OHIO ESEA WAIVER REQUESTS
October 16, 2026

Dear Secretary McMahon:

Ohio shares the Trump Administration's goals to improve academic achievement, particularly by strengthening literacy and numeracy instruction, empowering parental decision-making, and returning education to the states. In alignment with the principles outlined in the July 29, 2025, Dear Colleague letter, the Ohio Department of Education and Workforce (DEW) respectfully requests waivers for certain provisions and definitions of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), as detailed below.

The Ohio Department of Education and Workforce's vision is to ensure "Ohio's students are prepared for success in the real world." We strive to equip all learners with the knowledge, skills, and experiences needed to thrive in a rapidly changing society and economy. We are dedicated to equipping teachers and leaders with the knowledge and strategies to provide high-quality instruction for all learners. These priorities are supported through recent changes to the governance of the agency, including a stronger emphasis on preparing students for the workforce and expanding school choice options for families.

This commitment is anchored in four core priorities:

- **Literacy:** Building a strong foundation for lifelong success by ensuring every student reads at or above grade level.
- **Accelerating Learning:** Advancing academic achievement through high-quality instruction, assessments, and individualized support with a specific focus on literacy and mathematics in prekindergarten-grade 12.
- **Student Wellness:** Fostering safe, supportive, and the highest-quality learning environments that engage students and empower them to reach their full potential.
- **Workforce Readiness:** Preparing students for college, careers, and life through real-world learning and technical skills that open doors to future opportunities.

Together, these priorities reflect DEW's dedication to preparing students today for the challenges and opportunities of tomorrow. In addition, Ohio is a leader in innovation, particularly in Artificial Intelligence, which Ohio views as crucial for workforce preparedness. Ohio is the first state to require local districts to adopt local policies on AI in education.

Guiding principles. Ohio believes that states are best positioned to lead and support local districts in the implementation of evidence-based instruction and aligned resource allocation. These waivers, and related complementary ESSA plan amendments, are directly related to DEW's student-centered vision and are guided by the following principles:

- **Provide funding flexibility** for educators to direct resources toward priority areas.
- **Leverage school improvement structures** to prioritize evidence-based practices in literacy, mathematics, workforce readiness, and attendance.
- **Reduce bureaucracy** to allow more timely and directed use of resources for student supports in priority areas.

Ohio values the opportunity to examine strategies that further empower states. Ohio has worked with the U.S. Department of Education to identify technical improvements with the goal of a more aligned state and federal accountability system. Accordingly, DEW respectfully submits the following waiver request, complemented by a set of corresponding state ESSA plan amendments.

This waiver request from relevant sections and definitions of ESEA meets statutory requirements.

Flexible funding for targeted school improvement

While federal funding is a critical resource for supporting student success, it is frequently used for bureaucratic purposes instead of a strategic lever for improvement. Both the State Education Agency (SEA) and Local Education Agencies (LEAs) often use this funding for generic "federal programs" activities rather than targeted, strategic investments. Ohio is currently using valuable resources for administrative compliance rather than supporting students. The state aims to shift the focus so these federal funds go toward priority areas, while still maintaining important compliance and monitoring tasks.

School improvement requirements are a primary driver of focusing support and resources for the lowest-performing schools and subgroups of students. Ohio has a robust accountability and improvement system. The following set of waiver requests seeks to directly support students in the priority areas of literacy, mathematics, workforce readiness, and attendance. These requests seek flexibility in certain funding provisions to drive resources to priority areas of need, while focusing school improvement efforts and maintaining Ohio's rigorous accountability expectations.

Consolidated applications. While this waiver proposes significant flexibility, Ohio remains steadfast in meeting its administrative responsibility. Accordingly, Ohio will update its existing consolidated federal program application for LEAs to accommodate these flexibility requests with the intent of simplifying the administrative burden.

Non-waivable provisions. Ohio appreciates the opportunity for targeted flexibilities, while also maintaining non-waivable provisions of federal law. Accordingly, this waiver request does not seek to alter the allocation or distribution of ESEA funds to LEAs. Ohio will continue to allocate program-specific awards to LEAs in accordance with statutory requirements. Likewise, this request does not

waive the supplement, not supplant provisions applicable to ESEA programs. Ohio confirms its commitment to meet these obligations to ensure that state and local funding is the primary driver of education in the state.

