



FY27 Ed-Flex Waiver Request

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Federal Programs & Oversight

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Agenda

- Overview
- Available Waivers
- Important Considerations
- Technology Reminders
- Waiver Examples
- Steps to Apply
- Resources

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Overview

What is Ed-Flex?

- Ed-Flex is authorized by the Education Flexibility Partnership Act of 1999 and reauthorized under Every Student Succeeds Act (ESSA)
- Designed to give states greater flexibility in administering federal education programs
- Maintains a strong focus on accountability and student outcomes
- U.S. Department of Education (ED) may grant states authority to waive certain federal requirements.
- Approved states can review and approve LEA waiver requests locally(no case-by-case ED approval needed)
- Tennessee was approved in June 2026 as an Ed-Flex Partnership State.
- The [approved application](#) is available on ED's website.



What is the purpose of Ed-Flex?

- Ed-Flex does:
 - Reduce administrative barriers so LEAs can better respond to local needs.
 - Support innovation, flexibility, and improved student outcomes.
 - Encourage more strategic and effective use of federal funds.
- Ed-Flex does not:
 - Remove accountability or program purpose
 - Remove the underlying goals of federal programs
 - Remove core protections, including:
 - civil rights
 - fiscal responsibility
 - equitable access



What waivers are available for FY27?

- For the 2026-27(FY27) school year, the department is making available the following waivers under the Elementary and Secondary Education Act (ESEA), Title IV, Part A (Title IV) Student Support and Academic Enrichment program:
 - The requirement to spend specific percentages across well rounded education, safe and healthy students, and technology integration (ESEA §4106(e)(2)(C)–(E)).
 - The restriction that no more than 15 percent of funds in the Effective Use of Technology focus area may be used for technology infrastructure (ESEA §4109(b)).



Important Considerations



Ed-Flex Is Not a Free Pass

- Receiving an Ed-Flex waiver does not allow LEAs to use Title IV funds for any purpose.
 - All expenditures must remain allowable under federal law and must align with the overall purposes of Title IV.
 - The waiver removes specific constraints, but it does not expand allowable uses of funds.
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Supplement Not Supplant Still Applies

- Title IV funds must continue to supplement, and not replace, state or local funds.
 - Approval of a waiver does not allow LEAs to shift costs that were previously paid with state or local funds onto Title IV.
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Program and Focus Area Purpose Still Apply

- Even if the required spending percentages no longer apply, LEAs must still use funds in ways that support the intent of Title IV.
 - Activities must continue to align with:
 - Well-rounded Educational Opportunities (WR)
 - Safe and Healthy Students (SH)
 - Effective Use of Technology (ET)
 - Waivers allow flexibility in how funds are distributed, not whether these purposes are addressed.
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Planning and Stakeholder Engagement Requirements Still Apply

- All Title IV planning requirements remain in effect. LEAs must continue to:
 - base funding decisions on a comprehensive needs assessment
 - document needs and priorities in the District Plan
 - engage stakeholders in planning and decision-making
 - A waiver request must be clearly supported by the LEA's planning process, not developed separately from it.
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Budget Approval Is Still Required

- Approval of an Ed-Flex waiver does not constitute approval of specific expenditures.
 - LEAs must still submit any budget revisions through the normal process, and all changes are subject to review and approval by the department.
 - LEAs should not make any changes to their Title IV budget until they have received official waiver approval.
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Waiver Approval Is Not Guaranteed

- All requests will be carefully reviewed by the department to ensure they meet federal and state requirements and demonstrate a clear benefit to students.
 - Approval is based on the overall strength and completeness of the *Ed-Flex Waiver Request*, including:
 - how clearly the request is justified by the LEA's needs assessment and District Plan;
 - how well the LEA explains the limitation of the current requirement and the benefit of the requested flexibility;
 - the strength and clarity of the proposed outcomes;
 - the quality of the evaluation plan, including how the LEA will measure effectiveness; and
 - alignment to the purposes of Title IV.
 - Incomplete, unclear, or poorly justified requests will be denied or returned for revision.
 - TDOE may also consider the LEA's overall readiness and past performance, including compliance with federal requirements, monitoring results, and effective management of federal funds.
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Approval Is Based on What is Proposed

