; that the student’s academic instruction will be based on the Essential Elements linked to the Arkansas Academic Standards; that the Additional Considerations listed above were not used to make this decision; and that any additional implications of this decision were discussed thoroughly. Each of us agrees with the participation decision in the Arkansas Alternate Assessment. (Signatures of participants)

In addition, LEAs that completed justification documentation in fall 2025 were required to submit 2024–2025 assessment data along with the projected percentage of students expected to participate in the alternate assessment during the 2025–2026 school year. LEAs projecting participation above the 1.0 percent threshold for 2025–2026 were required to submit a separate Statement of Assurance signed by the LEA Supervisor and Superintendent. This statement affirmed that IEP teams were applying the Arkansas Alternate Assessment criteria with fidelity when making participation decisions. A copy of the Assurance document wording is below.

All special education teachers who support IEP teams in making alternate assessment decisions are required to use the Arkansas Alternate Assessment Participation Manual

2025–26 with fidelity. The participation criteria specify that students eligible for the alternate assessment typically exhibit the following characteristics:

- *Intellectual functioning typically below an IQ of 55, or three standard deviations below the mean;*
- *Adaptive behavior scores typically two or three standard deviations below the mean in two or more areas;*
- *Disabilities that are pervasive and significantly affect functioning across academic, social, and community settings, with the expectation that the student will require intensive supports throughout life;*
- *Instructional needs that require substantial modifications to content expectations aligned to the Essential Elements; and*
- *Completion of all required actions and submission of all required documentation.*
- *(Signature of LEA Supervisor and Superintendent)*

4B. Disproportionality

Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS

Arkansas reviews AA-AAAS participation data annually to examine subgroup participation patterns and identify areas that may require additional monitoring or support. As described in Section 3, the State’s risk-ratio analysis did not identify evidence of systemic disproportionality at the state level; however, modest elevations for certain subgroups indicate the need for continued attention.

To support the consistent application of alternate assessment participation criteria, the State will provide targeted training focused on applying the Least Dangerous Assumption, with particular emphasis on decision-making by evaluators, school psychologists, and other IEP team members. Training will reinforce appropriate interpretation of evaluation data and consideration of language acquisition versus disability when making participation decisions.

In addition, Arkansas is strengthening its justification process for local education agencies (LEAs) that exceed the 1.0 percent AA-AAAS participation threshold for the 2026-2027 school year. The State will analyze subgroup participation data in relation to local student enrollment and special education enrollment. LEAs identified through this analysis will be required to respond to disproportion-focused questions. DESE-OSE will provide targeted technical assistance and work collaboratively with those districts to establish appropriate district-specific goals or action steps, as warranted.

The State will review district responses as part of its monitoring framework and will use this information to guide technical assistance, training, and follow-up activities for LEAs exceeding or

approaching the threshold. Arkansas will continue to review subgroup participation data annually and adjust guidance and supports as needed to ensure appropriate implementation of AA-AAAS participation criteria.

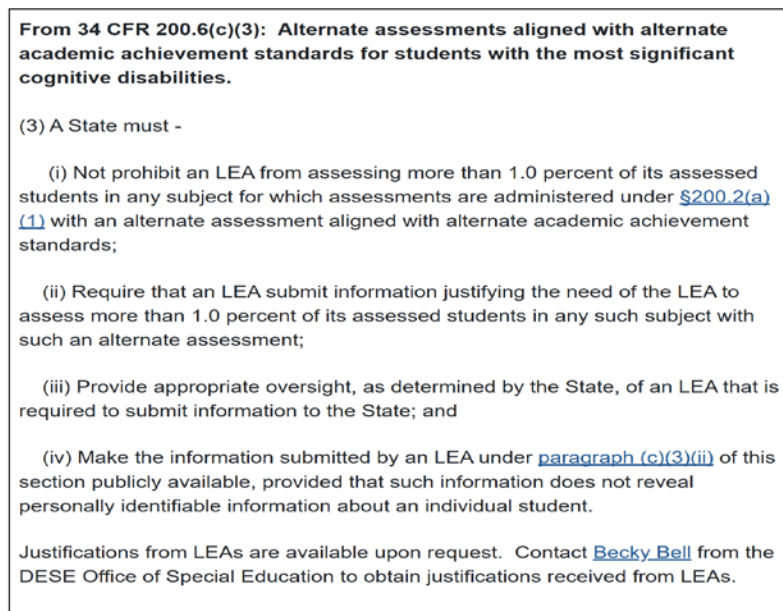
Requirement 5: Justification

Required that each LEA that the State anticipates will assess more than 1.0 percent of all students assessed with an AA-AAAS in any subject has submitted information justifying the need to exceed the 1.0 percent cap.

