

U.S. DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
WASHINGTON, D.C. 20202

**APPLICATION FOR PARTICIPATION
IN THE
LOCAL FLEXIBILITY
DEMONSTRATION PROGRAM
(Local-Flex)**

FORM APPROVED
OMB No. 1810-0655, EXP. DATE 1/31/2006



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**SECTION
A**

**DEAR COLLEAGUE
LETTER**



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

Dear Colleague:

Thank you for your interest in the Local Flexibility Demonstration program (Local-Flex), which is authorized under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001. This groundbreaking program provides participating local educational agencies (LEAs) with unprecedented flexibility to consolidate certain Federal education funds and to use those funds for any educational purpose under the ESEA in order to meet the State's definition of adequate yearly progress and attain specific measurable goals for improving student achievement and narrowing achievement gaps.

The enclosed application package contains the information that you will need to prepare and submit a Local-Flex proposal. There is no specific deadline for submitting applications under this program. Applications will be reviewed on a rolling basis as they are received, until the Secretary enters into Local-Flex agreements with 80 LEAs, the maximum number authorized under the legislation.

For further information on this program, please visit our website at <http://www.ed.gov/programs/localflex/index.html> or send an e-mail to Ms. Jill Staton of my staff at LocalFlex@ed.gov.

We look forward to receiving your application, and appreciate your efforts to improve student achievement in your district.

Sincerely,

/s/
Raymond Simon

Enclosures

SECTION B

HOW TO USE THIS APPLICATION PACKAGE

HOW TO USE THIS APPLICATION PACKAGE

This application package contains documents, information and tools to assist you in preparing and submitting your Local-Flex application.

In preparing your application, you should use Sections C and D together.

Section C contains official documents you must review before preparing your Local-Flex application.

- The Notice Inviting Applications announces that the Department is seeking applications under this program.
- The Program Statute (Title VI, Part A, subpart 3 of the No Child Left Behind Act of 2001) has been reprinted here for your convenience.
- The General Equitable Participation Guidance contains information concerning the provision of equitable services to private school students and staff.

In Section D, Preparing an Application, you will find the following:

- An Introduction to the Local-Flex Program, which explains the purpose of this program and who is eligible to apply.
- The Application Requirements you must follow in completing your application.
- The Selection Criteria that will be used by reviewers to judge your application. Your Local-Flex application should address the selection criteria as well as the application requirements.
- Guidelines for preparing your proposed Local-Flex agreement, providing some general advice for preparing your application.
- A Chart to serve as a key to understanding the Local-Flex requirements. It pairs selection criteria and related application requirements, and provides a plain language checklist to assist you in determining if you have included the information that addresses a selection criterion and its associated application requirement in your narrative.
- The Local-Flex Application Cover Page, Local-Flex Budget Page and the Local-Flex Assurances forms that must be filled out, signed by the authorized official and submitted as part of your application. Your complete Local-Flex application will consist of these three items (the cover page, the budget page and the assurances) plus your narrative.

Section E contains Application Transmittal Instructions for submitting your Local-Flex application, as well as an Application Checklist to help you ensure you submit a complete application.

Section F contains an explanation of the procedures the Department will use for selecting the applicants that will enter into an agreement with the Secretary (Procedures for Selecting Local-Flex Agreements).

Section G discusses the Estimated Public Reporting Burden for this application.

**SECTION
C**

***FEDERAL REGISTER*
NOTICE,
PROGRAM STATUTE,
AND
EQUITABLE
PARTICIPATION
GUIDANCE**

4000-01-U

DEPARTMENT OF EDUCATION

State Flexibility Demonstration Program and Local
Flexibility Demonstration Program

AGENCY: Office of Elementary and Secondary Education,
Department of Education

ACTION: Notice Inviting Applications

PURPOSES OF THE PROGRAMS: To give selected State
educational agencies (SEAs) and local educational agencies
(LEAs) greater flexibility in the use of Federal funds to
(1) improve and be accountable for the academic achievement
of all students, especially disadvantaged students; (2)
improve teacher quality and subject-matter mastery,
especially in mathematics, reading, and science; (3) better
empower parents, educators, administrators, and schools to
address effectively the needs of their children and
students; and (4) narrow achievement gaps between the
lowest- and highest- achieving groups of students so that
no child is left behind.

ELIGIBLE APPLICANTS: SEAs (for the State Flexibility
Demonstration program (State-Flex)) and LEAs (for the Local
Flexibility Demonstration program (Local-Flex)), subject to
the following conditions:

(1) If an LEA has entered into a Local-Flex agreement with the Secretary, its SEA may subsequently seek State-Flex authority only if the LEA's Local-Flex agreement is incorporated as one of the proposed performance agreements in the SEA's State-Flex proposal. At this time, the Seattle School District is the only LEA that has entered into a Local-Flex agreement.

(2) If an SEA has received State-Flex authority from the Secretary, its LEAs may not apply to the Department for Local-Flex. Rather, in these States, four to ten LEAs (at least half of which must be high-poverty LEAs) enter into a local performance agreements directly with their SEA.

(3) SEAs in Hawaii, Puerto Rico, and the Outlying Areas (as defined in Section 9101(30) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7801(30)) are not eligible to apply for State-Flex because they do not have the minimum number of LEAs required for State-Flex authority. By statute, the District of Columbia, Hawaii, Puerto Rico, and the Outlying Areas are also not eligible to apply as LEAs for Local-Flex.

NUMBER OF STATE-FLEX AND LOCAL-FLEX APPLICATIONS THAT THE DEPARTMENT MAY APPROVE: The Secretary may grant State-Flex

authority to up to seven SEAs. Seven grants of authority remain available.

The Secretary may enter into Local-Flex agreements with up to eighty LEAs, but no more than three LEAs in a given State.

The Department is conducting the State-Flex and Local-Flex competitions simultaneously to enable both SEAs and LEAs to take advantage of these flexibility programs at the earliest possible date. Before applying for Local-Flex, an LEA should contact its SEA to determine whether the State will seek State-Flex authority. If the SEA intends to apply for State-Flex, the SEA and LEA should consider including the proposed local performance agreement as part of the State-Flex application. Similarly, an SEA should notify all of its LEAs if it intends to apply for State-Flex so that it may coordinate with those LEAs that are interested in seeking additional flexibility.

