THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

October 30, 2026

The Honorable Stephen D. Dackin
Director
Ohio Department of Education and Workforce
25 South Front Street
Columbus, OH 43215

Dear Director Dackin:

I am writing in response to the Ohio Department of Education and Workforce's (ODEW's) request on July 30, 2026, for 1) a waiver of certain requirements in the Elementary and Secondary Education Act of 1965, as amended (ESEA) and 2) an amendment to the State's ESEA consolidated State plan. This joint request builds on the State's efforts to ensure its students are prepared for success and equip them with the knowledge, skills, and experiences needed to thrive in the future.

These requests will allow ODEW to replace overlapping State and Federal requirements and reduce administrative burden so the State and school districts can focus more time, resources, and attention on better supporting the academic achievement of students. ODEW will monitor and evaluate the implementation of these waivers through its robust planning, application, and reporting structure for all Federal programs. This includes its consolidated local application, risk assessment procedures, and comprehensive monitoring process.

I am pleased to approve the following ODEW waiver requests as described in more detail below and for the time periods indicated for each specific waiver.

Consolidation of State-Level Activities Funds

I am granting, pursuant to my authority in ESEA section 8401(b), a waiver of the limitation that the consolidation of State-level funds in ESEA section 8201(a) and (b) applies only to administrative funds. As a result, for the funds awarded to ODEW from Federal fiscal year (FFY) 2026 to 2029, ODEW may consolidate State-level activities funds for the following programs, consistent with its request:

- Title II, Part A of the ESEA (Supporting Effective Instruction).
- Title III, Part A of the ESEA (English Language Acquisition).
- Title IV, Part A of the ESEA (Student Support and Academic Enrichment).
- Title IV, Part B of the ESEA (21st Century Community Learning Centers).

Please note that if ODEW consolidates State-level funds, it must separately consolidate administrative funds from State-level activities funds to maintain consistency with the statutory distinction described in these programs. I have found that providing this additional flexibility to the State to best determine how to use its State-level funds will advance student academic achievement. ODEW may consolidate all funds reserved at the State level for each of the programs listed above from FFY 2026 through FFY 2029 and use the funds for any allowable use in each of the included programs.

As a reminder, under this expanded ESEA section 8201 authority, ODEW must still meet all programmatic requirements and responsibilities for each of the covered programs. Within 60 calendar days of the receipt of this waiver approval, the Department requests that ODEW submit an ESEA consolidated State plan amendment with applicable descriptions on the use of State-level funds for the covered programs.

Finally, during the period of this waiver, consistent with ESEA section 8401(e), ODEW must submit an annual report by October 30 each year that includes the following information for the prior year:

1. How the waiver has decreased administrative burden;
2. How ODEW used consolidated State-level activities funds;
3. How ODEW's use of funds under the approved waiver differed from its uses of funds prior to the waiver being granted; and
4. How use of the waiver has contributed to improving student academic achievement in Ohio.

The first report is due October 30, 2027.

<u>Direct Student Services (DSS) Requirement to Compile and Maintain an Updated List of State-Approved Tutoring Providers</u>

I am also granting, pursuant to my authority in ESEA section 8401(b), a waiver of ESEA section 1003A(e)(2) that requires a State that reserves funds for DSS to compile and maintain an updated list of State-approved high-quality tutoring providers that:

- Is developed using a fair negotiation and rigorous selection and approval process;
- Provides parents with meaningful choices;
- Offers a range of tutoring models, including virtual and on campus; and
- Includes only providers that have a demonstrated record of success in increasing students' academic achievement; comply with all applicable Federal, State, and local health, safety, and civil rights laws; and provide instruction and content that is secular, neutral, and non-ideological.

Under this waiver, the State is no longer required to maintain a list of State-approved tutoring providers. However, ODEW must still require any local educational agency (LEA) that is approved to use a tutoring program to comply with the requirements of ESEA section 1003A(e)(2). This

waiver will allow the State to target its DSS supports towards career pathways, particularly for high schools that are identified for comprehensive support and improvement due to low graduation rates, and therefore, I have determined will advance student academic achievement. This waiver is granted for the 2026–2027 school year through the 2029–2030 school year.

Subgrantee Spending Flexibility

I am granting a waiver of the spending requirements in ESEA section 3115(c)(1-3) for Title III, Part A funds. ESEA section 3115(c)(1-3) requires an LEA to use its Title III, Part A funds to:

1. Increase the English language proficiency (ELP) of English learners (ELs) by providing effective language instructional programs that meet the needs of ELs and demonstrate success in increasing ELP and student academic achievement;
2. Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, and other school-based leaders, administrators, and other school or community-based organizational personnel; and
3. Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for ELs which shall include parent, family, and community engagement activities.

ODEW seeks flexibility so that its LEAs can choose to spend its Title III, Part A funds on one or more of the three areas rather than having to spend the funds on all three areas, giving the LEA flexibility to target resources where it deems best. The funds must be used on at least one of these activities, and the State will still require its LEAs to conduct activities under all three areas. However, under this waiver, an LEA would not be obligated to use Title III, Part A funds in all three areas. I find that this waiver will advance student academic achievement.

Program-Specific Waivers

In addition, I am approving ODEW's request for a waiver of the following provisions because I find that approving these waivers will advance student academic achievement by providing additional flexibility to Ohio's subgrantees:

- Carryover limitation in ESEA section 1127(b) for FFY 2025 Title I, Part A funds (i.e., the Title I, Part A funds that become carryover funds on October 1, 2026): the requirement limits a State educational agency's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every 3 years. This waiver is granted only for FFY 2025 funds to allow LEAs to continue spending Title I, Part A funds to support student academic achievement. ODEW intends to submit a request for Department review for the authority under the Education Flexibility Partnerships Act of 1999 (Ed-Flex).
- Limitation on the 30 percent maximum reservation for transition services in ESEA section 1418(a) for Title I, Part D, Subpart 1 (Subpart 1) funds. That is, ODEW's Subpart 1

subgrantees may reserve more than 30 percent of funds to support transition services for students to advance academic achievement. This waiver is granted for FFY 2026 through FFY 2029.

- Spending limitation assurances in ESEA section 4106(e)(2)(C), (D), and (E) for Title IV, Part A funds to allow LEAs to spend funds how they see fit to best meet the needs of their students to support academic achievement. This waiver is granted only for FFY 2026 because the State intends to submit a request for Ed-Flex authority, which will permit it to grant such requests for LEAs in future years.

ESEA Consolidated State Plan Amendment

In addition to the waivers described above, I recognize that the State has also submitted an amendment request to its ESEA consolidated State plan related to school improvement and alignment of Federal accountability to existing State accountability measures. I appreciate your thoughtful work to address Ohio's key priorities. The Department is issuing a separate response to ODEW today regarding those proposed amendments.

Next Steps

As you noted in your submission, we look forward to partnering on addressing the key priorities of literacy, accelerating learning, workforce readiness, and addressing chronic absenteeism. This greater flexibility will support Ohio in returning education to where it belongs – closest to students.

If you have any questions about this waiver or need further assistance, please contact my staff at OESE.Titlei-a@ed.gov. Thank you for your work to support students.

Sincerely,



Linda E. McMahon

cc: Christopher Woolard, ODEW