



OKLAHOMA STATE
DEPARTMENT *of* EDUCATION

Public Comment

On July 29, 2025, the United States Department of Education, under the leadership of Secretary McMahon invited state educational agencies (SEAs) to seek waivers under the Elementary and Secondary Education Act (ESEA) Section 8401 to improve student academic achievement and maximize the impact of Federal funds.

In response to this request, the Oklahoma State Department of Education (OSDE) has drafted the following letter to request waivers available under ESEA §8401. The final request will be sent to the USDE, along with any comments, after a 30-day public comment window.

Public comment will be open from September 5, 2026 through October 5, 2026. Those interested in submitting a public comment may do so by email to Kory Kile at Kory.Kile@sde.ok.gov.

Written comments may also be hand-delivered to the agency during regular business hours or via regular mail at the following address:

Office of Legal Services
State Department of Education Hodge Education Building
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105

In addition, a public hearing to receive comments is scheduled for 10:00 a.m. - 11:00 a.m. on Monday, October 5, 2026, in Room 1-20 at the Oliver Hodge Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

Draft Waiver Request

Date: To Be Determined After Public Comment

The Honorable Kirsten Baesler
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Baesler:



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The Oklahoma State Department of Education (OSDE) respectfully submits this request for a waiver pursuant to Section 8401 of the Elementary and Secondary Education Act (ESEA). The requested waivers would provide Oklahoma flexibility in administering certain Federal requirements and support improved educational outcomes for students statewide.

OSDE seeks approval to waive ESEA Title I, Part D, Subpart 1, §1418(a) that requires state agencies to allocate no less than 15 percent and no more than 30 percent of their Title I, Part D, Subpart 1 funds toward transition services for youth returning to their local educational agencies (LEAs). OSDE seeks this waiver to allow the Oklahoma Department of Corrections (DOC) and the Oklahoma Office of Juvenile Affairs (OJA) to use Title I, Part D, Subpart 1 funds more effectively. Both DOC and OJA maintain local funding streams that fully cover the basic educational program within juvenile facilities, ensuring that core instruction is not dependent on federal Title I, Part D, Subpart 1 resources. As a result, Title I, Part D, Subpart 1 funds have the greatest impact when directed toward transition supports, which are essential to helping students re-enter their home districts successfully after meeting court requirements.

Removing the 30 percent cap will allow DOC and OJA to direct federal funds toward the services that best meet students' needs, such as individualized transition planning, coordination with receiving LEAs, credit transfer support, behavioral and academic readiness programming, and re-entry case management. These activities directly advance the purpose of Title I, Part D, Subpart 1 by improving continuity of education and reducing recidivism through strong, structured transition pathways.

This waiver will strengthen OSDE's ability to ensure that youth exiting juvenile facilities receive comprehensive support, increase alignment with the operational realities of DOC and OJA, and allow state agencies to allocate funds where they are most impactful. The removal of the cap will not diminish required services; rather, it will provide flexibility to maximize student success upon re-entry to the local education agency (LEA), technical school, employment, higher education, or the community.

This waiver will be evaluated periodically by the OSDE's Office of Title Services (OTS) team as part of the submissions of the ESEA Consolidated Budget Application and the ESEA Grant Performance Review by OJA and DOC.

Additionally, OSDE seeks approval to consolidate all state-level activity funds across Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B under the flexibility provided in ESEA §8401(b). Consolidation will allow OSDE to coordinate professional development, student support, English learner services, and academic enrichment under a unified statewide strategy. Removing siloed Title-specific barriers will free staff time, enable more strategic deployment of resources, and strengthen district-facing support. This flexibility will also increase OSDE's ability to respond quickly to emerging



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needs, enhance literacy and student support initiatives, and improve alignment across multiple divisions.

Importantly, this waiver will not affect allocations to districts or alter statutory programmatic responsibilities. OSDE will continue to meet all federal requirements and maintain service to the same student populations. Instead, consolidation allows the agency to maximize impact, reduce fragmentation, and deploy federal funds in ways that best support Oklahoma schools.

Granting this waiver would position OSDE to operate more efficiently, improve statewide alignment of federal programs, and advance the academic achievement of Oklahoma students, consistent with the intent of ESEA §8401 and aligned with successful models in other states.

If OSDE is allowed to combine these funds, the agency would have one larger, more flexible pool of money instead of several smaller restricted ones. That means OSDE could plan statewide initiatives more efficiently, for example, investing in all state-level activities in Literacy and/or Math Proficiency, MTSS, and related supports.

Evaluation of this waiver will be conducted annually by OSDE staff to ensure efficiency, statewide alignment of federal programs, and improvement of the academic achievement of Oklahoma students, consistent with the intent of ESEA §8401. Additionally, OSDE will complete all annual reporting under ESEA §1111(h) to include required waiver-related progress updates.

I look forward to continuing to work with you to ensure the students of Oklahoma are supported. If you have any questions about this request, please contact me at Lindel.Fields@sde.ok.gov.

Sincerely,

Mr. Lindel Fields, State Superintendent of Public Instruction
Oklahoma State Department of Education

cc: Dr. Theodore Murray