

Public Notice: Invitation for Comment on Migrant Education Program Obligation of FY2020 Funds. General Education Provisions Act (GEPA), 20 U.S.C. Section 1225(b) (also known as the “Tydings Amendment”))

The Oklahoma State Department of Education (OSDE) Migrant Education Program (MEP) is providing this public notice to solicit comments from Local Educational Agencies (LEAs) and the public regarding a waiver request to the United States Department of Education (USDE). The OSDE is seeking to waive the regulatory requirement that OSDE must obligate FY2020 Title I, Part C, Migrant Education Program funds by September 30, 2022. The waiver is requesting that a one-year extension to obligate these funds be granted, making the extended deadline be September 30, 2023. Oklahoma seeks a waiver for the General Education Provisions Act (GEPA), 20 U.S.C. Section 1225(b) (also known as the “Tydings Amendment”).

A draft of the *waiver request letter* is attached. Comments received will be forwarded to the USDE with the requested waiver. OSDE will accept comments between Tuesday, June 28, 2022 through Tuesday, July 12, 2022, via electronic submission or U.S. mail.

Please submit your comments in writing to Matt Colwell, Executive Director of School Success, Office of Federal Programs, Oklahoma State Department of Education, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or electronically to Matthew.Colwell@sde.ok.gov.



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

July 7, 2022

VIA E-MAIL ONLY

James F. Lane, Ed. D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education 400 Maryland Avenue, SW
Washington, DC 20202
OESE.TitleI-a@ed.gov

Re: Oklahoma – Request for a Waiver

Dear Assistant Secretary Lane,

I am writing on behalf of the Oklahoma State Department of Education to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the period of availability of funds in section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2020 funds for Title I, Part C of the ESEA (Education of Migratory Children) until September 30, 2023. The waiver would provide the state Migrant Education Program (MEP) additional time to restructure to better fit the needs of the migratory children and families in Oklahoma.

Oklahoma seeks a waiver for the General Education Provisions Act (GEPA), 20 U.S.C. Section 1225(b) (also known as the “Tydings Amendment”).

The waiver request will have a positive impact on the Title I, Part C – Migrant Education Program (MEP), in Oklahoma to attain student academic performance goals for serving migratory children.

- Oklahoma will validate the total number of migratory children eligible for services in the Local Educational Agencies (LEAs) receiving MEP funds.
- Oklahoma will review and evaluate migratory student data, from state assessments, LEA instructional services, LEA programs for early childhood and out of school youth (OSY), fidelity of strategy implementation (FSI) and the strategies that serve as the anchor for developing LEA migrant profiles for technical assistance.
- Oklahoma will provide support to migrant funded districts as established in the State’s Service Delivery Plan (SDP) and the Measurable Program Outcomes (MPOs) in the following areas: reading, mathematics, school readiness, high school graduation and services to OSY.

The waiver request will provide Oklahoma additional needed time to restructure and rebuild the Title I, Part C - MEP.

- Oklahoma will utilize professional and trained personnel with specific qualifications and experience for interviews of potential eligible migratory children and families.
- Oklahoma will utilize the Community Stakeholders for input on the restructure of the MEP.

Oklahoma hereby assures that, if it is granted the requested waiver, the funds would be utilized in accordance with the State's migrant-specific Comprehensive Needs Assessment (CNA) and Service Delivery Plan (SDP). The LEAs serving migrant student populations will meet the following conditions (ESEA section 8401(b)(1)):

- LEAs will continue to offer instructional and support services to provide opportunities for the migratory student population to succeed in meeting the State academic assessment in which will be monitored by OSDE migrant staff.
- LEAs will strengthen the Migrant Education Program (MEP) by conducting a Comprehensive Needs Assessment (CNA), implementing a Service Delivery Plan (SDP), and evaluating Measurable Program Outcomes (MPO) which will be monitored by OSDE migrant staff.
- LEAs will submit Fidelity of Strategy Implementation (FSI) reports, which will be monitored by OSDE migrant staff.

Prior to submitting this waiver request, Oklahoma provided LEAs in the State with notice and a reasonable opportunity to comment on this request. Oklahoma provided such notice by sending the information in an article as a Public Notice to all school districts in the *Administrators Newsletter* on Tuesday, June 28, 2022. (see Attachment A) In addition, Oklahoma has provided notice and information regarding this waiver request to the public by posting information regarding the waiver request on OSDE's website (see Attachment B). A compilation of all comments that Oklahoma received from LEAs and the public in response to this notice is attached hereto (see Attachment C).

Please feel free to contact Matt Colwell, Executive Director, Office of Federal Programs at (405) 522-3249 or Matthew.Colwell@sde.ok.gov or Erin Clapper at (405) 522-8354 or Erin.Clapper@sde.ok.gov if you have any questions regarding the waiver request.

Sincerely,

Joy Hofmeister
Oklahoma, State Superintendent of Public Instruction

Attachments:
Attachment A – Administrators Newsletter Notice
Attachment B – OSDE Web site Notice
Attachment C – Public Comment Evidence