The Ed-Flex Spellbook: Unlocking Federal Flexibilities

November 4, 2026



ECTAC Florida





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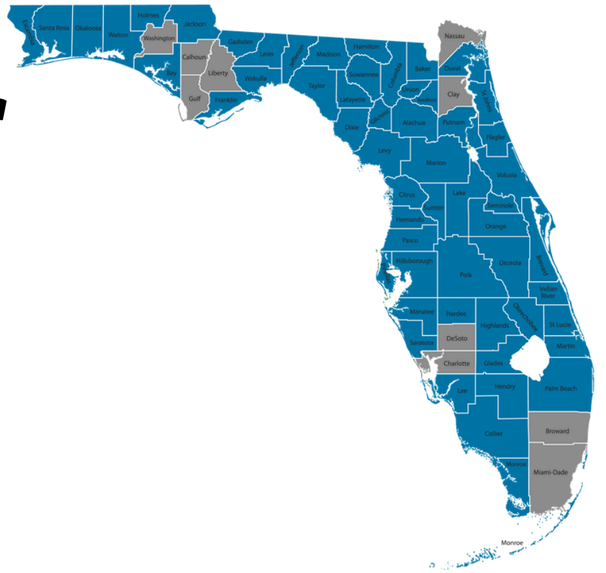
Our Time Together



- Lots of Waivers - Sorting the Spells
  > *Ed-Flex vs. Returning Education to the States*

- Spellbook of Approved Waivers
  > *The Spells at Our Disposal: Exploring Approved Flexibilities*

- Knowing the Limits of the Magic
  > Even Wizards Have Rules: Understanding the Boundaries

- Putting the Magic into Practice
  > *Casting the Spell: Turning Flexibilities into Action*

- Questions and Resources
  > Consult the Wizards: Questions, Answers, and Helpful Resources

EdFlex vs. Returning Education to the States Waivers



What is an EdFlex Waiver?



Approved EdFlex States

Florida Approved EdFlex Waiver

“If approved, the Ed-Flex waiver would authorize the FDOE to grant local educational agencies (LEAs) waivers of any applicable statutory or regulatory requirements under the Elementary and Secondary Education Act (ESEA) and the Carl D. Perkins Career and Technical Education Act...

By reducing federal constraints, LEAs can more effectively focus resources on increasing student achievement. With FDOE's proposal, an LEA seeking a waiver will submit a proposed flexibility plan that includes specific, measurable educational goals and a description of how the proposed waiver(s) will assist the LEA in meeting these goals. The FDOE will grant the LEA's proposed waiver only if the waiver will contribute to increased academic achievement.”



EdFlex - What cannot be waived?



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 13, 2026

The Honorable Anastasios Kamoutsas
Commissioner of Education
Florida Department of Education
Turlington Building
325 West Gaines Street
Tallahassee, FL 32399

Dear Commissioner Kamoutsas:

I am writing in response to the Florida Department of Education's (FDOE's) April 9, 2026, application to participate in the Education Flexibility Program (Ed-Flex) under the Education Flexibility Partnership Act of 1999, as amended by the Every Student Succeeds Act (20 U.S.C. § 5891b). After reviewing FDOE's request, I am pleased to grant Ed-Flex authority to Florida.

FDOE's Ed-Flex authority will extend through the 2030-2031 school year, provided that FDOE continues to comply with all relevant statutory and regulatory requirements. This includes the requirement under 20 U.S.C. § 5891b(a)(5)(B) to submit annual reports to the Secretary on the results of the State educational agency's (SEA's) oversight of the Ed-Flex program and the impact of the waivers on school and student performance.

Please note that Ed-Flex authority applies only to waivers sought by individual school districts and schools; the statute does not give States the authority to waive Federal requirements that apply to SEAs. An SEA is not authorized to waive any statutory or regulatory requirements relating to:

1. Standards, assessments, and accountability requirements under section 1111 of the Elementary and Secondary Education Act of 1965 (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[1] 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.

In addition, please note that, for any waiver granted, the SEA must be able to demonstrate that the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met (20 U.S.C. § 5891b(c)(2)).