- Waivers are approved based on the description of intended use provided within the Ed-Flex Waiver Request.
 - Significant changes to how funds will be used after approval may require additional review or a revised waiver request.
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Documentation, Monitoring, and Reporting are Required

- LEAs must maintain documentation demonstrating:
 - alignment to the needs assessment
 - allowability of expenditures
 - compliance with supplement not supplant
 - implementation of planned activities
 - evaluation of waiver effectiveness
 - LEAs with an approved waiver will be required to complete an end-of-year waiver report.
 - LEAs seeking to renew a waiver in a subsequent year must be prepared to show that the flexibility resulted in positive impact and was implemented as intended.
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Equitable Services Requirements Still Apply

- Approval of a waiver does not change equitable services requirements for eligible private school students and educators.
 - LEAs must continue to conduct timely and meaningful consultation and provide equitable services consistent with federal requirements.
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Technology Reminders

Technology Reminder 1

- The purchase of technological devices and equipment (e.g., laptops, computers, interactive panels, etc.) may be allowable under Title IV under the following conditions:
 - The purchases are **reasonable, necessary, and allocable**.
 - LEAs should be able to clearly justify why the purchase is appropriate and how it directly supports program goals.

Ask yourself: Would a reasonable person determine that this purchase is necessary to support the intended activity?

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Technology Reminder 2

- The purchases must be supplemental.
 - Title IV funds must supplement, and not replace, **state or local** funding.

Ask yourself: How has the LEA paid for these devices in the past?



Technology Reminder 3

- The purchases cannot be for basic operational needs.
 - Federal funds may not be used for items required for routine operations or basic instructional delivery that the LEA would normally fund with state or local funds.

Ask yourself: Is this something the LEA would have to purchase even if no federal funds were available?



Technology Reminder 4

- The purchases must support a defined program or initiative.
 - Devices and equipment must be tied to a specific, documented program or strategy that aligns with the chosen Title IV focus area.
 - Standalone purchases without a programmatic purpose are not allowable.

Ask yourself: What program or initiative is this purchase supporting, and how does it align to my identified needs?

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Technology Reminder 5

- The purchases must be integral to program implementation.
 - Devices and equipment must be essential to carrying out the planned activity or program, not incidental or optional.

Ask yourself: Can the program be effectively implemented without these devices or equipment?



Technology Reminder 6

- When purchasing devices or equipment under the ET area, the activity must support the broader goal of improving the use of technology to enhance teaching and learning and improve student academic outcomes.
 - Allowable uses may include supporting activities such as personalized learning, blended learning, data-informed instruction, digital content access, and professional learning for educators.

Ask yourself: Does this purchase improve how technology is used to support instruction and student achievement, not just increase access to devices?

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Waiver Examples



Example 1

- If awarded a waiver, the LEA could make a **mental health priority shift**:
 - LEA uses waiver of spending percentages to allocate all Title IV funds to the SH focus area.
 - Funds support additional counselors, mental health contracts, and staff training.
 - The shift is based on needs assessment showing increased behavioral and mental health needs.
 - The purchases are still aligned to Title IV purpose and supplemental to existing services.

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Example 2

- If awarded a waiver, the LEA could focus on **rural connectivity and access expansion**:
 - LEA uses the waiver of the 15% technology infrastructure cap to invest in broadband upgrades, Wi-Fi access points, and network capacity across multiple school sites.
 - Based on needs assessment identifying gaps in connectivity and equitable access to instructional technology.
 - Supports a district-wide initiative to ensure all classrooms can implement digital and blended learning strategies.
 - Includes professional development for teachers on using technology to support instruction and student engagement.
 - Infrastructure improvements are essential to the program and directly support teaching and learning.
 - Funds remain supplemental and do not replace routine maintenance or baseline IT costs.





