

Application for the Educational Flexibility (Ed-Flex) Program



U.S. Department of Education
Issued: June 13, 2019

OMB Number: 1810-0737
Expiration Date: March 31, 2027

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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.

Cover Page

Contact Information and Signatures	
SEA Contact (Name and Position): Shanthia Washington Assistant State Superintendent	Telephone: (334) 694-4710
Mailing Address: 50 North Ripley Street Montgomery, Alabama 36104	Email Address: shanthia.washington@alsde.edu
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) Eric G. Mackey, Ed.D. State Superintendent of Education	Telephone: (334) 694-4900
Signature of Authorized SEA Representative	Date:

DRAFT

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.

c. 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).

Authority for the waiver of state statutory and regulatory requirements is primarily established through the *Alabama Innovation School Flexibility Act*, codified in §16-6D-5 through §16-6D-6 of the Code of Alabama. Under this Act, the State Board of Education is empowered to enter into "Flexibility Contracts" with local school systems. These contracts allow for significant programmatic and budgetary autonomy by granting exemptions from specific state laws, board rules, and policies, provided that the local education agency (LEA) demonstrates a clear plan to improve student achievement and maintains a system of accountability.

In addition to this broad legislative authority, the Alabama Administrative Code (Rule 290-1-1) provides a regulatory mechanism for the State Superintendent of Education to grant waivers for specific administrative requirements. While these state statutes allow for extensive flexibility, they explicitly prohibit the waiver of requirements related to such things as civil rights, student health and safety, and financial transparency. This combined legal structure ensures that while the state can remove administrative and statutory barriers to innovation, it maintains a firm commitment to essential protections and public accountability.

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;

The Alabama State Department of Education (ALSDE) will review all ED-Flex waiver requests submitted by an LEA. The LEA grant application will contain an item which allows the LEA to ask for any waivers needed during the initial grant application process. LEAs will have an additional opportunity to request waivers during the grant amendment process.

In the initial Federal Programs application or amendment, the LEA, educational services agency, or school must state the following:

- The regulation(s) or portion of federal statute that would be waived;
 - The purpose of waiving the regulation, and how it will directly tie to increased levels of achievement and/or student performance;
 - Alignment to the LEA's Comprehensive Needs Assessment and ALSDE long-term goals;
 - Describes, for each school year, specific, measurable educational goals for each LEA, ESA, or school affected by the proposed waiver, and for the students served by the LEA, ESA, or school who are affected by the waiver;
 - Explains why the waiver will assist the LEA, ESA, or school in reaching these goals;
 - Describe how the public notice and comment requirements have been met.
- Include documentation of the public notice and stakeholder input.

Once LEA superintendents submit waiver requests, ALSDE Federal Programs specialists will review the waiver request for completeness and quality. The specialists will also ensure that the provisions to be waived are provisions which ALSDE is empowered to waive under Ed-Flex.

If the request is approved by the specialist, an ALSDE administrator will conduct a second review. The administrator will approve the waiver request after review, provided there are no additional concerns. Final approval will then be given by the Director.

LEAs will submit an end-of-year report regarding the progress toward the stated outcomes in the annual performance report or financial year end report, which is no more than 90 days after the award year to which the waiver applies. The ALSDE will utilize this information to determine eligibility for future waiver requests. The waiver request process will occur on an annual basis.

In addition, monitoring waivers will become a part of the ALSDE's multi-tiered comprehensive monitoring framework which includes three distinct levels: on-site, desktop, and self-monitoring. Annually, a risk analysis comprised of multiple indicators identifies the level of potential risk. Results from the analysis designate each LEA's risk level. Additional technical assistance is provided to LEAs based on risk levels.

This process ensures that all waivers are implemented with fidelity, accountability, and with

an emphasis on student-centered outcomes.

