Educational Flexibility (Ed-Flex) Waivers

Guidance for LEA Leaders

September 2026

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ILLINOIS STATE BOARD OF EDUCATION

Contents

Ed-Flex Authority

On May 13, 2026, the U.S. Department of Education (ED) approved Illinois' application for the Educational Flexibility (Ed-Flex) program for school years 2026-27 through 2030-31. The Ed-Flex program permits the U.S. Secretary of Education to grant participating State Education Agencies (SEAs) the authority to waive certain statutory or regulatory requirements that may "impede local efforts to reform and improve education." [1] SEAs with this authority can offer Local Education Agencies (LEAs) greater flexibility in their use of federal funding in exchange for enhanced accountability. The program's purpose is to help districts align their use of Elementary and Secondary Education Act (ESEA) grants with local efforts to improve outcomes for all students. Visit ISBE's Title Grants Administration webpage for additional information and resources.

Covered Programs

States participating in the Ed-Flex program may waive only certain provisions within the federal programs listed below.

[1] A State's Guide to the U.S. Department of Education's Education Flexibility (Ed-Flex) Program (2019), pg. 3.

- Every Student Succeeds Act (ESSA):
  - Title I, Part A: Improving Basic Programs Operated by LEAs (other than Section 1111)
  - Title I, Part C: Education of Migratory Children
  - Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
  - Title II, Part A: Supporting Effective Instruction
  - Title IV, Part A: Student Support and Academic Enrichment Grants
- Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (20 U.S.C. § 5891b(b))[2]

Provisions That Cannot Be Waived

Many statutory and regulatory requirements cannot be waived under the Ed-Flex program. Participating states may not grant waivers that undermine the fundamental purpose of the statutory requirements in the program for which a waiver is sought (20 U.S.C. § 5891b(c)).[3]

Additionally, the Ed-Flex program does not authorize states to waive the following requirements:

- Standards, assessments, and accountability requirements under ESEA Section 1111
- 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
- Serving eligible school attendance areas in rank order in accordance with ESEA Section 1113(a)(3)
- Selection of a school attendance area or school under subsections (a) and (b) of Section 1113
- Use of federal funds to supplement, not supplant, state and local funds
- Applicable civil rights requirements
- Any requirements that apply to the SEA
- Any requirements of the Individuals with Disabilities Education Act (IDEA)[4]

Approved Waivers in Illinois

In Illinois, there are currently three Ed-Flex waivers available to LEAs:

1. **Title I, Part A** (ESEA Section 1127(a)) **15% carryover limitation waiver**

   Title I, Part A includes a requirement that LEAs can carry over no more than 15% of the current year grant allocation for grants of $50,000 or more. With the Ed-Flex waiver, approved LEAs can carry over up to 100% of their current-year Title I, Part A allocation to fund initiatives in the

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[2] A State's Guide to the U.S. Department of Education's Education Flexibility (Ed-Flex) Program (2019), pg. 6.
[3] Ibid., 6.
[4] Ibid., 7.

following year. The waiver is intended to help LEAs carry over Title I funds for large, one-time investments aligned with local strategic priorities. Note: This is separate from the ESEA 1127 waiver provision, which allows an LEA to waive the percentage limitation once every three years. This is available via the [Title I excess carryover waiver request](#).

2. **Title IV, Part A (**ESEA Section 4106(e)(2)) **content area spending limitations waiver**

   The content area spending limitations apply to LEAs with a Title IV, Part A allocation of $30,000 or more. These LEAs are required to allocate specific percentages within three priorities: Well-Rounded Education, Safe and Healthy Students, and Effective Use of Technology. With the waiver, LEAs can dedicate up to 100% of these funds to any one of the three priorities and must align with local needs. While LEAs may allocate up to 100% on the effective use of technology, this waiver does not exempt LEAs from the 15% spending cap on technology infrastructure.

3. **Title IV, Part A** (ESEA Section 4109(b)) **15% technology infrastructure spending cap waiver**

   As mentioned above, Title IV, Part A also includes a 15% technology infrastructure spending cap. The waiver allows LEAs to expend more than 15% of their Title IV, Part A allocation on technology infrastructure.

In collaboration with local stakeholders, ISBE will consider opportunities to expand the waivers available to LEAs. However, ISBE must consult with ED officials before offering new LEA waivers.

LEA Application Process

ESSA includes specific requirements for LEA waiver applications. ISBE has developed a waiver application process that ensures each LEA complies with relevant requirements.