APPLICATIONS AVAILABLE: March 18, 2004.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: There is no specific application deadline. Applications will be reviewed on a rolling basis as they are received until the maximum number of State-Flex and Local-Flex proposals authorized by the statute have been approved. We anticipate that we will complete the review of an

application within 60 days of its receipt by the Department.

SUPPLEMENTARY INFORMATION: Sections 6141 through 6144 of the ESEA (20 U.S.C. 7315-7315c) allow the Secretary to grant State-Flex authority, on a competitive basis, to up to seven SEAs. The Secretary will select the State-Flex States on the basis of the selection criteria in the State-Flex application package.

Under State-Flex, an SEA receives the authority to consolidate certain Federal education funds that are provided for State-level activities and State administration and use those funds for any educational purpose authorized under the ESEA in order to meet its State's definition of adequate yearly progress (AYP) and advance the education priorities of the State and its LEAs. A State-Flex State may also specify how its LEAs will use funds received under Part A of Title V (State Grants for Innovative Programs) of the ESEA. In addition, an SEA with State-Flex authority enters into local performance agreements with four to ten of its LEAs (at least half of which must be high-poverty LEAs), giving those LEAs the flexibility to consolidate certain Federal education funds for any educational purpose permitted under the ESEA in order to meet the State's definition of AYP and specific,

measurable goals for improving student achievement and narrowing achievement gaps.

Sections 6151 through 6156 of the ESEA (20 U.S.C. 7321-7321e) authorize the Secretary to enter into Local-Flex agreements with up to eighty LEAs. These agreements, like the local performance agreements under State-Flex, give the LEAs the authority to consolidate certain Federal education funds and to use those funds for any purpose under the ESEA in order to assist the LEAs in meeting the State's definition of AYP and specific, measurable goals for improving student achievement and narrowing achievement gaps. The Secretary will select the remaining Local-Flex LEAs on the basis of the selection criteria in the Local-Flex application package.

COMPETITIVE PREFERENCE IN FUTURE GRANT COMPETITIONS:

Because State-Flex and Local-Flex participants have undergone comprehensive planning to improve teacher quality and the academic achievement of all students, especially disadvantaged students, and are held to a higher degree of accountability, the Secretary intends to give them a competitive preference in future grant competitions for Federal education funding in which SEAs and LEAs are eligible applicants, to the extent that the competitive preference would further the intent and purposes of the

respective grant programs. Where appropriate, the Secretary plans to establish the competitive preferences in the individual program notices announcing future competitions.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Staton, US Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Rm. 3E213, Washington, D.C. 20202-6400. Telephone: (202) 401-0039 or via Internet:

LocalFlex@ed.gov

StateFlex@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed above.

APPLICATIONS: You may obtain a copy of the application package on the Department's web site at:

<http://www.ed.gov/news/fedregister/announce/index.html>

<http://www.ed.gov/fund/grant/apply/grantapps/index.html>

You may also obtain a copy of the application from the contact person identified under FOR FURTHER INFORMATION

CONTACT. Instructions for submitting applications are included in the application package.

Electronic Access to this Document: You may view this document, as well as other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/news/fedregister

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll-free, at 1-888-293-6498; or in the Washington DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official version of the Federal Register and the Code of Federal Regulations is available on GPO access at:

www.gpoaccess.gov/nara/index.html

PROGRAM AUTHORITY: 20 U.S.C. 7315-7315c for State-Flex, and 20 U.S.C. 7321-7321e for Local-Flex.

Dated:

____/s/_____

Raymond Simon,

Assistant Secretary for

Elementary and Secondary

Education.

PROGRAM STATUTE

TITLE VI, PART A

Subpart 3—State and Local Flexibility Demonstration

SEC. 6131. SHORT TITLE.

This subpart may be cited as the ‘State and Local Flexibility Demonstration Act’.

SEC. 6132. PURPOSE.

The purpose of this subpart is to create options for selected State educational agencies and local educational agencies—

- (1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;
- (2) to improve teacher quality and subject matter mastery, especially in mathematics, reading, and science;
- (3) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;
- (4) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students’ academic achievement and implement education reforms in their schools;
- (5) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of opportunity for all students and accountability for student progress;
- (6) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and
- (7) to narrow achievement gaps between the lowest and highest achieving groups of students so that no child is left behind.

SEC. 6133. GENERAL PROVISION.

For purposes of this subpart, any State that is one local educational agency shall be considered a State educational agency and not a local educational agency.

CHAPTER B—LOCAL FLEXIBILITY DEMONSTRATION

SEC. 6151. LOCAL FLEXIBILITY DEMONSTRATION AGREEMENTS.

(a) AUTHORITY. —Except as otherwise provided in this chapter, the Secretary shall, on a competitive basis, enter into local flexibility demonstration agreements—

- (1) with local educational agencies that submit approvable proposed agreements under subsection (c) and that are selected under subsection (b); and
- (2) under which those agencies may consolidate and use funds in accordance with section 6152.

(b) SELECTION OF LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall enter into local flexibility demonstration agreements under this chapter with not more than 80 local educational agencies. Each local educational agency shall be selected on a competitive basis from among those local educational agencies that—

(A) submit a proposed local flexibility demonstration agreement under subsection (c) to the Secretary and demonstrate, to the satisfaction of the Secretary, that the agreement—

(i) has a substantial promise of assisting the local educational agency in meeting the State's definition of adequate yearly progress, advancing the education priorities of the local educational agency, meeting the general purposes of the programs included under this chapter and the purposes of this part, improving student achievement, and narrowing achievement gaps in accordance with section 1111(b);

(ii) meets the requirements of this chapter; and

(iii) contains a plan to consolidate and use funds in accordance with section 6152 in order to meet the State's definition of adequate yearly progress and the local educational agency's specific, measurable goals for improving student achievement and narrowing achievement gaps; and

(B) have consulted and involved parents and other educators in the development of the proposed local flexibility demonstration agreement.

(2) GEOGRAPHIC DISTRIBUTION.—

(A) INITIAL AGREEMENTS.—The Secretary may enter into not more than three local flexibility demonstration agreements under this chapter with local educational agencies in each State that does not have a grant of flexibility authority under chapter A.

(B) URBAN AND RURAL AREAS.—If more than three local educational agencies in a State submit approvable local flexibility demonstration agreements under this chapter, the Secretary shall select local educational agencies with which to enter into such agreements in a manner that ensures an equitable distribution among such agencies serving urban and rural areas.

