

# Application for the Educational Flexibility (Ed-Flex) Program



**U.S. Department of Education**  
**Issued: June 13, 2019**

OMB Number: 1810-0737  
Expiration Date: March 31, 2027

## **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0737. Public reporting burden for this collection of information is estimated to average 40 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit under section 9207 of the Every Student Succeeds Act (ESSA). If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact the Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-3118 at [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov).

## **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 an 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 more than<sup>1</sup> 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.

---

<sup>1</sup> 5891b(c)(1)(G) currently prohibits waivers of the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA, except that an SEA 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..." (emphasis added). We believe the emphasized language is an error and that this prohibition should mirror the language in ESEA section 8401(c)(10), which prohibits waivers of the selection of a school attendance area or school under sections (a) and (b) of section 1113 of the ESEA, except that the Secretary may grant a waiver to participate in activities under Title I, Part A "if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school..." (emphasis added).

## **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 review applications as they are received.

Complete applications should be submitted to the Title I mailbox at [OESE.TitleI-A@ed.gov](mailto:OESE.TitleI-A@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): Jason Helfer, Special Advisor to the State Superintendent	Telephone: 217-782-3008
Mailing Address: 100 N. 1 <sup>st</sup> Street, Springfield, IL 62777	Email Address: jhelfer@isbe.net
<b>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.</b>	
Authorized SEA Representative (Printed Name)	Telephone:
Signature of Authorized SEA Representative	Date:

## 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 Illinois State Board of Education (ISBE) has the authority to approve waivers or modifications of State Board of Education rules and School Code mandates under 105 ILCS 5 Section 2-3.25g and 23 Ill. Admin. Code § 1.100. Additional information about ISBE's waiver procedures is contained in the response to Question 1 below.

## 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.**

### Federal Statutory or Regulatory Requirements:

Ed-Flex waiver applications will be reviewed by staff from departments across ISBE, including Title Grants Administration, Federal and State Monitoring, and Funding and Disbursements. These departments provide technical assistance to districts through all phases of the federal grant cycle. ISBE will develop an application form to ensure that districts address the requirements of 20 U.S.C. § 5891b and meet the public notice and comment provisions in 20 U.S.C. § 5891b(a)(7). Districts must submit waiver applications prior to completing the annual consolidated district plan (CDP). Waivers will only be approved when staff determine that the request comports with the requirements of Ed-Flex approval for Illinois, upholds the underlying purposes of each relevant grant, and will assist the district in making progress toward its goals. ISBE will also consider financial and programmatic compliance when evaluating applications. Districts will be informed of ISBE's decision no later than 30 days after the submission of an application and in advance of the CDP. Waivers can therefore inform how each district develops its plan for federal resources.

Upon approval of the Ed-Flex waiver, ISBE will launch its Ed-Flex program by promoting two waivers on a statewide basis: waiving the 15% carryover limitation for Title I, Part A funds, and providing increased flexibility in the use of Title IV, Part A funds by waiving the mandatory spending minimums for each of the statutorily required content areas. Once a waiver application is approved, LEAs will be able to use an expedited process to request the same waiver for subsequent years, subject to the continued review and approval of ISBE staff. ISBE may revoke district waivers in accordance with the conditions described in ED's 2019 Ed-Flex FAQ (Question G-2).<sup>1</sup>

ISBE will develop guidance and provide training to LEAs to increase awareness of the Ed-Flex program and ensure local staff understand and comply with all requirements. In collaboration with local stakeholders, ISBE will also consider opportunities to expand the Ed-Flex program by identifying additional administrative and/or programmatic waivers to spur innovation and improvement. These waivers may be promoted on a statewide basis or more narrowly tailored to support specific categories of LEAs with common needs (for instance, high school or rural districts).

---

<sup>1</sup> After notice and a hearing, SEAs must terminate a waiver if: 1) There is compelling evidence of systemic waste, fraud, or abuse; 2) The performance of the LEA, ESA, or school with respect to meeting the accountability requirement and the educational goals has been inadequate to justify continuation of such waiver; 3) Student achievement in the LEA, ESA, or school has decreased; or 4) Substantial progress has not been made toward meeting the long-term goals and measurements of interim progress established by the State under ESEA section 1111(c)(4)(A)(i). (20 U.S.C. § 5891b(a)(4)).

As recommended in ED’s 2019 Ed-Flex FAQ, ISBE will consult with Department officials regarding the permissibility of additional waivers (Question E-5).

