



To the Administrator Addressed

Commissioner Mike Morath

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DATE:	May 2, 2019
SUBJECT:	Ed-Flex Waiver Application Available
CATEGORY:	Information on Possible Action by LEAs
NEXT STEPS:	Share with appropriate staff

As an Ed-Flex state for the 2019-2020 school year, Texas continues its Ed-Flex waiver authority under the Education Flexibility Partnership Act of 1999, as amended by the Every Student Succeeds Act of 2015 (ESSA).

Under this statute, Texas has the authority to waive provisions of the following federal programs to assist local educational agencies (LEAs) in designing and implementing the programs in ways that best meet the needs of their students and communities:

- Title I, Part A (other than section 1111)
- Title I, Part C
- Title I, Part D
- Title II, Part A
- Title IV, Part A
- Carl D. Perkins Career and Technical Education Act of 2006

Types of Waivers Available to LEAs

Statewide Administrative Waivers

These waivers address the regulations governing the application for funds and certain recordkeeping provisions. These administrative waivers have been automatically granted to all LEAs, as applicable, for the duration of the state's waiver authority under Ed-Flex:

1. **Submission of an Amendment to Transfer Funds for Training Costs** – This waiver eliminates the need for an amendment to transfer funds budgeted for training costs that are direct payments to trainees, as long as the program description in the application remains unchanged.
2. **Certification that an Employee is Funded from a Single Fund Source or Cost Objective** – This waiver eliminates the requirement that charges for salaries and wages be supported by a semi-annual certification that the employee worked solely on that program for the period covered by the certification. This waiver is allowable, as long as the employee's job description clearly states that the employee is assigned 100 percent to the program or single cost objective.

Statewide Programmatic Waivers

Statewide programmatic waivers address the design and delivery of federal programs covered under Ed-Flex. The statewide programmatic waivers must be applied for through the LEA's original ESSA Consolidated Application for Federal Funding. These waivers allow educators the flexibility to use federal program funds in ways that may result in significant gains in student performance:

1. **Threshold for Eligibility to Implement Title I, Part A, Schoolwide Programs** – This waiver allows any campus otherwise eligible to receive Title I, Part A, funds to implement a Title I, Part A, schoolwide program regardless of the percentage of students from low-income families.
2. **Waiver of Title I, Part A, 15% Roll Forward Limitation** – An LEA that receives a significant increase in final allocations may apply for this Ed-Flex waiver if the LEA has already utilized a Title I, Part A, statutory roll forward waiver within the last 3 years.

Individual Programmatic Waivers

Individual programmatic waivers provide LEAs and campuses flexibility in the use of federal program funds based on the barriers preventing student achievement.

To request an individual programmatic waiver, LEAs must **submit a separate Ed-Flex waiver application**. The Ed-Flex waiver application is available on the [TEA Ed-Flex web page](#). There are two windows for submitting this type of application: The first deadline for submitting an application for a waiver for the 2019-2020 school year is **May 24, 2019, for a starting date of July 1, 2019**; the second deadline for submitting an application for the 2019-2020 school year is **August 13, 2019, for a starting date of October 1, 2019**. Late applications will not be considered.

The Title I Committee of Practitioners serves as the Ed-Flex Committee for consideration of applications. The committee's recommendation regarding the approval of the waiver, as well as the evaluation criteria that must be met, is forwarded to the Commissioner of Education for final action. TEA will notify the LEA of the commissioner's decision within 30 days of the respective application deadlines.

For Further Information

If you have any questions regarding TEA's Ed-Flex waivers, contact Vivian Smyrl in the Federal Program Compliance Division at ESSASupport@tea.texas.gov.

Sincerely,

Cory Green, Associate Commissioner
Department of Contracts, Grants and Financial Administration