(C) PRIORITY OF STATES TO ENTER INTO STATE FLEXIBILITY DEMONSTRATION AGREEMENTS.—Notwithstanding any other provision of this part, a local educational agency may not seek to enter into a local flexibility demonstration agreement under this chapter if that agency is located in a State for which the State educational agency—

(i) has, not later than 4 months after the date of enactment of the No Child Left Behind Act of 2001, notified the Secretary of its intent to apply for a grant of flexibility authority under chapter A and, within such period of time as the Secretary may establish, is provided with such authority by the Secretary; or

(ii) has, at any time after such period, been granted flexibility authority under chapter A.

(c) REQUIRED TERMS OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Each local flexibility demonstration agreement entered into with the Secretary under this chapter shall contain each of the following terms:

(1) DURATION.—The local flexibility demonstration agreement shall be for a term of 5 years.

(2) APPLICATION OF PROGRAM REQUIREMENTS.—The local flexibility demonstration agreement shall provide that no requirements of any program described in section 6152 and included by a local educational agency in the

scope of its agreement shall apply to that agency, except as otherwise provided in this chapter.

(3) LIST OF PROGRAMS.—The local flexibility demonstration agreement shall list which of the programs described in section 6152 are included in the scope of the agreement.

(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—

The local flexibility demonstration agreement shall contain a 5-year plan describing how the local educational agency intends to consolidate and use the funds from programs included in the scope of the agreement for any educational purpose authorized under this Act to advance the education priorities of the local educational agency, meet the general purposes of the included programs, improve student achievement, and narrow achievement gaps in accordance with section 1111(b).

(5) LOCAL INPUT.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will provide parents, teachers, and representatives of schools with notice and an opportunity to comment on the proposed terms of the local flexibility demonstration agreement.

(6) FISCAL RESPONSIBILITIES.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the agreement.

(7) CIVIL RIGHTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using the funds under the agreement.

(8) PRIVATE SCHOOL PARTICIPATION.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency agrees that in consolidating and using funds under the agreement—

(A) the local educational agency, will provide for the equitable participation of students and professional staff in private schools consistent with section 9501; and

(B) that sections 9502, 9503, and 9504 shall apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.

(9) SUPPLANTING.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency will, for the duration of the grant of authority, use funds consolidated under section 6152 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.

(10) ANNUAL REPORTS.—The local flexibility demonstration agreement shall contain an assurance that the local educational agency shall, not later than 1 year after the date on which the Secretary enters into the agreement, and annually thereafter during the term of the agreement, disseminate widely to parents and the general public, transmit to the Secretary, and the State educational agency for the State in which the local educational agency is located,

distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how the local educational agency used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.

(d) PEER REVIEW.—The Secretary shall—

(1) establish a peer review process to assist in the review of proposed local flexibility demonstration agreements under this chapter; and

(2) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.

(e) AMENDMENT TO PERFORMANCE AGREEMENT.—

(1) IN GENERAL.—In each of the following circumstances, the Secretary shall amend a local flexibility demonstration agreement entered into with a local educational agency under this chapter:

(A) REDUCTION IN SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into a local flexibility demonstration agreement, the local educational agency seeks to amend the agreement to remove from the scope any program described in section 6152.

(B) EXPANSION OF SCOPE OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.—Not later than 1 year after entering into the local flexibility demonstration agreement, a local educational agency seeks to amend the agreement to include in its scope any additional program described in section 6251 or any additional achievement indicators for which the local educational agency will be held accountable.

(2) APPROVAL AND DISAPPROVAL.—

(A) DEEMED APPROVAL.—A proposed amendment to a local flexibility demonstration agreement pursuant to paragraph (1) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the proposed amendment, that the proposed amendment is not in compliance with this chapter.

(B) DISAPPROVAL.—The Secretary shall not finally disapprove the proposed amendment, except after giving the local educational agency notice and an opportunity for a hearing.

(C) NOTIFICATION.—If the Secretary finds that the proposed amendment is not in compliance, in whole or in part, with this chapter, the Secretary shall—

(i) give the local educational agency notice and an opportunity for a hearing; and
(ii) notify the local educational agency of the finding of noncompliance and, in such notification, shall—

(I) cite the specific provisions in the proposed amendment that are not in compliance; and

(II) request additional information, only as to the noncompliant provisions, needed to make the proposed amendment compliant.

(D) RESPONSE.—If the local educational agency responds to the Secretary’s notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the proposed amendment with the requested information described in subparagraph (C)(ii)(II), the Secretary shall approve or disapprove such proposed amendment prior to the later of—

(i) the expiration of the 45-day period beginning on the date on which the proposed amendment is resubmitted; or

(ii) the expiration of the 120-day period described in subparagraph (A).

(E) FAILURE TO RESPOND.—If the local educational agency does not respond to the Secretary’s notification described in subparagraph (C)(ii) during the 45-day period beginning on the date on which the agency received the notification, such proposed amendment shall be deemed to be disapproved.

(3) TREATMENT OF PROGRAM FUNDS WITHDRAWN FROM

AGREEMENT.—Beginning on the effective date of an amendment executed under paragraph (1)(A), each program requirement of each program removed from the scope of a local flexibility demonstration agreement shall apply to the use of funds made available under the program by the local educational agency.

SEC. 6152. CONSOLIDATION AND USE OF FUNDS.

(a) IN GENERAL.—

(1) AUTHORITY.—Under a local flexibility demonstration agreement entered into under this chapter, a local educational agency may consolidate Federal funds made available to the agency under the provisions listed in subsection (b) and use such funds for any educational purpose permitted under this Act.

(2) PROGRAM REQUIREMENTS.—Except as otherwise provided in this chapter, a local educational agency may use funds under paragraph (1) notwithstanding the program requirements of the program under which the funds were made available to the agency.

(b) ELIGIBLE PROGRAMS.—Program funds made available to local educational agencies on the basis of a formula under the following provisions may be consolidated and used under subsection (a):

(1) Subpart 2 of part A of title II.

(2) Subpart 1 of part D of title II.

(3) Subpart 1 of part A of title IV.

(4) Subpart 1 of part A of title V.

SEC. 6153. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.

Each local educational agency that has entered into a local flexibility demonstration agreement with the Secretary under this chapter may use for administrative purposes not more than 4 percent of the total amount of funds allocated to the agency under the programs included in the scope of the agreement.

