OBJECTIVES

As a result of this session, participants will be able to:

- Describe the general flexibilities available through the Educational Flexibility (Ed-Flex) Program, including the regulations and requirements that are eligible to be waived
- Identify the information required by the application
- Describe the application submission timeline and review process
AGENDA

- State and Grantee Relations Introduction
- Overview
- Eligibility
- Application Requirements
- Application Timeline and Review
- Questions
- Resources and Next Steps
CHAT FEATURE

- We invite questions throughout the presentation, which we’ll answer at appropriate stopping points.
- Please use the “chat” feature to type in your questions and send them to the Department user listed in the chat.
- We may hold on answering certain questions if we know we will address the topic later in the presentation.
Vision
Empowered and engaged stakeholders serving all students.

Organizational Statement
Partnering with stakeholders, we connect them to the resources and relationships they need to support and educate all students.

Core Values
We value empathy, integrity and transparency to build trust with our stakeholders. We value collaborative communication and active listening to create helpful stakeholder experiences.
SGR Leadership & Ed-Flex Contact

Tara Ramsey
Director

Chris Fenton
Ed-Flex Liaison
THE EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT
Secretary gives States authority to waive certain requirements to States

States waive requirements for LEAS

LEAs have more freedom to innovate

Students Achieve
OVERVIEW

PURPOSE

- Through Ed-Flex, the Secretary delegates to eligible State educational agencies (SEAs) the authority to waive certain statutory or regulatory education requirements that may impede local efforts to reform and improve education.

- Ed-Flex is designed to help local educational agencies (LEAs), educational service agencies (ESAs), and schools carry out educational reforms and raise the achievement levels of all children.
OVERVIEW

REAUTHORIZATION

- Ed Flex is authorized under the Education Flexibility Partnership Act of 1999.
- Ed-Flex was reauthorized the Every Student Succeeds Act (ESSA) in December of 2015.
- 10 Ed-Flex States operated under the prior Ed Flex authority, through SY 2018-19.

- ALL States, including those States previously participating, need to reapply

- All States that meet eligibility criteria may apply for Ed Flex authority. There is no limit on the number of States that may participate.
- SEAs may be granted Ed-Flex authority for up to five years.
When an SEA receives Ed-Flex authority and becomes an Ed-Flex Partnership State, it receives:

- Flexibility in implementing Federal programs
- Flexibility in implementing certain requirements of Federal education statutes or regulations
- Flexibility to waive certain Federal requirements
ELIGIBILITY
WHY ED-FLEX FOR YOUR STATE?

- Ed-Flex is a tool to help States pursue innovative ways to improve achievement levels for all students.
- States with Ed-Flex authority can help LEAs focus on ideas and solutions in a timely manner by having the Ed-Flex authority in place when they plan.
- With Ed-Flex authority, a State doesn’t have to request individual waivers from the Department, with the associated review and response timelines.
- Having Ed-Flex authority in place may be beneficial “just in case” a waiver may end up being a timely option.
ED-FLEX EXPERIENCES
ED-FLEX FROM THE STATE PERSPECTIVE
ELIGIBILITY
STATE EDUCATIONAL AGENCIES

A State is eligible if:

- The State meets the applicable standards, assessments, and report card requirements.
- The State holds LEAs and schools accountable.
- The State has the authority to waive State statutory and/or regulatory requirements.
ELIGIBILITY

STATE EDUCATIONAL AGENCIES

A State is eligible if:

- The State meets the applicable standards, assessments, and report card requirements.
- The State holds LEAs and schools accountable for:
  - Meeting the educational goals described in the local applications for educational flexibility;
  - Engaging in technical assistance; and
  - As applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under ESEA section 1111(d).
- The State has the authority to waive State statutory or regulatory requirements relating to education.
ELIGIBILITY

STATE EDUCATIONAL AGENCIES

THE ED-FLEX WAIVER AUTHORITY APPLIES TO THE FOLLOWING PROGRAMS UNDER THE ESEA AND PERKINS

- **Title I, Part A**
  Basic Programs
  Operated by LEAs, other than section 1111

- **Title I, Part C**
  Migrant Education

- **Title I, Part D**
  Neglected and Delinquent

- **Title II, Part A**
  Supporting Effective Instruction

- **Title IV, Part A**
  Student Support and Academic Enrichment Grants

- **Perkins Career and Technical Program**
The Ed-Flex waiver authority applies to the following programs:

1. Title I, Part A (Basic Programs Operated by LEAs, other than section 1111)
2. Title I, Part C (Migrant Education);
3. Title I, Part D (Neglected and Delinquent)
4. Title II, Part A (Supporting Effective Instruction); and
5. Title IV, Part A (Student Support and Academic Enrichment Grants)
6. Perkins Career and Technical Education Program.
<table>
<thead>
<tr>
<th>Standards, assessments, and accountability requirements</th>
<th>Any requirements that apply to the SEA</th>
<th>Parental participation and involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Individuals with Disabilities Education Act</td>
<td>Applicable civil rights requirements</td>
<td>Distribution of funds to LEAs</td>
</tr>
</tbody>
</table>
ELIGIBILITY
PROHIBITED WAIVERS

- Attendance area or school under ss. (a) and (b) of ESEA s. 1113, (with certain exceptions)
- Maintenance of effort
- Supplement, not supplant
- Equitable services
- Comparability of services
- Rank order in accordance with ESEA section 1113(a)(3)
ELIGIBILITY

PROHIBITIONS

- A State cannot grant any waiver that would undermine the underlying purposes of the statutory requirements of the program.