B. State statutory or regulatory requirements relating to education.

Pursuant to Ala. Code § 16-6D-5 through 16-6D-6, a school system wishing to pursue a flexibility agreement requesting a waiver from state laws, policies, and/or regulations shall successfully comply with the requirements and procedures set forth by the Alabama State Department of Education regarding school flexibility contracts known as an Innovation Zone Application. A flexibility contract between the local school system and the State Board of Education wherein a local school system may apply for programmatic flexibility or budgetary flexibility, or both, from state laws, regulations, and policies, including regulations and policies promulgated by the State Board of Education and the State Department of Education. The Innovation Zone Applications must:

- Indicate the specific statute or rule requested for a waiver;
- Describe the vision and innovative features of student success;
- Indicate the expected outcomes for students;
- Describe how the proposal aligns and reflects Alabama Achieves Strategic Plan;
- Identify the measurable goals;
- Identify the objectives;
- Indicate the activities;
- Indicate the timeline for meeting identified outcomes;
- Indicate the accountability measures and benchmarks;
- Describe how the plan will be monitored and evaluated;
- Describe how results will be reported; and
- Explain how implementation will be sustained.

LEAs are required to seek approval from local boards of education prior to submission. Upon submission, the appropriate section staff member reviews the application for completeness and determines if the waiver is within the parameters of the state/federal law. Once approved, the waiver is granted by the State Superintendent of Education. Evaluations are conducted annually to review outcome data.

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

The ALSDE will waive the following upon an approved waiver request:

1. Sec. 1127(a) of ESEA (Title I) limits the carryover to 15% of funds allocated in a fiscal year.
2. Sec 1113(b)(1) of ESEA allows LEAs discretion to designate and serve (for only one (1) year) a school that is not eligible under Sec. 1113, but that was eligible in the previous year.
3. Sec. 1114(a)(1)(A) of ESEA allows LEAs to consolidate funds for schoolwide programs for any schools serving an eligible school attendance area with at least 40% poverty or in which at least 40% of enrolled children are low-income.

4. Sec. 1111(g)(2)(M) of ESEA (Title I) requires NCLB paraprofessional high-quality requirements to remain in place rather than solely allowing the state to determine what constitutes high-quality, as ESSA allows for teachers.
5. Sec. 1418(a) of ESEA (Title I, Part D) requires transition services to constitute at least 15% but not more than 30% of the state agency's Neglected/Delinquent funds.
6. Sec. 4106(e)(2)(C-E) (Title IV, A) requires LEAs with an allocation of \$30,000 or more to spend at least 20% on well-rounded education, spend at least 20% on safe and healthy education, and 15% cap on technology integration.
7. Sec. 8201(a) allows for the consolidation of state-level administrative funds.
8. Section 1111(c)(4)(B)(i) requires academic achievement- as measured by proficiency on the annual assessments required under subsection (b)(2)(B)(v)(I).

Pursuant to the Education Flexibility Partnership Act of 1999 (Ed-Flex), as reauthorized by Section 9207 of the *Elementary and Secondary Education Act* (ESEA) and amended by the *Every Student Succeeds Act* (ESSA), the ALSDE seeks authority to waive certain state statutory, administrative, and grant management requirements that implement or operationalize federal program mandates.

The Code of Alabama 1975, specifically Title 16 (Education), and the Alabama Administrative Code, Chapter 290, establish the State Board of Education's and the State Superintendent's general authority for the administration, fiscal oversight, and accountability of federal education programs. Under this authority, the ALSDE has adopted administrative procedures and grant management protocols—including those within the ALSDE Administrative Code governing ESEA programs—that align state budgeting, carryover, allocation, and amendment requirements with federal statutory provisions.

Through Ed-Flex, the ALSDE will waive applicable state administrative rules and grant administration requirements—to the extent that they mirror, enforce, or are contingent upon federal statutory or regulatory provisions—for participating LEAs, educational services agencies, and schools. By aligning these state-level waivers with federal flexibility, Alabama will empower districts to prioritize resources toward the *Alabama Literacy Act*, the *Alabama Numeracy Act*, and College and Career Readiness (CCR) initiative.