Example 3

- If awarded a waiver, the LEA could **expand STEM and career readiness programs**:
 - The LEA shifts spending away from required percentages to fully invest in the WR focus area (STEM programs).
 - Funds used for lab equipment, digital tools, and teacher training tied to advanced coursework.
 - Purchases are supported by needs assessment showing gaps in STEM access and student readiness.
 - All purchases are supplemental and tied to a specific program, not general equipment replacement.

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Non-Example 1

- If awarded a waiver, the LEA could **NOT** purchase devices for all students or use funds to replace previously purchased devices used for general instruction:
 - No clear connection to a specific program, initiative, or instructional strategy.
 - Devices replace equipment previously purchased with state or local funds (supplanting).
 - No associated professional development or instructional plan.
 - Purchase is driven by a desire to upgrade equipment, not by documented need.
 - No clear plan to improve instruction, engagement, or student outcomes.
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Non-Example 2

- If awarded a waiver, the LEA could **NOT** shift WR funds to replace core instructional materials:
 - Funds could not be used to purchase core curriculum materials or textbooks across the LEA.
 - These materials would normally be funded with state or local funds.
 - No new program, initiative, or expanded service is associated with the purchase.
 - The purchase is made to offset local budget pressures, not to address a new or unmet need.
 - No clear connection to needs assessment findings or improved student outcomes
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Step One: Planning and the Title IV Needs Assessment

Planning and the Title IV Needs Assessment

- The process begins with thoughtful planning and a clear understanding of local needs.
- A strong planning process helps ensure that any requested flexibility is purposeful, justified, and aligned to improved student outcomes.
- In Tennessee, the District Plan serves as the foundation for both state and federal requirements, including those under Title IV.



Prepare & Reflect to Plan

- The *Prepare and Reflect to Plan* section of the District Plan ensures that LEAs document stakeholder engagement, identify program-specific needs, and align funding decisions to those needs.
- The Title IV, Part A specific questions in this section include:
 - Well-rounded Education
 - Safe, Supportive, and Healthy Environments
 - Integration and Effective Use of Technology

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Need for Flexibility

- To be eligible for a Ed-Flex waiver, the LEA must clearly demonstrate a need for flexibility within its District Plan.
- The proposed waiver should not be an isolated request, but rather a direct result of the planning process.



Step One Actions

- Revisit the LEA's current District Plan in ePlan, with particular attention to the Prepare and Reflect to Plan section.
- Convene the LEA's planning team that includes key stakeholders, such as district leaders, school staff, and other relevant partners.
- Review current data, including student performance, school climate, and program effectiveness, to confirm priority needs.
- Ensure that stakeholder input has been meaningfully documented and reflected in the planning process.
- Identify whether current Title IV, Part A requirements limit the LEA's ability to address those needs.
- Clearly document the rationale for requesting flexibility within the District Plan, including how the waiver would better align resources to identified needs.
- Revise the *Prepare and Reflect to Plan* section of the District Plan, as needed, so that it explicitly supports and justifies the anticipated waiver request.
- Ensure that the District Plan provides a clear, data-driven foundation that can support review and approval of the waiver request.



Step Two: Public Comment Period



Public Comment Period

- Before submitting an Ed-Flex waiver request, LEAs must provide public notice of the proposed waiver and offer stakeholders an opportunity to provide feedback. (ESEA § 9207)
 - Public notice and comment should occur after planning is complete but before the waiver request is submitted.
 - Stakeholders should have a meaningful opportunity to review the request and provide feedback, even if only a limited number of comments are received.
 - At a minimum, LEAs must inform parents, educators, school administrators, and other community members about the proposed waiver and how it may impact the use of Title IV funds.
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Step Two Actions