I look forward to working with you as you continue to use the Ed-Flex authority to improve school and student performance in your State. If you have any questions, please contact please contact my staff at OESE.Titlei-a@ed.gov.

Sincerely,

Kirsten Baesler

Kirsten Baesler
Assistant Secretary
Office of Elementary and Secondary Education

cc: Paul O. Burns, Suzanne Pridgeon, Peggy Aune, Mari Presley, FDOE

[1] 20 U.S.C. 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).



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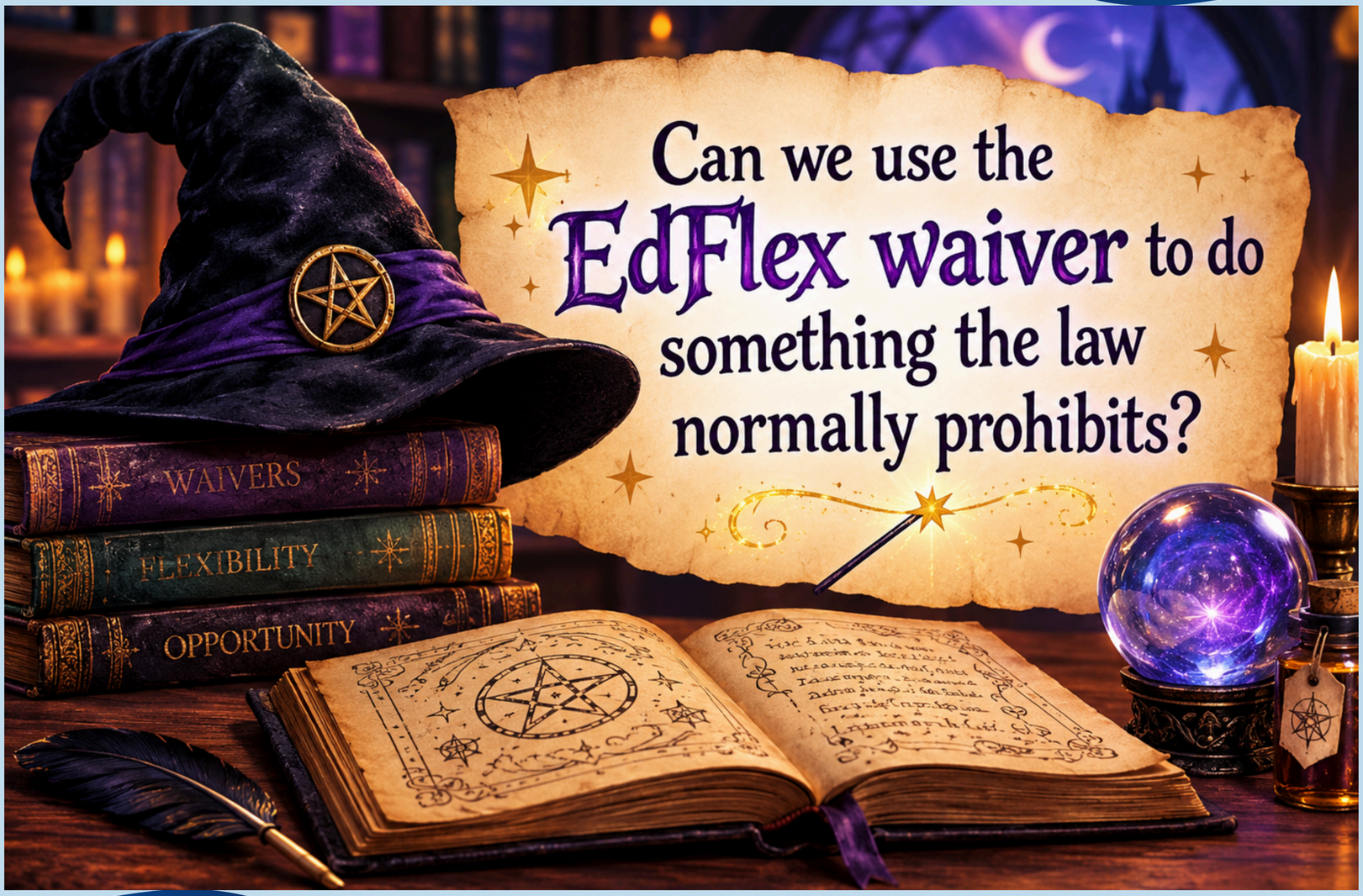
Flexibilities Currently Possible without EdFlex Waivers



