

Application for the Educational Flexibility (Ed-Flex) Program



U.S. Department of Education
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Contact Information and Signatures	
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Mailing Address: 75 Pleasant Street Malden, MA 02148	Email Address: slynch@doe.mass.edu
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) Matthew J. Deninger Acting Chief Strategy and Research Officer	Telephone: 781-338-3117
Signature of Authorized SEA Representative Matthew J. Deninger	Date: 9/6/19

Eligibility Information

Please check the assurances and provide the necessary information below to demonstrate eligibility for the Ed-Flex program.

1. The SEA has:
 - a. Developed and implemented the challenging State academic standards, and aligned assessments, described in section 1111(b) of the ESEA, and is producing the report cards required by section 1111(h) of such Act; or
 - b. If the State has adopted new challenging State academic standards under section 1111(b)(1) of the ESEA, made substantial progress toward developing and implementing such standards and toward producing the report cards required under section 1111(h) of such Act.

2. The SEA will hold LEAs, educational service agencies, and schools accountable for meeting the educational goals described in the local applications and for engaging in technical assistance and, as applicable and appropriate, implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the ESEA.

3. The SEA has waived or will waive State statutory or regulatory requirements relating to education while holding LEAs, educational service agencies, or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.
 - a. Describe the State's authority to waive State statutory or regulatory requirements relating to education (i.e. provide legal citations to relevant statute or regulation). *The Commissioner of Education has the authority to waive certain State regulatory requirements relating to education. See question number 2 below for list and Appendix A, pages 9-10 for information of each waiver beyond the hyperlinks.*

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.

Prior to LEAs requesting an Ed-Flex waiver in Massachusetts for any of the allowable purposes, LEAs first consult with their SEA federal grant program liaison directly to ensure that the request is not prohibited by statute.

Waiver applications are then reviewed by the SEA federal grant program district liaison to ensure the following components have been adequately addressed:

- *Public Notice and Comment,*
- *Rationale for request,*
- *Impact the waiver will have on specific population of students and all other students, and a description of how students at risk are benefiting from the waiver, and*
- *Assessment of the effect of the waiver on student learning and indicators to be used to monitor impact*

The waiver request identifies the district and school(s) that would be affected, relevant contact information, and the superintendent's signature.

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

*Below is a list of regulatory requirements relating to education that the MA Department of Elementary and Secondary Education may waive. See **Appendix A, pages 9-10 for information beyond the hyperlinks below.***

- [Educator Licensure waiver](#) 603 CMR 7.15 (13) (a) – exempts a district for any one school year from the requirement to employ licensed or certified personnel
- [Critical Shortage Waivers to Hire a Retired Educator](#) 603 CMR 7.15 (13) (b) – A district deemed to have a critical shortage of licensed or certified teachers for the purposes of M. G. L. c. 32 § 91 (e) may employ retired teachers
- [Educator License Renewal Hardship Waiver](#) 603 CMR 44.12 – waives or modifies the requirement of completion of the requisite number of PDPs for license renewal
- [Special Education Regulations Alternative Compliance](#) 603 CMR 28.03(5)
 - [Special Education Parent Advisory Councils](#) 603 CMR 28.03(5)
 - [Special Education Regulations Instructional Grouping Requirements Age Span](#) 603 CMR 28.06(6)(f) – The age span in any instructional grouping may not exceed 48 months
- [Student Learning Time Minimum School Year requirement waiver](#) 603 CMR 27.06 (2)
- [Kindergartens Minimum School Age Waiver](#) 603 CMR 8.03

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.

The Massachusetts Department of Elementary and Secondary Education employs five overarching strategies to advance the goal of success after high school for all students:

- 1) *Strengthen standards, curriculum, instruction, and assessments*
- 2) *Promote educator development*
- 3) *Support social-emotional learning, health, and safety*
- 4) *Turn around the lowest performing districts and schools*
- 5) *Enhance resource allocation and data use*

The goal of the Massachusetts K-12 public education system is to prepare all students for success after high school. This means that all students will be prepared to successfully complete credit-bearing college courses or certificate or workplace training programs, enter economically viable career pathways, and engage as active and responsible citizens in our democracy. Our work is to broaden students' opportunities and close gaps so that all students, regardless of background, are ready for the world that awaits them after high school. The educational objectives are designed to strengthen the quality and breadth of the instructional program our students' experiences, especially for English learners, students receiving special education services, and students from economically disadvantaged backgrounds. This focus includes special attention to:

- *Enhancing literacy skills in the elementary grades*
- *Enhancing mathematics skills in the middle grades*
- *Providing multiple high quality pathways to educational and career opportunities after secondary school*

The waivers under Ed-Flex support Massachusetts's goals and objectives. MA DESE will be able to provide districts with opportunities to use their resources more efficiently and maximize the effectiveness of the programs provided to students in the greatest need.

