

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

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 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): Dr. Judy K. Nelson, Executive Director Office of Federal Programs Mississippi Department of Education	Telephone: (601) 359-3499
Mailing Address: Mississippi Department of Education 359 N. West St. P.O. Box 771 Jackson, MS 39205-0771	Email Address: jnelson@mdek12.org
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) Dr. Lance Evans, State Superintendent of Education Mississippi Department of Education	Telephone: (601) 359-1750
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).

Pursuant to Mississippi Code Annotated §§ 37-179-1 and 37-179-3, the Mississippi State Board of Education has authority to approve Districts of Innovation, including the Schools of Innovation that participate in an approved district plan, and to provide approved entities flexibility from selected State Board regulations and provisions of Title 37 of the Mississippi Code of 1972. Mississippi Code Annotated § 37-179-1 authorizes flexibility from selected State Board regulations, provisions of Title 37, and local school board policies. Section 37-179-3 establishes requirements governing Districts of Innovation and identifies areas in which the State Board may approve flexibility from otherwise applicable State requirements. The State Board has implemented this authority through Mississippi Administrative Code 7-3:28.7, which establishes procedures for requesting, reviewing, approving, monitoring, amending, renewing, and revoking applicable waivers and exemptions. Entities receiving such flexibility remain accountable for implementation of their approved innovation plans and the educational performance of affected students.

Mississippi actively uses this authority. Chapter 179 was enacted in 2015 (Laws, 2015, ch. 425). As of March 2026, Mississippi had 13 Districts of Innovation and 6 Schools of Innovation. In March 2026, the State Board of Education approved new District of Innovation designations for the Newton County, Union, and

Western Line school districts and renewed the designations of the Booneville, Corinth, Gulfport, and Jackson Public school districts. Approved plans use State flexibility for practices such as 5x5 block schedules that expand course offerings, intervention and enrichment time, and workforce-related opportunities. [MDE: insert 2–3 specific State requirements the Board has waived, e.g., the single salary schedule or the traditional school calendar.] Under Miss. Code Ann. § 37-179-3(1), each applicant district must establish goals and performance targets for its innovation plan. Under § 37-179-3(2), approved districts and schools remain subject to State student performance standards, the statewide assessment system, and data reporting to MDE.

DRAFT

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. Federal statutory or regulatory requirements

The Mississippi Department of Education (MDE) will establish a standardized application and review process for local educational agencies (LEAs), educational service agencies (ESAs), and eligible schools requesting waivers of Federal statutory or regulatory requirements authorized under Mississippi's approved Educational Flexibility (Ed-Flex) authority.

Before submitting an Ed-Flex waiver request to MDE, each applicant must provide adequate public notice of the proposed waiver and an opportunity for parents, educators, school administrators, and other interested members of the community to provide input regarding the proposed waiver. The applicant must also obtain all applicable local approvals required by MDE and State or local policy.

Each application for an Ed-Flex waiver must include, at a minimum:

1. The specific Federal statutory or regulatory requirement for which the waiver is requested;
2. The Federal program or programs affected by the requested waiver;
3. The purpose of the requested waiver and the results expected from implementation of the waiver;
4. A description of the educational or programmatic need supporting the waiver request;
5. A description of the applicant's local reform plan applicable to the LEA, ESA, or school, which may include innovative methods to leverage resources to improve program efficiencies that benefit students;
6. Specific and measurable educational goals for each school year of the requested waiver for the LEA, ESA, or school and the students affected by the waiver;
7. An explanation of how the requested waiver will assist the applicant in achieving the identified educational goals and improving educational opportunities or outcomes for students;
8. The proposed duration of the waiver, which may not extend beyond the term of Mississippi's approved Ed-Flex authority;
9. A description of the measures and data the applicant will use to evaluate implementation and effectiveness of the waiver;
10. Documentation demonstrating compliance with applicable public notice and comment requirements, including comments received and, as appropriate, how those comments were considered in developing the final waiver request; and
11. All applicable assurances and other documentation required by MDE under the Ed-Flex Act.