Arkansas ensures transparency and public accessibility of justification information submitted by LEAs that exceed the one percent (1%) participation cap for the Alternate Assessment. LEAs exceeding the threshold are required to submit written justification describing the assessment participation decisions made by IEP teams and the application of State participation criteria. Copies of this district-submitted justification form are publicly available by making a request to the Arkansas Department of Education, Division of Elementary and Secondary Education (DESE), Office of Special Education website at:

<https://dese.ade.arkansas.gov/Offices/special-education/curriculum-assessment/assessment>.

Figure 1: Screenshot of the DESE-OSE webpage illustrating the process to obtain justification information



In addition to making individual district justification forms publicly available, the State developed a monitoring summary report documenting the State's one percent (1%) monitoring procedures and oversight process, available through the link above. This report provides an overview of the

State's monitoring framework and includes a synthesis of justification responses submitted statewide. The summary report describes common themes, trends, and areas of focus identified during the justification review process and demonstrates how justification data inform training, technical assistance, and differentiated monitoring for LEAs.

Together, the publicly posted district justifications and the statewide monitoring summary report ensure that justification information is readily accessible and clearly connected to the State's broader system of monitoring, oversight, and continuous improvement related to AA-AAAS participation.

Requirement 6: State Plan and Timeline

6A. AA-AAAS Guidelines Implementation

The State will improve the implementation of its guidelines for participation in the AA-AAAS, including reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities.

In response to the federal requirement under 34 CFR §200.6(d)(1), the Arkansas Department of Education, Office of Special Education (DESE-OSE), has taken deliberate steps to improve the implementation of its guidelines for participation in the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS), including refining and strengthening its definition of students with the most significant cognitive disabilities.

In 2020, DESE-OSE conducted a comprehensive stakeholder review of Arkansas's alternate assessment participation criteria to ensure alignment with federal requirements and clarify the characteristics of students who may appropriately participate in the AA-AAAS. This review included presentation of statewide participation data to the Arkansas Advisory Council for the Education of Children with Disabilities, followed by a workgroup of special education directors and DESE staff who examined existing guidance and proposed revisions. The revised criteria were approved by DESE's Office of Legal Services and released statewide in April 2020.

As a result of this process, Arkansas implemented updated participation criteria that clearly define eligibility based on multiple sources of evidence, including cognitive functioning, adaptive behavior, instructional needs, and the intensity of supports required across settings. These criteria are embedded in the [Arkansas Alternate Assessment Participation Manual](#) and supported by a standardized decision-making tool that guides IEP teams in making consistent, data-driven participation decisions statewide.

To reinforce consistent implementation, DESE-OSE has maintained a stable statewide framework for AA-AAAS participation through ongoing guidance, training, and technical assistance that are directly aligned with the participation criteria. These supports emphasize the appropriate

interpretation of evaluation data, the alignment between instruction and assessment, and the avoidance of inappropriate decision-making factors.

In addition to maintaining and disseminating clear criteria, Arkansas engages in continuous improvement efforts to strengthen decision-making for students on the cusp of alternate assessment participation. The State's participation in initiatives such as the MIDAS grant, in partnership with the National Center on Educational Outcomes (NCEO), supports the use of multiple measures and informed professional judgment when determining assessment participation. These efforts further ensure that eligibility decisions remain aligned with federal definitions and reduce the likelihood of inappropriate assignment to the alternate assessment.

Through the refinement of its participation criteria, the use of statewide decision-making tools, and ongoing efforts to strengthen implementation fidelity, Arkansas continues to improve the application of its AA-AAAS guidelines and works toward meeting the 1.0 percent participation cap in future school years.

