

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).

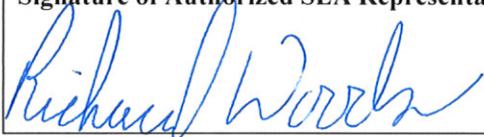
Application Review

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): Shaun Owen Deputy Superintendent, Federal Programs	Telephone: (404) 971-0096
Mailing Address: Georgia Department of Education 1870 Twin Towers East 205 Jesse Hill Jr. Drive SE Atlanta, GA 30334	Email Address: sowen@doe.k12.ga.us
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) Mr. Richard Woods	Telephone: (404) 657-1175
Signature of Authorized SEA Representative 	Date: 2/25/2020

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 Georgia State Board of Education has the authority to waive state statutory and regulatory requirements relating to education under Title 20 of Georgia Code, O.C.G.A. §20-2-82(e).

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.
- A. *An application for waiver of federal statutory or regulatory requirements will be submitted by the individual local educational agency (LEA) to the Georgia Department of Education (GaDOE) as an integrated component of the LEA's annual federal consolidated application, which in Georgia is referred to as either the Consolidated LEA Improvement Plan (CLIP) or the Streamlined Consolidated LEA Improvement Plan (S-CLIP). The waiver request will be evaluated by the CLIP review team, which is comprised of a designated lead and GaDOE staff representatives from each federal program included in the CLIP/S-CLIP who serve as technical supports to the LEA submitting the application. The team will ensure that the request includes the following Ed-Flex required elements: the statutory or regulatory requirement(s) that would be waived; the federal program(s) that would be affected; the purpose(s) and overall expected result(s) of the waiver; the specific, measurable educational goals to be realized as an outcome of waiver implementation; and, a description of how public notice was made regarding the proposed waiver, as well as the comments received as a result of the notice. The CLIP team will either approve, request revisions, or deny the waiver request as a component of and in the context of the overall CLIP/S-CLIP review. See **Appendix A** for additional information regarding the GaDOE's CLIP purpose and guidance. By integrating its annual Ed-Flex waiver request directly within the CLIP/S-CLIP process, the waiver request will target identified barriers to student achievement realized through the LEA comprehensive needs assessment (CNA). This direct alignment to the CNA will allow the LEA to thoughtfully incorporate the waiver into the overall district improvement plan as presented in the CLIP/S-CLIP. The GaDOE will offer its LEAs a tiered system for waiver requests. The first tier will include a menu of available waivers established for universal availability/usage statewide. They will represent waivers that are likely to be broadly identified through the local CNA as desirable and may include both administrative and programmatic waivers. They will be defined annually at the state level by applicable GaDOE program staff utilizing input from an existing state workgroup (Federal Programs Workgroup) made up of LEA federal program administrators as well as other stakeholders. The second tier will allow applicants to address an LEA or school need for a less common and locally isolated waiver.*
- B. *The Georgia State Board of Education (SBOE) has the authority to waive state statutory or regulatory requirements relating to education. Under Georgia's Strategic Waivers School System (SWSS) performance contracts and Charter System contracts, LEAs are granted flexibility from state laws and policies as a means to increase student achievement (O.C.G.A. § 20-2-80). Local school boards enter into multi-year contracts with the SBOE that identify specific school-level student achievement goals based on the state's College and Career Readiness Performance Index (CCRPI). Charter System contracts allow broad flexibility from state laws and*

regulations, while SWSS contracts require the identification of laws to be waived and requests to the SBOE for additional waivers. For Charter System contracts, the GaDOE works closely with districts to ensure that the school-level student achievement goals are sufficiently rigorous to warrant granting the flexibility requested by the local school district. With SWSS contracts, the GaDOE works in collaboration with the Governor's Office of Student Achievement (GOSA) to monitor these school-level student achievement goals. GOSA annually monitors progress toward meeting those goals and reports it to the SBOE. If, at the end of the contract terms for Charter System or SWSS contracts, any school has not met its performance goals for at least three years of the contract and is not meeting targets at the end of the contract, consequences are recommended to the SBOE.

