Educational Flexibility (Ed-Flex) Program

Requirements and Procedures for LEA Leaders

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Resources Available Now

Visit the Title Grants webpage to find:

- This presentation deck (recording forthcoming)
- Ed-Flex Waiver Request application templates
- Other guidance materials to help LEAs get started with Ed-Flex

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Agenda

- Ed-Flex Program – Key Information
- Illinois' Approved Waivers, Application Procedures, and Eligibility Requirements
- Strategic Flexibility – Waiver Examples
- Program Evaluation
- Resources
- Questions

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Ed-Flex Program – Key Information

What is Ed-Flex?

- Allows the Secretary of the U.S. Department of Education (ED) to delegate to State Education Agencies (SEAs) the authority to waive certain statutory or regulatory requirements that may, in some instances, "impede local efforts to reform and improve education" (A State's Guide to the U.S. Department of Education's Educational Flexibility (Ed-Flex) Program, 2019)
- Designed to help Local Education Agencies (LEAs) and schools improve by providing flexibility in the implementation of federal programs in exchange for enhanced accountability for results
- Authorized under the Education Flexibility Partnership Act of 1999, as amended by the Every Student Succeeds Act (20 U.S.C. § 5891b)
- Grants Ed-Flex authority to approved states for up to five years
  - ED approved the Illinois State Board of Education’s Ed-Flex application May 13, 2026.
  - Illinois’ authority covers school years 2026-27 through 2030-31.

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Unwaivable Provisions of ESSA

A state cannot grant any waiver that would undermine the underlying purposes of the statutory requirements of the program for which a waiver is sought (20 U.S.C. § 5891b(c)).

In addition, the Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to:

- 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)
- The selection of a school attendance area or school under subsections (a) and (b) of ESEA Section 1113
- Use of federal funds to supplement, not supplant, state and local funds

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Illinois' Approved Waivers, Application Procedures, and Eligibility Requirements

Approved Waivers

Program	Statute	Waiver
Title I, Part A	ESEA 1127(a)	Waives the carryover limitation, allowing LEAs to carry over up to 100% of the current-year grant allocation • Note: This is separate from the ability to waive the 15% carryover limitation once every three years.
Title IV, Part A	ESEA 4106(e)(2)	Waives the content area percentage requirements **for LEAs that receive more than $30,000,** allowing LEAs to use a data-driven needs assessment to allocate current-year Title IV grant awards within the three content areas (well-rounded education, safe and healthy schools, and effective use of technology). LEAs may allocate up to 100% of the award to a Title IV content area. • Note: The 15% spending cap on technology infrastructure remains in place with this waiver.
Title IV, Part A	ESEA 4109(b)	Waives the 15% spending cap on technology infrastructure

Ed-Flex Waiver Application Timeline

September–October

Develop and publish waiver plan for public comment

Oct. 1–Nov. 13

Submit FY 2027 Waiver

Dec. 1–Jan. 31

Submit FY 2028 Waiver

Annual submission window for future waivers

March–June

Align FY 2028 grants with approved waiver(s)

- Applications are submitted via IWAS: Ed-Flex Waiver Request survey.
- Applications are reviewed on a rolling basis; notification of ISBE's decision will be provided via email.
- Approved FY 2027 waivers require an amended Consolidated District Plan (CDP) and ESEA grant application.
- FY 2028 and future waiver application will be submitted during December and January annually.

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Waiver Application Requirements

An LEA submitting a waiver application to ISBE must:

- Indicate each federal program and statutory or regulatory requirement requesting to be waived;
- Describe the purposes and overall expected results of waiving each requirement;
- Describe, for each school year, specific, measurable educational goals for each LEA or school affected by the proposed waiver, and for the students served by the LEA or school who are affected by the waiver;
- Explain why the waiver will assist the LEA or school in reaching these goals;
- Describe how the public notice and comment requirements in 20 U.S.C. § 5891b(a)(7) have been met; and
- Provide any additional information that the SEA reasonably requires (20 U.S.C. § 5891b(a)(4)(A)).

The Ed-Flex Waiver Request application template is designed to ensure compliance with these requirements.

