

**State of Maine  
Department of Education**



**Education Flexibility (Ed-Flex) Waiver Program**

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**OVERVIEW**

The Ed-Flex Waiver Program offers Maine school administrative units (SAUs) the opportunity for additional Elementary and Secondary Education Act (ESEA) program flexibility in exchange for additional accountability. For any SAU seeking to renew an expired waiver previously granted by Maine Department of Education (DOE), the SAU **must** provide evidence to demonstrate that the evaluation criteria and goals as described in the previous waiver request have been met. To do so, please attach additional page(s) to this request, as necessary. Please note that this additional step is **not** applicable to SAUs that did not have an approved waiver in the prior fiscal year.

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**WAIVERS NOT AUTHORIZED**

Some federal requirements do not fall under the authority of the Ed-Flex Program and therefore cannot be waived. Examples of such requirements include:

- Standards, assessments, and accountability requirements under section 1111 of the Elementary and Secondary Education Act (ESEA) of 1965;
- Maintenance of effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement;
- Distribution of funds to states or to local educational agencies;
- Applicable civil rights requirements;
- Serving eligible school attendance areas in rank order under section 1113(a)(3) of the ESEA; and
- Use of federal funds to supplement, not supplant, non-federal funds.

SAUs must continue to comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and the Equal Educational Opportunities Act of 1974.

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**ACCOUNTABILITY**

Ed-Flex law requires the Maine DOE to monitor the progress of SAUs receiving waivers and annually report on such progress to the U.S. Department of Education. State assessment scores, accountability and identification status, and other sources of evidence determined by the SAU will be used for this purpose. All SAUs receiving a waiver(s) will be required to complete and submit an annual evaluation of the impact of the waiver(s) on instructional services and academic achievement as part of the annual ESEA Performance Report.

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**INSTRUCTIONS**

Complete the form that follows and obtain all required signatures before officially submitting your request to the Maine DOE for review. All waiver request submissions must also include documented evidence of the SAU's completed public comment process as well as a list of any comments received. Ed-Flex Waiver applications and supporting documentation are to be uploaded to the ESEA Consolidated Application in Grants4ME for review by Maine DOE. In order to be eligible for approval of an Ed-Flex Waiver, the SAU's ESEA Consolidated Application must be submitted on time (i.e. by August 1<sup>st</sup>) and include a Pre-Award Cost Request for any ESEA funding the SAU may need access between July 1<sup>st</sup> and the SAU's anticipated substantial approval date. Please note that SAUs who submit the ESEA Consolidated Application late will **not** be eligible for Ed-Flex waiver(s) or pre-award costs for the current fiscal year.





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	<b>V. STATEMENT OF IMPACT</b>	
<p>Describe how the SAU's overall student population as well as any specific subgroups of students will be affected by the requested waiver(s). Specify how the SAU will ensure students who are most at risk benefit from the requested waiver(s).</p>		

	<b>VI. EVALUATION</b>	
<p>Summarize how the SAU will monitor and assess the effectiveness of the requested waiver(s) on educational reforms impacting student learning and achievement. Be sure to specify the specific goals and indicators that will be used to measure student progress. <i>(Note: SAUs with approved Ed-Flex Waivers must report on the information provided here as part of their annual ESEA Performance Report submission)</i></p>		

	<b>VII. PUBLIC COMMENT</b>			
<p>In applying for the requested waiver(s), the SAU must: (a) provide the public with adequate notice of the proposed waiver, including a description of any improved student performance that is expected to result from the waiver, in a widely read or distributed medium; (b) provide the opportunity for parents, educators, and all other interested members of the community to comment on the proposed waiver; (c) provide the opportunity for the comments to be reviewed by any member of the public; and (d) submit copies of the comments received with its Ed-Flex Waiver Application. <u>Using the checkboxes below, specify the medium(s) the SAU used to publicize this proposed waiver and receive comments. Please also describe how the SAU has met the requirements for public notice and attach evidence of the public comments received to this application.</u></p>				
<table style="width:100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> School board meeting   <input type="checkbox"/> SAU/school newsletter/press release   <input type="checkbox"/> Social media         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> SAU/school website   <input type="checkbox"/> Newspaper   <input type="checkbox"/> Other: _____         </td> </tr> </table>			<input type="checkbox"/> School board meeting  <input type="checkbox"/> SAU/school newsletter/press release  <input type="checkbox"/> Social media	<input type="checkbox"/> SAU/school website  <input type="checkbox"/> Newspaper  <input type="checkbox"/> Other: _____
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	<b>VIII. ASSURANCES</b>	
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In seeking this waiver, the SAU hereby provides the Maine DOE with the following assurances:

- This waiver request aligns with the [Maine DOE's ESSA State Plan](#).
- This waiver request aligns with the SAU's Comprehensive Needs Assessment and any applicable Schoolwide Plans.
- This waiver request was presented to and approved by the SAU's school board.
- The SAU has attached the required supporting documentation demonstrating the process used and public comment(s) received in response to its public notice of this waiver request.
- The SAU will complete required annual reporting within the ESEA Performance Report clearly articulating the measurable impact this waiver had on school and student performance.
- The SAU hereby understands and agrees that if the evaluation criteria and goals established under this waiver request are not met by the end of the period for which such waiver request is approved, the SAU will not be eligible to reapply for the same waiver under the Maine DOE's Ed-Flex waiver authority.

	<b>IX. CERTIFICATION</b>	
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In providing my signature below, I hereby certify that:

- The information contained within this application is complete and accurate to the best of my knowledge.
- The SAU named above will operate in compliance with all other applicable state and federal statutes, rules, and regulations not subject to this waiver.
- I have been authorized by the SAU named above to provide the assurances in section VIII and submit this Ed-Flex Waiver Application in its behalf.

<b>Superintendent Name</b> <i>(Please Print)</i>	<b>Superintendent Signature</b>	<b>Date</b>
<b>School Board President Name</b> <i>(Please Print)</i>	<b>School Board President Signature</b>	<b>Date</b>