- Prepare a brief, plain-language description of the proposed waiver.
 - Use this [template](#) to get started.
 - Select one or more methods to provide public notice, such as posting on the district website, sharing through email communication, or presenting at a public meeting (e.g., school board meeting).
 - Ensure the notice is accessible to parents, educators, and other stakeholders and contains clear and simple directions for how to submit comments.
 - Begin consulting with any **private schools** that would be impacted by the waiver.
 - Share the public notice and explain how an approved waiver would impact equitable services. Allow them to ask questions and provide feedback. Document all consultation efforts.
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Step Two Actions, Continued

- Provide a defined window of time of at least two (2) weeks for stakeholders to review the proposal and submit comments.
 - Receive and review any comments submitted during the comment period.
 - Consider stakeholder feedback and, if necessary, refine the proposed waiver request before submitting it.
 - Maintain **documentation** of the public notice process, including copies or screenshots of notices, timelines, and a summary of any comments received.
 - Be prepared to describe the public notice process, certify that it was completed, and provide documentation as part of the waiver application.
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Step Three: Complete the Ed-Flex Application

Complete the Ed-Flex Application

- Once planning is complete and public notice has been provided, the next step is to complete the *Ed-Flex Waiver Request* within the Consolidated Funding Application (CFA) by **Sept. 15, 2026**.
- LEAs must ensure that all sections of the application are complete, accurate, and consistent with information included in the District Plan and the public notice.
- The application must present a clear, cohesive story that shows the waiver is **necessary, purposeful, and aligned to student outcomes**.

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Locate the Application

LEA Actions for Step Three:

- Locate the Waiver Request Page:
 - LEAs who have Title IV funds budgeted in the FY27 CFA, will see a new page appear in the Title IV section.

Title IV
Budget
Budget Overview
Budget Tag Summary
Program Details
Title IV Personnel Details - School-based an
Title IV - Preschool Personnel Details
Related Documents
Program Assurances
Ed-Flex Waiver Request

Locate the Application: Non-Title IV LEAs

- If the LEA does not currently have Title IV funds budgeted in the FY27 CFA, the *Ed-Flex Waiver Request Page* will not be automatically visible.
- The LEA must return \$0.01 to Title IV, Part A by completing the appropriate steps on the *Allocations* page of the CFA.
- After transferring \$0.01 back to Title IV, Part A, the LEA must create a budget hold for that amount.
- To do this, select an account number, line item number, and Title IV budget tag, then enter \$0.01 as the cost and include a brief narrative description

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Non-Title IV LEAs: Budget Instructions

Budget Detail		Narrative Description
Account Number:	71100 - Regular Instruction Program	Hold for Ed-Flex
Line Item Number:	599 - Other Charges	
Title IV:	Well-rounded Educational Opportunit... (Select up to 1 tag(s))	
Admin Costs:	Select Tag	
Private School Instructional Funds:	Select Tag	
Optional Program Code:		
Location Code:	Jackson County (440)	
Quantity:	1.00	
Cost:	\$0.01	
Budget Detail Total:	\$0.01	
		Total for all other Budget Details: \$0.00
		Total for all Budget Details: \$0.01
		Adjusted Allocation: \$0.01
		Remaining: \$0.00

Once at least \$0.01 has been budgeted in the Title IV budget, the *Ed-Flex Waiver Request* page will become visible within the Title IV section of the CFA.

Start the Ed-Flex Application

- The CFA must be in either *Revision Started* or *TDOE FPO Divisional Coordinator Returned – Revisions Needed* status to work on the Ed-Flex Waiver Request.
- Open the Ed-Flex Waiver Request within the Title IV, Part A section of the FY27 CFA.

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Waiver Selection

- Check the box if the LEA intends to request a waiver on one or more applicable Title IV, Part A statutory requirements, then check the box for the waiver(s) being requested.

☐ ☒ Check the box if the LEA intends to request a waiver on one or more applicable Title IV, Part A statutory requirements

Select the statutory requirements the LEA requests to waive:

☐ The requirement to spend specific percentages across well rounded education, safe and healthy students, and technology integration ESEA §4106(e)(2)(C)-(E)

☐ The restriction that no more than 15 percent of funds in the Effective Use of Technology area may be used for technology infrastructure purchases ESEA §4109(b).