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

Both SWSS and Charter Systems have the flexibility to waive state statutory and regulatory requirements relating to education contained in Title 20 of Georgia Code. SWSS must outline the specific laws that they wish to waive in their contract and may request additional waivers from the SBOE. Charter Systems have broad flexibility to waive statutory and regulatory education requirements contained in Title 20 of Georgia Code. Neither SWSS nor Charter Systems have the ability to waive state laws or SBOE rules pertaining to civil rights, insurance, health and safety, conflicts of interest, unlawful conduct, funding formulas, or accountability provisions, nor may they waive any aspect of federal law under their SWSS or Charter System contracts.

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 GaDOE's strategic plan outlines seven strategic goals to ensure that each and every Georgia student is afforded a high-quality and holistic public education. The goals are:
COHERENT INSTRUCTION

1. *Revise/develop and implement viable academic standards that engage learners with essential knowledge, skills, and enduring concepts.*
2. *Increase the percentage of K-5 students with a strong knowledge of foundational skills and concepts.*
3. *Increase the percentage of high school students who graduate ready for enrollment, employment, or enlistment.*

WHOLE CHILD FOCUS

4. *Expand educational opportunities and non-academic supports in order to maximize student engagement, meet student needs/interests, and ensure the relevance of learning.*

PROFESSIONAL CAPACITY & EFFECTIVE LEADERSHIP

5. *Elevate districts, schools, leaders, and educators through high quality, tiered and tailored service and support.*

SUPPORTIVE LEARNING ENVIRONMENT

6. *Foster a safe, healthy, and positive learning climate in every school.*

FAMILY AND COMMUNITY ENGAGEMENT

7. Engage in effective communication and meaningful stakeholder input/feedback to strengthen the perception of public education and to inform decision-making. Fundamental to achieving these objectives is the GaDOE's commitment to ensuring that barriers are removed that force a one-size-fits-all approach to education that limits effectiveness and efficiency. An integral element in realizing this work will be the ability to better leverage resources to improve program efficiencies that benefit students afforded by this educational flexibility waiver plan. The waivers granted will allow for LEAs to innovatively target federal resources in more efficient and effective ways to support student learning. See **Appendix B** for GaDOE's Strategic Plan.

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.

The GaDOE's educational flexibility plan will be wholly coordinated with the activities described in the Title I, Part A section of Georgia's approved consolidated state plan. Specifically, each LEA Educational Flexibility (Ed-Flex) waiver application will be embedded annually within the LEA's CLIP/S-CLIP, which itself defines the LEA's overall consolidated plan for supporting students in achieving the state's challenging academic standards through the application of supports under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015. Coordination will also be realized within the CLIP/S-CLIP by linking waiver requests to specific goals that address needs related to improving teaching and learning, as well as ensuring effective and meaningful parental involvement practices.

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.

*Each application for waiver of federal statutory or regulatory requirements submitted by the individual LEA as a component of its annual CLIP/S-CLIP will define overall expected result(s) of the waiver, as well as the specific, measurable educational goals to be realized as an outcome of waiver implementation. At the end of each year, the LEA will submit evidence to the GaDOE CLIP team regarding the outcome(s) in achieving the waiver's defined goals. The CLIP team will utilize the LEA's submission to evaluate the effectiveness of the waiver(s) in meeting defined goals and apply the results to any subsequent approvals. The GaDOE will report annually on the statewide outcomes and results of the impact of the waivers on district, school and student performance as measured through CLIP/S-CLIP documentation and reporting. See **Appendix C** for the LEA waiver application elements to be included in the CLIP/S-CLIP process.*

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.

The GaDOE met the requirements for Public Notice and Comment by posting its proposed Educational Flexibility (Ed-Flex) program application on its public

Federal Programs website homepage for a two-week period between February 6, 2020 and February 20, 2020. The public posting included a direct link to the federalprograms@doe.k12.ga.us mailbox for the submission, collection, and review of comments.

- 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.

Notice regarding the GaDOE's intent to apply, along with a link to the Federal Programs website homepage was disseminated to all LEA superintendents and Regional Educational Service Agency (RESA) directors using dedicated listservs on February 6, 2020. LEA federal program directors were notified via Federal Programs Updates bulletins on both February 7, 2020 and February 14, 2020. In addition, the GaDOE Title I, Part A Family-School Partnership Program sent notice through its listserv of LEA parent liaison and partner subscribers statewide. Finally, the GaDOE Federal Programs Workgroup, made up of LEA federal program administrators, convened on January 7, 2020 to review, discuss, and comment on the application.

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

The GaDOE received no comments during the Public Notice and Comment period between February 6, 2020 and February 20, 2020.