

Application for the Educational Flexibility (Ed-Flex) Program



U.S. Department of Education
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Introduction

The Educational Flexibility (Ed-Flex) program is authorized under the Education Flexibility Partnership Act of 1999 and was reauthorized by section 9207 of the Every Student Succeeds Act (ESSA). The Ed-Flex program allows the Secretary to authorize a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more the included programs for any local educational agency (LEAs), educational service agency, or school within the State.

Designation

Each eligible State participating in the Ed-Flex program shall be designated an Ed-Flex Partnership State.

Covered Programs

This program permits Ed-Flex States to waive requirements of the following State-administered formula grant programs:

- 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
- The Carl D. Perkins Career and Technical Education Act.

Duration of Ed-Flex

The Secretary will approve the applications for a period of not more than five years. The Secretary may extend the authority of an Ed-Flex Partnership State if the Secretary determines that the authority of the SEA to grant waivers has been effective in enabling the State or affected LEAs, educational service agencies, or schools to carry out their State or local reform plans and to continue to meet the accountability requirements, and has improved student performance.

Waivers Not Authorized

The Ed-Flex program does not authorize an SEA to waive any statutory or regulatory requirements relating to:

1. Standards, Assessments, and Accountability requirements under section 1111 of the ESEA;
2. Maintenance of effort;
3. Comparability of services;
4. Equitable participation of students and professional staff in private schools;
5. Parental participation and involvement;
6. Distribution of funds to LEAs;
7. Serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the ESEA;
8. The selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that a SEA may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I 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 local educational agency that meets the requirements of such subsections;

9. Use of Federal funds to supplement, not supplant, non-Federal funds;
10. Applicable civil rights requirements; and
11. Any requirements that apply to the SEA.

An SEA may not grant any statutory or regulatory waiver unless the underlying purposes of the statutory requirements of the program for which a waiver is sought are met. Furthermore, requirements of the Individuals with Disabilities Education Act, or of any programs other than the ESEA programs referenced above and the Perkins program, may not be waived under the Ed-Flex waiver authority.

State Oversight

Each Ed-Flex Partnership State must annually monitor the activities of LEA, educational service agencies, and schools receiving waivers through the Ed-Flex program.

Report

Each Ed-Flex Partnership State must submit to the Department an annual report on the results of monitoring activities and the impact of the waivers on school and student performance. Each such State must include data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, must include:

1. Information on the total number of waivers granted for Federal and State statutory and regulatory requirements, including the number of waivers granted for each type of waiver;
2. Information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;
3. Information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and
4. An assurance from State program managers that the data reported are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

Public Notice and Comment

Each SEA seeking waiver authority and each LEA, educational service agency, or school seeking a waiver under the Ed-Flex program must:

1. Provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver on each agency's website, including a description of any improved student performance that is expected to result from the waiver authority or waiver;
2. Provide the opportunity for parents, educators, school administrators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

3. Provide the opportunity 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; and
4. Submit the comments received with the application of the agency or school to the Secretary or the SEA, as appropriate.

Completing and Submitting an Application

Each SEA must address all of the requirements identified below in its application for Ed-Flex. The Department will begin reviewing applications on July 31, 2019.

Complete applications should be submitted to your OESE, State and Grantee Relations (SGR) State mailbox: [state].oese@ed.gov (e.g., Alabama.oese@ed.gov).

Application Review

Within 90 days of receipt of a complete application, the Department will issue a written decision that explains why such application has been approved or disapproved, and the process for revising and resubmitting the application for reconsideration.

The Department may approve an application only if it determines that the application demonstrates substantial promise of assisting the SEA and affected LEAs, educational service agencies, and schools within the State in carrying out comprehensive educational reform, after considering:

1. The eligibility of the State
2. The comprehensiveness and quality of the educational flexibility plan
3. The educational flexibility plan ensures accountability for the activities and goals described in such plan;
4. The degree to which the State's objectives:
 - a. Are clear and can be assessed; and
 - b. Take into account the performance of LEA, educational service agencies, or schools, and students, particularly those affected by waivers;
5. The significance of the State statutory or regulatory requirements relating to education that will be waived; and
6. The quality of the SEA's process for approving applications for waivers of Federal statutory or regulatory requirements and for monitoring and evaluating the results of such waivers.