- Consolidated Admin
- Schoolwide Consolidation
- Transferability
- Evidence Based Strategies
- Exceed 15% carryover in TIPA once every three years
- 40% threshold for schoolwide programs



Barrier → Flexibility → Strategy → Student Outcome → Evidence


Can we use the
EdFlex waiver to do
something the law
normally prohibits?
WAIVERS
FLEXIBILITY
OPPORTUNITY



If FDOE approves your waiver, what will a monitor expect to see two years later?

**The federal Ed-Flex framework requires states to monitor waivers and report on achievement results for schools/districts with waivers in place for two school years.*



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An LEA wants to structure its Title IV, Part A Program differently, shifting from the standard spending requirements, because it has identified a specific student-support need. The area of need is for resiliency and it will be addressed by providing additional social workers. It would require 90% of the Title IV, Part A allocation.

Participants identify:

- Is it eligible for Ed-Flex waiver?
- What is the barrier?
- What student outcome would demonstrate success?
- What flexibility is being requested?

An LEA anticipates carrying forward a substantial amount of its Title I, Part A allocation into the next fiscal year. The district is concerned that the statutory 15% carryover limitation will prevent it from retaining all of its unspent funds, especially because it already used the ESEA waiver during the preceding year.

Participants identify:

- Is it eligible to request this as an ED Flex Waiver?
- What flexibility is being requested?
- Are there other regulatory flexibilities that exists?

An LEA is requesting to waive the Title I Part A rank order requirements for its *middle* schools. It had previously served all schools (elementary, middle and high) down to 55%. Due to a decrease in the district's Title I Part A allocation and because its middle schools are all A graded schools and below 75% poverty, the district would like to not rank the middle schools with the other schools in the district and not serve any as Title I.

Participants identify:

- Is it eligible for ED Flex Waiver?
- What flexibility is being requested?
- Are there other regulatory flexibilities that exists?

What if, instead, the district wants a *middle* school that is 38% poverty to be served as a Title I Schoolwide program. This middle school has the lowest performance of all middle schools in the district. The district therefore wants to provide this middle school with a higher per student allocation than the other middle schools which have 55% and 60% poverty.

Participants identify:

- Is it eligible for ED Flex Waiver?
- What flexibility is being requested?
- Are there other regulatory flexibilities that exists?

Possible Waivers



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Possible Waiver Requests

ESEA Requirement	ESEA Citation
Certification requirements for non-classroom teachers	Section 1112(c)(6) (Protocol 41)
“Grandfather” ineligible schools	Section 1113(b)(1)(C)
Financial rewards & incentives capped at 5% and only for CSI & TSI schools	Section 1113(c)(4)
TIPA 15% Cap on Carryover	Section 1127(a)
TIPA Schoolwide Program at 40% and above	Section 1114(a)(1)(A)
Private schools must agree to pool funds	Section 1117 B-9
Schools that are no more than 10 percentage points below the lowest served Title I school may participate in TIPA activities	Section 8401(c)(10)

Possible Waiver Requests

ESEA Requirement	ESEA Citation
TIPC Re-interview	Section 1304(c)(8) 34 CFR 200.89
TIPC Priority for Services - “give priority to migratory children who have made a qualifying move within the previous 1-year period and who— (1) are failing, or most at risk of failing, to meet the challenging State academic standards; or (2) have dropped out of school.” *Allow the needs assessment to prioritize funds; reduce paperwork burden*	Section 1304(d)
TIPD Evaluation - evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age while protecting individual student privacy, not less than once every 3 years and submit resuts to the FDOE. *Relax cycle and documentation requirements*	Section 1431(a)
T2PA Prioritization of Funds *Allow the needs assessment to prioritize funds, not a school’s status*	Section 2102(b)(2)(C)

