



## Ed-Flex Authority

Ed-Flex (Educational Flexibility) Waiver is a program authorized by the U.S. Department of Education (ED) that allows state educational agencies (SEAs) to waive specific federal education requirements for school districts. It empowers states to manage federal funds—such as Titles I, II, and IV—more flexibly to support local school districts and schools to design and implement programs in ways that best meet the needs of their students and improve student achievement. The Ed-Flex authority has been authorized since 1994.

Currently, [12 states hold this authority](#). Iowa, Colorado, Delaware, Georgia, Indiana, Massachusetts, North Carolina, Pennsylvania, Texas, Vermont, Wisconsin and Kansas. As of school year 2023-24, approximately 550 waivers have been granted by States to LEAs under the States’ Ed-Flex authority, demonstrating how often a State utilizes its Ed-Flex authority.

### Ed-Flex Current Authority for SEAs

<b>Which federal programs are covered by Ed-Flex authority?</b>	Ed-Flex authority applies to certain requirements within several state-administered formula grant programs, including Title I Parts A, C, and D; Title II Part A; Title IV Part A; and the Carl D. Perkins Career and Technical Education Act.
<b>Which requirements cannot be waived under Ed-Flex?</b>	Certain requirements cannot be waived, including those related to standards, assessments, accountability, maintenance of effort, comparability of services, equitable participation of private school students and staff, parental participation, distribution of funds, and using federal funds to supplement rather than supplant non-federal funds. Health, safety, and civil rights requirements also cannot be waived. ED cannot waive the requirements of the Individuals with Disabilities Education Act under the Ed-Flex authority.

**Montana Ed-Flex Waiver Application: Submitted March 6, 2026**

Click here for the [Montana Ed-Flex Waiver Application](#)

**Duration:** 5 years - July 1, 2026 to June 30, 2031

With this flexibility, the OPI can provide **district level waivers** for select Federal statutory requirements or regulations upon prior approval by ED to do so. For more information, see the Department Ed-Flex [guide](#) here. **If the Montana OPI is approved to offer Ed-Flex Waivers for school districts in Montana, the following Local Education Agency (LEA) waivers will be available for application.** A draft of the [district application can be found here](#).

**Title I, Part A** (Basic Programs Operated by LEAs, other than section 1111)

- Waive the carryover requirement
- Waive the schoolwide program eligibility requirement
- Individual programmatic waiver: Specify the provision to be waived: Section \_\_\_\_\_

**Title I, Part C** (Education of Migratory Children)

- Individual programmatic waiver: Specify the provision to be waived: P.L.114-95, Section \_\_\_\_\_

**Title I, Part D** (Prevention/Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk)

- Individual programmatic waiver: Specify the provision to be waived: P.L.114-95, Section \_\_\_\_\_

**Title II, Part A** (Supporting Effective Instruction)

**Examples of Ed-Flex Waiver Use:**

<b>What does the Title I, Part A waiver for the schoolwide program eligibility requirement allow?</b>	A waiver of the threshold for eligibility to Implement Title I, Part A, Schoolwide Programs [ESSA, Section 9207] allows any school eligible to receive Title I, Part A, funds to implement a Title I, Part A, schoolwide program regardless of the percentage of students from low-income families.
<b>What does the Title I, Part A waiver for the carry over requirement allow?</b>	A waiver of Title I, Part A, 15% roll forward limitation [ESSA, Section 9207] can be increased to 100% carry over authority. A LEA that receives a significant increase in final allocations may apply for/utilize this Ed-Flex waiver if the LEA has already utilized a Title I, Part A statutory roll

	<p>forward waiver within the last 3 years. This waiver is valid for one year and may be renewed.</p>
<p><b>What does the Title IV, Part A waiver provide for a district?</b></p>	<p>A waiver for flexibility in focus area funding distribution when a Title IV, Part A allocation is greater than \$30,000, could enhance and increase funding of activities to address student wellness, improve student attendance, and improve MTSS processes. For example, an LEA could purchase software and programs related to assessment and interventions to increase student achievement and respond to specific school and student needs.</p>
<p><b>What are individual programmatic waivers?</b></p>	<p>Under the Ed-Flex program, an Individual programmatic waiver allows a LEA or school to request flexibility from certain federal education requirements, such as those in Title I, to better meet student needs and implement reforms, rather than adhering strictly to the law's standard application. These waivers address barriers to student achievement and can be granted for 1 to 3 years, providing tailored solutions for unique local challenges</p> <p>An example for a Title I, Part A individual programmatic could be regarding paraprofessional requirements. The flexibility in paraprofessional skills and experiences may allow for a wider staffing pool from which to hire staff to address teacher support and intervention programs. This waiver might enable a district to increase their ability to recruit and retain effective staff, while increasing the number of students supported by paraprofessionals.</p>

**FAQs**

The OPI also prepared a frequently asked questions document, available [here](#).

## Ed-Flex Waiver “Returning Education to the States”

In January 2026, Iowa became the first state to receive a "[Returning Education to the States](#)" waiver, allowing it to combine four federal funding streams into one. Iowa leaders seek to focus more federal resources on improving student achievement rather than federal compliance. Iowa’s waiver flexibility will reduce compliance costs, allowing nearly \$8 million to be redirected from bureaucratic red tape to the classroom over four years. State education leaders will use the redirected funds and the greater flexibility they afford to expand support for evidence-based literacy training, strengthening their teacher pipeline, and narrowing achievement gaps.