Upon receipt of a complete application, MDE will review the request to determine whether:

1. The requested waiver is authorized under the Education Flexibility Partnership Act and Mississippi's approved Ed-Flex authority;
2. The application contains all required information and documentation;
3. Applicable local approval and public notice and comment requirements have been satisfied;
4. The applicant has identified clear, specific, and measurable educational goals;
5. The requested flexibility is reasonably expected to assist the applicant in achieving its identified educational goals and improving educational opportunities or outcomes for affected students;
6. The applicant has developed a local reform plan applicable to the LEA, ESA, or school;
7. The underlying purposes of the Federal statutory or regulatory requirement and the applicable Federal program will continue to be met if the waiver is approved;
8. The waiver is consistent with Mississippi's approved Consolidated State Plan and applicable State educational priorities; and
9. Approval would not conflict with any Federal statutory or regulatory requirement that is prohibited from waiver under the Ed-Flex Act.

MDE may request additional information or clarification when necessary to determine whether a waiver request satisfies applicable requirements.

The MDE Office of Federal Programs will coordinate the review of Federal Ed-Flex waiver requests and, as appropriate, consult with other MDE offices responsible for administration of the affected Federal program. Following review, the Office of Federal Programs will recommend approval or denial to the State Superintendent of Education or the Superintendent's designee, who will make the final determination on behalf of MDE.

Applicants will receive written notification of MDE's decision. An approval will identify the statutory or regulatory requirement waived, the affected Federal program, the duration of the waiver, the approved educational goals, and any conditions associated with approval.

MDE will make every effort to issue a written decision within 30 calendar days following receipt of a complete waiver application.

MDE will annually monitor LEAs, ESAs, and schools receiving waivers under Ed-Flex. Monitoring will include review of implementation, progress toward approved measurable educational goals, applicable student performance outcomes, fiscal and programmatic compliance, and continued alignment with the underlying purposes of the affected Federal program. MDE may require corrective action, impose additional conditions, or modify an approval when warranted based on implementation, compliance, or performance, and will terminate or temporarily suspend a waiver as described in Description 5.

Anticipated Uses of Mississippi's Ed-Flex Authority

Mississippi intends to use its Ed-Flex authority to provide LEAs, educational service agencies, and eligible schools with flexibility from Federal statutory or regulatory requirements that are eligible for waiver under the Education Flexibility Partnership Act when such flexibility supports improved educational outcomes and the underlying purposes of the affected Federal program continue to be met.

Based on current State and local needs, MDE anticipates that initial requests may include, but are not limited to, the following:

1. Title I, Part A – Carryover Flexibility. MDE anticipates considering requests for flexibility under ESEA section 1127(a) and (b) related to the 15 percent limitation on the amount of Title I, Part A funds an LEA may carry over from one fiscal year to the next (section 1127(a), applicable to LEAs receiving \$50,000 or more) and the once-every-three-years limitation on MDE's authority to waive that limitation (section 1127(b)). Carried-over funds would remain subject to all other Title I, Part A requirements, including supplement not supplant and the period of availability. This flexibility would support strategic multi-year planning and allow LEAs, when justified by identified needs, to preserve Federal resources for significant evidence-based investments designed to improve student achievement.

2. Title I, Part A – School Eligibility Flexibility. MDE may consider requests for the limited flexibility permitted under the Ed-Flex Act relating to the selection of a school attendance area or school under ESEA section 1113(a) and (b). Consistent with the statutory limitations applicable to Ed-Flex, MDE would consider such flexibility only when the percentage of children from low-income families in the school attendance area or school is not more than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the LEA that otherwise meets the applicable Title I eligibility requirements. This flexibility does not permit MDE to waive the requirement to serve eligible school attendance areas in rank order under ESEA section 1113(a)(3).