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Public Comment Requirements

In accordance with 20 U.S.C. § 5891b(a)(7), LEAs seeking an Ed-Flex waiver must:

- Provide the public with adequate notice of the proposed waiver, including a description of any improved student performance that is expected to result from the waiver, in a widely read or distributed medium;
- Provide the opportunity for parents, educators, and all other interested members of the community to comment on the proposed waiver;
- Provide the opportunity for the comments to be reviewed by any member of the public; and
- Submit a copy of any comments received to ISBE.

ISBE suggests that LEAs plan for a comment period of at least 14 days.

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Applying for FY 2027 and FY 2028

- Ed-Flex waivers require an annual application and adequate public notice.
- LEAs that intend to apply for **both** FY 2027 and FY 2028 waivers are advised to develop and publish their waiver applications for public comment at the same time.
- However, each application will need to be submitted within the appropriate submission window.

Aligning Ed-Flex with the CDP and ESEA Grant Application

- The FY 2028 CDP and ESEA of 1965 as Amended Grant Application will be updated to include information about Ed-Flex waivers.
- **For FY 2027 only**, LEAs with an **approved** waiver will need to amend the CDP and ESEA grant applications to reflect the plan for each waiver.

FY 2027 CDP Amendment

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

FY 2027 ESEA Grant Application Amendment

- Navigate to the Amendment tab and identify approved Ed-Flex waiver(s)
- Navigate to the Application Information page to add a comment outlining the waiver(s)
- 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
- Navigate to the Budget Detail page, include the following applicable to the approved waiver(s):
  - Title I, Part A Carryover: Budget for the carryover amount with planned activities
  - Title IV, Part A Waivers: Label budget lines impacted by the Ed-Flex waiver(s)

Rolling Waiver Review

Eligibility Review

- Multiple departments
- Criteria related to programmatic and fiscal compliance

Title Review

- Complete application
- Responsive to prompts

Notification

Waiver decision and next steps communicated via email

Eligibility Review

- ISBE will consider fiscal and programmatic compliance with federal grant and other fiscal requirements when evaluating waiver applications. LEAs with significant issues in one or more of the areas below may be deemed ineligible for the Ed-Flex program. Each department will conduct its review using the most recently available financial information.

Funding and Disbursements	School Business Services	Federal and State Monitoring
• Timely submission of final expenditure reports • Significant underutilization of grants	• Significant auditor questionnaire findings relating to one or more of the following: o Contracts/purchases contrary to School Code (A3) o Restricted funds comingled in accounting records (A4) o Substantial/systemic misclassification of budget items (A12) o Other findings not listed in part A, if warranted (C20)	• A single audit finding of significant waste, fraud, or abuse in a federal program • Significant questioned costs identified during compliance monitoring or in the single audit

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Other Ed-Flex Requirements

Annual Report

- LEAs with approved waivers must annually evaluate progress using a state-provided form.

