



# **Ohio TESOL Statement on Ohio's ESEA Waiver Request and Proposed ESSA Amendments**

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# Ohio TESOL<sup>1</sup> Statement on Ohio's ESEA Waiver Request and Proposed ESSA Amendments - May 2026

Ohio TESOL wishes to express our opposition to the proposed [ESEA Waiver Request submitted by the Ohio Department of Education and Workforce](#) (DEW) in April 2026. While the Department frames these requests as "strategic flexibility" to reduce "bureaucracy," we believe these changes will systematically dismantle essential guardrails that ensure English learners receive the specialized resources for their education that Congress has authorized. If the statutory requirements for English Learners are removed, we do not believe that Local Education Agencies (LEAs) will consistently prioritize their needs through "good faith" initiatives alone. The educational rights of multilingual learners cannot depend on discretionary commitment or shifting local priorities; they require enforceable protections, dedicated funding structures, and systemic accountability to ensure equitable access to language instruction, academic opportunity, and meaningful participation in public education. . **We oppose this waiver request for the following reasons:**

## **1. The waiver seeks to eliminate the requirement that LEAs spend Title III-A funds across three critical pillars.**

These pillars are academic supports, professional development, and parent engagement. The Department argues that some allocations are "too small" to be split. However, for an EL student, academic success cannot be decoupled from family engagement or their teacher's specialized training. Additionally, under Title III of ESSA, Local Education Agencies (LEAs) with a low incidence of English Learners that receive allocations below \$10,000 are required to join a Title III consortium in order to access and utilize funds. In Ohio, these consortia are most commonly coordinated through regional Educational Service Centers (ESCs), which serve as the Fiscal Agent. Through this structure, individual allocations are pooled across participating districts to provide meaningful, sustainable, and community-centered support aligned to the three required Title III pillars: high-quality language instruction educational programs (LIEPs), professional development, and family/community engagement. This consortium model allows smaller districts to access technical assistance, compliance guidance,

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<sup>1</sup>Ohio TESOL is a statewide professional organization founded in 1977 that provides professional representation, resources, and expertise in support of institutions and individuals dedicated to the education of learners for whom English is a non-native language. The acronym TESOL stands for "teachers of English to speakers of other languages." Ohio TESOL, a branch of TESOL International, supports the education of multilingual learners – and school staff who support them – through professional development, advocacy, resources, and networking.

instructional resources, and professional learning opportunities that would otherwise be difficult to sustain independently.. The state would have no legal mandate to provide the services prescribed by law for English Learners. In a "local needs" model, EL students, who often represent a minority of a district's population, will consistently lose out to broader district priorities.

**2. The request would allow Ohio to combine funds from Title II-A, III-A, IV-A, and IV-B as if they were a single block grant, removing the guarantee that money will still reach the programs for students who need it most.**

The specific wording on page 5 reads: "Rather than adhering to the specific use-of-funds restrictions within each individual program, Ohio is requesting flexibility to permit any activity authorized under ESEA across these programs." The state claims this will prevent "fragmented, program-specific activities." In reality, these "silos" are the only mechanism ensuring that funds intended for English language acquisition are not diverted to general state priorities like AI preparedness or workforce initiatives. Once these funds are accessible for any ESEA activity, the "laser focus" on EL-specific linguistic tools and assessments will inevitably blur into other lines of spending. We echo what other advocacy groups<sup>2 3</sup> have noted: **"As the U.S. Secretary of Education lacks authority to waive the "the allocation or distribution of funds to... local educational agencies" (ESEA section 8401(c)(1)), this request is outside the scope of the law; consolidation of separate formula and competitive funds into one program would require a reauthorization of the ESEA by Congress."**<sup>4</sup>

America's founding fathers understood that checks and balances on government are necessary to protect us from our own human nature. James Madison wrote, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."<sup>5</sup> The lawmakers who crafted the *Every Student Succeeds Act* prescribed the spending safeguards we have today – which we believe should remain in place.

**3. The waiver request seeks to decrease the amount of weight given to the ELP Improvement Measure on the state report card.**

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<sup>2</sup> EducationFirst and All4Ed. (2025). Education Waivers 101: A Quick Guide for Advocates. Retrieved from [https://all4ed.org/wp-content/uploads/2025/03/ESEA-Waivers-101\\_Advocates.pdf](https://all4ed.org/wp-content/uploads/2025/03/ESEA-Waivers-101_Advocates.pdf)

<sup>3</sup> Migration Policy Institute. (2026). The ESSA Waiver Landscape and Implications for K-12 English Learners. Retrieved from <https://www.migrationpolicy.org/events/essa-waiver-implications-k-12-english-learners>

<sup>4</sup> EdTrust. (2025). Joint Comment on Iowa's ESEA Waiver Request. Retrieved from <https://edtrust.org/press-room/joint-comment-on-iowas-esea-waiver-request/>

<sup>5</sup> Madison, James. (1788). Federalist No. 51: The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments. Washington, D.C.: Library of Congress. Retrieved from <https://guides.loc.gov/federalist-papers/text-51-60>

Weakening those weights (from 13.6, 8 and 5.8% across the grade bands to 4, 2 and 1% respectively) will undoubtedly allow districts and schools to place less emphasis on academic success for ELs if the ELP Improvement Measure were to be decreased in this way.

Ohio's vision is to ensure students are "prepared for success in the real world." However, for English learners, that success depends on statutory protections, not administrative discretion. The proposed waiver relies *on the hope* that LEAs will voluntarily prioritize EL needs once the legal obligation to do so is removed. We urge the Department to maintain the existing statutory requirements for Title III-A and Title IV-A funds.