Cover Page

Contact Information and Signatures	
SEA Contact (Name and Position): Chris Vecchione, Ed.D., Director (Interim) Federal Programs Monitoring and Support Division	Telephone: (919) 807-3957
Mailing Address: NC Department of Public Instruction 6307 Mail Service Center Raleigh, NC 27699-6307	Email Address: chris.vecchione@dpi.nc.gov
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) Mark Johnson, N.C. Superintendent of Public Instruction	Telephone: (919) 807-3432
Signature of Authorized SEA Representative (see separate attachment with signature)	Date: October 10, 2019

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.

As a part of the approved NC State Plan for the Every Student Succeeds Act (ESSA), the State has implemented challenging academic standards in mathematics, reading, and science and is administering aligned assessments as described in section 1111(b) of the ESEA. The State is producing the report cards as required by section 1111(h) of the ESEA (<http://www.ncpublicschools.org/src/>).

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.

NC does not have educational service agencies. Local school administrative units (school districts) and other public-school units (e.g., charter schools, lab schools) in NC must submit a consolidated application each year, which is reviewed by the North Carolina Department of Public Instruction (NCDPI) and must be approved in order to receive their Title I and other formula-funded allotments. The applicant includes a summary of the progress (or lack of progress) made in achieving the educational goals identified the previous year. Identification of comprehensive support and improvement schools and targeted support and improvement schools are determined by outcomes from the accountability model based on the educational goals as described in the NC State Plan for the ESSA as approved. This model is based on achievement and growth and is reported for both schools and student subgroups, providing information that addresses the improvement needs for all students. Every four years (or more recently based on risk analysis) public-school units are monitored by NCDPI. Any findings must be corrected in order to receive approval of the application for the following year for compliance with applicable program requirements.

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).

N.C. Gen. Stat. § 115C-105.26 allows the State Board of Education (State Board) to waive State laws and rules pertaining to class size requirements (only as provided in G.S. 115C-301(g)) and school calendar requirements. A request from a local educational agency to waive a State law or rule must (i) identify the school or schools making the request, (ii) identify the State law or rule requesting to be waived, (iii) establish with specificity the circumstances under which the waiver may be used, and (iv) explain how the requested waiver will permit the school to improve student performance.

No State law or rule prevents NCDPI, which operates under the direction of policies developed by the State Board, from waiving Federal laws or rules, if the authority to do so were granted by the US Department of Education (USED). This includes processes, systems, and other requirements responsive to ESSA and enumerated in the approved NC State Plan for the ESSA.

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.

North Carolina's Ed-Flex Waiver evaluation process includes maintaining and updating an Ed-Flex page on the State Agency's website:

<http://www.ncpublicschools.org/>. This page is regularly updated each year, or as necessary with relevant programmatic descriptions, news releases, performance reports and processing materials related to the Ed-Flex waiver:

<http://www.ncpublicschools.org/program-monitoring/resources/edflex/>. Applications for Ed-Flex waivers will be available on the site, as well as descriptions of what can and cannot not be waived under this authority, per federal statute.

The Assistant Director of Federal Programs Monitoring and Support Division (Federal Programs Division) will be the Ed-Flex Consultant for the State of North Carolina and is responsible for overseeing the application, approval process and monitoring for Ed-Flex waivers. Contact information for the Ed-Flex Consultant will be listed on the webpage noted above. Any local school administrative unit (school district), charter school, lab school or other public school entity (collectively referred to as public school units) seeking an Ed-Flex waiver must complete and submit an Ed-Flex Waiver Application to the NCDPI Federal Programs Division. NCDPI accepts applications from public school units. Ed-Flex applications will be accepted at any time.