Possible Waiver Requests

ESEA Requirement	ESEA Citation
T4PA Spending Cap - Well Rounded	Sections 4106(e)(2)(C), 4106(f), and 4107
T4PA Spending Cap - Safe & Healthy	Sections 4101(2), 4106(e)(2)(D), 4106(f), and 4108
T4PA Effective Use of Technology	Sections 4101(3), 4106(e)(2)(E), 4106(f), and 4109
T4PA Cap on Administrative Costs	Section 4105(c)
Supplement, Not Supplant for TIPC, T2PA, T4PA *Adopt TIPA Methodology; Applicable when allocating funds to schools*	Section 1304(c)(2) - TIPC Section 2301 - T2PA Section 4110 - T4PA
Time & Effort for Single Cost Objective Employees	2 CFR Part 200.430
Paraprofessional Qualifications	34 CFR Part 200.58(c)

Possible Waiver Requests

ESEA Requirement	Perkins Citation
Modifications to formula allocations (state-level), Reallocation of minimal balances to better service regional workforce development demands	Section 131 or 132
Relaxes administrative reporting burdens for smaller, rural districts regarding comprehensive local needs assessments.	Section 134


Go For It!





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Florida LEA Ed-Flex Application (Excel)

2026-2027 Florida LEA Ed-Flex Waiver Application

Waiver Information

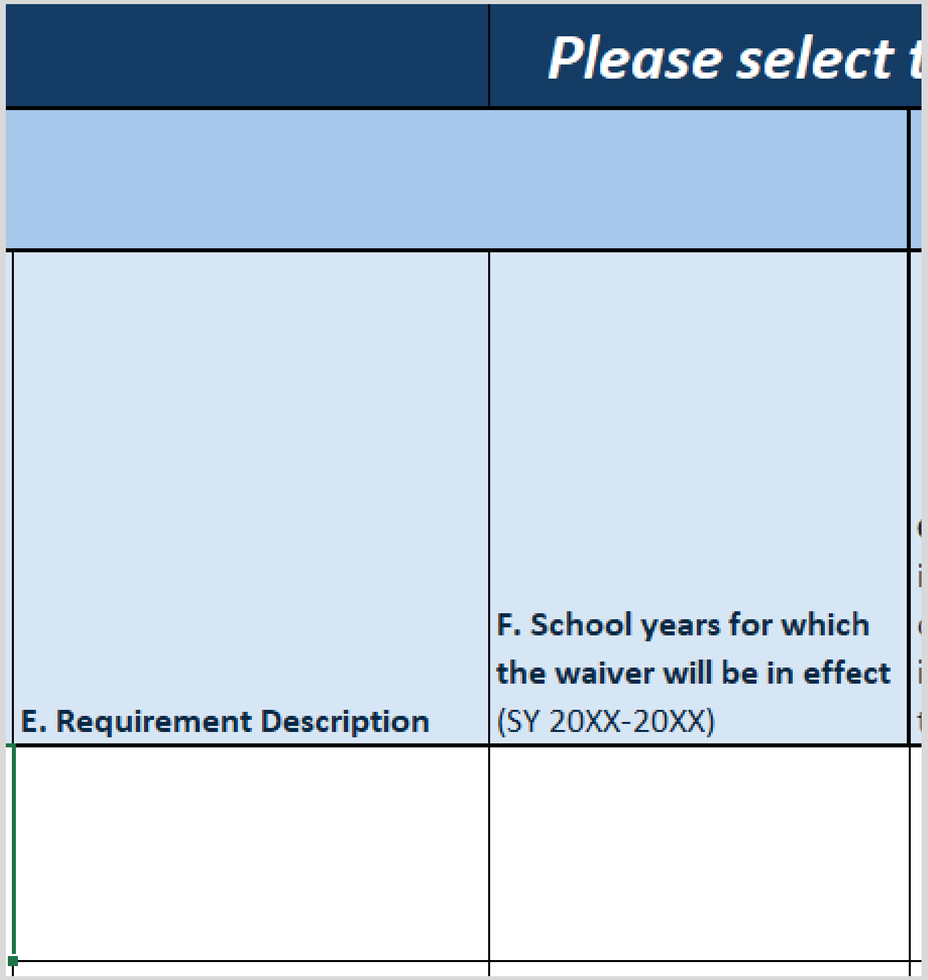
A. Waiver #	B. Waiver Recipient	C. Federal Educational Program Impacted	D. ESEA or Perkins Section for Waiver
		Please select the federal program from the dropdown menu.	