1. ***Federal program(s) affected by the requested waiver;***
   - Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
   - Title I, Part C: Education of Migratory Children
   - Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
   - Title I, Section 1003: School Improvement Grant
   - Title II, Part A: Supporting Effective Instruction
   - Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
   - Title IV, Part A: Student Support and Academic Enrichment Grants
   - Title IV, Part B: Nita M. Lowey 21st Century Community Learning Centers

2. ***[Describes which Federal statutory or regulatory requirements are to be waived; and***
3. ***Describes how the waiving of such requirements will advance student academic achievement;]***

   A. Flexible Uses of Title Funds (LEA). States and LEAs are entrusted to make the best use of federal resources provided in ESEA. Unfortunately, the current program-specific structure does not necessarily incentivize strategic decision-making. Rather, it encourages program-specific thinking with an emphasis on compliance. Therefore, Ohio is requesting flexibility regarding the certain carryover limitations, maximum reservations, and spending limitation assurances so that LEAs can strategically target resources toward key priority areas.

   Ohio plans to leverage existing ESEA flexibilities, including expanding efforts for LEA schoolwide waivers and transferability of Title II and Title IV-A funds. Additionally, the state is proposing waivers from the following requirements that have limited the ability of Ohio and LEAs to consolidate funds and effectively and efficiently use all available resources to drive academic improvement and student success.

   Ohio requests waivers related to the following requirements to provide flexibility for LEAs. The following Title I, Part A and Title IV-A waivers would be for one year. Ohio will subsequently pursue additional years of flexibility pending Ed Flex application.

   Title I, Part A 15 Percent Carryover Limit *(ESEA section 1127(b)). Ohio seeks to waive the statutory 15 percent limit on Title I, Part A fund carryover from one fiscal year to the next. Currently, the law only allows districts to carry over more than 15 percent once in three*

years. Ohio seeks a waiver from the "once in three years" requirement so the carryover could apply annually as needed. This change would result in less funds being returned by the LEAs to the SEA and support expanded services for multi-year school improvement initiatives.

Title IV-A Required Uses of Funds *(ESEA section 4106(e)(2)(C), (D), and (E)). Ohio seeks to waive the requirement on an LEA receiving more than $30,000 of Title IV-A to budget 20 percent on well-rounded education activities, 20 percent on safe and healthy schools, and a portion on technology. Removing this requirement would allow LEAs to leverage their Title IV-A funds in more innovative and effective ways rather than being forced to spread their allocation across multiple allowable use categories. (Ohio intends to utilize existing flexibilities regarding transferability of Title II and Title IV-A funds.)*

Ohio also requests waivers related to the following Title III-A and I-D requirements to provide flexibility for LEAs.

Title III-A Required Uses of Funds *(ESEA Section 3115(c)(1-3). Ohio seeks to waive the requirement that LEAs spend their Title III-A allocation across all three identified areas (academic supports, professional development, and parent engagement). The allocation amount for some LEAs may be too small to be used effectively for all three parts in any given year. Therefore, Ohio requests a waiver so LEAs may use Title III funding across any combination of the three allowable areas as determined by local needs. LEAs are still required to provide language instruction, professional development, and parental engagement as part of a robust Title III, Part A program, but this waiver would provide flexibility on how to allocate annual Title III-A funds.*

Title I-D Maximum Reservation *(ESEA section 1418(a)). Ohio requests a waiver of the limitation on the 30 percent maximum reservation for transition services in ESEA section 1418(a) for Title I, Part D funds. Ohio requests that Subpart 1 subgrantees be allowed to reserve 15 percent or more of funds to support transition services. Increasing beyond the 30 percent maximum will improve the capacity of the Ohio Department of Rehabilitation and Corrections and Department of Youth Services to support students transitioning from high school into postsecondary education and employment.*

Ohio will streamline its consolidated application system (ED STEPS) to reduce administrative burden while still maintaining the integrity of compliance and monitoring requirements. Ohio will add related reporting requirements to the ED STEPS application to monitor how flexibilities are implemented.

B. Consolidation of Some Title (State Activities) Funds

Similar to LEAs' use of funds, the same bureaucratic siloing impacts related state activities. Therefore, Ohio requests a waiver to consolidate certain state activities funds to provide more flexibility to strategic leverage available resources.

Ohio requests a waiver to allow consolidation of Title II-A, III-A, IV-A, and IV-B state activities funds. Rather than adhering to the specific use-of-funds restrictions within each individual program, Ohio is requesting flexibility to consolidate these funds under ESEA Section 8201. By doing so, the SEA can invest resources based on state priorities rather than numerous individual plans specific to available funds in each program. More dollars will be targeted to literacy, accelerating learning, workforce readiness, and student wellness rather than bureaucratic tasks and fragmented, program-specific activities.

This would allow the state to target resources toward priority areas and related evidence-based approaches. Ohio will continue to support the needs of at-risk student populations served by programs for which waivers are requested. This request does not address allocations or waive supplement, not supplant requirements. Ohio will maintain the integrity of required compliance and monitoring requirements.