3. Title IV, Part A – Student Support and Academic Enrichment. MDE anticipates considering requests for flexibility from the spending requirements under ESEA section 4106(e)(2)(C), (D), and (E), which require an LEA receiving \$30,000 or more to use not less than 20 percent of its Title IV, Part A funds for well-rounded educational opportunities, not less than 20 percent for safe and healthy students, and a portion for the effective use of technology. Such flexibility would allow LEAs to align Title IV, Part A resources more closely with locally identified needs while continuing to meet the purposes of the program.

4. Title IV, Part A – Technology Infrastructure Flexibility. MDE may consider requests for flexibility from the 15 percent limitation under ESEA section 4109(b) on the use of funds for purchasing technology infrastructure when the request is legally eligible, justified by identified local needs, and consistent with the purposes of Title IV, Part A.

5. Title I, Part D, Subpart 2 – Local Agency Programs. If Mississippi identifies a local need, MDE may consider requests from LEAs for flexibility from eligible requirements of Title I, Part D, Subpart 2 (local agency programs for children and youth who are neglected, delinquent, or at risk) when the request is legally eligible and the applicant shows that the flexibility will better support the transition of these children and youth to further schooling or employment while continuing to meet the purposes of Title I, Part D. Requirements that apply to State agencies under Title I, Part D, Subpart 1, including the transition-services reservation under ESEA section 1418(a), fall outside Ed-Flex because they do not apply to LEAs, ESAs, or schools.

6. Administrative and Personnel Cost Documentation Flexibility. MDE may consider requests for flexibility from Federal regulatory requirements governing documentation of personnel expenses, including time-and-effort documentation under 2 CFR 200.430(i) as adopted by the Department in 2 CFR part 3474, as those requirements apply to an LEA's administration of programs covered by Ed-Flex and only when legally eligible for waiver. Any approved flexibility must maintain sufficient internal controls and documentation to provide reasonable assurance that Federal funds are used for allowable purposes, accurately support charges to Federal awards, and continue to meet the underlying purposes of the affected Federal program. MDE will not waive requirements that are expressly excluded from Ed-Flex authority.

7. Other Eligible Federal Requirements. MDE may consider requests for flexibility from other Federal statutory or regulatory requirements under programs covered by Ed-Flex when the requirement is legally eligible for waiver, the applicant demonstrates an educational need for the flexibility, the waiver supports specific and measurable educational goals, and the underlying purposes of the affected Federal program will continue to be met.

Identification of these anticipated uses does not limit Mississippi's Ed-Flex authority to these requirements. Each waiver request will be evaluated individually in accordance with the Education Flexibility Partnership Act and MDE's approved Ed-Flex process.

B. State statutory or regulatory requirements relating to education

Mississippi has an established statutory and regulatory framework for providing flexibility from eligible State statutory and regulatory requirements relating to education.

Pursuant to Mississippi Code Annotated §§37-179-1 and 37-179-3, the Mississippi State Board of Education is authorized to approve Districts of Innovation, including the Schools of Innovation that participate in an approved district plan, and to provide approved entities flexibility from selected State Board regulations, provisions of Title 37 of the Mississippi Code of 1972, and local school board policies for the purpose of implementing innovative educational practices designed to improve student educational performance.

Mississippi Code Annotated § 37-179-1 authorizes the State Board of Education to approve Districts of Innovation and establishes the State's authority to provide flexibility from selected State Board regulations and provisions of Title 37. The statute further directs the State Board to establish, through administrative rules and regulations, the regulatory areas that may be exempted or modified and the procedures governing application, approval, monitoring, renewal, amendment, reporting, oversight, and revocation.

Mississippi Code Annotated § 37-179-3 requires applicants to identify and provide detailed justification for requested waivers from applicable provisions of Title 37 and administrative regulations. The statute also establishes requirements that participating districts and schools must continue to satisfy and identifies areas in which the State Board may approve flexibility.