A. **Waiver Number:** List the waiver number beginning with 1.

B. **Waiver Recipient:** List the waiver recipient.
If the waiver recipient is the entire LEA, input the name of the LEA.
If the waiver recipient is a specific school or schools, input each school as an individual line, listing first the school MSID, then the school name.
Note: For a specific school to receive a waiver, FDOE requires that the LEA must submit a waiver application on the school's behalf.

C. **Federal Educational Program Impacted:** Identify the federal educational program impacted by the waiver by selecting one of the applicable programs from the dropdown menu.
Example: If the LEA is applying for a waiver for Title I, Part A (TIPA) Paraprofessional Requirements, select "Title I, Part A."

D. **ESEA or Perkins Section for Waiver:** Identify the section of federal law (ESEA or Perkins) governing the waiver. Please see the Waiver Application Signature Page for a list of requirements which may **NOT** be waived.
For ESEA waivers, LEAs are encouraged to refer to the Self-Certification Monitoring Protocols for a description of many requirements and their corresponding citations.
Example: If the LEA is applying for a waiver for TIPA Paraprofessional Requirements, list "1111(g)(2)(M)."



E. **Requirement Description:** Describe the requirement being waived.
Example: If the LEA is applying for a waiver for TIPA Paraprofessional Requirements, state "TIPA Paraprofessional Requirements."

F. **School years for which the waiver will be in effect:** State the duration of the waiver request in applicable school years.
Note *:* If a waiver is being requested for more than one school year, please include an appropriate justification for the multi-year waiver in Column J. Please also be sure that appropriate goals are stated for each school year for which the waiver is being requested.
Example: SY 2026-2027 OR SY 2027-2028

the LEA from the dropdown menu.

Public Comment Requirement
G. Public Comment: Describe how parents, educators and all other interested community stakeholders had the opportunity to comment on the waiver application. This response should also include how the comments were received and made available to the public.

G. **Public Comment:** Describe how parents, educators and all other interested community stakeholders had the opportunity to comment on the waiver. This response should also include how the comments were received and made available to the public.

Note *:* The United States Department of Education (USED) has provided the following resource that lists many tools for engaging stakeholders online: https://www.ed.gov/teaching-and-administration/lead-and-manage-my-school/state-support-network/ssn-resources/tools-for-engaging-stakeholders-online

General Goals of Waiver

H. Waiver Purpose: Describe the purpose for this waiver application in relation to the mission of Florida's Early Learning-20 education system by selecting the primary goal supported from the dropdown menu: 1. Highest Student Achievement 2. Seamless Articulation and Maximum Access 3. Skilled Workforce and Economic Development 4. Quality Efficient Services	**I. General Goals and Expected Results:** Provide a general description of the overall goals and expected results of this waiver.	**J. Provide a description of why the waiver will assist the LEA or school in meeting these goals.**	**K. Provide a description of how the underlying purposes of the statutory requirements for each program for which a waiver is sought will continue to be met.**
Please select the primary purpose for the waiver application from the dropdown menu.			

H. Waiver Purpose: Describe the purpose for this waiver application in relation to the mission of Florida's Early Learning-20 education system by selecting the primary goal supported from the dropdown menu. Which of the following goals will this waiver primarily support?

1. Highest Student Achievement
2. Seamless Articulation and Maximum Access
3. Skilled Workforce and Economic Development
4. Quality Efficient Services

I. General Goals and Expected Results: Provide a general description of the overall goals and expected results of this waiver by writing a short narrative description of the anticipated impact of this waiver on the LEA or the selected school.

J. Provide a description of why the waiver will assist the LEA or school in meeting these goals. In other words, provide a statement justifying the need for this waiver.
Note : If a waiver is being requested for more than one school year, please include an appropriate justification for the multi-year waiver.

K. Provide a description of how the underlying purposes of the statutory requirements for each program for which a waiver is sought will continue to be met.