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.

Alabama's Ed-Flex waiver reflects the State's educational objectives found in our Strategic Plan, Alabama Achieves, which focuses on advancing student achievement and leveraging resources to improve program efficiency, focusing on our motto: "Every Child. Every Chance. Every Day."

- Academic Growth and Achievement- Increase student outcomes in all academic areas with a focus on reading and mathematics.

- College, Career, and Workforce Ready- Engage, challenge, and support every student in relevant, impactful instruction that equips each student with the knowledge and skills necessary to successfully enter college, career, or workforce.
- Safe and Supportive Learning Environment- Provide safe environments that support the physical, mental, emotional, social, and cognitive development of all students in every school.
- Highly Effective Educators- Ensure highly effective educators are equipped with content knowledge and teaching skills to address the needs of all learners in every school.
- Customer-Friendly Services- Build a collaborative environment at the ALSDE that provides fast, reliable customer service for citizens, state leaders, and local education agencies.

Following the same numbering in Question #2, the table below provides the specific rationale and objectives for each of the request items that the State would like to waive:

Current Rule	Requested Waiver	Objective
1) Title I carryover limitations of 15% once every three (3) years.	Allow up to 50% of Title I, Part A to be carried over every Federal fiscal year to support large investments in evidence-based student academic supports and school improvement activities.	Allow LEAs to utilize funding more meaningfully by providing fiscal stability by investing in academic support and school improvement activities that yield high-impact outcomes over multiple years.
2) LEAs can serve (for one (1) year) ineligible schools that were previously eligible under Sec. 1113.	Allow LEAs to extend the eligibility of Title I, Part A if a school drops below the poverty threshold for more than one (1) year.	This will allow LEAs to ensure continuity of services for students transitioning out of high-poverty status to prevent service disruptions.
3) LEAs can consolidate funds for schoolwide programs for any schools serving an eligible school attendance area with at least 40% poverty or in which at least 40% of enrolled children are low-income.	Allow any school otherwise eligible to receive Title I-A funds, to implement a schoolwide program regardless of the percentage of students from low-income families.	This will provide LEAs flexibility to allow Targeted Assistance schools to become Schoolwide, using Title I funds to improve the entire instructional program by providing financial support to improve student outcomes.
4) High-quality paraprofessional requirements still are dictated by NCLB rules	The state will formally set the qualification requirements without being required to follow the federally prescribed paraprofessional requirements through rulemaking of the state.	ESSA trusts Alabama to set its own licensure and quality requirements for teachers, counselors, social workers etc., but still dictates federal requirements for paraprofessionals. This will grant the State autonomy to define “high-quality” to address staffing shortages and streamline hiring.
5) Title I, Part D allows State agencies for Delinquent Youth funds to be used for transition at a minimum of 15%, but not more than 30%.	Increase the upper limit to 65%.	The state agencies have other funding streams that may cover the basic educational program for these students. The Title I, Part D funds are most effectively used in supporting the transition of students in juvenile facilities back to their LEAs when they have fulfilled the court requirements. The 30% limits the ability for the State agencies to collaborate at a high-level with LEAs for re-entry of students and support transition activities.
6) Title IV, Part A 20% rule for LEAs awarded over \$30,000	Remove percent requirement so that all LEAs can spend Title IV, Part A funds according to their needs assessment.	This would enable districts to direct the Title IV, Part A funds toward a singular high-need area that aligns with the needs assessment. Based upon feedback received, ALSDE will maintain the 15% equipment and device limitation.