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.

MA DESE educational flexibility plan is coordinated with activities described in the Title I, Part A section of the state's approved Consolidated State Plan. All waivers granted under Ed-Flex are connected to helping students achieve the state's challenging academic standards. This includes supporting districts in making the connections regarding [disproportionate rates of access to high quality educators](#), district support and improvement through the [MA Accountability System](#), targeting resources using [Resource Allocation and District Action Reports \(RADAR\)](#), and general assistance where it's needed most. See [Appendix B, pages 11-14](#) for further details regarding equity, accountability and resource allocation beyond the hyperlinks.

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.
*Any district seeking an Ed-Flex waiver must explain upon [application](#) how it will annually monitor the effect of the waiver on student learning. They include the major indicators of student learning. Our goal is to publicly report via our [website](#) and through our semiannual technical assistance sessions on the impact such flexibility is having on student learning. See **Appendix C, pages 15, 18 for a draft of the application and Federal Grant Programs website.***
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.
*In order to meet the requirements for Public Notice and Comment, MA DESE posted this application on its [Federal Grant Programs website](#) for four weeks prior to submission to USED for review, and invited all superintendents and federal grant directors to comment. Announcements were sent to the field on 7/19/19, 7/29/19 and 8/14/19. See **appendix C, pg. 15 for the public comments web posting.***
 - 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.
In order to meet the requirements for Public Notice and Comment, MA DESE posted this application on its [Federal Grant Programs website](#) for four weeks prior to submission to USED for review. An online link was provided to facilitate the submission of comments by interested parties to the MA DESE’s Federal Grants Program office (federalgrantprograms@doe.mass.edu). A notice was disseminated in the monthly Federal Program’s Newsletter, a notice to district Federal Entitlement Grant Coordinators, the Title I Community of Practice members, informing districts about MA DESE’S intent to apply and the opportunity to provide comment in advance of the submission. Comments may be reviewed upon request by any member of the public.
7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.

No public comments were received.

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Appendix A	Massachusetts State Regulatory Requirements that may be waived.
Appendix B	Equity, Accountability and Resource Allocation
Appendix C	Massachusetts Ed-Flex Waiver Application and Website
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Appendix A – Massachusetts State Regulatory requirements that may be waived

Educator Licensure Waiver 603 CMR 7.15 (13) (a)

The Commissioner may exempt a district for any one school year from the requirement to employ licensed or certified personnel in accordance with M. G. L. c. 71 § 38G. The Commissioner may deem a district to have a great hardship in securing licensed or certified personnel for the purposes of M. G. L. c. 71 § 38G upon request of a superintendent and demonstration to the Commissioner that the district has made a good-faith effort to hire licensed or certified personnel, and has been unable to find a licensed or certified candidate who is qualified for the position. Persons employed under waivers must demonstrate that they meet minimum requirements as established by the Department and are making continuous progress toward meeting the requirements for licensure or certification in the field in which they are employed. During the time that a waiver is in effect, service of an employee of a school district to whom the waiver applies shall not be counted as service in acquiring professional teacher status or other rights under M. G. L. c. 71, § 41.

Critical Shortage Waivers to Hire a Retired Educator 603 CMR 7.15 (13) (b)

The Commissioner may deem a district to have a critical shortage of licensed or certified teachers for the purposes of M. G. L. c. 32 § 91 (e) upon request of a superintendent and demonstration that the district has made a good-faith effort to hire personnel who have not retired under M.G.L. c. 32 and has been unable to find them. A district deemed to have a critical shortage of licensed or certified teachers for the purposes of M. G. L. c. 32 § 91 (e) may employ retired teachers subject to all laws, rules, and regulations governing the employment of teachers. The period of a determination of a critical shortage of licensed or certified teachers shall not exceed one year, but a district may seek to invoke this provision in consecutive years upon a new demonstration of a good-faith effort to hire personnel who have not retired. The Commissioner shall notify the Teachers' Retirement Board of each determination of a critical shortage made for the purposes of M. G. L. c. 32 § 91 (e).