- For each waiver being requested, six (6) prompts will appear.
- Respond to each prompt in full.

Ed-Flex Application Prompt One

Ed-Flex Waiver Request prompts:

1. Describe the process the LEA uses to **plan** for the use of Title IV, Part A funds, including how the LEA conducts its needs assessment, engages stakeholders, and determines funding priorities.
 - The response must explain how this process led the LEA to determine compliance with the applicable Title IV requirements addressed by this waiver limits its ability to meet identified student or program needs.

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Ed-Flex Waiver Request Prompts Two & Three

2. Describe how the current requirement **constrains** the LEA's ability to meet documented student or program needs. (ESEA §8401(b)(1))
3. Describe how the LEA **intends to use Title IV funds differently** if the Ed-Flex waiver is approved.
 - The response should include a clear, high-level description of the activities or priorities the LEA plans to fund and how funding will be shifted compared to standard Title IV requirements and what the LEA has done in the past.

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Ed-Flex Waiver Request Prompts Four & Five

4. Describe how the proposed use of funds **better aligns** with the purposes of Title IV (i.e., supporting well rounded education, improving school conditions for student learning, and improving the effective use of technology). (ESEA §9207)
5. Describe the expected measurable outcomes of the waiver, including how the LEA will measure whether the flexibility improves implementation or student supports. (ESEA §8401)
 - If the outcomes provided are not measurable, the waiver request may be denied or returned to the LEA for revision.
 - See the [Writing Title IV, Part A Outcomes and Objectives Guide](#) for assistance.



Ed-Flex Waiver Request Prompt Six

ED-Flex Waiver Request prompts, continued:

6. Briefly describe how the LEA provided **public notice** of this proposed Ed-Flex waiver and offered parents, educators, administrators, and other community members an opportunity to comment. The response must describe:

- the method(s) used to provide notice;
- the dates the waiver was available for public review, and
- how comments were received and considered, consistent with ESEA §8401(b)(3) and §9207.

Documentation must be uploaded to the Title IV *Related Documents* page and must include:

- evidence of the public notice (i.e., website posting screenshot, link to posting, etc.) and
- a summary of any comments received.

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Submit the Application

- Next, read over and check the box to agree with the seven (7) *LEA Assurances*.
- At the bottom of the *Ed-Flex Waiver Request* page, there will be a TDOE Approval section. This is for department use only.
- Once the Ed-Flex Waiver Request page is complete, navigate back to the Sections page and follow the typical steps to submit the CFA by Sept. 15, 2026.
 - Waiver requests will only be reviewed when the CFA is in LEA Authorized Representative Approved status.

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Step Four: Department Waiver Request Review and Approval



Review Process

- All waiver requests submitted by Sept. 15, 2026, will undergo a two-level review process.
 - Requests will first be reviewed by the Division of Federal Programs and Oversight (FPO) for completeness, allowability, and alignment to program requirements.
 - Final approval decisions will be issued by the Commissioner of Education.
 - LEAs will receive notification of approval or denial through the *Ed-Flex Waiver Request* page in ePlan, as well as via email to the LEA Director of Schools and ESEA Director.
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LEA Actions for Step Four

- Await notification from the department of waiver request approval or denial.
 - Do not make any changes to the Title IV budget until official approval is issued.
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Step Five: Title IV, Part A Budget Adjustments

Title IV, Part A Adjustments

LEA Actions for Step Five:

- If the LEA's waiver request is **not** approved, no changes should be made to the Title IV application.
 - However, if the LEA previously transferred \$0.01 into Title IV to access the waiver request page, that amount should be transferred back during the next CFA revision.
- If the LEA's waiver request is approved, the next step is to revise the Title IV section of the CFA.
 - Budget revisions must align with the intent described in the waiver request and must follow all standard program and fiscal requirements.