Current Rule	Requested Waiver	Objective
7) States are currently allowed to consolidate state administrative funds	Expand consolidation of funds to include state-level activities from the following: <ul style="list-style-type: none"> • Title II-A • Title III-A • Title IV-A • Title IV-B 	This would expand the flexibility needed to allow the ALSDE to make decisions that are best for Alabama students, utilizing all resources at our disposal to carry out our strategic plan goals. By pooling the funds, this will create a more efficient, unified state-level support system.
8) Under ESEA § 1111(c)(4)(B)(i), states must measure high school academic achievement using a single statewide assessment aligned to state academic standards.	Revise the current high school accountability academic achievement indicator measure by integrating a career readiness measure into the State’s current method of assessing academic achievement for accountability purposes	By including both proficiency levels from ACT and National Career Readiness Certificate (NCRC) assessment results from ACT WorkKeys would give students multiple ways to demonstrate knowledge, skills, and qualities for success after high school and provide the public with a full picture of post-secondary readiness.

Item 8 of the requested waivers, revise the current high school accountability academic achievement indicator measure, is being requested to align high school student performance with workforce preparedness. This request will align more with the State’s strategic plan and its goals. The Alabama Achieves Strategic Plan is built upon five foundational pillars—Academic Growth and Achievement; College, Career, and Workforce Ready; Safe and Supportive Learning Environments; Highly Effective Educators; and Customer-Friendly Services—with a central mission to ensure every student is prepared for success in life after high school. A primary goal of the plan is to bridge the "readiness gap" by aligning the State’s high graduation rate with actual CCR, aiming to reduce the disparity between the two. To achieve this, the state emphasizes workforce development through the expansion of Career Technical Education (CTE), the attainment of industry-recognized credentials, and the integration of the Alabama Career Development Model into K-12 curricula. By mandating CCR indicators for graduation starting in 2026 and providing students with multiple pathways—such as dual enrollment, silver-level WorkKeys scores, and youth apprenticeships—Alabama Achieves seeks to equip 500,000 additional highly skilled workers for the state's economy, ensuring that "Every Child, Every Chance, Every Day" translates into a viable, high-demand career.

One of the main goals under the College, Career, and Workforce pillar is to expand opportunities to give students multiple ways to demonstrate the knowledge, skills, and qualities for success after high school. Because the state has conducted an evaluation determining that many students meet nationally recognize career readiness standards who are nevertheless inaccurately labeled as not proficient under the accountability system currently required under ESSA, the State requests flexibility to integrate a career readiness measure into the State’s current method of assessing academic achievement. The State will accomplish this by using the ACT WorkKeys National Career Readiness Certificate (NCRC) assessment alongside the ACT assessment as part of the ESSA Accountability system for high schools. The requested flexibility pertains only to the definition of the Academic Achievement indicator for high schools enumerated in § 1111(c)(4)(B)(i), and the State is not requesting flexibility from any other provision.

This will take the form of all 11th grade students taking both the ACT and the ACT WorkKeys assessments in the spring semester beginning in the 2026-2027 school year, and the accountability calculations will be calculated using the proficiency formulation detailed below with students meeting the standards defined for Career Readiness (NCRC of Silver or higher) or for College Readiness (ACT Composite score of 19 or higher) being evaluated as proficient or highly proficient in the system of school accountability.

Under ESEA § 1111(c)(4)(B)(i), states must measure high school academic achievement using a single statewide assessment aligned to state academic standards. The State currently uses the ACT for this assessment. Under the terms of this flexibility request, the ACT will continue to be the standards-aligned assessment and provide valuable information to students, their families, educators, and the community.

But the picture painted by one test is incomplete. Many students can meet career readiness standards that place them squarely on a pathway toward a middle-class career, the very definition of career readiness, even as they may not meet proficiency standards set on the ACT. And the current rules under ESSA do not allow states to fill in the rest of the picture.

