

3. Two Percent Interim Flexibility

Last year, the U.S. Department of Education (USDE) disapproved ADE's request for interim flexibility in counting the proficiency scores of students with disabilities under Option #1 of USDE's May 10, 2005, announcement concerning, "Adequate Yearly Progress and Modified Achievement Standards: Interim State Policy Options."

Disapproval was based on data showing that Arkansas fell just short of meeting the requirement for 95% participation of students with disabilities in assessments used to make AYP determinations under NCLB. ADE believes that the participation rate numbers may reflect a coding problem and is in the process of reviewing these data. If we determine that we are, in fact, in compliance with the participation rate requirement for students with disabilities, we wish to renew our request for the 2% interim flexibility. We will be notifying you as soon as possible on the results of our data review and, as appropriate, will update our request at that time.