Application for the Educational Flexibility (Ed-Flex) Program

U.S. Department of Education
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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.

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[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.

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.

Cover Page

Contact Information and Signatures	
SEA Contact (Name and Position): Jewell R Stanley	Telephone: 803-734-8131
Mailing Address: 849 Learning Lane West Columbia, SC 29172	Email Address: jstanley@ed.sc.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) Ellen Weaver	Telephone: 803-734-8491
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).

South Carolina law provides broad authority to approve, implement, and oversee local strategic and budgetary flexibility in support of improved student outcomes, including:

- S.C. Code Ann. § 59-3-30 authorizes the State Superintendent of Education to supervise and manage all state and federal public school funds.
- South Carolina Code Ann. Reg. 43-261 requires the South Carolina Department of Education to review and approve district strategic and school renewal plans. Additionally, it authorizes the State Board to waive "any regulation that would impede the implementation of an approved district strategic plan or school renewal plan."
- Proviso 1.91 of 2025-26 provides flexibility to streamline data collection and planning timelines to reduce burden.
- S.C. Code Ann. § 59-19-350 extends flexibility to districts through School of Innovation waivers to waive applicable state law and regulation in service of flexible and innovative plans for improving student achievement.

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. Process for Evaluating Waivers of Federal Statutory or Regulatory Requirements

The South Carolina Department of Education (SCDE) has procedures for reviewing and evaluating requests from local educational agencies (LEAs), educational service agencies, or schools seeking waivers of federal or state statutory or regulatory requirements. SCDE will use these existing procedures to evaluate applications submitted under the ESEA Ed Flex authority. Requests for federal statutory or regulatory requirements are administered through the Office of Federal and State Accountability (OFSA).

LEA's waiver requests must include:

- the specific federal statute or regulation to be waived;
- the federal program(s) affected;
- the purpose of the waiver and how it will support improved student achievement;
- measurable performance indicators and an evaluation plan;
- alignment to the LEA's Comprehensive Needs Assessment (CNA) and South Carolina's District Strategic Plans

The OFSA will conduct an initial compliance review to verify statutory authority and completeness. Requests outside of the scope of allowable federal flexibility will not be approved. OFSA program staff will perform an in-depth programmatic review to ensure alignment with program purposes and accountability requirements. Each waiver request must include a clear description of how the proposed flexibility will assist the LEA or school in carrying out educational reforms and raising the achievement of all students. Requests must demonstrate alignment with the LEA's Comprehensive Needs Assessment, district strategic plan, and South Carolina's approved ESEA State Plan. All waivers of federal statutory or regulatory requirements are approved or denied by the Director of the Office of Federal and State Accountability. Applicants are formally notified of the final determination.

The SCDE maintains regular oversight to ensure compliance with federal and state requirements, assesses program effectiveness, and gathers information for strategic planning. Approved federal waivers are subject to ongoing oversight through SCDE's consolidated and risk-based monitoring processes to ensure continued compliance, appropriate use of funds, and progress toward stated performance goals.

B. Process for Evaluating Waivers of State Statutory or Regulatory Requirements

S.C. Code Ann. § 59-19-350 extends flexibility to districts through School of Innovation waivers, allowing them to waive applicable state laws and regulations in service of flexible, innovative plans to improve student achievement. S.C. Code Ann. Regs. 43-261 authorizes the State Board to

waive regulations that would impede the implementation of a district strategic or school renewal plan. Applications for waivers to SCDE and the State Board of Education must identify:

- the specific state statute or rule requested for waiver;
- the instructional need or performance goal impeded by the regulation;
- alignment to the LEA's district strategic plan;
- anticipated impact on student achievement, school performance, or support for all students to achieve the Profile of the South Carolina Graduate, and
- evidence of local board approval, public notice, and stakeholder engagement.

SCDE will review each request to ensure the requirement is legally waivable, educationally justified, and aligned with statewide goals. Requests requiring State Board action will be forwarded with an SCDE recommendation for approval, denial, or revision.