ED approved the following requests:

1. Iowa will receive a waiver to consolidate federal state activities funds through FY 2028, more than \$9 million in federal funds. Iowa already consolidates its federal administrative funds.
2. Iowa will continue to account for the administrative and state activities funds separately.
3. Iowa will receive a waiver of the Title I, Part A carryover limitation for FY 2024 and a waiver of the Title IV, Part A content area spending limitations for FY 2025. In future fiscal years, Iowa will not need this waiver because they can grant it unilaterally through their new Ed-Flex authority.
4. Iowa will receive a waiver to permit its Title I, Part D, Subpart 1 subgrantees to spend more than 30 percent of funds on transition activities for four years. In future fiscal years, Iowa will not need this waiver because they can grant it unilaterally through their new Ed-Flex authority.

ED has also approved Iowa’s application for Ed-Flex authority which allows them to grant districts waivers from certain federal requirements without first having to submit individual waiver requests to the Department.

### **Background:**

When the existing statutory flexibilities for States, districts, and schools are insufficient, Title VIII of the ESEA allows states and tribes to submit requests to the Secretary to waive any statutory or regulatory requirement. These waiver requests are subject to certain restrictions in law and must justify how the waiver will improve student outcomes.

ED sent a [Dear Colleague Letter](#) in July 2025 to state education leaders inviting state education agencies, local educational agencies, schools, and Tribal leaders to improve student academic achievement and maximize the impact of Federal funds by requesting waivers that empower them with the flexibility to better serve students.

## **Montana Ed-Flex Waiver “Returning Education to the States” Consideration**

### **Progress to Date:**

**Over the last two months, the OPI has actively investigated the following areas:**

- Determining how Montana can maximize the impact of federal education funds by gaining more discretion over their use.
- Identifying waivers that would empower Montana with the flexibility needed to focus federal resources on initiatives that drive student success.
- Pinpointing waivers that would eliminate burdensome requirements at the state level.

### **Additionally, the OPI has:**

- Consulted with educational leaders in Iowa to understand their process, including successes and challenges.
- Attended CCSSO sessions to gain a clearer understanding of both Ed-Flex Authority and the "Returning Education to the State" Waivers.
- Developed a logic model to outline potential action steps and their connected outcomes.

**The Overarching Challenge:** Federal requirements have predominantly been designed for more populated states and larger school systems that are well-resourced, presenting a significant impediment to a rural state like Montana. Montana, as a rural state, has limited administrative capacity (staffing and expertise) to complete the federal requirements, high matching fund requirements, and formulas that favor high-population density.

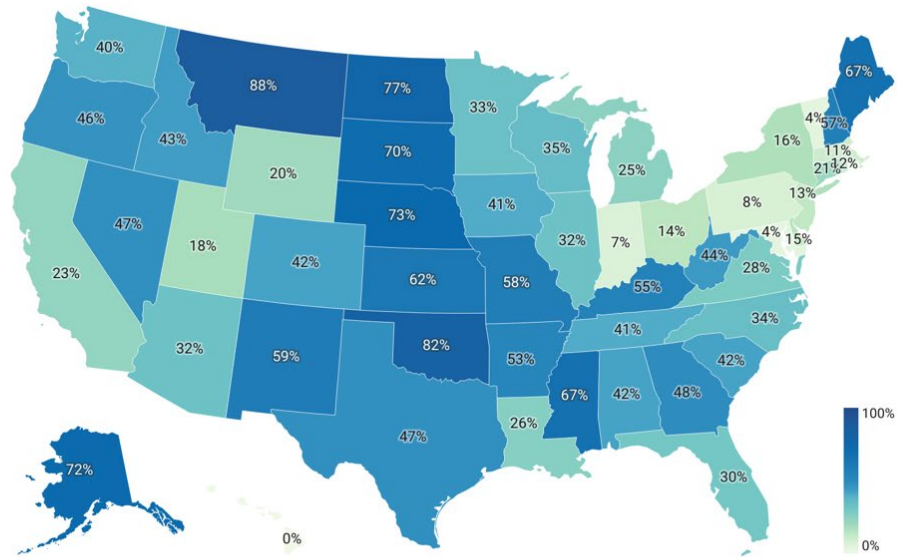
### **The Rural Context:**

**Montana is a profoundly rural state, with 88% of the area classified as rural by federal locality codes (SRSA and RLIS). The administration of Title funds and associated reporting is challenging:**

- 79 of the 298 Montana districts that receive Title funding do not have a designated Principal, with oversight often falling to a County Superintendent of Schools.
- 185 districts enroll 100 students or fewer.

- Individual school budgets rely heavily on federal sources, with an average of 13.7% of funding coming from various federal grants, necessitating extensive compliance and reporting.

## Percent of LEAs Receiving REAP Funds by State – FY 2025



**Possible Solutions:** Consolidating state activities set asides will allow the OPI to better focus staff resources on supporting school improvement initiatives. By streamlining and simplifying the federal funding mechanisms for rural schools, we can achieve an economy of scale, leading to the deployment of more impactful strategies and interventions. A direct benefit for districts will be a reduction in time spent on reporting and compliance due to these simplified funding structures.

### Next Steps:

- Formalize necessary waivers.
- Confer with ED regarding Montana's pursuit of Ed Flex Waivers.
- Solicit public comment.
- Submit the application within the next six months.