SEC. 6154. PERFORMANCE REVIEW AND PENALTIES.

(a) MIDTERM REVIEW.—

(1) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, during the term of a local flexibility demonstration agreement, a local educational agency fails to

make adequate yearly progress for 2 consecutive years, the Secretary shall, after notice and opportunity for a hearing, promptly terminate the agreement.

(2) **NONCOMPLIANCE.**—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided for in paragraph (3)), terminate a local flexibility demonstration agreement under this chapter if there is evidence that the local educational agency has failed to comply with the terms of the agreement.

(3) **EVIDENCE.**—If a local educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the local educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

(b) **FINAL REVIEW.**—If, at the end of the 5-year term of a local flexibility demonstration agreement entered into under this chapter, the local educational agency has not met the requirements described in section 6151(c), the Secretary may not renew the agreement under section 6155 and, beginning on the date on which such term ends, the local educational agency shall be required to comply with each of the program requirements in effect on such date for each program included in the local flexibility demonstration agreement.

SEC. 6155. RENEWAL OF LOCAL FLEXIBILITY DEMONSTRATION AGREEMENT.

(a) **IN GENERAL.**—Except as provided in section 6154 and in accordance with this section, the Secretary shall renew for one additional 5-year term a local flexibility demonstration agreement entered into under this chapter if the local educational agency has met, by the end of the original term of the agreement, the requirements described in section 6151(c).

(b) **NOTIFICATION.**—The Secretary may not renew a local flexibility demonstration agreement under this chapter unless, not less than 6 months before the end of the original term of the agreement, the local educational agency seeking the renewal notifies the Secretary of its intention to renew.

(c) **EFFECTIVE DATE.**—A renewal under this section shall be effective at the end of the original term of the agreement or on the date on which the local educational agency seeking renewal provides to the Secretary all data required under the agreement, whichever is later.

SEC. 6156. REPORTS.

(a) **TRANSMITTAL TO CONGRESS.**—Not later than 60 days after the Secretary receives a report described in section 6151(b)(10), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) **LIMITATION.**—A State in which a local educational agency that has a local flexibility demonstration agreement is located may not require such local educational agency to provide any application information with respect to the programs included within the scope of that agreement other than that information that is required to be included in the report described in section 6151(b)(10).

GENERAL EQUITABLE PARTICIPATION GUIDANCE

Section 6151(c)(8) of the ESEA requires an LEA, in consolidating and using funds under its Local-Flex agreement, to provide for the equitable participation of private school students and staff consistent with section 9501 of the ESEA. Sections 9502, 9503, and 9504 apply to all services and assistance provided with the consolidated funds.

To meet this requirement, an LEA must first determine the amount of funds that are generated by private school students under the programs that the LEA plans to consolidate. (See the special provision in section 9501(b)(3) regarding Part A of Title II.) The LEA must reserve these funds for the benefit of private school students and teachers. Thus, the total amount of funding that is used for the benefit of private school students and teachers is not affected by an LEA's participation in Local-Flex.

An LEA must engage in timely and meaningful consultation with private school officials to determine how these reserved funds should be expended for the benefit of private school students and teachers. These funds may be used for an authorized activity under any ESEA program in which private school students and teachers are eligible to receive benefits, and need not be the same activities or programs for which an LEA uses its consolidated funds for public schools.

SECTION D

PREPARING AN APPLICATION

INTRODUCTION TO THE LOCAL FLEXIBILITY DEMONSTRATION PROGRAM

There is no specific deadline for submitting applications under this program. Applications will be reviewed on a rolling basis as they are received until the Secretary enters into Local-Flex agreements with 80 local educational agencies (LEAs), the maximum number authorized under the law. The Department will continually update its website to show how many LEAs have received Local-Flex authority.

We strongly encourage potential applicants to send a notification of their intent to submit a Local-Flex application to LocalFlex@ed.gov approximately one month before the intended date of submission. The notification of intent to apply for funding is optional and should not include information regarding the application.

Under the Local-Flex program, the Secretary will enter into Local-Flex agreements with LEAs that submit high-quality Local-Flex proposals, giving these LEAs the flexibility to consolidate certain Federal formula grant funds in order to assist them in meeting the State's definition of adequate yearly progress (AYP) and attaining specific, measurable goals for improving student achievement and narrowing achievement gaps. The LEA proposal, if approved, would form the basis of the Local-Flex agreement.

The legislation permits participating LEAs to consolidate formula grant funds under the following programs:

- Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruitment)
- Subpart 1 of Part D of Title II (Ed Tech)
- Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities)
- Subpart 1 of Part A of Title V (Innovative Programs).

The consolidated funds may be used for any authorized ESEA activity, consistent with the purposes of the Local-Flex program and the LEA's Local-Flex agreement. The LEA must still meet the general purposes of the programs included in the consolidation.

The Secretary will select participating LEAs on a competitive basis using a peer review process. Applications will be reviewed based on the selection criteria specified in this application package.

The Secretary may grant Local-Flex to no more than three LEAs in one state. In addition, if an LEA has entered into a Local-Flex agreement with the Secretary,

its SEA may subsequently seek State-Flex authority only if the LEA's Local-Flex agreement is incorporated as one of the proposed performance agreements in the SEA's State-Flex proposal. If an SEA has received State-Flex authority from the Secretary, its LEAs may not apply to the Department for Local-Flex. Rather, in these States, four to ten LEAs (at least half of which must be high-poverty LEAs) enter into a local performance agreements directly with their SEA.

By statute, the District of Columbia, Hawaii, Puerto Rico, and the Outlying Areas are not eligible to apply as LEAs for Local-Flex.

APPLICATION REQUIREMENTS

To be considered for participation in the Local-Flex program, you must submit a five-year Local-Flex proposal that includes the following information:

- (1) A completed cover page. (The cover page form is provided on page D-13 of this application package.)
- (2) A completed Local-Flex Budget Page (provided on page D-14 of this application package.)
- (3) A narrative that addresses the selection criteria (see pages D-6 and D-7) and contains the following information:

(a) Baseline academic data

Your Local-Flex proposal must include student achievement data for the most recent available school year, as well as descriptions of achievement trends. You must provide data for both mathematics and reading or language arts, and you must disaggregate the results by each major racial and ethnic group, by English proficiency status, by disability status, and by status as economically disadvantaged. (These are the categories, among others, by which an LEA must disaggregate data for determining AYP under section 1111(b)(2) of the reauthorized ESEA.)