Monitoring for state waivers will mirror the federal process, including consolidated and risk-based oversight, annual reporting, site visits when appropriate, and corrective action when needed. SCDE evaluates state waiver outcomes annually to identify trends and ensure compliance, equity, and improved student results.

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

South Carolina is seeking Education Flexibility Partnership (Ed-Flex) authority to waive specific state statutory and regulatory requirements that may otherwise limit local education agencies' (LEAs') ability to implement innovative, results-focused strategies aligned to student performance goals. These waivers will support streamlined planning, effective use of funds, and locally responsive solutions while maintaining accountability for academic outcomes.

Under S.C. Code Ann. § 59-3-30, the State Superintendent of Education has authority to supervise and manage all state and federal public school funds. In addition, South Carolina Code of Regulations 43-261 requires the South Carolina Department of Education (SCDE) to review and approve district strategic and school renewal plans and authorizes the State Board of Education to waive any regulation that would impede the implementation of an approved district strategic or school renewal plan. Through Ed-Flex authority, SCDE may waive applicable state regulations under Reg. 43-261 when such requirements conflict with an LEA's approved strategic or school renewal plan designed to improve student outcomes.

South Carolina also provides statutory flexibility through S.C. Code Ann. § 59-19-350, which authorizes School of Innovation waivers. This provision allows districts to request waivers of applicable state laws and regulations to support flexible, innovative approaches to improving student achievement. Ed-Flex authority will complement this existing framework by enabling coordinated consideration of state and federal flexibility requests aligned with district performance goals.

Further, Proviso 1.91 of the 2025–26 Appropriations Act authorizes flexibility to streamline data collection and planning timelines, reducing the administrative burden on districts. Where

state statutory or regulatory timelines or reporting requirements present barriers to the efficient implementation of locally approved plans, SCDE may waive such requirements under Ed Flex authority, provided accountability safeguards remain in place.

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.

South Carolina's Ed Flex waiver supports the state's ambition to ensure that every child graduates college-, career-, or military-ready. Our primary goal is that by 2030, at least 75% of students will achieve at or above grade level. Specifically, South Carolina's strategy focuses on:

1. **Student Outcomes:** Accelerate student outcomes in literacy and math and lead the nation in high-quality civics instruction. South Carolina has rigorously prioritized and aligned state ELA and math standards with evidence-based practice and is poised for rapid improvement through the implementation of evidence-based reading and math curriculum, instruction, and professional development. Civics standards are currently undergoing revision.

2. **Life and Career Readiness**: Equip students with essential life skills and prepare them for career-aligned pathways.

3. **Effective Leadership**: Elevate the quality and long-term effectiveness of school, district, and board leadership.

4. **Empower Parents and Engage Communities:** Engage and empower families and community partners to advance student success.

The waiver also allows South Carolina to use federal resources flexibly to improve program efficiency, ensuring funds are allocated where they have the greatest impact. All initiatives are monitored through robust data systems, including SC READY and the Annual School and District Report Card System for South Carolina Public Schools, to ensure measurable improvements in student outcomes and accountability for all students.

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.**

By using the Ed-Flex Plan, the South Carolina Department of Education (SCDE) seeks to advance focused learning environments that hold high expectations for students, foster innovation, and ensure all students have access to resources while remaining aligned with the state's approved ESEA State Plan and the Profile of the South Carolina Graduate. LEAs will be able to strategically utilize federal resources, especially Title I, Part A, and Title IV, Part A, to enhance learning environments, boost student engagement and achievement, and better address locally identified student needs.

South Carolina's commitment to state and local collaboration in achieving our statewide proficiency

vision is reflected in SCDE's flexibility plan. Ed Flex allows LEAs to invest in a range of state-aligned, evidence-based strategies that best serve their students' needs, streamline program implementation, and allocate funds more effectively by eliminating needless regulatory constraints when allowed. This strategy ensures that all students have access to high-quality educational opportunities that prepare them for college, careers, or military service while maintaining accountability and enabling districts to innovate and enhance program efficiency.