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Update Other Applicable Pages

- As applicable, LEAs must review and update the following Title IV pages in the CFA:
 - Budget
 - Program Details
 - Title IV Personnel Details - School-based and Systemwide
 - Title IV - Preschool Personnel Details

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Title IV, Part A Budget Adjustments

- Within the *Budget*:
 - Use the required Title IV budget tags to identify the appropriate focus area for each expenditure.
 - For professional development costs, include sufficient detail to determine allowability, such as the topic, participants, and type of expense (e.g., registration, travel, speakers, stipends).
 - Ensure all budgeted items align with the information provided in the *Program Details* and *Personnel* pages.

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Title IV, Part A Program Detail Adjustments

- Within the *Program Details* page:
 - Fully address all prompts for each focus area where funds are allocated.
 - Narratives must clearly describe all planned activities and purchases.
 - Remove any narrative sections for focus areas where funds are no longer being used.



Equitable Services Adjustments

- Within the *Equitable Services* page(s):
 - Be aware that changes to funding allocations may affect proportionate share amounts for participating private schools.
 - Update equitable services calculations and related pages as needed.
 - If funding changes impact participating private schools, ensure timely consultation occurs and affirmation forms are updated accordingly.
 - Consultation should begin during the LEA's public comment period and continue through budget and program adjustments.
 - Document all consultation efforts.
 - For questions regarding equitable services, contact Michelle.Harless@tn.gov.



Submission & Review

- Once all revisions have been completed, submit the CFA following standard procedures.
- The division of Federal Programs and Oversight (FPO) will review all changes and provide feedback through the Consolidated Checklist in ePlan.
- If the application is returned for revisions, review the feedback provided in the *Checklist* and make the necessary updates before resubmitting.



Step Six: Implement Your Approved Plan



Implement Your Approved Plan

- Once the waiver and associated budget have been approved, the LEA must implement the Title IV program in alignment with the approved *Ed-Flex Waiver Request* and final approved budget.
 - Waiver approval is based on the specific needs, activities, and outcomes described in the *Ed-Flex Waiver Request*, and implementation should reflect what was proposed.
 - LEAs should not make major programmatic or funding shifts without first consulting with the department.
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Step Six Actions

- Implement activities as described in the approved waiver request and budget.
 - Ensure all expenditures remain allowable, supplemental, and aligned to the purposes of Title IV, Part A.
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Ongoing Expectations

- Implementation should be an active and monitored process.
 - LEAs are expected to regularly review progress, make adjustments within the scope of the approved plan, and ensure that the flexibility provided through Ed-Flex is being used to improve program effectiveness and student outcomes.
 - LEAs will also be required to evaluate the effectiveness of the waiver at the end of the year and demonstrate progress toward the outcomes identified in the waiver request, particularly if seeking renewal in a future year.
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Resources

Ed-Flex Office Hours

- The department will host Ed-Flex Office Hours to provide direct support to LEAs during the application window.
 - No new content will be shared in these sessions, but members of FPO will be available to answer questions.
 - [Click to join the Microsoft Teams meeting](#)

Thurs., July 23 1 – 2 p.m. CT / 2 -3 p.m. ET
Fri., July 31 10 – 11 a.m. CT / 11 a.m. – 12 p.m. ET
Mon., Aug. 10 11 – 11:30 a.m. CT / 12 – 12:30 p.m.
Tues., Aug. 18 1 – 1:30 p.m. CT / 2 – 2:30 p.m.
Fri., Aug. 28 10 – 10:30 a.m. CT / 11-11:30 a.m.



Resource Links

- [FY27 Ed-Flex Waiver Request Technical Guide](#)
- [Ed-Flex Public Comment Notice Template](#)
- [Tennessee’s Approved Ed-Flex Application](#)
- [Title IV, Part A Overview Slide Deck](#)
- [Optional Title IV Activity Evaluation Form](#)
- [Title IV, Part A Writing Outcomes and Objectives Guide](#)
- [ESSA Equitable Services Toolkit](#)





Questions?

- Title IV, Part A or Ed-Flex waiver questions: Brinn.Obermiller@tn.gov
- Equitable Services: Michelle.Harless@tn.gov

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