The Ed-Flex Consultant will screen the ED-Flex Waiver Applications for completeness and appropriateness. Applications found to be complete and appropriate through initial screening will be submitted to the Ed-Flex Waiver Committee, made up of leadership in the Federal Programs Division or, when appropriate, the Career and Technical Education Division (for Perkins related waiver requests). The Waiver Committee will meet as needed and will consider the following criteria when reviewing an Ed-Flex Waiver Application:

- 1) *The specific needs to address through the waiver and the reasons why these needs cannot be met without the waiver;*
- 2) *The link(s) between the waiver request and the School Improvement Plan;*
- 3) *The link(s) between the waiver request and any possible waivers of state statutes and the regulations that are already in place or that are to be submitted;*
- 4) *The specific changes to be made if the waiver is approved (e.g., instructional delivery, curriculum offerings, professional development, parental involvement, support services, school governance, school climate, etc.);*
- 5) *The possible negative impact on schools not included in the waiver if the waiver is approved;*
- 6) *The steps that will be taken to ensure that the needs of the intended*

- beneficiaries of the program to be waived continue to be met;*
- 7) *How the educational goals measurable and specific for the schools and for the students are affected by the waiver and if the waiver requested will assist in meeting those educational goals; and*
 - 8) *If the applicant sufficiently addresses each of the Ed-Flex application requirements.*

Districts will be notified of the approval or denial of their waiver request(s) based upon the decision of the Ed-Flex Waiver Committee within three weeks of submission.

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

NCDPI will not waive State statutory or regulatory requirements relating to education except those pertaining to class size requirements and school calendar requirement as noted in assurance 3a above. The State will consider waivers of State processes and procedures as instituted in response to ESSA.

NCDPI may waive the requirements related to a cap of 15% on carryover of Title I funds from one academic year to the next; and other requirements that are not excluded as noted in the Section titled "Waivers Not Authorized" below:

1. *Standards, Assessments, and Accountability requirements under section 1111 of the ESEA;*
2. *Maintenance of effort;*
3. *Comparability of services;*
4. *Equitable participation of students and professional staff in private schools;*
5. *Parental participation and involvement;*
6. *Distribution of funds to LEAs;*
7. *Service to eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the ESEA;*
8. *Selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that a SEA may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I 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 local educational agency that meets the requirements of such subsections;*
9. *Use of Federal funds to supplement, not supplant, non-Federal funds;*
10. *Applicable civil rights requirements; and*
11. *Any requirements that apply to the SEA.*

An SEA may not grant any statutory or regulatory waiver unless the underlying purposes of the statutory requirements of the program for which a waiver is sought are met. Furthermore, requirements of the Individuals with Disabilities Education Act, the Perkins program, or of any

programs other than the ESEA programs referenced above and, may not be waived under the Ed- Flex waiver authority.

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.

North Carolina's education flexibility plan is designed to support and enhance the goals found in NC State Plan for the ESSA goals/objectives. Innovative methods to leverage resources to improve program efficiencies that benefit students will be through oversight of instructional delivery, curriculum standards, professional development, parent and family engagement, support services, school governance and school climate activities at the state, district and school levels. The State's goals and objectives based on the 2025 Strategic Plan adopted by the State Board on August 8, 2019 are:

Goal I – Eliminate opportunity gaps by 2025

Objective 1 – Decrease the number of exclusionary discipline practices by subgroup (suspensions and expulsions)

Objective 2 – Improve school climate measures across all school and grade levels

Component 1 – Increase the number of school-based mental health professionals

Component 2 – Increase opportunities to develop healthy habits in students

Component 3 – Increase the number of schools and districts utilizing innovative “Breakfast After the Bell, Summer Meals, and At-Risk Afterschool Meals” programs to keep students fed, healthy and engaged

Objective 3 – Increase percentage of 4-year-old children enrolled in state pre-K from 22% to 34% (above the current national average)

Objective 4 – Decrease the high school dropout rate for each subgroup

Component 1 – Increase average composite scores on state-mandated college entrance exams

Component 2 – Increase access, readiness and attainment of early postsecondary opportunities (EPSOs), such as AP, IB, CTE, dual credit/enrollment, work-based learning, apprenticeships

Objective 5 – Decrease number of students taking remedial courses in college

Objective 6 – Increase the number of educators of color in schools across North Carolina

Objective 7 – Increase the number of charter schools providing equitable access to economically disadvantaged students or reflecting the LEA in which they are located