State Statutory or Regulatory Requirements Relating to Education:

ISBE’s waiver authority under 105 ILCS 5 Section 2-3.25g was originally established in 1991 under Public Act 87-559. As a result, ISBE has longstanding procedures in place to respond to requests to waive or modify state statutory or regulatory requirements relating to education from eligible applicants, including school districts, joint agreements, Regional Office of Education (ROE) superintendents, Intermediate Service Centers (ISCs), and Independent Authorities established under Section 2-3.25f of the School Code. Requests to waive or modify ISBE rules, or to modify School Code mandates, are reviewed by ISBE. Requests to waive School Code mandates are forwarded to the Illinois General Assembly for review. Waivers are granted for a period of no more than five years, except that administrative cost limitation requirements under 105 ILCS 5/17-1.5 require an annual application. All waivers must aim to improve student performance, stimulate innovation, or achieve the intent of a mandate more effectively, efficiently, or economically.

Waivers under the authority of 105 ILCS 5 Section 2-3.25g cannot be requested from laws or rules related to special education; teacher licensure; teacher tenure and seniority; township treasurers (105 ILCS 5/5-2.1); requirements for teachers and principals to be rated using the four categories of “excellent,” “proficient,” “needs improvement,” or “unsatisfactory” (105 ILCS 5/24A-2.5, 24A-5); or compliance with the Every Student Succeeds Act (ESSA).

Before submitting an application, eligible applicants must conduct a public hearing that allows for testimony on the waiver request. Applications must include all required documentation and be approved by the local governing board or regional superintendent (if the ROE is applying on behalf of schools or programs it operates).

As noted, not all waiver requests are considered by ISBE. Requests to waive School Code requirements are forwarded to the Illinois General Assembly for review. All other waiver requests under Section 2-3.25g are reviewed by ISBE staff and evaluated based on whether the waiver:

1. Is grounded in sound educational practice;
2. Maintains student and staff safety;
3. Promotes equity and learning opportunities;
4. Aligns with the intent of the mandate; and
5. Has student performance as a primary goal.

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

Local education leaders are best positioned to identify the waivers that will support their improvement efforts. Thus, eligible applicants follow the procedures outlined above to request a waiver or modification of ISBE rules or School Code mandates. Through this process, districts may request waivers relating to instructional time, substitute teachers, non-resident tuition, and many other mandates.<sup>2</sup> ISBE will encourage LEAs to consider state statutory and regulatory waivers in the context of comprehensive grant planning, of which the CDP and Ed-Flex waivers are a part.

**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 Illinois State Board of Education’s 2024-2027 Strategic Plan provides a roadmap of its long-term goals to improve student learning. The plan contains three interconnected goals:

1. ***Student Learning***: All students will receive a high-quality education with access to appropriate resources and supports to increase their knowledge, skills, and opportunities so they graduate equipped to pursue a successful future.
2. ***Learning Conditions***: In partnership with its stakeholders, ISBE will advocate for the necessary resources to create safe, healthy, and welcoming learning environments that meet the unique academic, social, and emotional needs of every student.
3. ***Elevating Educators***: Illinois’ diverse student population will have educators who are prepared through multiple pathways and supported in and celebrated for their effectiveness in providing every child a high-quality education that meets their needs.

Each goal is supported through aligned objectives and initiatives designed to drive improvements for students and educators. These initiatives include, but are not limited to:

- The development and dissemination of comprehensive literacy and numeracy plans;
- A retooled statewide system of success to meaningfully differentiate school performance and promote continuous improvement for all schools;
- Partnerships with Regional Offices of Education and Intermediate Service Centers to provide ongoing professional learning;
- Collaboration with higher education institutions to strengthen educator preparation programs;
- Updates to social-emotional learning standards; and
- A Teacher Vacancy Grant to assist districts in addressing teacher shortages.

---

<sup>2</sup> View a comprehensive list of [waivers from 1995-2023](#).

ISBE is in the process of amending its ESSA State Plan in order to redesign its accountability system. ISBE will propose to keep its long-term goals, with updated measures of interim progress as applicable to the specific metric. ISBE originally aimed for 90% of its students to meet key performance benchmarks by 2033, including:

- 90% of English learners making sufficient annual progress toward English language proficiency within a five-year timeline; and
- 90% of high school graduates ready for college and career, as demonstrated by receipt of a regular high school diploma in four years.

ISBE recently finished a unified academic standard setting for its general academic assessments in all grades and subjects. This established new benchmarks in 2025. Thus, by an updated deadline of 2040, ISBE aims for 90% of its students to meet key academic achievement benchmarks, including:

- 90% of third-grade students meeting grade-level literacy expectations; and
- 90% of fifth-grade students meeting grade-level mathematics expectations.

