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TO
BRISTOL**

Federal Programs
Driving Local Change

Crossroads of ESSA Implementation: Flexibilities and Waivers

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Agenda

- Reflections of Implementation
- Administration and Implementation of Federal Grants
 - Overarching Processes
 - Types of Requirements
 - What can and can't be waived?
- Current Flexibilities
 - Braiding and Blending
 - Transferability
- Looking Ahead
 - Timeline
 - What other states are doing?
 - What should we consider doing?

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Reflections

Reflections

Drop in the Chat.... Your Response

If you were in the “driver’s seat” for a day, what ESEA requirement would you waive?

Reflections

Drop in the Chat.... Your Response

**What are some flexibilities you
would like to see?**

Reflections

Drop in the Chat.... Your Response

**What are some requirement
processes you would like us to
streamline or remove?**

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Administration and Implementation of Federal Grants

Overarching Processes of Federal Grants for LEAs

Planning, Budgeting, and Reporting

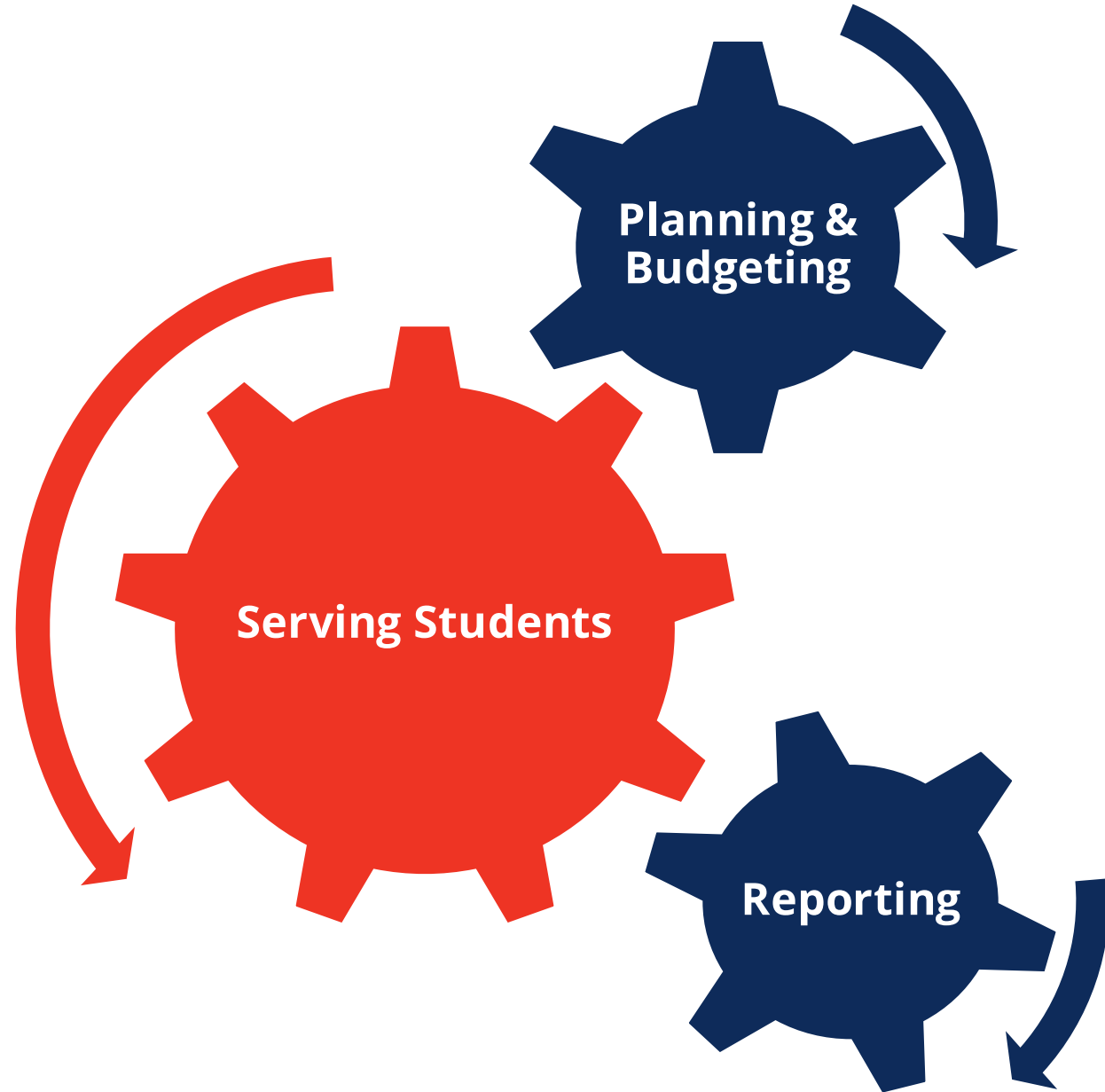
Administrative Functions

- TDOE streamlines processes for planning, budgeting, and reporting into existing processes to meet equivalent federal and state requirements.

Serving Students

Implementation Functions

- Numerous state statutes and TN State Board of Education (SBE) rules/policies mirror ESEA, IDEA, and other grant requirements to ensure robust implementation of services to students.



Types of Requirements

Requirements Without Federal Funding

Requirements outlined in federal statute, even in the absence of federal funds.

Examples:

- Title IX of the Education Amendments of 1972
- Federal Civil Rights Laws
- Section 504 of the Rehabilitation Act of 1973

Federal Grant Programmatic Requirements

Funds are offered in exchange for adoption of certain standards and practices as outlined in federal statute.

Examples:

- Identification of English Learners (ELs)
- Identify and serve students with disabilities via an Individualized Education Program

Codified in State Statute and Rule

Statutes and Rules that mirror federal statutes or programmatic requirements.

Examples:

- Title 49, Chapter 10, Part 1
- Tennessee State Board Rule Chapter 0520-01-03
- Tennessee State Board Rule Chapter 0520-01-09

Cross-Cutting Requirements

Federal Reporting

States receiving federal education funds must submit to the U.S. Department of Education reports containing required data and information.

Supplement Not Supplant

Provision that requires that federal grant funds must add to (or supplement) and not replace (or supplant) other funds (state/local/and sometimes other federal) in providing general educational services.

Maintenance of Effort (MOE)