Recent analysis shows that in a national sample of students who took both the ACT and the ACT WorkKeys assessment, more than 1/3 (34%) of students met career-readiness standards but did not meet the college-readiness standards. And it isn't simply a matter of career readiness being somehow "lesser" than college-readiness. Rather, the same analysis demonstrates that the constructs measured by the two assessments, while highly correlated, are far from interchangeable. The result is that some groups of students who are more focused on entering the workforce without first attending college, including those who report planned occupations in Repair, Production, and Construction and others, are included in the accountability system at rates that make them seem "less ready" for post-secondary success than their actual readiness for preparedness reflects.

This approach not only masks students' strengths from the public by painting an incomplete picture of students' readiness for post-secondary success, but also wrongs these students and their families by labeling them as "not ready" when they are in fact prepared for success, even if that success may not lie in heading directly to a 4-year college or university. This proposal thus meaningfully enlarges the definition of "proficiency" so that it includes not only students who are prepared for college but also who are prepared for a career.

The State therefore requests flexibility to include career readiness in the Academic Achievement indicator for high schools. The current calculation for schools with Grade 12 in them (see appendix) will be replaced as follows for 11th graders (note that the calculation for 10th graders will not be changed):

Academic achievement scores will be reported in four levels based on the ACT Composite Score and the NCRC Level. The following steps are used to calculate the Academic Achievement Indicator Score using Fully Academic Year students with assessment participation rate as the denominator as required by ESSA:

Table 1. Tier Assessment

ACT Composite Score	NCRC Level			
	Bronze or Below	Silver	Gold	Platinum
1. Level 1 (1-14)	Tier 1	Tier 2	Tier 2	Tier 3
2. Level 2 (15-18)	Tier 1	Tier 3	Tier 3	Tier 4
3. Level 3 (19-23)	Tier 2	Tier 3	Tier 3	Tier 4
4. Level 4 (24-36)	Tier 3	Tier 4	Tier 4	Tier 4

Each student will be placed in an Academic Achievement Tier that reflects not only their performance on the ACT but also—and critically, on equal footing and with equal respect—their performance on the ACT WorkKeys assessment. Weights will then be assigned to the students’ score as enumerated in Table 2.

Table 2. Weight assignment

Academic Achievement Level	Weight
Tier 1	0
Tier 2	0.5
Tier 3	1.0
Tier 4	1.25

The calculation is then performed as follows:

1. Determine the number of FAY student records who scored in each Tier for 11th grade.
2. Multiply the Total Tier 1 records by 0 to obtain the Tier 1 weight.
3. Multiply the Total Tier 2 records by 0.5 to obtain the Tier 2 weight.
4. Multiply the Total Tier 3 records by 1.0 to obtain the Tier 3 weight.
5. Multiply the Total Tier 4 records by 1.25 to obtain the Tier 4 weight.
6. Sum the products in Steps 3-6 to obtain the Academic Achievement Weighted Sum.
7. Divide the sum from Step 7 by the greater or: 95% of Average Daily Membership in Tested Grades During the Testing Window or the Total Number of Students Who Participated in the ACT or the Total Number of Students Who Participated in the ACT WorkKeys.
8. Multiply by 100 to determine the Academic Indicator Score for 11th graders.

Examining data from Alabama students in the Class of 2025 who took both the ACT and the WorkKeys assessment as part of the state administration of the assessment shows that a significant percentage of students earn an NCRC of Silver or higher but nevertheless do not attain a Composite score on the ACT consistent with the State’s performance levels.

Table 3. Scores of Alabama students in the Class of 2025 who took the ACT in the spring of 2024 and the WorkKeys NCRC assessments in the fall of 2024.

ACT Composite Score	NCRC Level			
	Bronze or Below	Silver	Gold	Platinum
1. Level 1 (1-14)	32%	7%	1%	0%
2. Level 2 (15-18)	12%	15%	5%	0%
3. Level 3 (19-23)	1%	6%	8%	3%
4. Level 4 (24-36)	0%	1%	3%	6%

This request for flexibility affects Title I, Part A, §1111(c)(4)(B)(i), the calculation of the Academic Achievement Indicator, by allowing the State to use the ACT Composite score in place of separate English Language Arts (ELA) and Math scores and by allowing the State to incorporate career readiness as measured by the WorkKeys assessment and detailed in Table 1 and Table 2 above. The State is not requesting flexibility from any other section. The ALSDE will continue to administer the ACT to high school students and maintain all reporting requirements.