Educator License Renewal Hardship Waiver or Modification 603 CMR 44.12

1) Upon a showing of extreme hardship, the Commissioner may waive or modify the requirement of completion of the requisite number of PDPs as set forth in 603 CMR 44.05, 44.06, and 44.07. A showing of extreme hardship may include serious illness or other catastrophic circumstances that are beyond the control of the educator. No modification or waiver will be granted without satisfactory evidence that the educator has made a good faith effort to obtain the required number of PDPs but that extreme hardship has prevented the educator from doing so.

(2) The Commissioner, in his discretion, may impose reasonable conditions upon any modification or waiver granted.

(3) The decision of the Commissioner shall be final.

Regulatory Authority:

603 CMR 44.00: M.G.L. c. 71, §38G

Special Education Regulations Alternative Compliance 603 CMR 28.03 (5)

A school district, collaborative, or approved special education school program may submit in writing a proposal for approval by the Department for the satisfaction of any requirement in 603 CMR 28.00 *[governs the provision by Massachusetts public schools of special education and related services to eligible students and the approval of public or private day and residential schools seeking to provide special education services to publicly funded eligible students]* in a manner different from that specified in 603 CMR 28.00. The Department may approve such proposal if it shows substantial promise of contributing to improvements in the methods for meeting the goals of 603 CMR 28.00 and if such proposal does not conflict with any provision of law. No such proposal shall be implemented until approved by the Department.

Student Learning Time Minimum School Year requirement waiver 603 CMR 27.06 (2)

(1) The Board of Education may, upon the written application of a school committee and the recommendation of the Commissioner of Education, grant a waiver of any requirements set forth in 603 CMR 27.00 *[requires the Board to establish the minimum length for a school day and the minimum number of days in a school year for Massachusetts public schools]* for good cause. School committees are encouraged to apply for waivers, as needed, to permit the district to initiate innovative programs or schedules intended to improve student learning.

(2) Upon the written request of a school district, the Commissioner of Education may, in his discretion, grant a waiver of the minimum school year requirement set forth in 603 CMR 27.03(3) in situations where an emergency or extraordinary circumstance forces the closing of one or more of the district's schools.

Regulatory Authority:

603 CMR 27.00: M.G.L. c. 69, s.1G; St. 1993, c.71, s.29.

Kindergartens Minimum School Age Waiver 603 CMR 8.03

The Department of Elementary and Secondary Education may, upon petition of a school committee, waive the provisions of 603CMR 8.00 *[governs kindergartens minimum school age]* in order to avoid undue hardship to such school district.

Regulatory Authority:

603 CMR 8.00: M.G.L. c.69, §1B

Appendix B – Equity, Accountability and Resource Allocation

Equitable Access to High Quality Educators - The [Massachusetts Equity Plan](#) aims to meet our moral imperative that all students - particularly those who are economically disadvantaged, students of color, English Learners, and/or students with disabilities - have **equal access to excellent teachers and principals**.

Massachusetts equity strategies **do not call for redistribution of teachers**, but rather focus on increasing students' experiences with quality teachers through approaches such as increasing overall teacher effectiveness, reducing teacher turnover, and hiring qualified, effective new teachers.

We know that the quality of educators is the single greatest in-school factor in determining student success. We also know that the Commonwealth **currently faces inequities in students' access to excellent educators**.

The data show three main statewide gaps in access to educators:

- **Educator Experience Gap**
based on years of experience working in Massachusetts public schools
- **Educator Preparation Gap**
based on whether educators are working in their field of licensure
- **Educator Evaluation Rating Gap**
based on Summative Performance Ratings

Massachusetts is supporting districts in addressing inequitable access to quality educators through many resources, technical assistance and monitoring activities.

- **MA Equity Strategies and Resources to eliminate equity gaps in educator access**

Strategy 1) Improve Educator Impact through [Educator Preparation](#)

- Updated* Guidelines for Professional Standards for Teachers
- Revised Educator Preparation Program Approval Process
- Guidelines for Program Approval
- Educator Preparation Profiles
- Performance Assessment for Leaders (PAL)
- Candidate Assessment of Performance (CAP)
- Elevate Preparation: Impact Children (EPIC)

Strategy 2) Improve Educator Effectiveness by Supporting Effective Implementation of the [Educator Evaluation Framework](#)