SEAs and LEAs must meet maintenance of effort requirements, which can differ for each major grant.

What Can and Can't Be Waived?

ESEA Provisions That <u>Can</u> Be Waived	ESEA Provisions That <u>Cannot</u> Be Waived
Assessment Requirements to administer the statewide annual math and reading assessment	Fiscal Requirements Allocations of federal funds to states and school districts; Maintenance of Effort; Comparability of Services; Supplement, not Supplant
Accountability Requirements to develop and use an accountability system to identify schools for improvement	Civil Rights Requirements Under Title VI of the Civil Rights Act of 1964; Title IX; Title II of the Americans with Disabilities Act; Individuals with Disabilities Education Act (IDEA)
Interventions Requirements to intervene in low-performing schools	Other Requirements: <ul style="list-style-type: none">• Equitable Services• Parent participation and involvement requirements• Requirements for the Charter School Program• Prohibitions on federal control of curriculum and instructions• Prohibitions on using federal funds for religious materials or instruction
Transparency and Reporting Requirements to annually publish report cards with various data points	

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Current Flexibilities

What is Blending and Braiding?



Blended funding is **combined** into one funding stream to meet one purpose. Individual funding streams lose program identity.



Braided funding is **coordinated** to meet one purpose. Individual funding streams maintain an identity for eligibility and reporting.

Which Funds May be Blended and Braided?

Blending

- Unrestricted state and local funds
- Federal funds:
 - ESEA Titles I, I-C, II, III, IV, and V
 - IDEA, including CEIS

Braiding

- State and local funds
- Federal funds:
 - ESEA Titles I, I-C, II, III, IV, and V
 - Extended Learning (21st CCLC and LEAPs)
 - Perkins CTE
 - IDEA, including CEIS
 - CARES Act, GEER, ESSER, and ARP Homeless funds

Why Blend or Braid Funds?

- Allows LEAs and schools to “do more with less” and leverage resources
- Allows local education agencies (LEAs) and schools to *fund the plan* rather than *plan for the funds*
- Better serve students with complex needs by providing access to streamlined services rather than services from multiple, separate programs
- Can reduce overlap and duplication of services

Blended Funding Scenario

ESEA Schoolwide Consolidation:

- May include federal, state, and local funding.
- The school must be operating a Title I school-wide program.
- Funds are placed into a single pool to increase flexibility and are used to support the activities outlined in the school-wide plan.
- Funds included in consolidation lose their identity.
- Funds must be used to meet the intents and purposes of grant programs included in the consolidation.
- Some federal statutory and regulatory requirements can be eased at the school level.

