RECLAIMING ARKANSAS EDUCATION

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Today's Agenda

1. Overview of Waivers
2. The AFUA Pilot
3. Ed-Flex
4. Next Steps for Districts

Overview of Waivers

To deliver its unified plan, Arkansas requested flexibilities from specific ESEA requirements through three mechanisms.

What Is ESEA?

ESEA is the main federal law governing K-12 education. It directs the use of Title funds (e.g., Title I for low-income schools, Title II for teacher training) and sets accountability and testing requirements.

While not all ESEA provisions can be waived, states may request flexibility from certain elements of accountability, assessment, reporting, and school improvement.

Returning Education to the States Waiver

Waives specific ESEA funding and assessment provisions that create barriers to scaling Arkansas's unified strategy. Covers AFUA expansion pilot, state set-aside consolidation, and assessment flexibility for accelerated students.

ED-Flex Waiver

Allows ADE to waive certain ESEA statutory requirements on behalf of districts. Enables statewide and individual LEA waivers through the AR App process to reduce district-level compliance burden.

Revised ESSA Plan

Allows ADE to update its federal education strategy to reflect evolving priorities and needs. Ensures alignment of funding, accountability, and supports to improve student outcomes while increasing coherence and flexibility for districts.

Arkansas requested flexibilities from administrative burden — not from requirements that protect students or civil rights.

PART 1

AFUA

What Is AFUA?

AFUA lets eligible districts use Title II-A and Title IV-A funds for any allowable use under the Small, Rural School Achievement (SRSA) program.

- **AFUA stands for** Alternative Fund Use Authority. Eligible districts can use Title II-A and IV-A funds for any allowable Title I-A, II-A, III, or IV-A/B purpose — with no transfer required.
- **The AFUA pilot runs four years,** covering the 2026-2027 through 2029-2030 school years. Districts may opt into the pilot by Oct 1. Only eligible districts may participate.

Which Districts Are Eligible?

A district is eligible if it qualifies for the SRSA program, the RLIS program, or both.

SRSA = Small, Rural School Achievement program

RLIS = Rural and Low-Income School program

ADE has published the official 2026-2027 eligibility list. Please use this list to confirm your district's status.

Participation is optional. A district that does not opt in keeps using Title II-A and IV-A funds under the standard rules.

Opting in to the AFUA Pilot

1. **Confirm eligibility.** Check the eligibility list for the district's SRSA or RLIS status.
2. **Opt in.** Complete Part 2 of the District Application for Federal Flexibilities and select the funds the district will use.
3. **Put the funds to work.** Spend Title II-A and IV-A funds on any use SRSA allows.
4. **Plan for reporting.** Track fund use and outcomes for the district's annual report to ADE.

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.

ADE must submit an annual report by October 30 each year that includes the following information for the prior year:

1. The number of additional LEAs that are implementing AFUA.

2. How the LEAs used Title II, Part A and Title IV, Part A funds under AFUA, including how the use differed from their prior use of funds under these programs.

3. How the use of funds under AFUA has impacted outcomes in participating LEAs.

4. How use of the waiver has contributed to improving student academic achievement in Arkansas.

2026-2027 Timeline, and What Comes Next

September 2026

Eligible districts complete District Application for Federal Flexibilities

October 1, 2026

The application is due to ADE.

2026-2030 Pilot Period

Districts use AFUA funding and complete annual reporting to ADE.

PART 2

Ed-Flex

What Is Ed-Flex?

Ed-Flex lets ADE waive select federal rules for districts in exchange for stronger accountability for student results.

- **Congress created Ed-Flex** through the Education Flexibility Partnership Act of 1999 and the Every Student Succeeds Act reauthorized Ed-Flex in 2015.
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- **Ed-Flex does not change** how much federal funding a district gets.
- **Ed-Flex changes only** how funding may be used and administered

Five Flexibilities Are Already Approved

ADE pre-approved five flexibilities for every district this year. A district only needs to select which ones it will use.