In addition to submitting baseline achievement data that are disaggregated by the categories noted above, you may also submit baseline achievement data that are further disaggregated by gender and by migrant status, or baseline data on other academic indicators, such as grade-to-grade retention rates, student dropout rates, and percentages of students completing gifted and talented, advanced placement, and college preparatory courses. To the extent possible, the baseline data on other academic indicators should also be disaggregated.

(b) Specific, measurable education goals

Your Local-Flex proposal must contain specific, measurable educational goals, with annual objectives, that you seek to achieve by consolidating and using funds in accordance with the terms of its proposed agreement. The goals must relate to raising student achievement and narrowing achievement gaps relative to the baseline achievement data and other baseline data that are submitted.

(c) Strategies for meeting the goals and the general purposes of the consolidated programs

(i) Strategies for meeting the goals

You must propose a five-year plan that contains specific strategies for reaching your stated goals. In particular, you must describe how you will consolidate and use funds received under Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruitment); Subpart 1 of Part D of Title II (Enhancing Education Through Technology); Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities); and Subpart 1 of Part A of Title V (Innovative Programs).

In your plan, you should also include a five-year general budget outline for the activities that you are proposing to support. The budget outline should show both Federal and other resources that will be used to support these activities, and it should reflect administrative costs. The budget outline should be accompanied by a brief narrative rationale. In addition, your submission must include specific information on the amount of Federal funds that you propose to consolidate under the agreement. See Cover Page in page D-13.

(ii) Description of how you will meet the general purposes of the consolidated programs

You must describe how your Local-Flex proposal meets the general purposes of the programs included in the consolidation. In particular, you must describe how your proposed plan would:

- Improve teacher and principal quality and increase the number of highly qualified teachers in classrooms. (Title II, Part A)
- Improve teaching and student academic achievement through the use of technology in schools. (Title II, Part D)
- Support programs that prevent violence in and around schools, and that prevent the illegal use of alcohol, tobacco, and drugs. (Title IV, Part A)
- Support local education reform efforts that are consistent with and support statewide education reform efforts. (Title V, Part A).

(4) Assurances

You must provide the assurances contained on page D-15 of this application package. (One of these assurances related to compliance with the equitable

participation requirements. Guidance on these requirements is provided in Section C).

SELECTION CRITERIA

The Secretary will use the following criteria to select the LEAs with which he will enter into Local-Flex agreements:

(a) Identification of the Need for the Local-Flex Agreement. (25 points) The Secretary considers the LEA's description and analysis of its need for a Local-Flex agreement.

In determining the quality of the description and analysis, the Secretary considers the following factors:

(i) The extent to which the LEA's baseline achievement data and data on other academic indicators are objective, valid, and reliable, and provide disaggregated results.

(ii) The extent to which the proposal identifies achievement gaps among different groups of students.

(iii) The extent to which the Local-Flex agreement will focus on serving or otherwise addressing the needs of students most at risk of educational failure.

(iv) The extent to which the additional flexibility provided under the Local-Flex agreement would enable the LEA to meet more effectively the State's definition of adequate yearly progress and specific, measurable goals for improving student achievement and narrowing achievement gaps.

(b) Quality of the Educational Goals. (25 points) The Secretary considers the quality of the goals that the LEA sets in its proposed Local-Flex agreement.

In determining the quality of the LEA's goals, the Secretary considers the following factors:

(i) The extent to which the goals in the proposed Local-Flex agreement are clearly specified and measurable.

(ii) The significance of the improvement in student achievement and in narrowing achievement gaps proposed in the agreement.

(iii) The extent to which the goals relate to the needs identified in the LEA's baseline achievement data and data on other academic indicators.

(iv) The extent to which the goals support the intent and purposes of the Local-Flex program.

(c) Quality of the Local-Flex Plan. (35 points) The Secretary considers the quality of the LEA's Local-Flex plan.

In determining the quality of the Local-Flex plan, the Secretary considers the following factors:

(i) The extent to which the LEA will use funds consolidated under the Local-Flex agreement to address the needs identified in the baseline achievement data in order to assist the LEA in achieving its educational goals.

(ii) The extent to which the LEA's Local-Flex plan constitutes a coherent, sustained approach for reaching the LEA's goals, and to which the timelines for implementing strategies in the plan are reasonable.

(iii) The extent to which the LEA will use achievement data and data on other academic indicators to manage the proposed activities and to monitor progress toward reaching its goals on an ongoing basis.

(iv) The extent to which the LEA demonstrates that it will meet the general purposes of the programs that would be consolidated under its Local-Flex agreement;

(v) The extent to which the LEA included parents, especially parents of children most at risk of educational failure, in the development of the Local-Flex proposal.

(d) Adequacy of the Resources. (15 points) The Secretary considers the adequacy of the resources for the proposed Local-Flex agreement.

In considering the adequacy of the resources, the Secretary considers the following factors:

(i) The extent to which the funds that the LEA proposes to consolidate under the Local-Flex agreement are adequate to support the strategies in its Local-Flex plan.

(ii) The extent to which the funds that the LEA proposes to consolidate under the Local-Flex agreement will be integrated with other resources to meet the goals of the proposed agreement.

(iii) The extent to which costs that the LEA will incur under the Local-Flex agreement are reasonable in relationship to the goals that will be achieved under the agreement.

GUIDELINES FOR PREPARING THE PROPOSED AGREEMENT

- Your Local-Flex proposal should address all application requirements and selection criteria. The chart in pages D-9 through D-12 was designed to help you understand how the selection criteria and application requirements are related to each other. The chart also contains a checklist to assist you in determining whether you have addressed key topics. The checklist is only meant to be a guideline, and is not exhaustive. You might need to discuss additional relevant items that may be useful in judging the quality of the proposed agreement; some checklist items may not be pertinent to your particular proposed agreement. *We recommend that you organize information around the Project Selection Criteria.*
- Coherence is very important. The selection criteria reflect the expectation that the proposed student achievement goals for the agreement be based on the need(s) demonstrated through the baseline data, and that the 5-year plan to implement the agreement be directed at helping the applicant meet those student achievement goals.
- Although we have not established a page limit, we encourage you to keep your application concise. We recommend that you use double-spaced pages with a 12-point or larger size font with one-inch margins at the top, bottom, and both sides, and to number pages consecutively. Any appendices to the narrative should be highly relevant to the proposal.
- We recommend that you include a table of contents as part of your Local-Flex proposal.