Grant Source	Yes	No
Title I, Part A	X	
Title I, Part C	X	
Title II, Part A	X	
Title III, Part A	X	
Title IV, Part A	X	
Title IV, Part B	X	
Title V, Part B	X	
Perkins	X	
IDEA	X	
State/local	X	
School Lunch		X
Head Start		X

Blended Funding

Benefits	Challenges
Less Federal Accountability	Requires Statutory Authority
Simplifies Accounting	Requires Upfront Accounting Adjustments
More Flexible Allowable Uses of Funds	
Focus on Outcomes	

Braiding Scenario

- One trained interventionist provides supplemental push-in services for EL and homeless students. The same interventionist supports students in after-school tutoring.
- Funding Sources: Title I, Part A; Title II, Part A; Title III, Part A
- Cost allocation:
 - Includes both single grant expenditures and shared grant expenditures.

Costs claimed as follows:

- Title I-A and Title III:
Interventionists' salary and benefits are charged based on time and effort

Grant	Costs	Percentage
Title I-A	\$40,000	40%
Title III	\$60,000	60%
Total	\$100,000	100%

- Title II, Part A: Professional development on effective strategies to use with ELs and homeless students.

Braiding

Benefits	Challenges
No Statutory Authority Necessary	Each funding stream maintains its identity including eligibility criteria and scope of authorized activities.
Allows LEAs to leverage funding from multiple sources to complete projects/programs that could otherwise not occur	Supplement not supplant requirements for each program still apply
Allows LEAs and schools to lessen duplicate efforts for a wholistic/comprehensive program	Must clearly document allocability

Transferability (Sec. 5103)

LEAs may transfer **all the funds** allocated under...

- Title II, Part A (Professional Development),
- Title IV, Part A (Student Support), or

between each other and into (but not out of):

- Title I Part A (Economically Disadvantaged),
- Title, I, Part C (Migrant),
- Title I, Part D (Neglected and Delinquent),
- Title III, Part A (English Learners), or
- Title V, Part B (Rural Education).

Transferability Requirements

- Before any transfer of funds (for all programs except Title I, Part D and Title V, Part A) the LEA must engage in timely and meaningful consultation with appropriate private school officials.
 - Calculation of equitable services is made after funds are transferred.
- **Example:** If you transfer into Title I, Part A, do you include the transferred amounts in the equitable services calculation?
 - YES