Step One: Develop a Waiver Plan

LEAs must use the Ed-Flex Waiver Request template[5] to identify and describe a plan for each requested waiver. Within the template, LEAs will:

- Indicate the federal program(s) the LEA is requesting be waived;
- Describe the purpose and expected results for each waiver;
- Describe one to three specific and measurable student achievement goals for the individuals impacted by the waivers;[6]
- Explain how the waiver will support the LEA in meeting these goals;
- Describe how the public notice and comment requirements described in 20 U.S.C. § 5891b(a)(7) have been met; and

[5] Templates and other resources are available on ISBE's [Title Grants Administration webpage](#).
[6] LEAs do not need to select goals for each waiver. A goal can be for multiple waivers.

- Provide any additional information that the SEA reasonably requires (20 U.S.C. § 5891b(a)(4)(A)). [7]

Step Two: Gather Public Input

The Ed-Flex Waiver Request template may be shared with local stakeholders to meet the public comment requirements outlined in 20 U.S.C. § 5891b(a)(7). Specifically, LEAs must:

- Provide the public with an adequate and efficient proposed waiver notice, which includes a description of student performance that is expected to result from the waiver in a widely read or distributed medium;
- Provide parents, educators, and all other interested community members opportunities to comment on the proposed waiver;
- Provide the opportunity for the comments to be reviewed by any member of the public; and
- Upload public comments to ISBE in the Ed-Flex Waiver Request application in IWAS (refer to Step Three).

LEAs should allow adequate time for the development and publication of the waiver, including the collection of public comment, to ensure timely waiver application submission. ISBE suggests that LEAs plan for a comment period of at least 14 days. LEAs may use existing procedures for communicating with stakeholders. This may include newsletters, emails, or district website notices.

Ed-Flex waivers are granted for one year. LEAs requesting waiver renewal must submit an application each year. ISBE advises LEAs that plan to apply for both FY 2027 and FY 2028 Ed-Flex waivers to consider publishing waiver applications for public comment simultaneously, despite the separate submission windows (refer to Step Three).

Step Three: Submission in IWAS

Final responses to each question in the Ed-Flex Waiver Request template must be submitted to ISBE through IWAS via the Ed-Flex Waiver Request application (located under Surveys). The IWAS application form is similar to the template to make it easier to transfer responses and report and analyze data. The application form includes an additional question that requires LEAs to indicate whether public comments were received. LEAs must share comments received with ISBE, along with a description of how the LEA considered them.

The Ed-Flex Waiver Request IWAS application will open during the submission windows for each of the respective grant cycles.

- FY 2027 application: Oct. 1 through Nov. 13
- FY 2028 application: Dec. 1 through Jan. 31. This will be the approximate timeline for all future Ed-Flex waiver submissions.

[7] A State's Guide to the U.S. Department of Education's Education Flexibility (Ed-Flex) Program (2019), pg. 10.

SEA Application Review

Once ISBE receives the Ed-Flex waiver, multiple departments will review submissions to verify eligibility and completeness. In evaluating eligibility, ISBE will consider fiscal and programmatic compliance with federal grants as well as other fiscal requirements. The table below outlines the criteria each department will use to verify eligibility. An LEA with significant issues in one or more of these areas may be deemed ineligible for the Ed-Flex waiver program.[8]

Ed-Flex Eligibility Criteria

Funding & Disbursements	School Business Services	Federal & State Monitoring
• Timely submission of final expenditure reports • Significant underutilization of grants	• Significant auditor questionnaire findings relating to one or more of the following: - Contracts/purchases contrary to School Code (A3)[9] - Restricted funds comingled in accounting records (A4) - Substantial/systemic misclassification of budget items (A12) - Other findings not listed in Part A, if warranted (C20)	• A single audit finding of significant waste, fraud, or abuse impacting a federal program • Significant questioned costs in the single audit or most recent monitoring cycle for programs involved in the waiver

Following the eligibility review, ISBE's Title Grant Administration Department will evaluate completeness of each Ed-Flex application. ISBE will review applications and notify LEAs of waiver decisions via email on a rolling basis.

Amending the CDP and ESEA Grant

FY 2027 Ed-Flex waiver applications will be submitted during the FY 2027 ESEA grant application cycle. LEAs with approved FY 2027 Ed-Flex waivers must therefore amend their ESEA grant applications and the Consolidated District Plan (CDP) to incorporate the flexibility in their plan.[10]

FY 2027 CDP amendment:

[8] Each department involved in the Ed-Flex eligibility review will use the most recently available financial information at the time of the application.
[9] A3 refers to question three in Part A of the Auditor Questionnaire located in the Annual Financial Report.
[10] ESSA requires states to confirm that LEAs have developed a "local reform plan" before approving Ed-Flex waivers (20 U.S.C. § 5891b(a)(4)(C)). LEAs will meet this requirement with the submission and approval of the CDP.