Goal II – Improve school and district performance by 2025

Objective 1 – Allocate financial, business and technology resources according to State and Federal laws and State Board policies

Objective 2 – Increase the percentage of grades 3-8 math and EL EOG subgroup test scores meeting the ESSA Yearly Measures if Interim Progress

Objective 3 – Increase the percentage of students proficient in math by subgroup

Objective 4 – Increase the percentage of students proficient in reading by the end of grade 3

Objective 5 – Increase the percentage of high school reading subgroup test scores meeting the ESSA Yearly Measures of Interim Progress

Objective 6 – Increase the percentage of students proficient in science by subgroup

Objective 7 – Increase the number of schools meeting or exceeding growth by subgroup

Component 1 - Increase the percentage of schools with charter-like flexibilities (Innovative Schools, Innovative Zones, Restart Schools, Renewal School Districts, Lab Schools) meeting or exceeding academic, operational and financial goals

Objective 8 – Increase the number of charter schools meeting or exceeding academic, operational and financial goals

Goal III – Increase educator preparedness to meet the needs of every student by 2025

Objective 1 – Increase the number of culturally relevant, equity focused resources for teachers

Objective 2 – Increase the number of mentors available to beginning educators

Objective 3 – Strengthen relationships between educator preparation programs (EPPS), districts and schools to foster collaboration and better teaching practices

Objective 4 – Increase opportunities for educator engagement inside and outside of school

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.

North Carolina supports individualized instruction and learning for both students and educators in the state. Continual exploration and promotion of new initiatives for personalized learning and instruction shows the commitment of the plan for continuous innovation for all stakeholders. North Carolina strives to provide adaptive environments, personalized learning, and empowerment of educators, methods to inspire students and focus on emerging initiatives through:

- *B-3 Interagency Council*
- *NC Reads*
- *Whole Child NC*
- *Digital-Age Learning*
- *Global Ready Initiatives*
- *Innovative School District*

- *Lab Schools*

North Carolina will also continue practices and programs utilizing the educational flexibility plan to meet the needs of students and educators in the state in the following ways:

- *EL Support Teams*
- *NC Read to Achieve*
- *NCStar-School Improvement Plans*
- *Multi-Tiered System of Support Framework (MTSS)*
- *Regional Support Team*
- *Data Systems*
- *NC Pre-K*
- *Smart Start*
- *Career and College Promise*
- *Home Base*
- *North Carolina Virtual Public School*
- *Positive Behavior Intervention and Support*
- *North Carolina Educator Effectiveness System*

North Carolina prepares every student to be ready to follow his or her own path for success. The state plan, along with the accountability model in response to ESSA, describes long-term goals and interim progress measures to allow monitoring of the state's progress in accomplishing all goals and objectives outlined in North Carolina's approved NC ESSA plan. Emerging initiatives, proven practices and programs within the NC ESSA plan will continue to provide students with adaptive environments promoting personalized learning utilizing all fund sources in accordance with all state and federal guidelines.

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.

North Carolina has a robust accountability system in the NC State Plan for the ESSA that includes all the required academic indicators, measures of English language proficiency, graduation rate for high school (plus measures of academic growth and for high school), additional course assessments for biology, career and college readiness (through ACT, ACT WorkKeys) and a measure of math course rigor. In addition to the accountability system, all public- school units must include information on local reports cards regarding the following:

- *EL progress indicator*
- *Long term goals*
- *Grade 8th Math Exception configurations*
 - *Combined EOG/EOC scores*

- *Separated EOG/EOC scores*
- *School performance grades by subgroup*
- *Subgroup reporting changes for several academic Indicators*
- *ACT/ACT WorkKeys*
- *Alternative school reporting adjusted to comply with SBE directive*
- *CSI/TSI designations (including the reasons for any such designations)*
- *Participation rate reporting*
- *Chronic absenteeism by subgroup*
- *School safety by subgroup*
- *Charter school demographics by subgroup*
- *Preschool enrollment by subgroup*
- *Specialized course enrollment by subgroup*
- *Preschool enrollment by subgroup*
- *School improvement plans*

