DEPARTMENT OF EDUCATION

Education Flexibility Partnership Demonstration Program

AGENCY: Department of Education. **ACTION:** Notice inviting applications under the Education Flexibility Partnership Demonstration Program.

SUMMARY: The Secretary invites applications from State educational agencies (SEAs) under the Education Flexibility Partnership Demonstration program (Ed-Flex program), which is authorized by section 311(e) of the Goals 2000: Educate America Act (Pub. L. 103–227) (the Act). To help foster comprehensive education improvement in a State, the Secretary will grant up to six SEAs with approved Goals 2000 State improvement plans the authority to waive certain Federal statutory or regulatory requirements for the SEA, or for any local educational agency (LEA) or school within the State. SEAs desiring to participate in the Ed-Flex program must submit to the Secretary an application that meets the requirements of Section 311(e) of the Act.

DEADLINE FOR TRANSMITTAL OF

APPLICATIONS: There is no specific deadline for transmittal of applications. However, because the Secretary is authorized to grant Ed-Flex status to only a limited number of States, SEAs are encouraged to submit their Ed-Flex applications as soon as possible. The Secretary will review applications as they are received in accordance with the criteria set forth in the Act.

ADDRESSES: Applications should be sent to Richard W. Riley, Secretary, U.S. Department of Education, Education Flexibility Partnership Demonstration Program, 600 Independence Avenue, S.W., Room 6300, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Fagan, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Building, Room 4000, Washington, D.C. 20202–2110. Telephone: (202) 401–0039.

SUPPLEMENTARY INFORMATION: The Ed-Flex program is an educational flexibility demonstration program under which the Secretary may grant up to six SEAs the authority to waive certain Federal statutory or regulatory requirements applicable to one or more of the following programs or Acts:

- (1) Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—Helping Disadvantaged Children Meet High Standards.
- (2) Title II of the ESEA—Eisenhower Professional Development.

- (3) Title IV of the ESEA—Safe and Drug-Free Schools and Communities.
- (4) Title VI of the ESEA—Innovative Education Program Strategies.
- (5) Part C of Title VII of the ESEA— Emergency Immigrant Education.

(6) the Čarl D. Perkins Vocational and Applied Technology Education Act.¹ The waiver authority is intended to

The waiver authority is intended to assist SEAs and affected LEAs and schools in implementing State and local school improvement plans designed to help all children reach challenging academic standards.

To be eligible to apply under the Ed-Flex program, an SEA must serve an "eligible State." Section 311(e)(3) of the Act defines an "eligible State" as one that: (1) Has developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waives State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students.

The Secretary will select for participation in the Ed-Flex program three States with a population of 3,500,000 or greater, and three States with a population of less than 3,500,000, as determined by the 1990 decennial census. For the purpose of this program, section 3(a)(14) of the Act defines "State" to include the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Application Requirements and Criteria

I. When May an SEA Submit Its Ed-Flex Application?

An SEA serving an "eligible State" may submit its application at any time. The Secretary is prepared to review Ed-Flex applications as soon as they are received and to grant Ed-Flex waiver authority to an SEA whose application demonstrates a substantial promise of assisting the SEA and affected LEAs and schools in the State in carrying out comprehensive education reform and otherwise meeting the purposes of the Goals 2000: Educate America Act. An

SEA that serves an "eligible State" and desires to participate in the program is encouraged to submit its Ed-Flex application as soon as possible because only six applicants may receive the Secretary's delegated waiver authority.

II. What Information Should Be Included in an SEA's Ed-Flex Application?

To be considered for participation in the Ed-Flex program, an SEA must serve an "eligible State" and submit to the Secretary an application demonstrating that the State has adopted an educational flexibility (Ed-Flex) plan that meets the requirements of section 311(e)(4) of the Act. Specifically, the Ed-Flex plan must: (1) Describe the process the SEA will use to evaluate applications from LEAs or schools requesting waivers of Federal statutory or regulatory requirements for covered programs, as well as State statutory or regulatory requirements relating to education; and (2) describe in detail the State statutory and regulatory requirements relating to education that the SEA will waive. An applicant must have the legal authority to grant waivers of the State requirements that it proposes to waive and agree to grant these waivers when it is appropriate to do so.

The Ed-Flex waiver authority is designed to facilitate a State's systemic reform efforts by giving the SEA the authority to waive certain Federal requirements that impede the ability of the SEA, or any LEA or school within the State, from carrying out State or local improvement plans developed under Title III of Goals 2000. Therefore, the Ed-Flex plan should be integrated with the State's improvement plan under Goals 2000. When developing its Ed-Flex plan, an SEA is encouraged to consult with the State panel that developed the State's Goals 2000 State improvement plan. An SEA that obtains approval of a pre-existing plan under section 306(q) of the Act is encouraged to consult with those responsible for developing the pre-existing plan.

III. What Criteria Will Be Used by the Secretary To Evaluate Ed-Flex Applications?

In accordance with section 311(e)(4)(B) of the Act, the Secretary will approve an Ed-Flex application only if he determines that the application demonstrates substantial promise of assisting the SEA and affected LEAs and schools within the State in carrying out comprehensive reform and meeting the purposes of the Act. Section 311(e)(4)(B) also provides that the Secretary will consider the

¹The recently enacted Improving America's Schools Act of 1994 (P.L. 103–382) contains conforming amendments that were intended to replace the program references in the Goals 2000 legislation with the appropriate references in the reauthorized ESEA. However, in a technical drafting error, certain provisions of the ESEA bill were reorganized after the conforming amendments were drafted, without corresponding changes to the conforming amendments. The references above refer to the programs for which Congress intended waivers to be authorized.