1. Navigate to the Amendment tab and identify the approved Ed-Flex waiver(s).
2. Navigate to the Needs Assessment Impact tab and update applicable responses.

FY 2027 ESEA grant application amendment:

1. Navigate to the Amendment tab and identify approved Ed-Flex waiver(s).
2. Navigate to the Applicant Information page to add a comment outlining approved waiver(s).
3. Navigate to the Program Specific section.
    - Title I Targeting Step 4: Add to “other” on the reservation chart and label Ed-Flex waiver.
    - Title IV Program Allocations: Add to the applicable activity.
4. Navigate to the Budget Detail page and include the following applicable to the approved waiver(s):
    - Title I, Part A Carryover Waiver: Budget for the carryover amount with planned activities.
    - Title IV, Part A Waivers: Label budget lines impacted by the Ed-Flex Waiver(s).

Amendments are required for the FY 2027 Ed-Flex application cycle only. In FY 2028 and future fiscal years, districts will submit waiver applications before the CDP opens. This allows the LEA to include Ed-Flex waiver plans for their initial grant application.

Program Evaluation

The Ed-Flex program is designed to help LEAs “carry out educational reforms and raise the achievement levels of all children.”[11] LEAs are granted flexibilities in implementing certain federal programs in exchange for enhanced accountability. To ensure those accountability expectations are met, states and LEAs must annually report on the progress of waiver implementation.

LEA Responsibilities

Within the Ed-Flex waiver application, LEAs are asked to identify one to three specific, measurable student achievement goals for the schools and students impacted by the chosen waivers. The LEA and ISBE will then use these goals to monitor the implementation of the Ed-Flex waiver(s). The goal(s) can be based on components of the state accountability system, Illinois Public Report Card, or other local data (such as local benchmark assessment data) but must focus on improving student outcomes. These student outcomes can be for the entire district or specific groups of schools.

LEAs should carefully consider the data source when selecting local improvement goals. The data should be reliable, valid, and obtainable so that LEAs can easily identify baseline performance and progress toward local improvement goals. LEAs implementing Ed-Flex waivers must submit an annual report evaluating the waiver’s effectiveness in relation to the performance goal(s). LEAs will also reflect on specific information within the state accountability system (refer to SEA Responsibilities). LEAs approved for Ed-Flex waivers will receive annual reporting guidance after the first year of implementation.

To ensure goals are clear, LEAs should follow the SMART goal format (specific, measurable, achievable, relevant, and time-bound). Examples include:

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[11] A State’s Guide to the U.S. Department of Education’s Education Flexibility (Ed-Flex) Program (2019), pg. 3.

- The percentage of students scoring proficient in ELA will grow from 22.8% to 24% on the 2027 Illinois Report Card.
- The ACT average math score will grow from 17.2 to 17.5 on the 2027 Illinois Report Card.
- Greater than 45% of elementary school students will meet or exceed their annual ELA growth goal from fall to spring on the [local benchmark assessment system].
- Daily attendance at comprehensive schools will increase by x% from the prior school year as measured by monthly attendance data.

SEA Responsibilities

ISBE will also evaluate waiver implementation using state accountability system data. In part, ISBE's review is intended to meet the Ed-Flex requirement that SEAs submit an annual report to the U.S. Department of Education detailing the number of waivers issued, how those waivers were used, and how waivers impacted student achievement.[12] In addition to streamlining this federal reporting requirement, the state evaluation is designed to encourage the local analysis and use of accountability data and to differentiate performance levels.

ISBE will monitor each LEA's progress against the six indicators present in the state's accountability system. These indicators are proficiency, growth, graduation rate, English learner progress, consistent attendance, and climate survey. For Ed-Flex waivers, ISBE will use school-level progress in the "All Students" group, aggregated at the LEA level.

Progress reports will be provided to LEAs on an annual basis, and a review of state accountability data will be incorporated into the LEA self-evaluation process as noted above.

Frequently Asked Questions – Section Forthcoming

Questions not addressed in this guidance may be emailed to EdFlex@isbe.net.

[12] A State's Guide to the U.S. Department of Education's Education Flexibility (Ed-Flex) Program (2019), pg. 11.

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