The State Board has implemented this statutory authority through Mississippi Administrative Code 7-3:28.7, which governs Districts of Innovation and Schools of Innovation. The regulation establishes procedures for requesting and reviewing waivers and exemptions and for approving, monitoring, amending, renewing, and revoking innovation plans.

Requests for State statutory or regulatory flexibility will be evaluated pursuant to this existing State authority and any other applicable Mississippi law. Approval of Federal Ed-Flex authority does not independently authorize MDE or the State Board of Education to waive a State statutory or regulatory requirement that is not otherwise eligible for waiver under Mississippi law.

For requests involving State statutory or regulatory requirements, MDE will determine whether:

1. The State Board of Education or MDE has legal authority to waive or modify the identified requirement;
2. The proposed flexibility is consistent with the purposes of Mississippi's applicable statutory and regulatory framework;
3. The applicant has established appropriate educational goals and performance measures;
4. The proposed flexibility is reasonably expected to improve educational opportunities or outcomes for affected students;
5. The applicant will remain accountable for student performance and implementation of the approved plan; and
6. The requested flexibility is consistent with all applicable Federal requirements and State requirements that are not eligible for waiver.

State statutory and regulatory waivers will be approved only through the process and by the entity authorized under Mississippi law.

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

Mississippi has established statutory and regulatory authority to provide flexibility from certain State statutory and regulatory requirements relating to education through its Districts and Schools of Innovation framework.

Pursuant to Mississippi Code Annotated §§ 37-179-1 and 37-179-3, the Mississippi State Board of Education may approve exemptions and waivers from selected State Board regulations and provisions of Title 37 of the Mississippi Code of 1972 for eligible districts and schools seeking flexibility to implement innovative educational practices designed to improve student educational performance.

Mississippi Code Annotated § 37-179-1 provides approved Districts of Innovation with flexibility from selected State Board regulations, provisions of Title 37 of the Mississippi Code of 1972, and local school board policies. Mississippi Code Annotated § 37-179-3 further requires applicants to provide detailed information and justification for requested waivers from applicable provisions of Title 37 and administrative regulations.

The State Board of Education has implemented this authority through Mississippi Administrative Code 7-3:28.7, which governs Districts of Innovation and Schools of Innovation and establishes procedures for requesting, reviewing, approving, monitoring, amending, renewing, and revoking applicable exemptions and waivers.

Under this statutory and regulatory framework, Mississippi may provide flexibility from eligible State requirements when such flexibility supports innovative educational practices designed to improve student outcomes. As authorized by Mississippi law and approved by the State Board of Education, areas of flexibility include the following, which the State Board may approve "notwithstanding any statutes to the contrary" under Miss. Code Ann. § 37-179-3(4):

1. Use of capital outlay funds for operational costs;
2. Hiring persons with bachelor's or advanced degrees from accredited postsecondary institutions for classified positions in nontraditional school and district assignments;
3. Alternative compensation arrangements, including extended employment or extra-duty contracts, with compensation on a salary schedule other than the single salary schedule;
4. Extension of the school day, with employee compensation determined locally;
5. Alternative education programs and services delivered during nontraditional hours;
6. Online classes delivered in a blended environment to meet high school graduation requirements;
7. Flexible school calendars;
8. Conversion of existing schools into Schools of Innovation;
9. Modification of the distribution of funding formula funds under Chapter 151, Title 37, for students enrolled in nontraditional programming time, including alternative and virtual programs, not to exceed the funds that would otherwise have been distributed; and
10. Other eligible State Board regulations or State requirements for which waiver or

exemption authority is provided under Mississippi law and is necessary to support an approved innovative educational practice.

Mississippi will not interpret this authority as permitting unrestricted waiver of State law. State-level flexibility will be approved only when the State Board of Education or other authorized State entity has legal authority to waive or modify the identified requirement.

