

Application for the Educational Flexibility (Ed-Flex) Program



U.S. Department of Education
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Paperwork Burden Statement

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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 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** than¹ 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.

¹ 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.

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.

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SEA Contact Information

Name and Position	Telephone	Mailing Address	Email Address
Nicci Miller Assistant Director of Federal Programs	775-687-9226	700 E. Fifth Street Carson City, NV 89701	nicci.miller@doe.nv.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)	Telephone	Signature of Authorized SEA Representative	Date
Dr. Victor Wakefield	775-687-9226		

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 Nevada State Board of Education maintains broad authority under NRS 385.080 to adopt regulations for the governance of the public schools and is specifically authorized to grant waivers from certain State regulatory requirements. NRS 385.175, which empowers the State Superintendent of Public Instruction to execute and direct all administrative, technical, and procedural activities of the Department. This is complemented by Nevada Senate Bill 460 (SB460) Section 1.7 targeting the reduction in bureaucratic burden by allowing the removal of duplicate or unnecessary reports. The authority is granted to local superintendents and the State Superintendent, this section was signed into law on June 9, 2025.

Under this authority, the Department can ensure efficiency that when a Federal waiver is granted under Ed-Flex, any corresponding or conflicting State regulations are aligned to support the local reform effort. This integrated approach allows the SEA to reduce administrative burdens while holding LEAs and schools strictly accountable for the performance of the students affected by such waivers. Nevada has no intention to waive accountability standards and will ensure all aspects of our education system are accountable for the performance of the students.

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.

All Ed-Flex waivers, when initially proposed, undergo a preliminary review by Nevada Department of Education (NDE) staff in applicable programmatic offices including but not limited to the Office of Educator Development, Licensure, and Family Engagement (EDLiFE), the Office of Career Readiness, Adult Learning, and Education Options (CRALEO) and the Office of Student and School Supports (OSSS), to ensure that the waiver is not prohibited by statute, that the requirements concerning public comment have been met, and that an appropriate evaluation measure for the waiver has been proposed. NDE staff then makes a recommendation for approval or denial to the Superintendent of Public Instruction, who makes the final decision as to whether to grant the waiver.

NDE has identified two types of waivers to make available to LEAs under the Ed-Flex waiver authority: Statewide Waivers and LEA waivers. Each type of waiver has a different application and review/approval process.

- For statewide waivers, NDE will propose these waivers with input from LEAs across the state. Their purpose is to alleviate administrative burdens and enhance flexibility for LEAs to better serve students.
- Individual LEA waivers will be available for LEAs to request via the Electronic Plans, Applications, Grants and Expenditures (ePAGE) online platform. LEAs will submit relevant materials to NDE through the applicable annual Revision 0 Funding Application. NDE will review to ensure that LEAs have had such waivers approved by their board, signed by their LEA superintendent, and that outline evaluation criteria focusing on annual gains in student performance.

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

NDE will waive the following State statutory and regulatory requirements.

- a. Waivers for Redundant Reporting Requirements (SB 460): SB 460 establishes a procedure allowing teachers and school administrators to petition to modify, suspend, or eliminate state reporting requirements that are redundant, duplicative, or do not effectively support educational outcomes. The State Board of Education is tasked with developing regulations that outline the process for school and district personnel to submit these reporting waiver requests to their boards of trustees and, subsequently, to the Nevada Department of Education (NDE).
- b. Waivers for Assessment Time Limits (SB 460): State law limits the amount of instructional time that can be used to prepare for or conduct examinations and assessments, generally capping it at 2 percent of a pupil's required annual minutes of attendance. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination that exceeds this limitation, they must submit

a formal request for a waiver to the State Board of Education, which may grant the waiver if it deems it appropriate.

c. **Waivers for Emergency Staffing and Licensure Coursework (SB 460):**

Emergency Shortages: The Superintendent of Public Instruction may submit requests directly to the Commission on Professional Standards in Education (COPS) for waivers due to emergency staffing shortages.