Chart
KEY TO LOCAL-FLEX REQUIREMENTS

<p>SELECTION CRITERION:</p> <p>(a) <u>Identification of the Need for the Local-Flex Agreement.</u> (25 points) The Secretary considers the LEA's description and analysis of its need for a Local-Flex agreement. In determining the quality of the description and analysis, the Secretary considers the following factors:</p> <p style="padding-left: 20px;">(i) The extent to which the LEA's baseline achievement data and data on other academic indicators are objective, valid, and reliable, and provide disaggregated results.</p> <p style="padding-left: 20px;">(ii) The extent to which the proposal identifies achievement gaps among different groups of students.</p> <p style="padding-left: 20px;">(iii) The extent to which the Local-Flex agreement will focus on serving or otherwise addressing the needs of students most at risk of educational failure.</p> <p style="padding-left: 20px;">(iv) The extent to which the additional flexibility provided under the Local-Flex agreement would enable the LEA to meet more effectively the State's definition of adequate yearly progress and specific, measurable goals for improving student achievement and narrowing achievement gaps.</p>	<p>APPLICATION REQUIREMENT:</p> <p>(a) <u>Baseline academic data.</u> Each LEA seeking to enter into a Local-Flex agreement with the Secretary must provide, as part of its proposed agreement, student achievement data for the most recent available school year. An LEA must provide data for both mathematics and reading or language arts, and the LEA must disaggregate the results by each major racial and ethnic group, by English proficiency status, by disability status, and by status as economically disadvantaged. (These are the categories, among others, by which an LEA must disaggregate data for determining AYP under section 1111(b)(2) of the reauthorized ESEA.)</p> <p style="padding-left: 20px;">In addition to submitting baseline achievement data that are disaggregated, to the extent possible, by the categories noted above, LEAs may also submit baseline achievement data that are further disaggregated by gender and by migrant status, or baseline data on other academic indicators, such as grade-to-grade retention rates, student dropout rates, and percentages of students completing gifted and talented, advanced placement, and college preparatory courses. To the extent possible, the baseline data on other academic indicators should also be disaggregated.</p>
<p>NARRATIVE CHECKLIST:</p> <ul style="list-style-type: none"> • Achievement data for the most recent available school year; including (to the extent available): <ul style="list-style-type: none"> ○ Actual scores and/or number of students at different achievement levels, for math and reading/language arts ○ Data aggregated for all students, plus disaggregated by major racial/ethnic groups, English proficiency status, disability status, economically disadvantaged status ○ Data disaggregated by other categories, such as gender, migrant status • Data from other pertinent academic indicators (e.g., retention, dropout, etc.) disaggregated where possible. • Analysis/description of achievement trends <ul style="list-style-type: none"> ○ Math and language arts ○ For different student subgroups • Analysis/descriptions of achievement gaps • Short discussion of the characteristics of the schools in the LEA, including achievement trends • Summaries of achievement data for schools to be targeted by the agreement. • Identification of student groups that will be the focus of the activities under this agreement • Identification of schools that will be the focus of the activities under this agreement • Discussion of the LEA's need for additional flexibility <ul style="list-style-type: none"> ○ To serve targeted students and help them meet achievement standards ○ To help schools within the LEA, and the LEA itself, meet the State's definition of adequate yearly progress • Discussion and evidence of objectivity, validity, reliability of the data, including information about the proportion of students represented by the data <p style="padding-left: 40px;">The discussion of need and baseline data is clearly related to the goals and objectives for the agreement, and to the plan.</p>	

<p>SELECTION CRITERION:</p> <p>(b) <u>Quality of the Educational Goals.</u> (25 points) The Secretary considers the quality of the goals that the LEA sets in its proposed Local-Flex agreement. In determining the quality of the LEA's goals, the Secretary considers the following factors:</p> <ul style="list-style-type: none"> (i) The extent to which the goals in the proposed Local-Flex agreement are clearly specified and measurable. (ii) The significance of the improvement in student achievement and in narrowing achievement gaps proposed in the agreement. (iii) The extent to which the goals relate to the needs identified in the LEA's baseline achievement data and data on other academic indicators. (iv) The extent to which the goals support the intent and purposes of the Local-Flex program. 	<p>APPLICATION REQUIREMENT:</p> <p>(b) <u>Specific, measurable education goals.</u> Each applicant must submit a five-year Local-Flex plan that contains specific, measurable educational goals, with annual objectives, that the LEA seeks to achieve by consolidating and using funds in accordance with the terms of its proposed agreement. The goals must relate to raising student achievement and narrowing achievement gaps relative to the baseline achievement data and other baseline data that are submitted.</p>
<p>NARRATIVE CHECKLIST:</p> <ul style="list-style-type: none"> o Goals are <ul style="list-style-type: none"> o specific o clearly stated o measurable o contain annual objectives o related to improving student achievement and narrowing achievement gaps o connected to the baseline data o Goals/objectives represent significant improvement in student achievement and narrowing of achievement gaps o Goals clearly convey the degree of improvement sought in student academic achievement o The goals and objectives clearly address the needs identified through the baseline data and are connected to the 5-year plan. <p>Discussion of how the goals/objectives for the proposed Local-Flex agreement support the intent and purposes of the Local-Flex program</p>	