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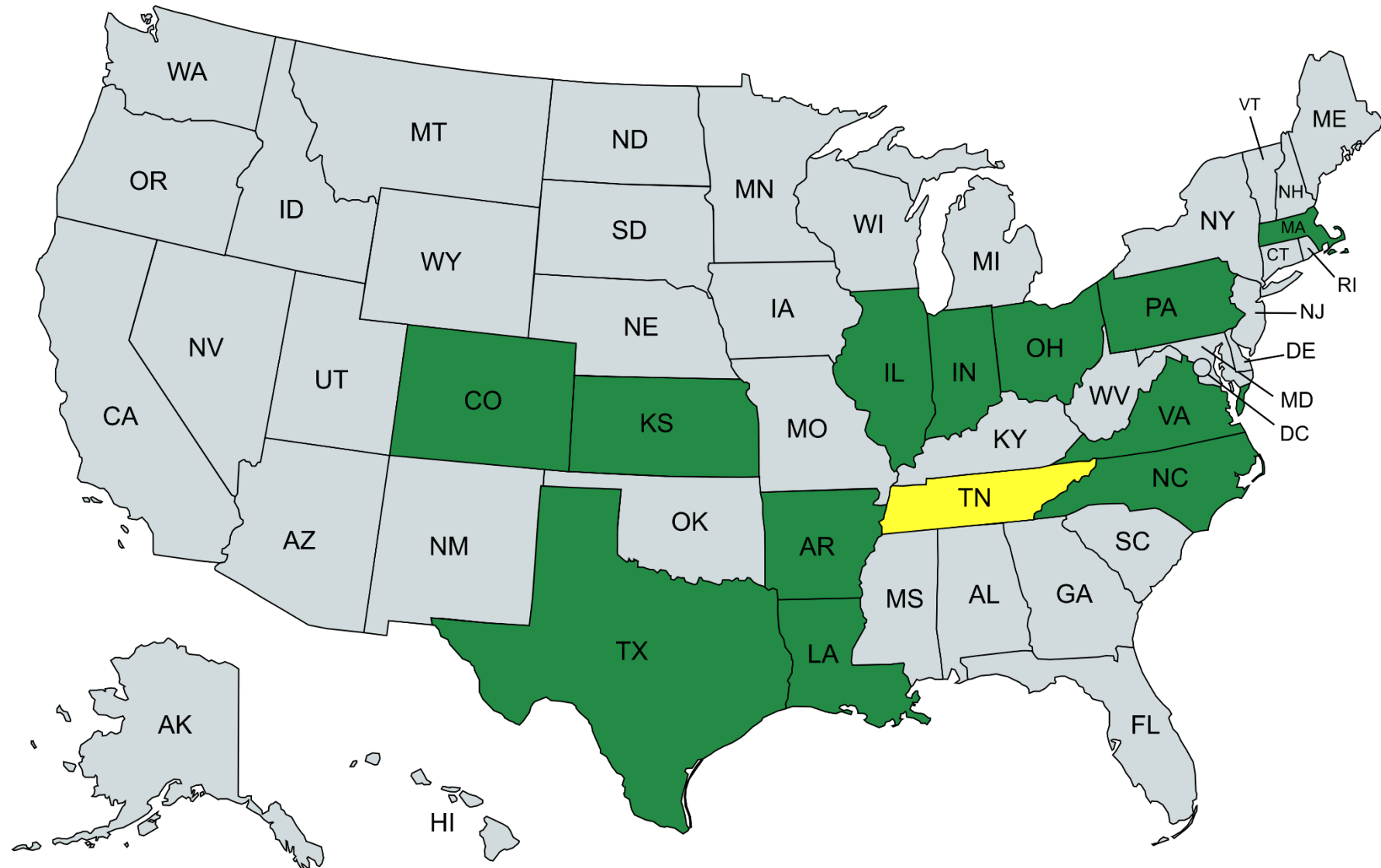
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Landscape of Waivers

Waivers Options for Consideration

	Educational Flexibility (Ed-Flex)	Waivers
Best for...	<ul style="list-style-type: none"> • District-level operational relief around compliance or administration • Broad authority to grant local flexibility • Multiple ED provisions 	<ul style="list-style-type: none"> • Exploring innovative strategies • Specific ED regulation is getting in the way of success
Duration	~5 Years	~4 Years
Stakeholder Input Required?	Yes	Yes
Approval Likelihood	Must have: <ul style="list-style-type: none"> ✓ Clear alignment to state goals ✓ State has statutory authority to waive regulations 	<ul style="list-style-type: none"> ✗ Must not undermine ESSA intent ✓ Must have clear M&E plan

States with Ed-Flex Waivers



What are other states doing?

	AR	CO	IL	IN	KS	LA	MA	NC	OH	PA	TX	VA
Increase 15% of Title I Carryover	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Decrease Title I Schoolwide Below 40%			✓				✓				✓	
Adjust Paraprofessional Qualifications				✓								
Amend Spending Minimums or Caps for Title IV				✓	✓	✓		✓	✓	✓	✓	✓
Streamline Title II				✓				✓				
Blend Title Funding Sources				✓			✓	✓	✓		✓	✓

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Looking Ahead

Tennessee's Timeline for Waiver Submission



1

Aug.-Oct. 2025
Gather feedback from stakeholders on the requirements to seek a waiver on.



2

Oct.-Nov. 2025
Craft waiver submission draft for stakeholder feedback.



3

Nov. 2025
Post waiver documents for review and inputs from stakeholders.



4

Dec. 2025
Submit final document to ED for review, feedback, and approval.