- The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to—
  - ESEA section 1111 (including standards, assessments, and accountability requirements);
  - Maintenance of effort;
  - Comparability of services;
  - Equitable participation of students and professional staff in private schools;
  - Parental participation and involvement;
  - Distribution of funds to LEAs;
ELIGIBILITY

PROHIBITIONS

- The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to—
  - Serving eligible school attendance areas in rank order in accordance with ESEA section 1113(a)(3);
  - The selection of a school attendance area or school under subsections (a) and (b) of ESEA section 1113, (Except that an SEA MAY grant a waiver to allow a school attendance area or school to participate in Title I, Part A if the percentage of children from low-income families in the school attendance area is not more than 10 percentage points below the lowest percentage of such children for other Title I schools in the LEA)
ELIGIBILITY

PROHIBITIONS

- The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements –
  - Relating to the use of Federal funds to supplement, not supplant, State and local funds;
  - Relating to applicable parental involvement or civil rights requirements;
  - That apply to the SEA; or
  - Pertaining to the Individuals with Disabilities Education Act.
APPLICATION REQUIREMENTS
### Contact Information and Signatures

<table>
<thead>
<tr>
<th>SEA Contact (Name and Position):</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>Email Address:</td>
</tr>
<tr>
<td>By signing this document, I assure that all application contents are true and complete to the best of my knowledge, and I affirm each assurance listed at the end of the document.</td>
<td></td>
</tr>
<tr>
<td>Authorized SEA Representative (Printed Name)</td>
<td>Telephone:</td>
</tr>
<tr>
<td>Signature of Authorized SEA Representative</td>
<td>Date:</td>
</tr>
</tbody>
</table>
1. Describe the process the SEA will use to evaluate applications from LEAs, educational service agencies, or schools requesting waivers of
   A. Federal statutory or regulatory requirements; and
   B. State statutory or regulatory requirements relating to education.

*Insert Text Here.*

2. Describe the State statutory and regulatory requirements relating to education that the State educational agency will waive.

*Insert Text Here.*

3. Describe the clear educational objectives the State intends to meet under the educational flexibility plan, which may include innovative methods to leverage resources to improve program efficiencies that benefit students.

*Insert Text Here.*
APPLICATION REQUIREMENTS

DESCRIPTIONS

4. Describe how the educational flexibility plan is coordinated with activities described in the Title I, Part A section of the SEA’s approved consolidated State plan, consistent with subsections (b), (c), and (d) of section 1111 of the ESEA.

Insert Text Here.

5. Describe how the SEA will evaluate (consistent with the requirements of Title I of the Elementary and Secondary Education Act of 1965) the performance of students in the schools, educational service agencies, and LEAs affected by the waivers.

Insert Text Here.

6. Describe how the SEA met the requirements for Public Notice and Comment to:
   A. Provide the public with adequate and efficient notice of the proposed waiver authority, consisting of a description of the agency’s application for the proposed waiver authority, including a description of any improved student performance that is expected to result from the waiver authority.

Insert Text Here.

   B. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public.

Insert Text Here.

7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.
APPLICATION TIMELINE AND REVIEW
Applications are accepted on an ongoing basis and are reviewed as they are received.

The application is available at: https://www2.ed.gov/programs/edflex/index.html

An SEA should send its application to their State and Grantee Relations (SGR) State mailbox. ([State].OESE@ed.gov (Alaska.OESE@ed.gov)

Do not include hyperlinks in the application. Information accessible only through a hyperlink will not be reviewed.

An SEA should number the pages for smooth review and provide a table of contents if it includes any appendices.

An SEA must provide the public with notice and submit a summary of comments received with its application.
APPLICATION INFORMATION
DEPARTMENT REVIEW

Eligibility
Quality of Ed-Flex plan
Ability of plan to ensure accountability
Clarity of objectives related to school support activities
Ability to waive requirements
Approved Consolidated State Plan
APPLICATION INFORMATION

APPLICATION SUBMISSION AND REVIEW PROCESS

- State develops Ed-Flex plan and application + public notice
- Department reviews completed applications (up to 90 days)
- State receives notice
- Implementation/annual reporting
- Authority for up to 5 years
RESOURCES AND NEXT STEPS
More information is available at: https://www2.ed.gov/programs/edflex/index.html

Please send any Ed-Flex questions to your State’s SGR State mailbox: [State].OESE@ed.gov (e.g. Alaska.OESE@ed.gov)

Chris Fenton at christopher.fenton@ed.gov
Questions?