



EDUCATIONAL FLEXIBILITY PROGRAM

OFFICE OF STATE AND GRANTEE RELATIONS

AUGUST 28, 2019

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.



OFFICE OF STATE AND GRANTEE RELATIONS (SGR)

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



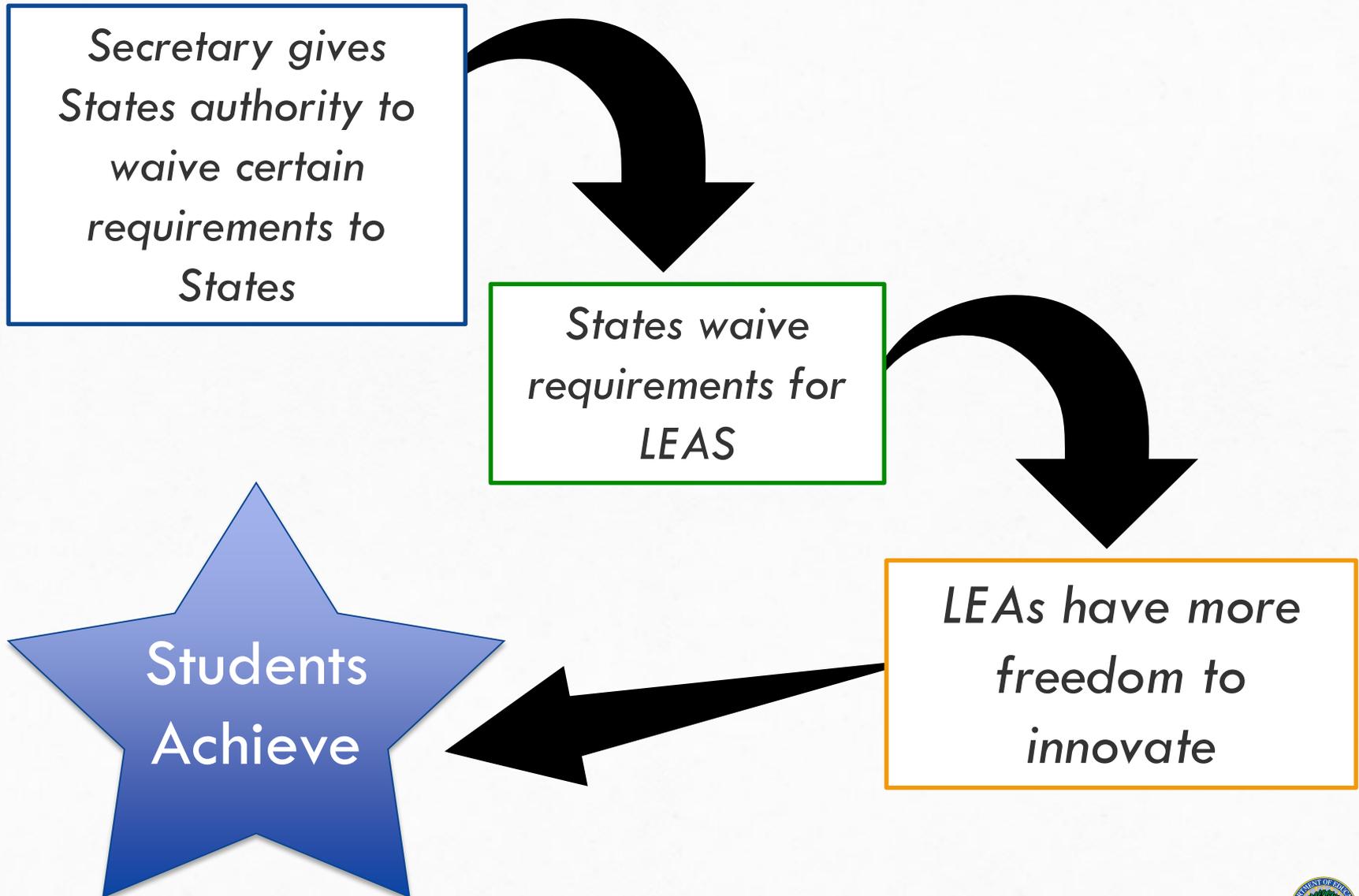
Chris Fenton
Ed-Flex Liaison





THE EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT

OVERVIEW VISUAL



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.



OVERVIEW

AUTHORITY

- 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

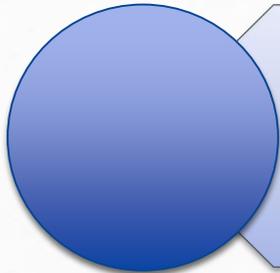


Delaware
Department of Education

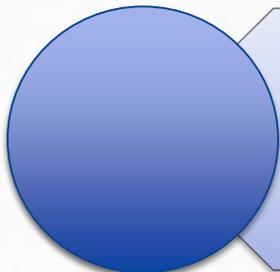
ELIGIBILITY

STATE EDUCATIONAL AGENCIES

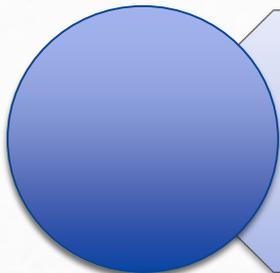
A State is eligible if:



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



ELIGIBILITY

INCLUDED PROGRAMS

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.



ELIGIBILITY

PROHIBITED WAIVERS

Standards, assessments,
and accountability
requirements

Any requirements that
apply to the SEA

Parental participation
and involvement

The Individuals with
Disabilities Education
Act

Applicable civil rights
requirements

Distribution of funds to
LEAs

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

APPLICATION REQUIREMENTS

COVER PAGE

Contact Information and Signatures	
SEA Contact (Name and Position):	Telephone:
Mailing Address:	Email Address:
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.	
Authorized SEA Representative (Printed Name)	Telephone:
Signature of Authorized SEA Representative	Date:



APPLICATION REQUIREMENTS

DESCRIPTIONS

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

APPLICATION INFORMATION

APPLICATION SUBMISSION

- 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

RESOURCES AND NEXT STEPS

APPLICATION REVIEW

- 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?