All of this will be reviewed as a part of the continued evaluation and oversight of any public-school unit that receives a waiver from NCDPI authorized by Ed-Flex as follows:

- *For individual school waivers (e.g., operating a schoolwide program prior to meeting the 40% poverty threshold), or district waivers requested with a duration of more than one year (e.g., other allowable provisions of ESSA that may be waived, the school/district will be approved to operate under the waiver for an initial period of two years. Each school will annually submit an Ed-Flex Waiver Evaluation, which outlines the goals and activities submitted in the application and results of each goal for the school. DPI will annually monitor the performance of schools/districts against the educational goals set forth in the local waiver application. If at the end of the two-year period the school/district has not made significant progress towards its goals, the waiver may be terminated after notice and opportunity for a hearing. Significant progress is defined as meeting a majority of its goals (i.e., 50% or more of all goals).*
- *For district-wide waivers with a duration of one year (e.g., Tydings amendment to extend period of availability for an additional 12 months, excess carryover of Title I, Part A funds more than once in three years), the State will annually review performance data of schools to determine if significant progress is met based on the interim measures of progress as defined in the State's accountability system. Significant progress is defined as a majority of schools (i.e., 50% or greater of all schools in the district) meeting 100% of the interim measures of student progress. If at the end of the year for which the waiver is granted the district has not made significant progress, then the same waiver will not be granted for the next school year.*

In addition, it will be clearly indicated in all communications and forms related to Ed-Flex waivers that these measures and requirements of the NC ESSA Plan cannot be waived.

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.

Leadership at NCDPI made the first review of this application before sharing it further to make sure that it is consistent with state agency policies, procedures and strategic goals. Following those reviews the application was shared via listserv to superintendents, federal programs officers, charter school administrators, and administrators of other public-school units who were also asked to share with teachers, other educators and parents in their respective units. In addition, notice of NCDPI's intent to apply for Ed-Flex was shared, along with a copy of the proposed application, with the general public by posting it in two locations on the NCDPI website for 30 days from August 5, 2019 – September 5, 2019 (see attached copies of the notices below). No written comments were received. There were verbal comments of support given during interactions with district and school leadership in various contexts during the review period. There were no verbal comments requesting any revisions or changes.

During the public comment period, the application was reviewed by the State Board appointed Committee of Practitioners (COP) for recommendations. At their August 13, 2019 meeting, the COP unanimously recommended that the Ed-Flex application be submitted by NCDPI.

- 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 members of the public may review the comments.

As previously stated, notices informed all stakeholders and interested parties that comments could be submitted through several mechanisms including by email, or United States Postal Service (USPS) mail. In addition, LEAs and charter schools were asked in listserv communication to share the public notice with parents and parent groups. Notification of a final version of the application and summary of revisions made as a result of the comments as well as the final response from the USED regarding the submitted application will be posted on the website once these actions have occurred.

7. Submit as an attachment the comments received from Public Notice and Comment with the application of the SEA to the Department.

No written or electronic comments were received. Verbal comments shared above.

Copies of Public Notice Posted on NCDPI website:

Public Schools of North Carolina | State Board of Education | Department of Public Instruction

FEDERAL PROGRAM MONITORING AND SUPPORT

NCLB FEDERAL PROGRAMS SES GET UPDATES QUICK LINKS

EDUCATIONAL FLEXIBILITY (ED-FLEX) PROGRAM

NOTE :: Various file formats are used on this page that may require download. If larger than 1mb, it will take longer to download. For instructions or more information, please visit our [download page](#).

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999 (PL 106-25)

Background

In April 1999 Congress passed, and the President signed, the Education Flexibility Partnership Act of 1999, better known as Ed-Flex (Public Law 106-25). This legislation transferred authority for granting waivers of certain federal statutes and regulations from the U.S. Department of Education to state agencies that met certain requirements. North Carolina applied for and was granted authority to be an Ed-Flex state, and North Carolina's authority was extended in January 2006. Local education agencies wishing to waive certain federal statutes and regulations must apply to the North Carolina Department of Public Instruction.

Purpose

The purpose of providing flexibility is to improve the academic achievement of all students. Waiver requests should be designed to provide instructional opportunities to ensure that all students meet North Carolina's challenging state standards on state assessments.