Alternative Licensure: COPS is required to adopt regulations for alternative routes to educator licensure that provide for the waiver of required coursework for candidates who achieve certain scores on required tests.

d. **Waivers for Career Pathway Programs (AB 462):** Under AB 462, which revises provisions regarding pathway programs like the Teacher Academy College Pathway Program, school districts are authorized to submit a waiver request to the State Board of Education regarding these required programs.

e. **Waivers to Execute School Turnaround Plans (SB 460):** If a persistently under-performing public school is placed under the direct management of the Department, the appointed school turnaround director must evaluate local policies and identify any waivers necessary for the effective execution of the school's turnaround plan. These proposed waivers must be documented and submitted to the Superintendent of Public Instruction for review and approval.

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.

NDE's core beliefs are:

- Education is essential to Nevada's future.
- NDE has a responsibility to lead.
- High-quality teaching and learning matter most.
- Bright spots point the way.
- Transparency builds trust and drives action.

To make these beliefs real in classrooms every day in Nevada, NDE is committing to the following priorities:

- **Strong Foundations:** Ensure students start strong and build the academic foundations that deeper learning depends on.
- **Empowering Pathways:** Expand access to high-quality pathways that help students develop skills, explore interests, and prepare for their future.
- **Equipped Educators and Leaders:** Attract, support, and retain strong educators and leaders to meet evolving student needs.
- **Informed Families:** Enable families and communities to be active, informed partners in education.
- **Aligned Systems:** Define success, work in coalition, and align expectations, resources, and supports to accelerate progress.

The work is driven by the 2025 Statewide Plan for the Improvement of Pupils (STIP).

There are two primary 5-year goals adopted by the State Board to advance Nevada education:

- From Top 20 to Top 10: Move the state up in national rankings from 18th (in September 2020) to the Top 10 by July 2026, as measured by the Academic portions of Quality Counts K-12 Student Achievement.
- 50% CCR Diploma Attainment: Increase the overall number of students receiving the College and Career Ready (CCR) diploma from 23.9% (in July 2021) to 50% by July 2026, while eliminating gaps among student groups.

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.

Nevada will implement Ed-Flex as a tool to support local implementation of Nevada's ESSA consolidated State plan, consistent with Title I accountability and school improvement requirements, by pairing flexibility with guidance, technical assistance, and monitoring of results. NDE's Ed-Flex waiver is coordinated with the activities described in the Title I, Part A, Title I, Part C, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part A, and Title V, Part B sections of the Nevada ESSA State Plan. All waivers granted under Ed-Flex are tied in some way to helping students reach the state's challenging academic standards or by improving the effectiveness of funded programs or efficient use of resources by all LEAs to support that goal.

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.

NDE will utilize state reporting and annual student performance gains to ensure LEAs are meeting an evaluation component under their ED-Flex waivers. Evaluation may include student performance, attendance rates, or graduation rates, or other relevant information based on the type of waiver consistent with section 1111 of the ESEA. At the end of each waiver period, NDE staff will evaluate the effectiveness of the waivers granted to determine whether the waiver should be renewed or discontinued.

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.

NDE will publicly post the notice to apply for an ED-Flex waiver on March 11, 2026 for 30 days with a primary point of contact at NDE accepting public comments via email or by mail to allow for public comment. Parents, educators, administrators, and community members will be provided meaningful opportunities to review and comment in accordance with State law. NDE provided notice to all LEAs through a listserv email notification. NDE posted the ED-Flex waiver on March 11, 2026 and closed public comment on April 10, 2026.

- 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.

NDE will publicly post the notice to apply for an ED-Flex waiver on March 11, 2026 for 30 days with a primary point of contact at NDE accepting public comments via email or by mail to allow for public comment. Parents, educators, administrators, and community members will be provided meaningful opportunities to review and comment in accordance with State law. NDE provided notice to all LEAs through a listserv email notification. NDE posted the ED-Flex waiver on March 11, 2026 and closed public comment on April 10, 2026.

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