Waivable Provisions for Consideration

Title I, Part A

Citation	Description of Provision
ESEA Sec. 1113(a)(3)-(4)	<p>(a)(3): Requires LEAs to annually rank order eligible school attendance areas in which the concentration of children from low-income schools exceeds 75% from highest to lowest according to the percentage of children from low-income families and serve the attendance areas in that order. (Allows exception for high schools down to 50%)</p> <p>(a)(4): Requirement for LEAs with funds remaining after initial rank and serve to rank remaining school attendance areas from highest to lowest by grade span or for the entire LEA according to percentage of children from low-income families and serve those areas in rank order within the grade span grouping or the LEA.</p>
	<p>What flexibility means</p> <p>Would allow LEAs some flexibility in ranking and ordering schools under Title I, Part A.</p>

Opportunity for Feedback: Section 1

Title I, Part A: Rank and Order Flexibility

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Waivable Provisions for Consideration

Title I, Part A

Citation	Description of Provision	What flexibility means
ESEA Sec. 1113(c)(1)	Requires an LEA to allocate funds received under Title I, Part A to eligible school attendance areas or eligible schools in rank order on the basis of the total number of children from low-income families in each area or school.	This would allow the LEA to rank schools in different ways, not necessarily based on the total number of children from low-income families.
ESEA Sec. 1113(c)(2)	Requirement that the per-pupil amount of funds allocated to school attendance areas or schools must be at least 125% of the per-pupil amount of the LEA average except for LEAs that only serve schools in which the percentage of low-income children is 35% or greater.	Allows the State to waive the 125% rule so that LEAs can provide the same per-pupil amount to all schools, regardless of poverty level.
ESEA Sec. 1114(a)(1)(A)	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.	Allows any school otherwise eligible to receive Title I, Part A funds to implement a schoolwide program regardless of the percentage of students from low-income families. NOTE: States may waive this requirement without a waiver under Sec. 1114(a)(1)(B).

Opportunity for Feedback: Sections 2, 3, & 4

Title I Flexibilities

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Waivable Provisions for Consideration

Title IV, Part A

Citation	Description of Provision	What flexibility means
ESEA Sec. 4106(e)(2)(C)-(E)	Requires LEAs receiving \$30,000 or more to spend at least 20% of funds on well-rounded activities, 20% on safe and healthy student activities, and some portion on technology.	Allows LEAs to spend Title IV-A funds more flexibly without regard to required spending categories.
ESEA Sec. 4109(b)	Prohibits LEAs from using more than 15% of their Title IV, Part A allocation for purchasing technology infrastructure.	Allows LEAs to spend more than 15% of Title IV-A funds on technology infrastructure.
ESEA Sec. 4109(b)	Prohibits LEAs from using more than 15% of their Title IV-A allocation for purchasing technology infrastructure.	Allows LEAs to spend more than 15% of Title IV-A funds on technology infrastructure.

Opportunity for Feedback: Section 5

Title IV, Part A: Well-Rounded, Safety, & Technology

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Waivable Provisions for Consideration

Cross-Cutting

Citation	Description of Provision	What flexibility means
GEPA Sec. 421(b)	Limits the ability to provide a Tydings Amendment waiver to the U.S. Department of Education only.	Allows States to provide Tydings waivers to LEAs without submitting a request to ED.
Uniform Guidance 2 CFR 200.430	Requires grantees to certify that an employee is funded from a single fund source or cost objective.	Eliminates the time and effort requirement such as charges for salaries and wages being supported by a semi-annual certification that the employee worked solely on that program for the period covered by the certification.

Opportunity for Feedback: Sections 6 & 7

GEPA and EDGAR

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Transparency and Reporting Requirements to annually publish report cards with various data points	

Additional Areas for Consideration

- Are there any other requirements that you would like us to consider seeking a waiver for?





Questions



Thank You!

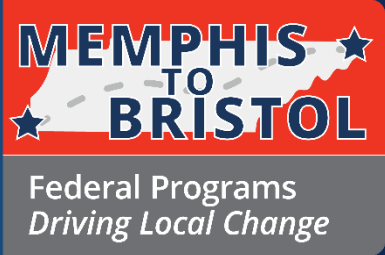
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Up Next...

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10:20-11:30 a.m. ET 9:20-10:30 a.m. CT	Soulful Connections: Title I, Part A, Parent & Family Engagement Alisha Gilmore
	Equitable Services: Overview & Panel Discussion Michelle Harless
	Federal and State Education Policy Overview Lexi Harless & Anna Hall

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