Carryover Limitations

Title I law states that Local Education Agencies (LEAs) may only carryover a certain percentage (15%) of the current school year allocation. However, if an LEA can provide sufficient justification that such a request is necessary, LEAs in North Carolina can request a waiver from NCDPI to add the carryover funds to the district's current year expected Title I allotment. Under federal law, this waiver may only be requested once every three years; however, North Carolina has been approved to access the Education Flexibility option, referred to as Ed-Flex, to allow flexibility to approve waivers as needed. A sample template of what the waiver request would look like from the LEA is reflected in the attachment below. ([doc, 29kb](#))

Instructions to Apply For Waivers of Other Federal Requirements

Ed-Flex Waiver Applications may be submitted at any time; however, it is recommended that local education agencies or public charter schools submit requests as early in the school year as possible. This will allow the Department of Public Instruction staff adequate time to review waivers and request additional information if needed. Please ensure that you allow sufficient time to complete the public notice and comment requirement. For information, contact Dr. Michael Wells at michael.wells@dpi.nc.gov.

- Request for Ed-Flex Waiver of Federal Requirements ([doc, 59kb](#))
- Procedures for Granting Waivers ([pdf, 98kb](#))

Programs Covered by Ed-Flex Legislation

- Title I, Part A of the No Child Left Behind Act (other than sections 1111 and 1116) (Improving the Academic Achievement of Disadvantaged Children)
- Title I, Part B, Subpart 3 of the No Child Left Behind Act (Even Start Family Literacy Programs) (NOTE: Ed-Flex states may not waive requirements of the new Reading First or Early Reading

Navigation menu items: FEDERAL PROGRAM MONITORING AND SUPPORT HOME, EVERY STUDENT SUCCEEDS ACT (ESSA), SCHOOL IMPROVEMENT PLANNING/NCSTAR, ELEMENTARY SECONDARY EDUCATION ACT FLEXIBILITY (ESEA), TITLE I, PART A, SCHOOL IMPROVEMENT GRANTS (SIG), TITLE II, PART A, STUDENT SUPPORT AND ACADEMIC ENRICHMENT (SSAE), NEGLECTED & DELINQUENT, MIGRANT EDUCATION PROGRAM, 21ST CENTURY COMMUNITY LEARNING CENTERS, EXTENDED LEARNING AND INTEGRATED STUDENT SUPPORTS (ELISS) COMPETITIVE GRANT PROGRAM, AFTER-SCHOOL QUALITY IMPROVEMENT GRANT PROGRAM, HOMELESS EDUCATION, FOSTER CARE EDUCATION, RURAL EDUCATION ACHIEVEMENT PROGRAM, TEACHER LOAN FORGIVENESS PROGRAM (TLFP)

RESOURCES
Consolidated State Application
Educational Flexibility

CROSS-PROGRAM MONITORING
DATA COLLECTION
COMPREHENSIVE CONTINUOUS IMPROVEMENT PLAN (CCIP)
FEDERAL PROGRAM MONITORING AND SUPPORT DIRECTORY

- (NOTE: Ed-Flex states may not waive requirements of the new Reading First or Early Reading First Programs (subparts 1 and 2 of Part B of Title I)
- Title I, Part C of the No Child Left Behind Act (Education of Migratory Children)
 - Title I, Part D of the No Child Left Behind Act (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk)
 - Title I, Part F of the No Child Left Behind Act (Comprehensive School Reform)
 - Title II, Part A, Subparts 2 and 3 of the No Child Left Behind Act (Teacher and Principal Training and Recruiting)
 - Title II, Part D, Subpart 1 of the No Child Left Behind Act (Enhancing Education through Technology)
 - Title III, Part B, Subpart 4 of the No Child Left Behind Act (Emergency Immigrant Education, if this program is funded)
 - Title IV, Part A, Subpart 1 of the No Child Left Behind Act (Safe and Drug-Free Schools and Communities)
 - Title V, Part A of the No Child Left Behind Act (Innovative Programs)
 - The Carl D. Perkins Vocational and Technical Education Act

Requirements That Cannot Be Waived:

