

District Application for Federal Flexibility

Alternative Fund Use Authority (AFUA) Pilot • Ed-Flex Waivers

School year	2026 – 2027
Submit to	Britt Hall, Office of Federal Programs, Arkansas Department of Education — britt.hall@ade.arkansas.gov
Due date	October 1, 2026
Questions	Jayne Green — 501-683-4349 — jayne.green@ade.arkansas.gov Matt Sewell — 501-683-4349 — matt.sewell@ade.arkansas.gov

Before you begin

This form covers two kinds of federal flexibility. They come from different laws and carry different obligations. Complete only the parts that apply to your district.

	Part 2 — AFUA pilot	Part 3 — Ed-Flex waivers
What it is	Authority to spend Title II-A and Title IV-A funds on a wider range of activities, under a waiver the U.S. Department of Education already granted to ADE.	Waivers of specific federal requirements in covered grant programs.
What the district does	Notifies ADE of its intent to participate. No waiver request is involved.	Selects from the statewide pre-approved menu.
Public notice and comment	Not required.	Required. See Part 4.

Steps to complete this form

1. Complete Part 1. All districts.
2. Complete Part 2 if your district is eligible for and intends to use AFUA.
3. Select any statewide pre-approved flexibility in Part 3.
4. If you complete Part 3, carry out the public notice and comment process in Part 4 before submitting, and attach the comments received.
5. Review the assurances and sign in Part 5.
6. Return Parts 1-5 to the Office of Federal Programs, Arkansas Department of Education.

Part 1 | District Information

District name		LEA number	
Superintendent		School year	2026 – 2027
Federal programs contact		Phone	
Email			

- ☐ The district's AR App for the school year identified above is complete, and the requests in this application align with the comprehensive needs assessment and district goals in that plan.

Part 2 | AFUA Pilot — Notification of Intent

2.1 Intent

- ☐ The district notifies ADE of its intent to use Alternative Fund Use Authority for the school year identified in Part 1.

2.2 Basis of eligibility

Confirm the district's status on the [2026 AFUA Eligible REAP Districts](#) list before checking the box.

- ☐ The district is eligible for the Small, Rural School Achievement (SRSA) program and/or the Rural and Low-Income School (RLIS) program (20 U.S.C. §§ 7345(b), 7351(b)).

2.3 Activities the district will support

Check every program whose authorized activities the district intends to carry out with AFUA funds. Only Title II, Part A and Title IV, Part A funds may be used under AFUA (20 U.S.C. § 7345(a)(1), (c)).

- ☐ Title I, Part A — Improving Basic Programs Operated by LEAs
- ☐ Title II, Part A — Supporting Effective Instruction
- ☐ Title III — Language Instruction for English Learners and Immigrant Students
- ☐ Title IV, Part A — Student Support and Academic Enrichment
- ☐ Title IV, Part B — 21st Century Community Learning Centers

2.4 Planned use of funds

Briefly describe what the district will do with the funds and the local need it addresses.

Part 3 | Ed-Flex — Statewide Pre-Approved Flexibilities

Check each flexibility the district intends to use.

	Flexibility
Administrative — all relevant grants	
☐	Time-and-effort certification forms <i>2 C.F.R. § 200.430(g)</i> Waives the time certification documentation requirement for employees working on a single cost objective.
Title I, Part A	
☐	15% carryover limitation <i>ESEA § 1127</i> Waives the restriction on the amount of Title I, Part A funds a district may carry over from one fiscal year to the next.
☐	125% per-pupil allocation rule <i>ESEA § 1113(c)(2)(A); 34 C.F.R. § 200.78(b)</i> Waives the requirement that a district serving one or more schools below 35% poverty allocate to each participating Title I school at least 125% of its average per-pupil Title I allocation.
☐	40% poverty threshold for schoolwide programs <i>ESEA § 1114(a)(1)</i> Allows a school below the 40% poverty threshold to operate a schoolwide program. Applies only to schools receiving Title I funds. List the schools below.
Title IV, Part A	
☐	Content-area spending apportionment <i>ESEA § 4106(e)</i> Waives the required minimum percentages a district must spend across the well-rounded education, safe and healthy students, and technology categories.

If you selected the 40% poverty threshold flexibility, list each school below the threshold that will operate a schoolwide program.

School name	Poverty percentage

Part 4 | Public Notice and Comment

When this part applies. Complete Part 4 only if you select a flexibility in Part 3. Federal law requires every district seeking an Ed-Flex waiver to give public notice and an opportunity to comment, and to submit the comments received to ADE with its application (20 U.S.C. § 5891b(a)(7)). Part 2 AFUA notification does not require notice or comment.

4.1 ADE directions

1. Post a notice on the district website. It must describe the application, identify each provision the district is asking ADE to waive, and state the improvement in student performance the district expects. You may use the model notice in Appendix A. Website posting is required; announcing the item at a board meeting does not satisfy it.
2. Follow the district's own public comment policy for the length of the notice and comment periods. If the district has no such policy, give at least 2 calendar days of notice before the comment period opens, then keep it open for 10 consecutive calendar days. The notice must stay posted through the close of the comment period.
3. Invite comment from parents, educators, school administrators, and other interested community members. State in the notice how and by when to comment; an email address, an online form, or a mailing address is sufficient.
4. Keep every comment received. Do not summarize, edit, or screen them. Attach all comments to this application.

4.2 District certification

Web address of the posted notice	
Date posted	
Date comment period opened	
Date comment period closed	
How comments were received	
Number of comments received	

- ☐ **All comments received are attached to this application.**
- ☐ No comments were received. Notice was posted and the comment opportunity provided as certified above.