<p>SELECTION CRITERION: (c) <u>Quality of the Local-Flex Plan.</u> (35 points) The Secretary considers the quality of the LEA's Local-Flex plan. In determining the quality of the Local-Flex plan, the Secretary considers the following factors:</p> <p>(i) The extent to which the LEA will use funds consolidated under the Local-Flex agreement to address the needs identified in the baseline achievement data in order to assist the LEA in achieving its educational goals.</p> <p>(ii) The extent to which the LEA's Local-Flex plan constitutes a coherent, sustained approach for reaching the LEA's goals, and to which the timelines for implementing strategies in the plan are reasonable.</p> <p>(iii) The extent to which the LEA will use achievement data and data on other academic indicators to manage the proposed activities and to monitor progress toward reaching its goals on an ongoing basis.</p> <p>(iv) The extent to which the LEA demonstrates that it will meet the general purposes of the programs that would be consolidated under its Local-Flex agreement;</p> <p>(v) The extent to which the LEA included parents, especially parents of children most at risk of educational failure, in the development of the Local-Flex proposal.</p>	<p>APPLICATION REQUIREMENT: (c) <u>Strategies for meeting its goals and the general purposes of the consolidated programs.</u> (NOTE: This application requirement relates to both criteria (c) <i>Quality of the Local-Flex Plan</i> and (d) <i>Adequacy of Resources</i>. See page D-12). Each applicant must propose a five-year plan that contains specific strategies for reaching its stated goals. In particular, the plan must describe how the applicant will consolidate and use funds received under Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruitment); Subpart 1 of Part D of Title II (Enhancing Education Through Technology); Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities); and Subpart 1 of Part A of Title V (Innovative Programs).</p> <p>As part of its five-year plan, an applicant must also describe how it will meet the general purposes of the programs that are consolidated under the Local-Flex agreement. In particular, an applicant must describe how its proposed plan would –</p> <p>(i) Improve teacher and principal quality and increase the number of highly qualified teachers in classrooms (Title II, Part A);</p> <p>(ii) Improve teaching and student academic achievement through the use of technology in schools (Title II, Part D);</p> <p>(iii) Support programs that prevent violence in and around schools and that prevent the illegal use of alcohol, tobacco, and drugs (Title IV, Part A);</p> <p>(iv) Support local education reform efforts that are consistent with and support statewide education reform efforts (Title V, Part A).</p>
<p>NARRATIVE CHECKLIST:</p> <ul style="list-style-type: none"> • Plan covers 5 years of agreement • Plan identifies which Federal programs are to be consolidated and how the funds will be used to implement the 5-year plan • Plan discusses the strategies to be used to attain the goals • Plan describes activities to be undertaken, their purposes, and their intended beneficiaries • Plan provides timelines for implementing activities • Discussion of how activities target needs identified through the baseline data and the goals and objectives for the agreement • Plan incorporates the use of achievement data to monitor progress, including <ul style="list-style-type: none"> ○ identification of data, in particular achievement data, that will be used to monitor progress toward goals established for the agreement ○ strategies/tasks for collection/analysis of data for monitoring progress ○ strategies for preparing and submitting annual reports and associated requirements • Discussion of how parents, in particular, parents of children most at risk of educational failure, were included in the development of the Local-Flex proposal. • Discussion of how other members of the public were involved in the development of the plan • Plan is coherent and represents a sustained approach for reaching goals • Discussion of the strategies/activities undertaken as part of the 5-year plan will meet the general purposes of the program to be consolidated <ul style="list-style-type: none"> • Improve teacher and principal quality and increase the number of highly qualified teachers in classrooms. (Title II, Part A) • Improve teaching and student academic achievement through the use of technology in schools. (Title II, Part D) • Support programs that prevent violence in and around schools, and that prevent the illegal use of alcohol, tobacco, and drugs. (Title IV, Part A) • Support local education reform efforts that are consistent with and support statewide education reform efforts. (Title V, Part A) 	

<p>SELECTION CRITERION:</p> <p>(d) <u>Adequacy of the Resources</u>. (15 points) The Secretary considers the adequacy of the resources for the proposed Local-Flex agreement. In considering the adequacy of the resources, the Secretary considers the following factors:</p> <p>(i) The extent to which the funds that the LEA proposes to consolidate under the Local-Flex agreement are adequate to support the strategies in its Local-Flex plan.</p> <p>(ii) The extent to which the funds that the LEA proposes to consolidate under the Local-Flex agreement will be integrated with other resources to meet the goals of the proposed agreement.</p> <p>(iii) The extent to which costs that the LEA will incur under the Local-Flex agreement are reasonable in relationship to the goals that will be achieved under the agreement.</p>	<p>APPLICATION REQUIREMENT:</p> <p>(c) <u>Strategies for meeting its goals and the general purposes of the consolidated programs</u>. (NOTE: This application requirement relates to both criteria (c) <i>Quality of the Local-Flex Plan</i> and (d) <i>Adequacy of Resources</i>. See page D-11). Each applicant must propose a five-year plan that contains specific strategies for reaching its stated goals. In particular, the plan must describe how the applicant will consolidate and use funds received under Subpart 2 of Part A of Title II (Teacher and Principal Training and Recruitment); Subpart 1 of Part D of Title II (Enhancing Education Through Technology); Subpart 1 of Part A of Title IV (Safe and Drug-Free Schools and Communities); and Subpart 1 of Part A of Title V (Innovative Programs).</p> <p>As part of its five-year plan, an applicant must also describe how it will meet the general purposes of the programs that are consolidated under the Local-Flex agreement. In particular, an applicant must describe how its proposed plan would –</p> <ul style="list-style-type: none"> (i) Improve teacher and principal quality and increase the number of highly qualified teachers in classrooms (Title II, Part A); (ii) Improve teaching and student academic achievement through the use of technology in schools (Title II, Part D); (iii) Support programs that prevent violence in and around schools and that prevent the illegal use of alcohol, tobacco, and drugs (Title IV, Part A); (iv) Support local education reform efforts that are consistent with and support statewide education reform efforts (Title V, Part A).
<p>NARRATIVE CHECKLIST:</p> <ul style="list-style-type: none"> •List of Federal funds to be consolidated (programs and estimated amounts), over 5 years •5-year budget outline for proposed activities to be funded with Federal and other resources, with narrative (include administrative costs) •Discussion reflects why the funds supporting activities over the 5 year plan are sufficient and reasonable 	

**LOCAL-FLEX APPLICATION
COVER PAGE**

We propose to enter into a Local-Flexibility Demonstration Agreement with the US Department of Education to assist us in meeting our State's definition of adequate yearly progress and attaining specific, measurable goals for improving student achievement and narrowing achievement gaps.