Specific and Measurable Educational Goals		
L. Describe the student group that this waiver is expected to impact (e.g., high school students).	**M. Describe the data source(s) that will be used to measure the impact of this waiver.**	**N. Based on the student group and data source(s) already described, provide the baseline data and end-of-year outcomes for each school year for which this waiver applies.**

L.-N. Identify the specific and measurable educational goals of the waiver:

L. Describe the target group that this waiver is expected to impact:
What grade span? Individual grade?
What ESEA subgroup?
Is a specific academic performance being targeted? Or is a group of students chronically absent the target population?
Is a specific class-subject being targeted, i.e., ELA students or Algebra students?

M. Describe the data sources that will be used to measure the impact of this waiver.
LEAs and schools are encouraged to use data available on the district/school report cards for ease of required reporting.

N. Based on the target group and data sources already described, provide the baseline data and end-of-year target goals for each school year for which this waiver will apply.

End-of-Year Monitoring Report (submitted during end of the year reporting)
O. Provide the actual end-of-year results for the selected student group and data source(s). Did the waiver have the anticipated impact?

O. Complete this section only after the end of the project year: **Provide the actual End-of-Year Results for the selected target group and data source(s). Did the waiver have the anticipated impact?**

4. Submit the Florida Ed-Flex Application as an Excel attachment to: BFEP@fldoe.org

The Florida Ed-Flex Application and reporting materials and procedures align with the Consolidated Federal Programs Application process. Submit the Florida Ed-Flex Application *approval* as a separate attachment along with the Consolidated Application (or applicable amendment) and other supporting documentation.


Resources

https://www.fldoe.org/policy/federal-edu-programs/resources.stml



https://www.ectacfl.net/federal-hot-topics.html

Florida Department of Education (FDOE) Ed-Flex Waiver Application to the United States Department of Education (USED)

- EdFlex Waiver Application
- FDOE Memo: United States Department of Education Grants Ed-Flex Authority to Florida | August 14, 2026
- Florida's Approved Waiver Application & Letter Approving Authority Through 2030-2031
- FDOE Memo: FDOE Webinars for Ed-Flex Waiver Requests | August 7, 2026
- ED Memo: FDOE Ed Flex Application Approved | May 13, 2026
- FDOE Memo: Ed Flex Waiver Approval and ESEA Federal Program Allocations | May 20, 2026
- ECTAC Support Session Notes with Q&A from Miki Presley | March 3, 2026
- FDOE Memo: Inviting Public Comment | February 27, 2026
- FDOE Draft Ed-Flex Application
- USED Ed-Flex Application

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Renaissance Orlando at SeaWorld

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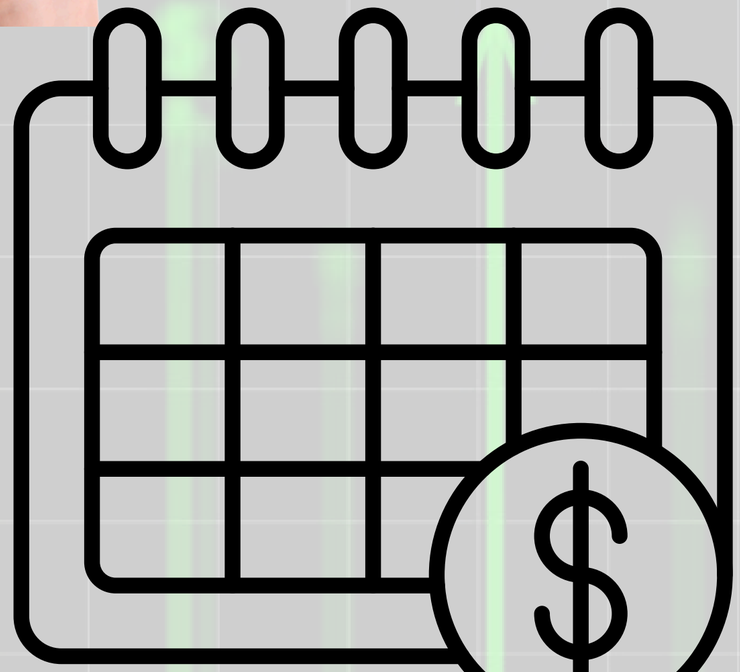

FEBRUARY

2-4

Thank You

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