- Maintenance of effort
- Comparability of services
- Equitable participation of students and staff in private schools
- Parental participation and involvement
- Distribution of funds to states or to local education agencies
- Serving eligible school attendance areas in rank order under section 1113(a) (3) of the ESEA
- The selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that a state education agency may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I of such Act if the percentage of children from low-income families in the 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 local education agency that meets the requirements of subsections (a) and (b)
 - Supplement, not supplant
 - Applicable civil rights requirements
 - Family Rights and Privacy Act (FERPA) (section 444 of GEPA) and the Protection of Pupil Rights Act (PPRA)
 - Undermining of the underlying purposes of the statutory requirements of the program for which a waiver is being sought
 - Individuals with Disabilities Education Act (IDEA) requirements

Questions? Please call Dr. Michael Wells at [919.807.3957](tel:919.807.3957) or e-mail him at michael.wells@dpi.nc.gov.

INPUT SOUGHT ON PROPOSED APPLICATION TO THE US DEPARTMENT OF EDUCATION BY NCDPI FOR THE EDUCATION FLEXIBILITY PARTNERSHIP ACT (ED FLEX) UNDER THE EVERY STUDENT SUCCEEDS ACT.

The North Carolina Department of Public Instruction (NCDPI) is seeking public comment on its application to the US Department of Education for the Educational Flexibility (Ed-Flex) Program. This program, reauthorized by the Every Student Succeeds Act (ESSA), permits State Educational Agencies (SEAs) to waive certain requirements that may impede local efforts to reform and improve education systems. With this flexibility, SEAs can waive select requirements of federal statute or regulations that apply to school districts and schools without first submitting those waivers to the Department.

A small number of states previously had this authority, but, under ESSA, the Secretary may now permit all interested SEAs to apply to become Ed-Flex states. An SEA approved for Ed-Flex authority may waive requirements that apply to Title I, Part A (excluding Section 1111); Title I, Part C; Title I, Part D; Title II, Part A; and Title IV, Part A. A state can be granted Ed-Flex authority for up to five years once its application has been approved.

NC was one of the states who previously had this authority and is seeking to continue that through the current application posted on the NC Department of Public Instruction webpage.

Any individual or organization may submit written comments on the proposed waiver through the close of business on September 5, 2019.

Send written comments on the proposed waiver to Michael Wells, NC Department of Public Instruction, 6307 Mail Service Center, Raleigh, NC 27699-6307 or email at Michael.wells@dpi.nc.gov.

Proposed Application
(pdf, 364kb)



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INPUT SOUGHT ON PROPOSED APPLICATION TO THE US DEPARTMENT OF EDUCATION BY NCDPI FOR THE EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT (ED FLEX) UNDER THE EVERY STUDENT SUCCEEDS ACT

The North Carolina Department of Public Instruction (NCDPI) is seeking public comment on its application to the U.S. Department of Education for the Educational Flexibility (Ed-Flex) Program. This program, reauthorized by the Every Student Succeeds Act (ESSA), permits State Educational Agencies (SEAs) to waive certain requirements that may impede local efforts to reform and improve education systems. With this flexibility, SEAs can waive select requirements of federal statute or regulations that apply to school districts and schools without first submitting those waivers to the Department.

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North Carolina was one of the states that previously had this authority and is seeking to continue that through the current application posted on the N.C. Department of Public Instruction webpage at <http://www.ncpublicschools.org/program-monitoring/resources/edflex/>.

Any individual or organization may submit written comments on the proposed waiver through the close of business on Sept. 5, 2019.

Send written comments on the proposed waiver to Michael Wells, N.C. Department of Public Instruction, 301 N. Wilmington Street, Raleigh, NC 27601, or email at Michael.wells@dpi.nc.gov

About the North Carolina Department of Public Instruction:
The North Carolina Department of Public Instruction provides leadership to 115 local public school districts and 160 charter schools serving over 1.5 million students in kindergarten through high school graduation. The agency is responsible for all aspects of the state's public school system and works under the direction of the North Carolina State Board of Education.

For more information:
NCDPI Communication and Information Division, [919.807.3450](tel:919.807.3450).

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