This approach adds value by putting a career readiness signal already valued by employers and other workforce partners on equal footing while preserving the critical signal of proficiency to State’s standards provided by the ACT. This creates a more complete and more relevant metric of Academic Achievement that captures a full picture of post-secondary readiness. The change will send a clear signal to students, educators, and the community that academic achievement is directly tied to career preparation, whether or not a student plans to attend a 4-year college or university before entering the workforce.

By moving to the ACT Composite score and the NCRC credential, both of which are portable, widely recognized credentials with validity to their respective end-users, whether employers or institutions of higher education, the State is aligning the accountability system with authentic indicators of achievement that reflect the high academic standards adopted by the Board of Education as well as the community’s deep need for a true understanding of the post-secondary readiness of high school graduates.

In addition to providing students and their families with valuable signals of their own readiness, this flexibility strengthens the State’s ability to communicate preparedness levels to the public by aligning the measurements used in the formal accountability system with those already widely used and understood in the public and linked to college admissions, scholarship awards, apprenticeship programs and hiring which aligns to the CCR and customer-friendly goals of Alabama’s strategic plan.

By setting a high bar of readiness for all students and, critically, by recognizing the achievements of students whose readiness is overlooked by the existing system, the flexibility requested in this waiver will bring State’s ESSA accountability system in line with the public’s expectations of real-world readiness.

Table 4. Current ESSA Academic Achievement Calculation Method

Academic Achievement

Academic Achievement scores will be reported in four assessment levels for reading/English and math. The following steps are used to calculate the Academic Achievement Indicator Score utilizing Full Academic Year students with assessment participation rate as the denominator as required by ESSA.

Academic Achievement Level	Weight
Level I	0
Level II	0.5
Level III	1.0
Level IV	1.25

1. Determine the number of FAY student records who scored in each Level (Level I, Level II, Level III, and Level IV) for 3rd-8th grades, 10th grade, and 11th grade in reading/English and math.
2. Sum the levels for reading/English and math together from step 1 to get the Total Number of Student Records with an Academic Achievement Level.
3. Multiply the Total Level I Records found by 0 to obtain the Level I Weight.
4. Multiply the Total Level II Records found by 0.5 to obtain the Level II Weight.
5. Multiply the Total Level III Records found by 1.0 to obtain the Level III Weight.
6. Multiply the Total Level IV Records found by 1.25 to obtain the Level IV Weight.
7. Sum the products in Steps 3-6 to obtain the Academic Achievement Weighted Sum.
8. Divide the sum from Step 7 by the greater of: 95% of Average Daily Membership in Tested Grades During the Testing Window or the Total Number of Students Who Participated in the Assessments determined in Step 2, multiply by 100 to determine the Academic Indicator Score.

Total Weighted Levels II, III, and IV Records

Greater of: 95% of Average Daily Membership in Tested Grades During the Testing Window or Number of Students Who Participated in the Assessments
 $\times 100 = \text{Academic Achievement Indicator Score}$

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.

The Alabama Ed-Flex waiver plan is designed as a strategic extension of Alabama’s ESSA Consolidated State Plan. Rather than operating in a vacuum, these flexibilities serve as the "operational catalyst" to achieve the ambitious targets set forth in our approved Title I, Part A framework, specifically regarding Section 1111 (b), (c), and (d).

I. Subsection (b): Challenging State Academic Standards

Alabama’s Title I plan focuses on the mastery of the Alabama Course of Study. Coordination occurs by:

- Whole-School Innovation: Under our State Plan, many schools are restricted to "Targeted

Assistance" due to the 40% poverty threshold. By waiving Sec. 1114(a)(1)(A), we coordinate with the State Plan's goal of "providing all students significant opportunity to receive a fair, well-rounded, and high-quality education." This allows more campuses to adopt schoolwide reform models that integrate the *Alabama Literacy and Numeracy Acts* across the entire curriculum.