6B. Monitoring and Oversight

Monitoring and Oversight of LEAs Exceeding or Approaching the 1.0 Percent Threshold

The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS.

In accordance with 34 CFR §200.6(c)(4)(iv), the Arkansas Department of Education, Office of Special Education (DESE-OSE), provides targeted oversight and differentiated support to local education agencies (LEAs) that exceed or are at risk of exceeding the 1.0 percent AA-AAAS participation threshold. These activities are intended to ensure accurate, data-based participation decisions and consistent implementation of the State's alternate assessment participation criteria.

Identification of LEAs and Tiered Monitoring Structure

Arkansas has utilized a tiered monitoring system since 2021, with increasing levels of required action, documentation, and technical assistance aligned to participation risk. For the 2025–2026 school year, LEAs were distributed across tiers as follows:

- Tier 1 (1.01–1.29%): 24 LEAs
- Tier 2 (1.30–1.99%): 45 LEAs
- Tier 3 ($\geq 2.0\%$): 7 LEAs

These tier distributions align with statewide participation data (see Table 5), which indicate that while Arkansas remains near the 1.0 percent threshold overall, a subset of LEAs continue to exceed the cap and require targeted monitoring and support.

Under this system, LEAs exceeding the threshold submit justification and additional required actions, with increased levels of review for higher tiers. AA-AAAS participation rates are also incorporated into the State’s Special Education Monitoring and Program Effectiveness risk assessment, increasing the likelihood of on-site monitoring for LEAs exceeding the threshold.

2025–2026 Monitoring Process (Baseline System)

During the 2025–2026 school year, DESE-OSE implemented a multi-step monitoring process that included training, data review, documentation requirements, and differentiated follow-up.

Table 7: 2026-2026 Universal Requirements (All Identified LEAs):

Requirement Area	Description
Data Submission	Submission of participation data and justification materials by October 5, 2025, for all LEAs exceeding the 1.0% threshold in SY 2024–2025
Data Verification	Verification of district-reported assessment numbers against statewide assessment records
Tier Assignment	Determination of tier placement based on participation data
Action Submission	Submission of required actions by January 9, 2026
Required Training	Completion of a DESE-OSE-developed training module, including facilitator guides, guided notes, and example student profiles and focus on: <ul style="list-style-type: none"> • Interpretation of cognitive, adaptive, and academic evaluation data • Alignment between IEP content and assessment participation decisions • Appropriate application of AA-AAAS participation criteria • Avoidance of inappropriate decision-making factors
Training Focus Areas	Interpretation of cognitive, adaptive, and academic data; alignment between IEP content and assessment decisions; appropriate application of participation criteria
Assurance	Signed Assurance document by the LEA Supervisor and Superintendent

Table 8: 2025-2026 Tier-Specific Required Actions

Tier	Required Actions
Tier 1	Submission of a student list identifying unexpected or low-incidence disability patterns.
Tier 2	Completion of a Student Information Form for each AA-AAAS participant
Tier 3	All Tier 2 requirements plus on-site monitoring, including student file review

Monitoring related to the 1% threshold for the 2025–2026 school year concluded with the final review of Individual Student Information Forms submitted by districts in March. Individual Student Information Forms require districts to review student evaluations and IEP documents to ensure that alternate assessment criteria are being followed and require reflection on the data. In 2025–2026, DESE-OSE expanded the Student Information Form to include additional reflective prompts, intended to guide IEP teams and administrators in more deeply analyzing evaluation data and participation decisions.

On-site monitoring for Tier 3 districts was conducted in January and February and included in-person consultation and document review. Following these activities, all districts received written feedback addressing individual student files and any identified systemic concerns.

Evaluation of the Monitoring Process

Findings from a March 2026 1% Monitoring and Support Feedback Survey sent to LEA Supervisors indicated that the State’s monitoring framework improved local assessment decision-making while also identifying opportunities to reduce administrative burden and strengthen consistency. These findings directly informed refinement of the monitoring system for the 2026–2027 school year, as summarized in the table below.