Districts and schools receiving State-level flexibility will continue to comply with applicable requirements that are not eligible for waiver under Miss. Code Ann. § 37-179-3(2), including requirements relating to health and safety; civil rights and disability rights; compulsory attendance; minimum high school course offerings required for graduation; State student performance standards and statewide assessments; financial audits and fiscal accountability; criminal background checks; open records and open meetings; applicable purchasing requirements; overall instructional time equivalent to or greater than that required by State law; and required reporting to MDE.

MDE will hold LEAs and schools receiving State-level flexibility accountable for implementation of their approved plans and for the educational performance of students affected by the flexibility. Approved Districts and Schools of Innovation are subject to MDE monitoring and reporting requirements, including review of applicable student achievement and performance measures.

These areas of State flexibility are significant because they provide approved districts and schools with the ability to modify traditional instructional, operational, staffing, scheduling, and resource-allocation structures when those structures would otherwise impede implementation of an innovative educational strategy designed to improve student performance.

Through this existing statutory and regulatory framework, Mississippi demonstrates both the authority and the established process to waive eligible State statutory and regulatory requirements relating to education while maintaining accountability for student performance, consistent with the eligibility requirements of the Education Flexibility Partnership Act. Mississippi intends to use its State waiver authority in conjunction with Ed-Flex when an otherwise applicable State statutory or regulatory requirement creates an unnecessary barrier to implementation of an approved educational flexibility strategy and when the requirement is legally eligible for waiver under Mississippi law.

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.

MDE seeks to use Ed-Flex to increase local flexibility while maintaining strong accountability for student outcomes, educational equity, and responsible stewardship of Federal education funds. Mississippi's educational flexibility plan is intended to allow LEAs to address locally identified needs and reduce unnecessary administrative barriers while maintaining alignment with the purposes of the affected Federal programs and Mississippi's statewide educational priorities.

MDE intends to accomplish the following educational objectives through implementation of Ed-Flex:

Increase Student Achievement and Reduce Achievement Gaps

MDE will use Ed-Flex to support LEAs in implementing evidence-based instructional strategies, interventions, and educational supports designed to improve academic achievement and academic growth and reduce achievement gaps among student groups.

The effectiveness of approved waivers will be evaluated, as applicable, using Mississippi's statewide accountability indicators, including academic achievement, academic growth, graduation rate, English language proficiency, school quality or student success indicators, and other appropriate State and local performance measures.

Improve Strategic Use of Federal Resources

MDE will provide LEAs with appropriate flexibility to align Federal investments more closely with identified educational needs and measurable student outcomes. This may include flexibility that allows LEAs to engage in more effective multi-year planning, coordinate Federal resources with State and local initiatives, and direct available funds toward evidence-based activities expected to produce the greatest educational benefit.

Strengthen Local Decision-Making

Ed-Flex will provide LEAs with greater ability to design programmatic and fiscal strategies that respond to local needs while maintaining accountability for results. Each approved waiver will be tied to specific and measurable educational goals, and LEAs will be responsible for demonstrating how the flexibility contributed to progress toward those goals.

Promote Innovation and Continuous Improvement

MDE will encourage LEAs to use approved flexibility to implement innovative and evidence-based approaches to teaching and learning, educator effectiveness, student support, school improvement, and access to high-quality educational opportunities.

MDE will use implementation and performance data to identify successful approaches that may inform technical assistance, future waiver decisions, and continuous improvement efforts across the State.

Reduce Unnecessary Administrative Burden

Where authorized under Federal law, MDE will use Ed-Flex to reduce administrative requirements that do not directly contribute to improved educational outcomes while preserving appropriate fiscal controls, transparency, accountability, and program integrity.

Reducing unnecessary administrative burden will allow MDE and LEAs to devote additional time and capacity to program implementation, technical assistance, instructional improvement, and student support.

Maintain Strong Accountability for Results

Increased flexibility will be accompanied by increased responsibility for demonstrating results. Each Ed-Flex waiver will include specific measurable educational goals and appropriate measures of effectiveness.

