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**March 11, 2026**

**Public Notice of Intent to Apply for the Educational Flexibility Program**

This is public notice that the Nevada Department of Education (NDE) intends to submit an application to the U.S. Department of Education (USED) for the Educational Flexibility (Ed-Flex) Program. This program, reauthorized by the *Every Student Succeeds Act* (ESSA), permits State Educational Agencies (SEAs) to waive certain requirements that may impede local efforts to reform and improve education systems. With this flexibility, SEAs can waive select requirements of federal statute or regulations that apply to school districts and schools. A SEA approved for Ed-Flex authority may waive requirements that apply to Title I, Part A (excluding Section 1111).

Title I, Part C; Title I, Part D; Title II, Part A; and Title IV, Part A; and the Carl D. Perkins Career and Technical Education Act.

With this authority, NDE will provide local education agencies (LEAs) with the opportunity to apply for relief from certain statutory and regulatory requirements so that LEAs can improve program efficiencies to better leverage resources and benefit students. In particular, the NDE will seek to eliminate the duplication of efforts because of similar, but distinct, state and federal requirements.

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

- Standards, Assessments, and Accountability requirements under section 1111 of the Elementary and Secondary Education Act (ESEA).
- Maintenance of effort.
- Comparability of services.
- Equitable participation of students and professional staff in private schools.
- Parental participation and involvement.
- Distribution of funds to LEAs.
- Serving eligible school attendance areas in rank order in accordance with section 1113(a)(3) of the ESEA.
- The selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the ESEA.
- Use of Federal funds to supplement, not supply, non-Federal funds.
- Applicable civil rights requirements; and
- Any requirements that apply to the SEA.

Requirements of the *Individuals with Disabilities Education Act* (IDEA), 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.

Relevant personnel should review this waiver request and submit questions or comments to Nicci Miller, Assistant

Director of Federal Programs via email at [nicci.miller@doe.nv.gov](mailto:nicci.miller@doe.nv.gov) by Wednesday, April 8, 2026.