While LEAs valued the reflective nature of the monitoring process, feedback highlighted the need to reduce compliance burden and strengthen consistency across districts.

Table 9: Monitoring Process Feedback Survey Analysis		
Evidence Source	Key Findings	How Evidence Informed System Refinement
LEA Supervisor 1% Monitoring and Support Feedback Survey (March 2026)	70–80% of LEAs reported the monitoring process was effective; 75–85% indicated improvements in assessment decision-making and increased confidence in IEP team decisions.	Validated continuation of a tiered monitoring structure and use of required training as core components of the State’s oversight framework.

<p>LEA Feedback Survey – Documentation and Process</p>	<p>LEAs reported that documentation requirements supported reflection but varied in perceived efficiency; some districts experienced the process as compliance-oriented rather than embedded into local systems.</p>	<p>Informed redesign toward action-planning and targeted, tier-scaled review of IEPs and evaluations rather than uniform narrative documentation for all districts.</p>
<p>Tier 2 and Tier 3 Monitoring Activities (Student Information Forms and On-Site Monitoring)</p>	<p>Review of student-level documentation showed increased use of multiple data sources and minimal reliance on inappropriate factors in assessment decisions.</p>	<p>Supported increased emphasis on document review as a verification strategy and scaling depth of review based on participation risk.</p>
<p>LEA Self-Reported Local Practices</p>	<p>Many LEAs reported establishing internal review processes for alternate assessment participation decisions.</p>	<p>Reinforced focus on capacity-building and system-level improvement rather than solely corrective oversight.</p>
<p>Statewide Participation Trend Data</p>	<p>Participation rates remained near the 1.0 percent threshold with modest increases and no evidence of abrupt shifts or subgroup-driven spikes.</p>	<p>Supported shift to proactive identification using projected data and early intervention rather than retrospective-only monitoring.</p>
<p>DESE-OSE Review of Monitoring Outcomes</p>	<p>Variability across districts in local review systems and documentation quality.</p>	<p>Informed development of a redesigned system emphasizing consistency, clearer expectations, and differentiated technical assistance.</p>

Continuous Improvement and System Refinement

In response to these findings, DESE-OSE is redesigning the monitoring system to promote systemic change while reducing unnecessary administrative burden for LEAs.

Arkansas’s strengthened monitoring system for 2026–2027 emphasizes:

- Proactive identification through required fall submission of projected participation data for all LEAs
- Differentiated tiering based on multiple indicators, including trends, stability, and documentation patterns
- Reflective justification and participation planning
- Tiered review of student-level documentation, including IEPs and evaluations
- Expanded training and universal supports available to all LEAs
- Ongoing evaluation and annual refinement of monitoring practices

Monitoring Redesign for 2026–2027

Arkansas’s revised system shifts from a retrospective, compliance-focused model to a proactive, differentiated framework emphasizing early identification, targeted support, and fidelity of implementation.

Universal Supports (All LEAs)

Universal supports remain foundational and have long been available, including:

- State-developed training and technical assistance
 - Six regional in-person trainings are planned for spring and summer 2026
- The Arkansas Alternate Assessment Participation Manual
- The statewide decision-making tool
- Publicly available guidance materials and recorded training
- Targeted assistance is continually available as identified needs arise via phone and email
- Guidance through the Monthly Call with LEA supervisors

Tiered Requirements for 2026–2027

Tier 1 – Slightly Above 1% (Exact data breaks will be determined per year)

- Submission of a 1% Participation Action Plan
 - Required training
- Submission of student-level evidence for unexpected disability patterns, based on a State-specified sample

Tier 2 – Moderately Above 1% or Needs Support Based on Other Data Points

- All Tier 1 requirements
- Submission of student-level evidence, based on a state-specified sample

Tier 3 – Intensive Support ($\geq 2.0\%$ or Needs Intensive Support Based on Other Data Points)

- All Tier 1 and Tier 2 requirements

- Submission of student-level evidence, based on a state-specified sample. Sample size will be larger than Tier 2.
- Option for on-site monitoring

All Tiers -

- Student-Level and Systemic feedback provided by DESE-OSE, including:
 - Questions to consider
 - Suggested next actions
 - AA-AAAS eligibility and procedural requirements

Table 10 compares Arkansas’s previous 1% monitoring approach with the updated system being implemented for the 2026–2027 school year.