LEA NAME:

LEA ADDRESS:

LEA NCES ID*:

LEA CONTACT:

ADDRESS:

PHONE:

FAX:

E-MAIL:

Authorized Representative (*Please type or print name clearly.*)

Title: _____

Tel. #: () _____ - _____ Fax #: () _____ - _____

E-Mail Address: _____

Signature of Authorized Representative:

_____ Date: __/__/____

*If you don't know your NCES ID number, you may search the following website to obtain it:
<http://www.nces.ed.gov/ccdweb/school/index.asp>

LOCAL-FLEX BUDGET PAGE

LEA NAME:

PROGRAMS THE APPLICANT PROPOSES TO CONSOLIDATE UNDER THE LOCAL-FLEX AGREEMENT:

Program Included (check)	Program	FY200_ Total formula amount received by the LEA		Year 1	Year 2	Year 3	Year 4	Year 5
				FY200_ Formula amount to be consolidated	FY200_ Formula amount to be consolidated	FY200_ Formula amount to be consolidated	FY200_ Formula amount to be consolidated	FY200_ Formula amount to be consolidated
<input type="checkbox"/>	Subpart 2 of Part A of Title II Teacher and Principal Training and Recruiting							
<input type="checkbox"/>	Subpart 1 of Part D of Title II Enhancing Education through Technology							
<input type="checkbox"/>	Subpart 1 of Part A of Title IV Safe and Drug-Free Schools and Communities							
<input type="checkbox"/>	Subpart 1 of Part A of Title V Innovative Programs							

Note: An LEA may spend no more than 4% of the total amount of funds that are consolidated for administering activities under the Local-Flex agreement.

LOCAL-FLEX ASSURANCES

Through our duly authorized representative, we hereby assure that:

- We have provided parents, teachers, and representatives of schools with notice and an opportunity to comment on the proposed terms of the Local-Flex agreement.
- We will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the agreement.
- We will meet the requirements of all applicable Federal civil rights laws in carrying out the agreement and in consolidating and using funds under the agreement.
- In consolidating and using funds under the agreement, we will provide for the equitable participation of students and professional staff in private schools consistent with section 9501 of the Elementary and Secondary Education Act, as amended (ESEA), and sections 9502, 9503, and 9504 will apply to all services and assistance provided with such funds in the same manner as such sections apply to services and assistance provided in accordance with section 9501.
- We will use funds consolidated under section 6152 of the ESEA only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds, and not to supplant those funds.
- Not later than one year after the date on which we enter into the Local-Flex agreement, and annually thereafter during the term of the agreement, we will disseminate widely to parents and the general public, submit to the U.S. Department of Education and our State educational agency, distribute to print and broadcast media, and post on the Internet, a report that includes a detailed description of how we used the funds consolidated under the agreement to improve student academic achievement and reduce achievement gaps.
- We will cooperate fully in any evaluation of our Local-Flex program by the US Department of Education.

Typed name of authorized LEA representative

Signature of authorized LEA representative

Date

**SECTION
E**

**TRANSMITTAL
INSTRUCTIONS
AND
CHECKLIST**

APPLICATION TRANSMITTAL INSTRUCTIONS

We strongly encourage each potential applicant to send a notification of its intent to apply for funding to LocalFlex@ed.gov approximately one month before the LEA intends to submit its application. The notification of intent to apply for funding is optional and should not include information regarding the application.

Applications Sent By Mail:

An application sent by mail must be addressed to Ms. Jill Staton, U.S. Department of Education, Office of Elementary and Secondary Education/School Support and Technology Programs, 400 Maryland Ave., SW, Rm. 3E213, Washington, DC 20202-6400. **You must mark the package “Attention: Local-Flex Application.”**

SPECIAL NOTE: Due to recent disruptions to normal mail delivery, we encourage you to consider using an alternative delivery method (for example, a commercial carrier, such as Federal Express or United Parcel Service; U.S. Postal Service Express Mail; or a courier service) to transmit your application for this competition to us. If you use an alternative delivery method, please obtain the appropriate proof of mailing noted above.

Electronic Submissions:

We encourage applicants who submit hard copies to also submit an electronic version of their application.

If you choose to submit your application electronically, you must send it via the Internet as a .doc file, an .rtf file, or .txt file to LocalFlex@ed.gov.

Applicants who plan to submit an electronic application only must also submit original hard copies of the signed cover page and assurances form. **The Department will not consider valid an electronic application that is submitted without an original signature.**

Applications Delivered by Hand/Courier Service:

An application that is hand delivered must be taken to Ms. Jill Staton, U.S. Department of Education, Office of Elementary and Secondary Education/School Support and Technology Programs, 400 Maryland Ave., SW, Rm. 3E213, Washington, DC 20202-6400. **You must mark the package “Attention: Local-Flex Application.”**

Deliveries are accepted between 8:00 a.m., and 5:00 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays. Proper identification is necessary to enter the building.

APPLICATION CHECKLIST

Does your application include --

- A completed cover page signed by an authorized LEA representative?
- A completed Local-Flex Budget Page?
- A proposed five-year plan that contains-
 - Baseline academic data
 - Specific, measurable education goals
 - Strategies for meeting the goals
 - Description of how you will meet the general purposes of the consolidated programs
and
 - Addresses the selection criteria?
- The assurances page signed by an authorized LEA representative?

Did you –

- Provide one (1) original plus three (3) copies of the application (for a total of 4 copies)?
- Include “**Attention: Local-Flex Application**” on the cover and envelope containing your proposed agreement?

**SECTION
F**

**PROCEDURES FOR
SELECTING
LOCAL-FLEX
PARTICIPANTS**

PROCEDURES FOR SELECTING LOCAL-FLEX PARTICIPANTS

- We will acknowledge the receipt of your application by e-mail. If you do not receive a notification of application receipt within 15 days from the date of mailing or hand delivery of your application, you should send an e-mail to LocalFlex@ed.gov.
- We will conduct a peer review of each complete application that is submitted to the Department. By statute, peer reviewers will be individuals who represent parents, teachers, SEAs, LEAs, and who are familiar with educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.
- Reviewers will review applications for the Local-Flex program based on the selection criteria in this package.
- We expect to negotiate an actual agreement between a participating LEA and the Department. The agreement will essentially incorporate the Local-Flex proposal and specify the specific, measurable educational goals that the applicant proposes to meet through the Local-Flex agreement.
- We intend to review applications within 60 days of receipt of an application.

**SECTION
G**

**ESTIMATED PUBLIC
REPORTING BURDEN**

ESTIMATED PUBLIC REPORTING BURDEN

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0655. The time required to complete this information collection is estimated to average 80 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form, write directly to:** Ms. Jill Staton, U.S. Department of Education, Office of Elementary and Secondary Education, School Support and Technology Programs, 400 Maryland Avenue, S.W., Room 3E213, Washington D.C. 20202-6400.