ISBE Monitoring

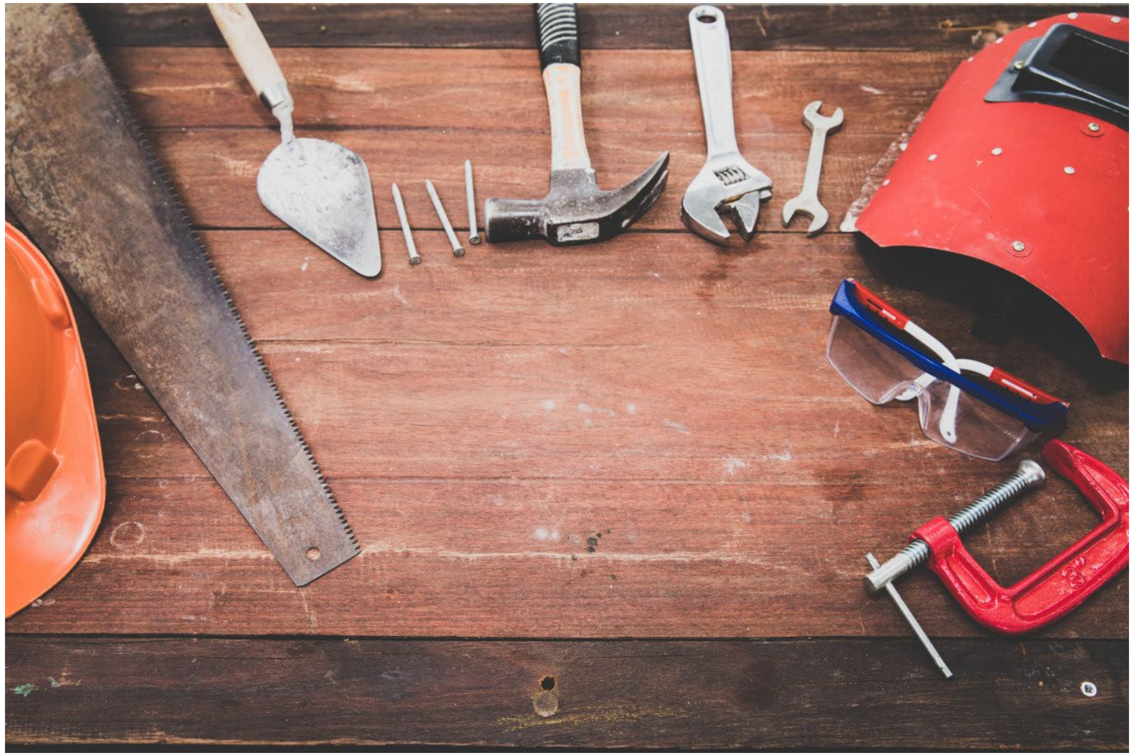
- ISBE must terminate waivers in cases of:
  - Waste, fraud, or abuse
  - Inadequate performance relative to goals
  - A decrease in student achievement

Strategic Flexibility – Waiver Examples

Strategic Use of Flexibility

Ed-Flex waivers provide LEA leaders with a new tool that can be used to:

1. Advance a set of strategic priorities and goals
2. Guide resource allocation decisions
3. Align to a local needs assessment
4. Improve student outcomes



LEAs with approved Ed-Flex waivers can plan their grants with this new flexibility in mind.

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Title I, Part A – Strategic use of Carryover

Why does this matter?

This waiver could be used to reallocate a portion of current year funds into the following fiscal year, enabling LEAs to pursue strategic investments that require multi-year planning.

For example, LEAs could use the carryover to:

- Update the ELA and/or math curriculum with High-Quality Instructional Materials that align with ISBE's literacy and numeracy plans

- Provide or expand evidence-based professional development

- Launch tutoring and/or after-school programs

Title IV, Part A – Examples

Why does this matter?

This flexibility would allow LEAs to waive mandatory minimums for each content area and/or waive the 15% spending cap on technology infrastructure to dedicate a larger portion of Title IV, Part A funding to a particular area of need.

For example, LEAs could use this flexibility to:

- Fund professional development and supplemental programs to support STEAM curriculum
- Adjust allocations among the three subject areas to better reflect local priorities (e.g., allocating all funds to support social-emotional needs)
- Increase resources to update outdated technology that was purchased with ESSER funds by waiving the 15% cap on technology infrastructure

Program Evaluation

Ed-Flex and Student Achievement

- The Ed-Flex program is designed to provide flexibility in the implementation of certain federal education programs in order to help LEAs carry out reforms that improve the achievement of all students. States and LEAs must annually monitor and report on progress.
- Within the waiver application, LEAs will identify 1-3 local improvement goals to monitor waiver implementation. These may be based on elements within the state accountability system, Illinois Public Report Card, or other local data (such as local benchmark assessment data) and must be grounded in student outcomes.
- ISBE will also monitor Ed-Flex waiver implementation using data from the state accountability system. This information will be used for state-level reporting and provided to LEAs for analysis.
- LEAs with approved waivers must submit an annual report to the state. ISBE will provide additional training and a reporting form to each LEA after the first year of implementation.