- Model System for Educator Evaluation
- Model Collective Bargaining Contract Language
- Model Feedback Instruments and Administrative Protocols
- Quick Reference Guide: Alternative Pathways for Evaluating Educator Impact
- "What to Look For" observation guides
- Educator Effectiveness Video Resource Library
- Educator Evaluation Framework Video Series
- Transforming Educator Evaluation in Massachusetts (TEEM) Videos
- Interactive Planning Guide for Distributed Leadership

Strategy 3) Focus on the Student Learning Experience

- Edwin Analytics (Report forthcoming; Edwin login required)

Strategy 4) Develop and Implement the Educator Effectiveness Guidebook for Inclusive Practice

- Educator Effectiveness Guidebook for Inclusive Practice
- Massachusetts Playbook: Equitable Access to Excellent Educators
- Foundations for Inclusive Practice Online Courses

Strategy 5) Pilot Equity Approaches through a Professional Learning Network

- Information about, and resources developed by, the [Educational Equity Professional Learning Network](#)

- We have included Equity follow up questions in the district ESSA Consolidated Grant application.

Step 5.3 Equitable Access to Excellent Educators <i>Districts</i>	Is your district required to complete Step 5.3? For districts with a "Required" (indicating existing equity gaps per SLE data), answer the question below.	N/A	TIP: Section 5.3 must be completed accurately prior to submission of this consolidated workbook. Under the federal Every Student Succeeds Act (ESSA), states and districts must identify and address any disparities that result in historically disadvantaged student groups being taught at higher rates by teachers who are inexperienced, out-of-field, or lower rated. These disparities in educator assignment constitute equity gaps.	Resources: For more information about equitable access to excellent educators, including how to access your district's SLE report, see DESE's website: http://www.doe.mass.edu/federalevents/resources/
Based on the 2018-19 Student Learning Experience (SLE) Summary Report (updated in July, 2019) using three years of history, your district has district-level and/or school-level equity gaps related to student assignment to experienced, in-field, and/or highly-rated teachers. Please answer the following: 1. What steps are you taking to address both school-level and district-level equity gaps identified in the SLE report? If the district is choosing to prioritize particular equity gaps, please explain why.				
TIP: If you have not reviewed the SLE Summary Report (SE321) in Edwin Analytics for your district and school(s), please STOP here and speak with your superintendent. To view both district-level and school-level information in one report, under "Report View" select "District" and see page 1 for district-level results and page 4 for school-level results.		List at least one and up to three or more sources of data Use "Other" cell to describe sources of evidence not listed in dropdowns or to add sources.		

- Follow up LEA subgrantee monitoring on action steps in addressing equitable access

Tab 5	Equitable Access to Excellent Educators
Documentary evidence:	Submit evidence to address the two questions listed in bold below. Acceptable evidence for question 1 may include: completed templates on developing strategies or monitoring progress ; written project plan, timeline, theory of action, and/or goals; description of new practices/policies in response to data. Acceptable evidence for question 2 may include: documentation of district data analysis based on the Student Learning Experience (SLE) report in Edwin Analytics ; completed templates on using data beyond the SLE Report or engaging stakeholders in root cause analysis .
Required of:	Districts with identified equity gaps of 1.5 or greater in the district or any schools

Districts are required to identify and address any disparities that result in economically disadvantaged students, students of color, English learners, and students with disabilities being taught at higher rates than other students by lower rated, inexperienced, or out-of-field teachers. ESEA § 1111(g)(1)(B). **Districts must address: 1) How is the district closing any inequities in the rates at which low-income students, students of color, English learners, and students with disabilities are taught by lower rated, out-of-field, or inexperienced teachers? 2) To what extent are the district's plans to address inequities based on data?** Resources are posted at: <http://www.doe.mass.edu/educators/equitableaccess/resources/>

Massachusetts' School and District Accountability System

The state's framework for district accountability and assistance is a coherent structure for linking the state's accountability and assistance activities with districts based on their level of need, and provides school and district leaders with common indicators and tools for assessing systems and practices, diagnosing challenges, and identifying appropriate interventions. Below is a description of our accountability system and also the supports provided to districts.

Massachusetts' school and district accountability system

What is an accountability system?
 An accountability system measures school and district performance. It helps schools improve the performance of all students, and helps communities and the state decide how to allocate resources. Accountability results answer two questions: *How is the school doing?* and *What kind of support does the school need?*

What are some highlights of the system?