MDE will annually monitor implementation of approved waivers and evaluate student and program outcomes to determine whether the flexibility is contributing to the educational objectives identified in the approved waiver and Mississippi's educational flexibility plan.

Through these objectives, Mississippi intends to use Ed-Flex as a strategic tool to improve educational outcomes and program efficiency while preserving accountability for students, Federal funds, and the purposes of the programs affected by approved waivers.

MDE will assess progress toward these objectives using applicable measures established in Mississippi's approved Consolidated State Plan and waiver-specific measures established in each approved waiver application. Depending on the purpose of the waiver, measures may include academic achievement, academic growth, graduation rate, English language proficiency, school quality or student success indicators, performance of applicable student subgroups, and program-specific measures. For each approved waiver, MDE will establish or approve a baseline, annual measurable goal, applicable performance measure(s), and method for evaluating progress.

Statewide Ed-Flex Performance Objectives. MDE will measure the success of its educational flexibility plan against the following objectives during the period of Ed-Flex authority. Targets align with the long-term goals and measurements of interim progress in Mississippi's approved Consolidated State Plan under ESEA section 1111(c)(4)(A)(i). [MDE: confirm baselines and set targets.]

(1) Academic achievement. In LEAs receiving Ed-Flex waivers, the percentage of students scoring proficient or above on the MAAP English language arts and mathematics assessments will increase each year and meet or exceed the State's measurements of interim progress. Statewide 2025–26 baseline: ELA [] percent; mathematics [] percent.

(2) Achievement gaps. In LEAs receiving Ed-Flex waivers, the proficiency gap between economically disadvantaged students and all students, and between each other student group and all students, will narrow each year of the waiver. [MDE: insert baseline gaps.]

(3) Graduation. In LEAs receiving Ed-Flex waivers that serve high school students, the four-year adjusted cohort graduation rate will meet or exceed the statewide rate. Statewide 2024–25 baseline: 90.8 percent.

(4) Waiver effectiveness. Each year, at least [] percent of LEAs, ESAs, and schools holding an Ed-Flex waiver will meet the annual measurable goals in their approved waiver applications.

(5) Strategic use of Federal funds. Each year, at least [] percent of LEAs receiving a Title I, Part A carryover waiver will obligate carried-over funds for the evidence-based activities identified in their approved application within the period of availability.

(6) Reduced administrative burden. By the end of the second year of Ed-Flex authority, MDE will streamline the Ed-Flex waiver request within the consolidated application so that complete requests receive a decision within 30 calendar days in at least [] percent of cases.

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.

MDE's Educational Flexibility Plan is designed to complement and support implementation of the Title I, Part A section of Mississippi's approved Consolidated State Plan under the ESEA.

Mississippi's approved Consolidated State Plan establishes the State's system of challenging academic standards, statewide assessments, accountability, school identification, support and improvement, and long-term educational goals. Ed-Flex will provide additional local flexibility in eligible Federal program requirements without altering the accountability framework established under ESEA section 1111.

MDE will not use Ed-Flex authority to waive or modify requirements under ESEA section 1111, including Mississippi's statewide academic standards, statewide assessment system, accountability system, school identification methodology, long-term goals, measures of interim progress, reporting requirements, or requirements for comprehensive support and improvement and targeted support and improvement.

MDE will evaluate each Ed-Flex waiver request to ensure that the proposed flexibility:

1. Is consistent with the goals and priorities established in Mississippi's approved Consolidated State Plan;
2. Supports specific and measurable educational goals for affected students;
3. Supports evidence-based strategies, where applicable, that are intended to improve student achievement and educational opportunities;
4. Does not adversely affect Mississippi's statewide accountability or school improvement systems;
5. Supports, rather than diminishes, the effective implementation of the applicable Federal program; and
6. Maintains compliance with applicable civil rights requirements and all other statutory or regulatory requirements that are not eligible for waiver.