Part 5 | Assurances and Signature

The superintendent's signature certifies that the information in this application is accurate and complete. A district that selected a flexibility in Part 3 also assures the following.

- ☐ **Public notice and comment.** The district posted notice of each requested waiver on its website, including the improvement in student performance it expects, gave parents, educators, administrators, and other interested community members an opportunity to comment, and has submitted all comments received with this application.
- ☐ **Local reform plan.** The district's AR App is its local reform plan for purposes of 20 U.S.C. § 5891b(a)(4)(C)(i), and each flexibility selected in Part 3 will help the district meet the goals set in that plan.
- ☐ **Underlying purposes.** The district will continue to meet the underlying purposes of each waived requirement.
- ☐ **Accountability.** The district remains accountable to ADE for the performance of students affected by each waiver and understands that ADE will review that performance annually and may suspend or terminate a waiver after notice and an opportunity for a hearing.

Signature

	Signature	Date
Superintendent <i>Printed name:</i>		

ADE Office of Federal Programs — Internal Use Only			
Date received		AFUA eligibility confirmed	
Reviewer		Comments attached	
Determination	☐ Approved ☐ Approved in part ☐ Returned		
Signature and date			

Appendix A | Model Public Notice

Copy onto the district website. Add one paragraph for each flexibility selected in Part 3.

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

[District Name] Ed-Flex Waiver Application

[District Name] intends to apply to the Arkansas Department of Education for one or more waivers of federal requirements under the Education Flexibility Partnership Act of 1999 (20 U.S.C. § 5891b). Ed-Flex allows the Department to waive certain federal requirements for individual districts and schools so they can better meet local needs while remaining accountable for student performance.

The district is requesting the following waiver[s]:

[Provision and citation.] The district is asking that this requirement be waived so that [plain-language explanation of what the district will be able to do]. The district expects this waiver to result in [the specific improvement in student performance the district expects, stated in measurable terms].

Parents, educators, school administrators, and other interested community members are invited to comment on this proposed waiver request.

Comments may be submitted to [name and title] by email at [email address], by mail at [address], or in person at [location]. Comments will be accepted from [opening date] through [closing date].

All comments received will be submitted to the Arkansas Department of Education with the district's application.

Appendix B | Suggested Language for Each Flexibility

ADE-suggested plain-language wording for public notice. For each flexibility selected in Part 3, copy the block below into the model notice in Appendix A. The flexibility name and citation are fixed; the description and expected-benefit wording may be edited.

Time-and-Effort Certification Forms

Federal requirement waived: 2 C.F.R. § 200.430(g)

Employees paid entirely by a single federal program must currently sign paperwork twice a year confirming how they spent their time. This flexibility removes the certification requirement for those employees.

Expected benefit for students: Staff and administrators spend less time on federal paperwork and more time supporting students and classrooms.

Title I, Part A — 15% Carryover Limitation

Federal requirement waived: ESEA § 1127(a)

Title I, Part A provides extra funding for schools serving more students from low-income families. Normally, a district may carry no more than 15% of that funding into the next year. This flexibility lets the district carry over any amount.

Expected benefit for students: The district can combine funds across years for larger, sustained investments, such as a multi-year tutoring or literacy program, instead of rushing to spend by a deadline.

Title I, Part A — 125% Per-Pupil Allocation Rule

Federal requirement waived: ESEA § 1113(c)(2)(A); 34 C.F.R. § 200.78(b)

Normally, when some schools have lower poverty rates, a district must give each Title I school at least 125% of its average per-student Title I amount. This flexibility lets the district set per-student amounts based on need rather than a fixed formula.

Expected benefit for students: Title I dollars can better align with student needs, directing more support to the schools and students who need it most.

Title I, Part A — 40% Schoolwide Eligibility Threshold

Federal requirement waived: ESEA § 1114(a)(1)

Normally, a school needs a poverty rate of at least 40% to run a “schoolwide” Title I program, which lets it use Title I funds to benefit all students in the building rather than only identified students. This flexibility allows schools with a poverty rate below 40% to run a schoolwide program.

Expected benefit for students: More schools can use Title I funds flexibly to strengthen instruction for every student in the building.

Title IV, Part A — Required Spending Categories

Federal requirement waived: ESEA § 4106(e)

Normally, a district receiving \$30,000 or more in Title IV-A funds must spend at least 20% on well-rounded education, at least 20% on safe and healthy students, and some amount on educational technology. This flexibility removes those minimums, allowing the district to set its own amounts.

Expected benefit for students: The district can direct Title IV-A funds to its highest-priority student needs rather than fixed percentages.

Appendix C | Requirements That Cannot Be Waived

Ed-Flex does not reach the requirements below (20 U.S.C. § 5891b(a)(1)(A), (b), (c)).

- Standards, assessments, and accountability requirements under section 1111 of the ESEA
- Maintenance of effort
- Comparability of services
- Equitable participation of students and professional staff in private schools
- Parental participation and involvement
- Distribution of funds to states or to local educational agencies
- Serving eligible school attendance areas in rank order under ESEA § 1113(a)(3)
- Selection of a school attendance area or school under ESEA § 1113(a) and (b). Narrow exception: ADE may allow an area or school whose low-income percentage is within 10 percentage points of the lowest participating percentage in the district to receive Title I, Part A activities.
- Use of federal funds to supplement, not supplant, non-federal funds
- Applicable civil rights requirements
- Any requirement that applies to ADE rather than to a district or school