C. **Direct Student Services (DSS)** (Section 1003A). The Direct Student Services reservation is a critical component in addressing the priorities of the Trump administration and Ohio, specifically directing resources toward student-centered workforce pathways. While Ohio has been a leader in utilizing the opportunities available with Direct Student Services (DSS) funds, the state now seeks to implement a more strategic and targeted approach.

For example, Ohio would like to target DSS supports, based on need, to high schools that are identified for Comprehensive Support and Improvement (CSI) based on graduation rates to support career pathways aligned to graduation requirements. Ohio intends to do so through a competitive approach to some DSS funds. This will ensure more students graduate while meeting the demands of the state and regional workforce. LEAs receiving competitive funds may be required to build programs based on in-demand credentials and work with regional partners on implementation.

Ohio requests a waiver from certain requirements of Section 1003A in (e)(2), which require the state to compile and maintain an updated list of state-approved, high-quality academic tutoring providers [with multiple sub-requirements in (A), (B), (C) and (D)]. If a LEA is approved to use a tutoring program, the state will ensure it is meeting the requirements of ESEA Section 1003A.

4. ***[Describes the methods the SEA, LEA, school, or Indian Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the waiver; and***
5. ***Includes only information directly related to the waiver request; and***
6. ***Describes how schools will continue to assist the same populations served by the program for which the waiver is requested;]***

Ohio will monitor and evaluate the implementation of the waiver, which only includes information directly related to the waiver request, and ensure that schools will continue to assist the same populations for which the waiver is requested.

Ohio has a robust planning, application, and reporting structure for all related federal requirements, and strong accountability system to ensure that student outcomes are monitored and publicly reported, while continuing to meet all requirements of ESSA.

Update relevant systems. DEW will develop performance criteria for the waiver flexibility provisions that will be strategically placed within the various sections of the ED STEPS process and the connected system components supporting it. Specifically, DEW will update three interrelated parts in our comprehensive process:

- **Update assurances and data fields in ED STEPS system components (One Needs Assessment, One Plan, One Funding Application).** DEW will insert relevant information on the waiver flexibility opportunities including any necessary assurances, required criteria and data fields into various components of the ED STEPS process and system.
- **Update Guidance and Technical Assistance**. DEW will develop related guidance and training materials on the waiver flexibilities. This information will be provided during numerous training venues and opportunities as well as our day-to-day technical assistance and support. For example, the Office of Federal Programs (OFP) administers ESEA programs. A federal educational program specialist is assigned to every LEA (over 1,000 LEAs) to provide hands-on support on ESEA requirements and assist them with implementation of their consolidated plans, needs assessments, and funding applications. The provisions of the waiver and performance criteria will be added to guidance documents and part of the training slides and outreach.
- **Include Waiver Criteria in Monitoring Risk Factors and Process.** The OFP applies risk factors as part of its comprehensive monitoring process. Each year, all LEAs are placed into one of three monitoring tiers for the type of review: 1) self-survey 2) desk-review or 3) onsite-review. OFP will create an assurance box in the One Funding Application as well as the Monitoring portal for any LEA utilizing any of the waiver funding flexibilities that indicates they must participate in any evaluation or reviews and submit any necessary data DEW requires for the waiver flexibilities.

Program office review. Program offices review and approve LEA One Plans in ED STEPS through a structured, criteria-driven process. Rubrics are automatically assigned based on data conditions, such as federal program participation, identification status (e.g., CSI, ATSI, TSI), chronic absenteeism thresholds, Title I-A requirements, and other statutory triggers, which determine which office must review a plan and the specific criteria to be applied. Reviewers then evaluate alignment between identified needs, root causes, goals, strategies, and action steps using these assigned rubrics, ensuring compliance with ESEA and other legal requirements. Program offices monitor plan status through internal tracking tools and PowerBI reports, and follow a defined workflow in which plans move through agency review, rubric scoring, and final authorization.

Accountability and data reporting. Ohio has a strong accountability system which includes a star-based report card with public reporting, subgroup accountability (Gap Closing is a star-rated measure), and federal identification of schools as detailed in Ohio's ESSA plan. Ohio also annually publishes a state report card with state-level performance data on all federally required subgroups.

Ohio will continue to meet all requirements of ESSA.

7. ***If the waiver relates to section 1111(b) or (h) of the ESEA, describes how the SEA, LEA, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of student subgroups.***
   This does not relate to section 1111(b) or (h) of the ESEA.

Public Comments. As outlined in the Dear Colleague letter, all related public comments have been attached to this request.

Thank you for your consideration of these waiver requests and ESSA state plan amendments related to school improvement and alignment of federal accountability to existing state accountability measures. We look forward to partnering on addressing the key priorities of literacy, accelerating learning, workforce readiness, and addressing chronic absenteeism.

Sincerely,

Stephen D. Dackin
Director