LEAs and schools receiving Ed-Flex waivers will remain fully subject to Mississippi's statewide accountability system and applicable requirements under ESEA section 1111. Waiver recipients will continue to participate in statewide assessments, accountability

determinations, reporting, school identification, and required support and improvement activities.

MDE will coordinate Ed-Flex implementation with its existing Federal program administration, school improvement, accountability, technical assistance, and monitoring processes. This coordination will allow MDE to evaluate whether approved flexibility supports progress toward Mississippi's statewide educational goals while ensuring that students affected by waivers continue to receive the protections and educational opportunities established under the ESEA.

For schools identified for comprehensive support and improvement, targeted support and improvement, or additional targeted support and improvement under ESEA section 1111(d), any Ed-Flex waiver request must be aligned with the school's approved improvement plan and must describe how the flexibility will advance that plan's goals. MDE will review these requests jointly with the MDE office responsible for school improvement.

Through this framework, Mississippi's Ed-Flex Plan will provide local flexibility while preserving the standards-based accountability and continuous improvement system established in the State's approved Consolidated State Plan.

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.

MDE will evaluate the performance of students in LEAs, ESAs, and schools receiving Ed-Flex waivers through Mississippi's existing statewide accountability system and through waiver-specific performance measures established as a condition of approval.

Approval of an Ed-Flex waiver will not exempt an LEA, ESA, or school from applicable statewide assessment, accountability, reporting, school identification, or school improvement requirements established under Mississippi's approved Consolidated State Plan.

Each applicant seeking an Ed-Flex waiver will be required to establish specific and measurable educational goals for each school year of the proposed waiver and identify the data and performance measures that will be used to evaluate progress toward those goals.

Depending on the nature and purpose of the waiver, MDE may evaluate applicable measures including:

1. Academic achievement;
2. Academic growth;
3. Graduation rate;
4. English language proficiency;
5. School quality or student success indicators;

6. Performance of student subgroups;
7. Participation in and access to educational programs and services;
8. Implementation of evidence-based instructional or support strategies;
9. Program-specific outcome measures;
10. Implementation fidelity;
11. Federal program monitoring results; and
12. Fiscal monitoring and expenditure data relevant to implementation of the waiver.

MDE will annually monitor the activities of LEAs, ESAs, and schools receiving Ed-Flex waivers. As part of this monitoring, each waiver recipient will provide MDE with information regarding implementation of the waiver, progress toward the measurable educational goals established in its approved application, and applicable student performance outcomes.

Each waiver recipient will submit an annual Ed-Flex performance report in a form prescribed by MDE that identifies the approved educational goal, baseline performance, annual target, actual performance, implementation status, and any corrective actions or program adjustments necessary to improve results.

MDE will incorporate Ed-Flex oversight into its existing Federal Programs monitoring framework. All waiver recipients will be subject to annual oversight, and MDE may use risk-based criteria to determine whether additional desk review, on-site monitoring, technical assistance, or corrective action is warranted. Risk factors may include the nature and scope of the waiver, the amount of Federal funding affected, prior monitoring results, progress toward approved educational goals, fiscal risk, and other indicators of programmatic or fiscal risk.

MDE will examine available performance data for students affected by the waiver, including applicable student subgroup data, to determine whether the approved flexibility is contributing to improved educational outcomes and whether the underlying purposes of the affected Federal program continue to be met.

MDE will also evaluate the cumulative effectiveness of its Ed-Flex authority and use information obtained through monitoring and evaluation to meet applicable annual Federal reporting requirements. The State's evaluation will include information regarding the number and types of waivers granted, implementation of approved waivers, progress toward State and local educational objectives, the relationship between approved flexibility and school and student performance, and an assurance from State program managers that the data reported are reliable, complete, and accurate, as required by section 4(a)(5)(B)(ii) of the Education Flexibility Partnership Act.