Table 10: Comparison of Monitoring Systems		
Component	Previous System (2021–2026)	Updated System (2026–2027)
Identification of LEAs	Based on prior-year overage	All LEAs submit projected data for real-time identification and proactive support
Justification Process	Narrative with variable utility; Often repeating information with no targeted actions	Reflective analysis with required targeted action planning
Tier Placement	Based on participation rate only	Based on participation rate, longitudinal trends, documentation patterns, and other data indicators
Tier System	Tiered system primarily based on participation rate, with standardized requirements	Tiered system emphasizing proactive identification, differentiated requirements, and graduated documentation review aligned to level of need
Training - intended to build LEA capacity and prevent inappropriate participation decisions.	Required for identified LEAs; with districts permitted to develop or select their own training materials until 2025-2026.	Required for identified LEAs, using State-provided DESE-OSE training materials that establish a consistent baseline; districts may supplement the training but may not remove or replace required content.

Documentation Review – These activities are used to verify fidelity and address identified concerns.	Relied heavily on district interpretation of data in Tiers 1 and 2 through Student Information Forms; folder review only in Tier 3	Tiered review of targeted samples of IEPs and evaluations, scaled to level of participation risk.
Monitoring Approach	Differentiated by level of need	Differentiated by level of need
Feedback and Improvement	Continuous feedback	Continuous feedback with annual refinement based on participation data and district input
Resource Development	Recorded training and Family Guide to Special Education available on OSE website	Planning expanded training modules and guidance materials focused on participation criteria, disproportionality, and family communication

Summary

DESE-OSE used data from participation monitoring, LEA feedback, and the 1% Monitoring and Support Feedback Survey to intentionally refine its oversight framework. The redesigned system maintains strong expectations for appropriate participation while shifting toward documentation review practices that are more likely to produce systemic improvement, improve consistency, and ensure that only students with the most significant cognitive disabilities participate in the AA-AAAS.

6C. Disproportionality on AA-AAAS

The State will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided. [34 CFR 200.6(c)(4)(iv)]

Arkansas will address any disproportionality in AA-AAAS participation through ongoing data review, targeted monitoring, and focused technical assistance, consistent with the requirements of 34 CFR §200.6(c)(4)(iv).

The State will continue to examine AA-AAAS participation patterns across student subgroups, including race/ethnicity, gender, English Learner status, and economic disadvantage. As described in Section 3, Arkansas uses a risk-ratio methodology to evaluate subgroup participation relative to the statewide AA-AAAS participation rate. This approach supports evaluating the relative likelihood of participation while accounting for differences in subgroup enrollment sizes.

Results from the most recent analysis did not identify evidence of statewide systemic disproportionality. No subgroup demonstrated risk ratios at levels typically associated with inappropriate assessment placement.

Although statewide disproportionality was not identified, Arkansas recognizes that AA-AAAS participation represents a low-incidence population, and that small changes in enrollment may affect subgroup percentages. Accordingly, the State will continue proactive efforts to prevent inappropriate participation and address potential concerns if they arise.

To that end, Arkansas will:

- Review subgroup participation patterns annually at both the state and LEA levels;
- Provide targeted technical assistance and required training to LEAs when subgroup participation patterns warrant further review.

Targeted supports will emphasize appropriate application of AA-AAAS participation criteria, use of multiple sources of evaluation data, distinction between language acquisition needs and cognitive disability, application of the Least Dangerous Assumption, and avoidance of inappropriate factors in assessment participation decisions.

Findings from subgroup analyses will inform monitoring priorities, professional development, and continuous improvement activities. Through these integrated monitoring and support strategies, Arkansas will ensure that AA-AAAS participation decisions remain individualized, data-based, and equitably applied across all student populations.

Requirement 7: Participation Rates

Demonstrate that the State reduced its AA-AAAS participation rates in each subject for which the State is seeking a waiver.