Illinois' Ed-Flex program will support school districts in achieving ambitious state goals by allowing them to better align federal resources with local improvement plans tied to state-level goals in the currently approved Illinois ESSA Plan. By removing the carryover limitation from Title I, Part A, districts can create deliberate, longer-term plans to maximize Title I dollars in support of student learning. Similarly, removing the mandatory spending minimums from Title IV, Part A will allow districts to direct Title IV, Part A funds toward the allowable activity (or activities) most aligned with local improvement plans.

**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.**

ISBE's Ed-Flex plan is designed to ensure close coordination between district waivers and the activities described in the Title I, Part A section of its consolidated state plan. Title I, Part A provides supplemental funding to states and districts with high percentages of children from low-income families; its purpose is to provide targeted support to schools and districts with the greatest need to ensure that all students can meet challenging state standards. Per ISBE's approved ESSA consolidated state plan, schools with a range of 20% to 39.99% may request waivers to operate schoolwide programs. This [Schoolwide Waiver](#) request allows staff in the Title Grant Administration Department to consider the waiver in relation to district context. ISBE's Ed-Flex application will similarly be evaluated by staff with broad expertise in each district.

ISBE will intentionally launch its Ed-Flex program by promoting the statewide fiscal waivers found to be most valuable across states with Ed-Flex authority. Consistent with subsections (b), (c), and (d) of section 1111 of the ESEA, districts will be required to identify how the fiscal flexibility afforded by the waiver will support the district plan in meeting local improvement goals and making progress

toward the state’s ambitious learning targets as measured by common assessments. More specifically, the waiver application will emphasize that Ed-Flex waivers offer flexibility now in support of ongoing and demonstrable evidence of improved student performance.

**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.**

ISBE believes that all schools — no matter their current performance or accountability status — benefit from cycles of planned and deliberate continuous improvement. Within ISBE's current accountability system, 70% of schools are identified as “Commendable,” meaning simply that they do not have any student groups performing at or below the lowest-performing 5% of schools, but they are not in the highest-performing 10% of schools. A performance designation based on such a wide range of outcomes is not well integrated with the concept of school improvement for all schools. To that end, ISBE is redesigning its accountability system to recognize strengths and support improvement for every school. The redesigned system maintains all federally required indicators and continues to identify schools for targeted and comprehensive support. It expands these requirements by delineating clear performance ranges that can assist schools in setting goals, aligning resources, and evaluating performance.

ISBE’s redesigned accountability system conceptualizes school performance in the form of an “accountability house” composed of six blocks. Three blocks make up the Core Indicators that recognize school strengths relative to their most critical outcomes: Growth, Proficiency, and Graduation Rate. The three remaining blocks are Elevating Indicators that identify important school strengths or systems aligned with improvement: English Learner (EL) Progress, Consistent Attendance, and Climate Survey results. Importantly, Elevating Indicators can raise a school’s summative designation but not lower it.

All Indicators are divided into five performance levels: Exemplary, Approaching Exemplary, Commendable, Developing, and Comprehensive. These performance levels replace the previous designations and are designed to differentiate performance and provide aligned pathways for school improvement. The five performance levels are based on the performance of all student groups. To be Exemplary or Approaching Exemplary, all student groups must have a performance level of Developing or better, while Commendable is the highest level a school can reach if one of its student groups has a Comprehensive profile. A Comprehensive profile for the “All Students” group will trigger Comprehensive Support and Improvement status. Any student group with a Comprehensive profile will trigger Targeted Support and Improvement status for the school. In short, ISBE’s redesigned system will continue to adhere to ESSA accountability requirements. The proposed amendment is slated for submission to the U.S. Department of Education by mid-April 2026.

Through ISBE’s LEA-level Ed-Flex application process, districts must identify how the waiver(s) will drive improvement in at least one Indicator, with a focus on any Indicator(s) with a Comprehensive performance level. Additionally, districts may identify other local measures of improvement. ISBE will annually monitor the performance of districts as required by law, and all districts receiving waivers will be required to submit an annual report that evaluates the effectiveness of the waiver in relation to performance goals.

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.**
  - 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.**

ISBE will meet the requirements for providing the public with adequate and efficient notice of the waiver authority by posting the Ed-Flex application on its website for 30 days (3/24/2026 – 4/23/2026). The posting will include all required details and be prominently displayed on ISBE’s homepage as well as grant-specific pages. ISBE will invite all members of the public to submit comments regarding the proposed waiver authority to a direct email address ([essa@isbe.net](mailto:essa@isbe.net)), in accordance with its typical procedures for soliciting input on ESSA waivers or amendments. All comments will be included within this application, the final version of which will be published, pending approval, on ISBE’s website inclusive of comments received.

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

[Comments to be attached.]