

Activity #1 – ESEA Statute – Plain Language

Directions

Working in small groups, participants will “translate” sections of ESEA Statute into “[Plain Language](#)”. These exercises provide opportunities to work through multiple reasons plain language is needed, including legal jargon and cross references in statute. For this activity, participants will work across Titles.

- Sections of ESEA selected are from Title VIII, General Provisions, so this is not Title specific.

Part 1 – Whole group

- Read Section [8401](#)
- Rewrite Section 8401(a) in “plain language”
- If an SEA, LEA, or school wishes to apply for a waiver of any statutory or regulatory requirement of the ESEA, what must they include in the waiver request? (Hint – Section 8401(b)(1) – (3))

Part 2 – Small groups

Here are two examples from ESSA statute. Answer the following questions by “translating” into plain language.

- Section 8305(b) – what can an SEA require of an LEA that is submitting a plan under ESEA? What can the SEA not require?
- Section 8401(c)(9) - which prohibitions in ESEA Statute is the Secretary of Education not allowed to waive?

Activity #1 – ESEA Statute – Plain Language – Answers

Directions

Working in small groups, participants will “translate” sections of ESEA Statute into “Plain Language”. For this activity, participants will work across Titles.

- Sections of ESEA selected are from Title VIII, General Provisions, so this is not Title specific.

Part 1 – Whole group

- Read Section [8401](#)
- Rewrite Section 8401(a) in “plain language”
- If an SEA, LEA, or school wishes to apply for a waiver for a particular section of the ESEA, what must they include in the waiver request?
 - A. Which federal programs will be affected
 - B. What specific requirement is being requested to be waived
 - C. How will the waiver improve student academic achievement
 - D. What methods will be used to monitor and evaluate the effectiveness of the implementation of the waiver
 - E. No extraneous information
 - F. How schools will support students in programs for which the waiver is being requested and communicate to those families
 - G. Any comments from the public after the public reviewed the waiver request, and how the SEA addressed the comments

Part 2 – Small groups

Here are two examples from ESSA statute. Answer the following questions by “translating” into plain language.

- Section 8305(b) – what can an SEA require of an LEA that is submitting a plan under ESEA? What can the SEA not require?
 - If the SEA has an approved consolidated plan, then the SEA may require LEAs to submit consolidated plans, but cannot require LEAs to submit separate plans
- Section 8401(c)(9) - which prohibitions in ESEA Statute is the Secretary of Education not allowed to waive?
 - Title VIII, Part F
 - Prohibition regarding state aid
 - Prohibited uses of funds
 - Prohibition against federal mandates
 - Prohibitions on federal government
 - Prohibition on federally sponsored testing
 - Prohibition on requiring state participation
 - Prohibition on nationwide database
 - Prohibition on discrimination

- Prohibition on aiding and abetting sexual abuse
- Prohibition on using funds for religious worship or instruction
- Prohibition on using funds for:
 - Construction, renovation, or repair of any school facility, unless specifically authorized
 - Transportation, unless specifically authorized
 - Developing programs to encourage sexual activity
 - Distributing legally obscene materials in schools
 - Providing sex or HIV-prevention education, unless it is age appropriate and includes abstinence
 - Operating a program of contraceptive distribution
 - Weapons or weapons training, except that enrichment activities such as archery, hunting, shooting sports and culinary arts (knives) are allowed