The South Carolina Department of Education is submitting the Ed-Flex application to waive all allowable statutory and regulatory requirements, specifically including the following provisions:

Title Program	**Ed-Flex Waiver**	**Citation**
Title I, Part A (Basic Programs)	Waive the limitation that no more than 15% of Title I, Part A may be carried over except once every three years for the next five Federal fiscal years (FFY26 through FFY30). Allow 0% to up to 100% of Title I, Part A to be carried over every Federal fiscal year to support large investments in SEA-approved evidence-based student academic supports and school improvement activities.	ESEA Section 1127(a) (b) - Excess Carryover Waiver
Title IV, Part A (Student Support and Academic Enrichment)	Waive Title IV, Part A content area spending requirements, capping Technological Infrastructure at 15% and requiring at least 20% for Well-Rounded Education and Safe and Healthy Students, with some portion for Effective Use of Technology in certain LEAs for the next five Federal fiscal years (FFY26 through FFY30), providing LEAs flexibility regarding mandatory spending maximums and minimums for each content area. Allow 0% to up to 100% of the LEA's Title IV, Part A funds to be spent on Effective Use of Technology, Well-Rounded Education, and/or Safe and Healthy Students.	ESEA Section 4106(e)(2)(C), (D), and (E) ESEA Section 4109(b) ESEA, Section 4109(b) Section 4106(e)(2)(C), (D), and (E)

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.**

Evaluation of Student Performance Under the Ed-Flex Waiver
South Carolina's Ed-Flex waiver process includes both local and state evaluation to measure the impact of waivers on student performance, consistent with Title I requirements.

LEA Self-Evaluation:
LEAs must describe in their waiver application how they will monitor and evaluate the waiver's effect on student learning. This includes defining performance measures, tracking achievement for all students and subgroups, and reporting outcomes annually to the SCDE.

State Evaluation:
The South Carolina Department of Education (SCDE) reviews LEA reports and school accountability data to assess waiver effectiveness. The Annual School and District Report Card System for South Carolina Public Schools, as approved in the ESSA State plan, furnishes clear and specific information and school and district performance while also meeting the requirements of ESSA and S.C. Code Ann §59-18-110. The accountability system includes these components:

1. Academic Achievement in English, Mathematics, Science, and Social Studies.
2. Multilingual Learners' Progress
3. Student Progress
4. Graduation Rate
5. High School Student Success
6. College and Career Readiness
7. School Climate

SCDE will ensure that consolidated reporting keeps student achievement and narrowing and closing achievement gaps data at the forefront, providing transparent, reliable measures of impact while safeguarding compliance with all ESEA requirements.

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.**

A. Public Notice
The South Carolina Department of Education (SCDE) provided adequate and efficient public notice of the proposed Ed-Flex waiver authority by publishing a detailed explanation of the waiver application on the agency's website. This public notice included a description of the waiver authority being sought, the purpose of the application, and the anticipated improvements in student performance expected to result from the waiver's implementation.
In addition to the website posting, the Office of Federal and State Accountability (OFSA) disseminated information about the proposed waiver authority during pertinent statewide and state-level meetings to ensure broad awareness among interested stakeholders. These efforts ensured timely, accessible communication to educators, administrators, and community members across the state.

B. Public Comment
SCDE provided meaningful opportunities for parents, educators, school administrators, and other interested members of the community to comment on the proposed waiver authority in accordance with applicable State procedures. Public comments were accepted through established channels and made available for public review.

To support stakeholder engagement and feedback, OFSA shared information and solicited input through the following venues:

- South Carolina Association of School Administrators (SCASA) Federal Programs and Grants Roundtable
- SCASA Instructional Leadership Roundtable (ILR)
- Committee of Practitioners (CoP) and other state-level meetings
- SCDE website, which included a public comment option

All comments received were reviewed by SCDE staff, and after review, were attached to and submitted as part of the Ed-Flex waiver application, ensuring transparency and compliance with public notice and comment requirements.

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