Flexibility	Rule Waived	What Changes
Time-and-effort certification forms	2 C.F.R. § 200.430(g)	Staff paid fully by one program no longer sign twice-yearly certifications.
Title I-A—15% carryover limit	ESEA § 1127	A district can carry over any amount of unspent Title I-A funds.
Title I-A—125% per-pupil rule	ESEA § 1113(c)(2)(A)	A district can set per-pupil amounts by need, not a fixed formula.
Title I-A—40% schoolwide threshold	ESEA § 1114(a)(1)	A school below 40% poverty can run a schoolwide Title I program.
Title IV-A—spending categories	ESEA § 4106(e)	A district can set its own spending levels for each required category.

Deciding if Ed-Flex is Right for Your District

District’s should consider how flexibilities will help them improve student outcomes and implement their district strategic plan.

1. **Start with the goal.** Identify the goal in the district's strategic plan that flexibility would support (for example, improving retention in high-poverty schools).
2. **Identify the barrier.** Determine what federal requirement — a spending restriction, a carryover limit, a documentation requirement — is currently standing in the way of that goal.
3. **Check whether a statewide flexibility solves the barrier.** Review the Approved Statewide Flexibilities table to determine if an existing statewide flexibility addresses the barrier.
4. **Apply to Ed-Flex**.

Which Districts Are Eligible?

Every Arkansas district can request Ed-Flex flexibilities. There is no separate eligibility list to check.

All Arkansas districts are eligible.

Applying to Ed-Flex

1. **Complete Part 3.** Check each pre-approved flexibility the district will use in Part 3 of the District Application for Federal Flexibility .

2. **Give public notice.** Post notice and collect comments for the required period.

3. **Sign the assurances.** Get superintendent sign-off and **submit to ADE by Oct 1**.

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** *2 C.F.R. § 200.430(g)* Waives the time certification documentation requirement for employees working on a single cost objective.
	Title I, Part A
☐	**15% carryover limitation** *ESEA § 1127* 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** *ESEA § 1113(c)(2)(A); 34 C.F.R. § 200.78(b)* 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** *ESEA § 1114(a)(1)* 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** *ESEA § 4106(e)* 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

Public Notice and Comment Process

Every district must give public notice and an opportunity to comment before it submits an Ed-Flex application. ADE has created a template to make this as easy as possible for districts.

1. **Update ADE's public notice and comment template** with the district's information.
2. **Determine the notice and comment period.** A district can use its own public-comment policy if one is already in place or may use ADE's default period of two days of notice, then ten days for comments.
3. **Submit** all received comments to ADE with the Ed-Flex application.

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.

2026-2027 Timeline, and What Comes Next

September 2026

The District Application for Federal Flexibility opens.

October 1, 2026

The District Application for Federal Flexibility is due to ADE.

2027-2028 school year

Districts will request flexibilities through the AR App due June 30.

Next Steps For Districts

Ed-Flex and AFUA at a Glance

	Ed-Flex	AFUA Pilot
Eligible districts	All Arkansas districts	SRSA- or RLIS-eligible districts only
What it affects	Program rules and paperwork	How Title II-A and IV-A funds are used
Application due	October 1, 2026	October 1, 2026
Length of approval	One school year, renew each year	Four-year pilot, 2026-2027 through 2029-2030

Next Steps for Districts

For Ed-Flex:

1. Decide if any pre-approved Ed-Flex flexibilities fit district goals
2. Complete the District Application for Federal Flexibilities
3. Start the public notice and comment period
4. Get superintendent signature
5. Submit the completed application to ADE by Oct 1, 2026

For the AFUA Pilot:

1. Confirm your district is eligible for the pilot
2. Decide if your district wants to participate
3. Complete the District Application for Federal Flexibilities
4. Start using AFUA funding flexibility
5. Complete any annual required reporting to ADE

Submit District Application for Federal Flexibility to Britt.Hall@ade.arkansas.gov.

Questions?