If MDE determines that an approved waiver is not producing the intended educational benefits, is not being implemented in accordance with the approved application, is adversely affecting students, or is inconsistent with applicable Federal requirements, MDE may require corrective action, impose additional conditions, or modify the waiver.

Consistent with section 4(a)(4)(D) of the Education Flexibility Partnership Act, MDE will annually review the performance of each LEA, ESA, or school granted a waiver.

MDE will terminate or temporarily suspend the waiver if MDE determines, after notice and an opportunity for a hearing, that (i) there is compelling evidence of systematic waste, fraud, or abuse; (ii) the recipient's performance with respect to accountability requirements and the educational goals in its approved application has been inadequate to justify continuation of the waiver; (iii) student achievement in the LEA, ESA, or school has decreased; or (iv) substantial progress has not been made toward meeting the long-term goals and measurements of interim progress established in Mississippi's Consolidated State Plan under ESEA section 1111(c)(4)(A)(i). MDE will give the recipient written notice of the proposed action and its basis, and an opportunity to respond and request a hearing [MDE: specify, e.g., a written response within 15 business days and a hearing before the State Superintendent's designee], before the termination or suspension takes effect.

This evaluation and continuous improvement process will ensure that Ed-Flex authority is used to provide meaningful flexibility while maintaining accountability for student achievement, educational equity, program effectiveness, and responsible stewardship of Federal funds.

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 Mississippi Department of Education provided public notice of its proposed application for Educational Flexibility Partnership (Ed-Flex) authority and provided interested stakeholders with an opportunity to review and comment on the proposed educational flexibility plan.

MDE established a public comment period from September 24, 2026, through October 26, 2026.

During the public comment period, MDE made information regarding the proposed Ed-Flex application available to the public through MDE's website and public notice webpage (<https://mdek12.org/federalprograms/>), Superintendent communications, and various MDE office listservs.

The public notice described MDE's intent to seek Ed-Flex authority and the purpose of the proposed flexibility, including the State's intent to provide eligible LEAs, ESAs, and schools with additional flexibility in implementing eligible Federal education programs while maintaining accountability for improved student performance and the effective use of Federal resources.

The notice also provided information regarding the educational benefits MDE expected to result from Ed-Flex authority, including increased local flexibility, improved alignment of Federal resources with locally identified needs, increased

capacity for strategic planning, reduced unnecessary administrative burden, and greater opportunities to implement strategies designed to improve student achievement and educational outcomes.

The notice also described the improved student performance MDE expects to result from Ed-Flex authority, including higher proficiency in English language arts and mathematics, narrower achievement gaps, and graduation rates at or above the statewide rate among students in LEAs receiving waivers, as reflected in the objectives in Description 3.

- 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.

MDE provided parents, educators, school administrators, LEA officials, and other interested members of the community with an opportunity to submit comments regarding the proposed Ed-Flex authority during the September 24, 2026, through October 26, 2026, public comment period.

Comments were accepted through an online form or written submission via email.

All comments received were compiled and made available for review upon request to the Office of Federal Programs, consistent with the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1 et seq.

MDE received [INSERT NUMBER] comments during the public comment period.

The comments generally addressed [INSERT BRIEF, OBJECTIVE SUMMARY OF MAJOR THEMES FROM ACTUAL COMMENTS].

MDE reviewed all comments received and considered the feedback in finalizing the State's Ed-Flex application. [INSERT, IF APPLICABLE: Based on the comments received, MDE made the following revisions or clarifications to its application: _____.]

[If no substantive revisions were made, use instead: After reviewing the comments received, MDE determined that no substantive revisions to the proposed educational flexibility plan were necessary.]

MDE will include the comments received during the public comment period as an attachment to its application, consistent with the requirements of the Education Flexibility Partnership Act.

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

MDE will attach the comments received during the September 24, 2026, through October 26, 2026, public notice and comment period to the final Ed-Flex application submitted to the U.S. Department of Education.

DRAFT