As shown in Table 6 (presented in Section 3C), Arkansas reduced participation in the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS) following years in which rates exceeded the one percent (1%) threshold. After the State revised participation criteria and strengthened guidance and training for IEP teams, AA-AAAS participation declined beginning in the 2020–2021 school year and remained below the threshold for multiple subsequent years, as discussed under Requirement 3c.

This sustained reduction demonstrates improved implementation fidelity and alignment with federal participation guidelines. The State’s prior experience reducing AA-AAAS participation following targeted policy and practice changes confirms Arkansas’s capacity to respond effectively when participation approaches or exceeds the one percent (1%) threshold. The strategies described in this waiver build on those prior efforts and are intended to support continued appropriate participation in future school years.

Table 6 documents historical AA-AAAS participation across English language arts, mathematics, and science. Following peak participation in 2017–2019, participation declined sharply in 2020–2021 and stabilized below 1.0 percent through 2024–2025. Preliminary estimates for 2025–2026 indicate rates approaching, but not exceeding, the cap.

Importantly, the post-2020 decline coincides with the State’s revision of participation criteria and enhanced professional development for IEP teams, indicating that the reduction reflects changes in assessment decision-making rather than temporary fluctuations.

Interpreting Recent Trends: Enrollment Context

While participation rates have remained near the one percent (1%) threshold in recent years, this modest upward trend must be interpreted in the context of significant statewide enrollment changes, rather than changes in alternate assessment eligibility practices.

Overall Enrollment and Special Education Trends

Table 11 presents statewide enrollment data over time, and Figure 2 illustrates the same information to highlight long-term trends. Together, these data show that total public school enrollment in Arkansas peaked during the 2017–2019 period and has gradually declined since, reaching approximately 465,000 students by the 2025–2026 school year. Over the same period, the number of students receiving special education services increased steadily.

As a result of these divergent trends, the overall student population included in statewide assessment calculations has declined, while the special education population served by public schools has grown. This shift reflects broader changes in statewide enrollment patterns and has implications for the interpretation of participation-based metrics.

Arkansas has expanded access to multiple educational options, including support for non-public educational choices and expanded public school options such as charter schools, virtual schools, and alternative education settings. Collectively, these settings demonstrate lower participation rates in alternate assessments than traditional public schools, reflecting differences in the populations they serve. These developments reflect an evolving educational landscape and increased flexibility in how students access educational services statewide.