Indicators that provide more information about school performance and student opportunity:

- ✓ Achievement
- ✓ Student progress or growth
- ✓ High school completion
- ✓ Progress towards English proficiency for English learners
- ✓ Chronic absenteeism
- ✓ Advanced coursework completion

Information on each school's **progress toward improvement targets** and how it is doing **compared to other schools across the state**

An increased focus on raising the performance of each school's **lowest performing students**

How are schools classified?
 Schools are **placed into categories** that describe how they are doing and what kind of support they may receive from the state.

← Schools not requiring assistance or intervention (about 85% of schools) Schools requiring assistance or intervention (about 15% of schools) →

Schools of recognition	Meeting or exceeding targets	Substantial progress toward targets	Moderate progress toward targets	Limited or no progress toward targets	Focused/ targeted support	Broad/ comprehensive support
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What else should I know?

- ★ **Detailed performance data** are reported for all districts, schools, and subgroups.
- ★ Accountability results are used to **recognize schools that are demonstrating success** in addition to identifying schools in need of support.
- ★ Massachusetts is committed to **monitoring the system's effectiveness** in providing clear and actionable information to districts, schools, parents, and the public.

For more information, visit www.doe.mass.edu/accountability.



Resource Allocation and District Action Reports (RADAR)

RADAR is a suite of innovative Excel-based reports for a new approach to district resource decision making. We've recognized that data collections from districts hold much useful information. Therefore, MA DESE has taken these data and created a visual, comparative, longitudinal tool to create new metrics about resources.

Resource Allocation and District Action Reports (RADAR)
Spend Smarter and Meet Your District Goals



doe.mass.edu/research/radar/

Join the growing number of districts using RADAR—a suite of innovative Excel-based reports for a new approach to resource decisions. Access RADAR materials today and get started.

	<p>Compare your spending and staffing to other districts</p> <ul style="list-style-type: none">• Select your own list of districts for comparisons• Consider other districts' student outcomes in your resources analysis• Include comparative community wealth and per pupil spending as comparison factors
	<p>Visualize district trends over 5 years</p> <ul style="list-style-type: none">• Help your staff and community understand how the district has been changing• See enrollment and demographics, performance, staffing and spending side-by-side• View staffing trends for teachers, paraprofessionals, and district and school leaders
	<p>Investigate staffing levels, per pupil spending, special education, and more</p> <ul style="list-style-type: none">• Visualize your staffing levels benchmarked against similar districts• Assess your per pupil expenditures and see how other districts compare• Understand key patterns in your special education enrollment

Benchmark Communicate Connect Plan and Budget Build Consensus

Email: radar@doe.mass.edu

Appendix C – Massachusetts Ed-Flex Waiver Application and Website

MA Ed-Flex Waiver Application



**Education Flexibility (Ed-Flex) Program
Waiver**

**Authorized under the Every Student Succeeds Act
(ESSA), Sec. 9207(b)(1)**

Ed-Flex Waiver Request

District Requesting Waiver:	
School(s) Waiver is Requested For:	
Contact Person/Title:	
Address:	
Telephone:	
Email:	

Signature of Superintendent or of Collaborative or Private School Executive Director:		
		Date:
Typed name:		

District Requesting Waiver:	
Proposed Effective Date/School Year:	

The above school district requests a waiver under the Education Flexibility Partnership. The district seeks a waiver for the following federal program:

Federal Program Name:	
------------------------------	--

Please email signed PDF of completed form to: federalgrantprograms@doe.mass.edu

Please respond to each of the following: (Attach additional information as needed.)

1. REQUIREMENT:

State the specific federal statutory or regulatory requirement you are requesting be waived.

2. RATIONALE:

Explain what you want to do and how a waiver will help you achieve measurable goals that are linked to state and/or local assessments for each school year. Explain how the waiver's overall intent fits into the school and district improvement plans.

3. IMPACT:

Explain how both the specific population of students and all other students will be affected by the waiver. Describe how you will ensure that students at risk are benefiting from the waiver.

4. ASSESSMENT:

Explain how you will annually monitor the effect of the waiver on student learning. Provide the major indicators of student learning and educational performance that you will use.

5. PUBLIC NOTICE AND COMMENT:

In accordance with federal requirements, districts applying for an Ed Flex waiver must: (a) 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; (b) provide the opportunity for parents, educators, and all other interested members of the community to comment on the proposed waiver; (c) provide the opportunity for the comments to be reviewed by any member of the public; and (d) submit the comments received with the agency's application to the Department of Elementary and Secondary Education, as appropriate. Describe how the requirement for public notice will be met.