- **Instructional Continuity:** Coordination with Sec. 1113(b)(1) ensures that a school's transition in or out of Title I status does not result in the immediate loss of evidence-based instructional supports, maintaining the rigor and stability required by our state academic standards.

II. Subsection (c): Statewide Accountability System

Alabama's accountability system—as described in the State Plan—is built on transparency and growth. Ed-Flex enhances this by:

- **Refining Metrics:** In coordination with Sec. 1111(c)(4)(B), Alabama will utilize flexibility to ensure that the Academic Achievement indicator reflects not just a single assessment snapshot, but a more nuanced view of student growth. This aligns with our State Plan's commitment to accurately reporting the progress of all students.
- **Resource Alignment:** By allowing the consolidation of state administrative funds (Sec. 8201), the ALSDE can better coordinate the monitoring of accountability benchmarks, ensuring that state-level oversight is focused on support rather than just compliance.

III. Subsection (d): School Support and Improvement

The Ed-Flex plan provides the specific fiscal tools needed to execute the "School Improvement" mandates of our State Plan:

- **Multi-Year Sustention:** Our State Plan identifies schools for Comprehensive Support and Improvement (CSI). These schools often require more than one year to see systemic change. Waiving the 15% carryover limit (Sec. 1127) allows these high-need schools to coordinate multi-year evidence-based strategy implementation and elite instructional coaching—a key strategy in Alabama's school improvement toolkit.
- **Holistic Student Readiness:** Our State Plan emphasizes college and career readiness. Coordination with Sec. 4106 and Sec. 1418 allows districts to bypass rigid spending silos and direct Title IV-A and Title I-D funds toward high-impact CCR initiatives and transition services.

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.

The ALSDE will maintain a dual-layered evaluation framework—spanning both state and local levels—to rigorously assess how Ed-Flex waivers influence student outcomes. This evaluative structure ensures that all flexibilities remain focused on the core achievement goals mandated under Title I, Part A.

LEA Self-Evaluation

LEAs must describe in their waiver application how they will monitor and evaluate the waiver's effect on student outcomes. This includes defining performance measures, disaggregating performance data, and reporting outcomes annually to the ALSDE.

State Evaluation

The ALSDE reviews LEA reports and school accountability data to assess waiver effectiveness, focusing on the following Accountability indicators: Academic Achievement, Academic Growth, Progress in English Language Proficiency, Chronic Absenteeism, Graduation Rate, and College and Career Readiness.

In addition, the monitoring and evaluation plan for the academic indicator request are as follows:

- 1) Validate that including career readiness as measured by performance on the ACT WorkKeys assessment as part of the Academic Achievement Indicator produces more accurate and fair high school accountability determinations.
- 2) Ensure that comparability across all schools and required subgroups is maintained and monitored for unintended consequences.

To achieve these metrics, the department will annually review the following metrics:

- Percentage of students statewide scoring proficient in terms of the ACT Composite score, the NCRC level, and both;
 - Rates by disaggregated student groups as required under ESSA, by school type and by region;
 - Participation rates on the ACT and the ACT WorkKeys assessments; and
 - Correlations among measures, including metrics such as year-over-year data consistency.
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.**

The ALSDE will provide public notice via the official department website. An email address will be provided to obtain comments on the waiver request. A 30-day public comment period will be held. Feedback will be gathered from stakeholders via email. Comments will be reviewed. Applicable comments will be taken into consideration and included in the waiver prior to submission.

- 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.**

Final details will be updated in this section once the 30-day public comment period concludes. We welcome your feedback during this time; please submit any comments to edflexwaiver@alsde.edu.

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

DRAFT