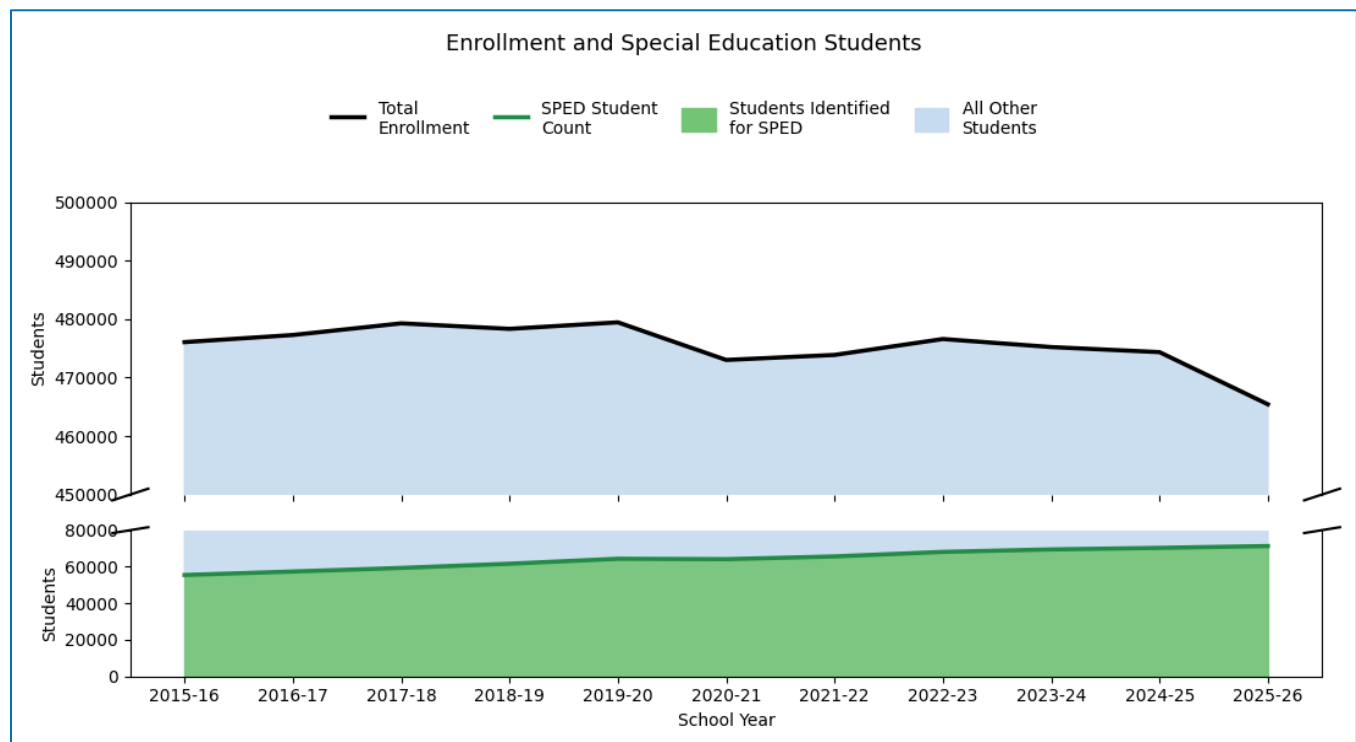
As a result, calculations tied to the 1.0 percent threshold have become increasingly sensitive to changes in the total student denominator, even as participation criteria, assessment practices, and IEP team guidance have remained stable and aligned with federal requirements.

Table 11: School-Age Enrollment Data*

	2018-2019	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
All Students K-12	478318	473004	473861	476579	475207	474337	465421
SPED Enrollment K-12	61342	63423	64973	67291	68869	69872	73087

* Data for this analysis were obtained from the publicly available ADE Data Center (Arkansas Department of Education [ADE], n.d.; <https://adedata.arkansas.gov/>).

Figure 2: Enrollment and Special Education Students Comparison



Stability of AA-AAAS Participation Within Special Education

Table 12 provides additional context by examining AA-AAAS participation as a percentage of the special education population. While the proportion of all students participating in the alternate assessment has increased slightly in recent years, the percentage of students with disabilities participating in the AA-AAAS has remained relatively stable since 2020–2021, fluctuating narrowly around six percent.

This stability indicates that recent changes in the statewide AA-AAAS percentage are attributable to structural enrollment shifts rather than expanded or inappropriate use of the alternate

assessment within special education. Year-to-year changes are small, incremental, and linear, with no evidence of abrupt shifts or disproportionate growth.

Table 12: AA-AAAS Participation to Special Education Ratio

School Year	AA-AAAS % of All Students	SpEd % of All Students	AA-AAAS % of SpEd (Ratio)
2017–2018	1.21%	11.93%	9.77%
2018–2019	1.32%	12.27%	10.24%
2020–2021	0.83%	13.33%	5.68%
2021–2022	0.88%	13.41%	5.74%
2022–2023	0.89%	14.52%	5.96%
2023–2024	0.92%	14.80%	6.40%
2024–2025	0.97%	14.73%	6.47%
2025–2026	1.0013% (est)	15.197%	6.65%

Summary and Waiver Justification

Taken together, evidence from Table 11, Table 12, Table 6, and Figure 2 demonstrates that Arkansas:

- Reduced AA-AAAS participation following earlier periods of over-participation;
- Sustained consistent implementation of participation criteria across multiple years; and
- Continues to apply eligibility guidelines with fidelity despite significant demographic and enrollment changes.

Although participation rates are trending modestly upward, the data show that this pattern reflects changing enrollment dynamics rather than changes in assessment decision-making. The State will continue to monitor participation annually and provide targeted oversight and support to LEAs to ensure appropriate use of the alternate assessment and continued progress toward meeting the one percent (1%) cap.