WAIVERS NOT AUTHORIZED

Some federal requirements do not fall under the authority of Ed-Flex. Waivers may not be granted for requirements related to:

- Maintenance of effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement;
- Distribution of funds to states or to local educational agencies;
- Applicable civil rights requirements;
- Serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Act of 1965;
- the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of ESSA, except that DESE may grant a waiver to allow a school attendance area or school to participate in activities under Title I, Part A if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the LEA that meets the requirements of such subsections; and,
- Use of federal funds to supplement, not supplant, non-federal funds.

In addition, waivers may not be granted unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met.

ACCOUNTABILITY

Ed-Flex law requires the Department to monitor the progress of districts/schools receiving waivers. MCAS scores, accountability and assistance levels, and other sources of evidence determined by the district will be used for this purpose. The Department will review all waiver requests and all districts receiving a waiver(s) will be required to complete and submit to the Department an annual evaluation of the impact of the waiver(s) on instructional services and academic achievement.

Federal Grant Programs website:

Federal Grant Programs

Every Student Succeeds Act (ESSA)

General Resources for Federal Grant Programs

Title I Part A

Title I Part D (Neglected & Delinquent)

Title II Part A

Title III Part A

Title IV Part A

Title V Part B

IDEA

Perkins

Ed-Flex Program Waivers

Massachusetts is an approved Ed-Flex State under section 9207(d)(1) of the Every Student Succeeds Act of 2015 (ESSA). Provided by the United States Department of Education, Massachusetts' Ed-Flex authority is effective through the 2018-2019 school year.

The Ed-Flex Program allows the Secretary of Education to delegate to states the authority to waive certain federal education requirements that may impede local efforts to reform and improve education. It is designed to help districts and schools carry out educational reforms and raise the achievement levels of all children by providing increased flexibility in the implementation of federal education programs.

Waiver Requests

Massachusetts has the authority to waive provisions of the following federal programs.

- ESSA Title I, Part A (other than section 1111)
- ESSA Title I, Part C
- ESSA Title I, Part D
- ESSA Title II, Part A
- ESSA Title IV, Part A
- Carl D. Perkins Career and Technical Education Act of 2018

To date, the two most common Ed-Flex waiver requests have been under ESSA Title I, Part A, to waive:

- the poverty threshold requirements for school-level Title I eligibility (enabling districts to serve schools that do not meet the required poverty threshold, but that still have significant needs)
- the 15% limit on Title I, Part A allocation carryover from one fiscal year to the next.

Prior to requesting an Ed-Flex waiver for any of the allowable purposes listed above, we encourage you to consult with your federal grant program liaison directly, or contact federal grants programs at federalgrantprograms@doe.mass.edu or (781) 338-6230.

To request an Ed-Flex waiver, complete and submit the [Ed-Flex waiver form](#).

Waivers Not Authorized

Under Section 9207(c) of ESSA, the following statutory or regulatory requirements cannot be waived:

- Maintenance of effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement;
- Distribution of funds to States or to local educational agencies;
- Applicable civil rights requirements;
- Serving eligible school attendance areas in rank order on in accordance with section 1113(a)(3) of ESSA;
- the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of ESSA, except that DESE may grant a waiver to allow a school attendance area or school to participate in activities under Title I, Part A if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the LEA that meets the requirements of such subsections; and
- Use of Federal funds to supplement, not supplant, non-Federal funds.

Massachusetts DESE Proposed Ed-Flex Waiver Application to U.S. Department of Education

MA DESE is preparing to submit an application to the US Department of Education (USED) to renew its waiver authority [under](#) the Education Flexibility (Ed-Flex) Program.

This proposed application is available for public comment through August 16, 2019. Comments related to the application may be submitted to Federalgrantprograms@doe.mass.edu. Please include in the subject line: "MA DESE Ed-Flex Waiver Application".

Appendix D - Public Comments web posting

Massachusetts DESE Proposed Ed-Flex Waiver Application to U.S. Department of Education

MA DESE is preparing to submit an [application to the US Department of Education \(USED\) to renew its waiver authority](#) under the Education Flexibility (Ed-Flex) Program.

This proposed application is available for public comment through **August 16, 2019**. Comments related to the application may be submitted to Federalgrantprograms@doe.mass.edu. Please include in the subject line: "MA DESE Ed-Flex Waiver Application".

All comments received will be included with the application to USED.