Guidance on Local Improvement Goals

- Follow the SMART goal format (Specific, Measurable, Achievable, Relevant, and Timebound)
- Goals may be LEA-wide or for specific groups of schools
- Focus on student outcomes
- Ensure that the data is reliable, valid, and obtainable
  - Example: local benchmark assessment data; monthly attendance; 9th Grade on Track
- Be prepared to identify baseline performance and progress within the annual report

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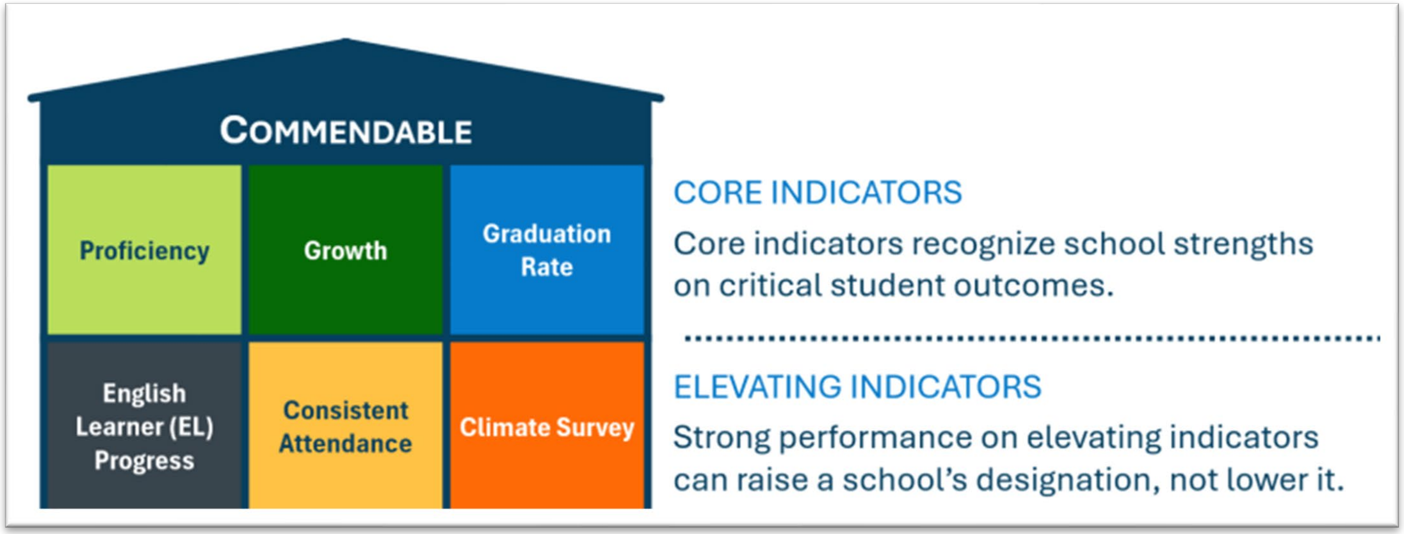
Example Goals

- 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.

State Measures

ISBE will monitor each school's progress on core and elevating indicators for the "All Students" group.

School-level progress will be aggregated at the LEA level. This will be provided to ED for required reporting and to LEAs to support self-evaluation.



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State and Local Program Evaluation

- Each source of information has a distinct purpose.
- LEA self-evaluations will consider progress on state and local measures.
- LEAs with declining performance on state **and** local measures may not be eligible to renew Ed-Flex waivers.

- State Level
  - Streamline required federal reporting
  - Encourage analysis of accountability measures
  - Differentiate performance levels
- Local Level
  - Align implementation goals with most important local student achievement measures
  - Provide additional data on student achievement should performance decline on the state system

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Resources

Resources List

- Visit the Title Grants webpage to find:
  - This presentation deck (recording forthcoming)
  - Ed-Flex Waiver Request application template for FYs 27 and 28
    - FY 2027 Ed-Flex Waiver Request Template
    - FY 2028 Ed-Flex Waiver Request Template
  - Other guidance materials to help LEAs get started with Ed-Flex, including ED's 2019 ED-Flex FAQ.
- Questions not addressed in the guidance or this presentation may be directed to EdFlex@isbe.net. We anticipate generating a FAQ based on common questions.

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Questions