



**DEPARTMENT OF EDUCATION**

**34 CFR Chapter II**

**[ED-2026-OESE-0826]**

**Proposed Waiver and Extension of the Project Period with Funding--Title I, Part C Consortium Incentive Grant Program**

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education.

**ACTION:** Proposed waiver and extension of project period with funding.

**SUMMARY:** The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations (EDGAR) that generally prohibit project period extensions involving the obligation of additional Federal funds. The proposed waiver and extension would enable 39 projects under Assistance Listing Number (ALN) 84.144F to receive funding for up to two additional 12-month periods, not to exceed September 30, 2028.

**DATES:** We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Comments must be submitted via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). However, if you require an accommodation or cannot otherwise submit your comments via [www.regulations.gov](http://www.regulations.gov), please contact the program contact person listed under **FOR FURTHER INFORMATION**

**CONTACT.** The Department will not accept comments submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

*Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [www.regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

*Privacy Note:* OESE's policy is generally to make comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Michael Meltzer, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-5076. Telephone: (202) 453-6068. Email: [Michael.Meltzer@ed.gov](mailto:Michael.Meltzer@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

**SUPPLEMENTARY INFORMATION:**

*Invitation to Comment:* We invite you to submit comments regarding this proposed waiver and extension. To ensure

that your comments have maximum effect in developing the notice of final waiver and extension, we urge you to identify clearly the specific grantee or grantees (listed in the table under the *Background* section) that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 14192 and their overall requirement of reducing regulatory burden that might result from the proposed waiver and extension. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice of proposed waiver and extension by accessing [regulations.gov](https://www.regulations.gov).

*Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed waiver and extension. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

*Background:*

Title I, Part C, authorized under sections 1301-1309 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, is a State-operated and State-administered formula grant program for the education of migratory children—i.e., children of migratory agricultural workers and migratory fishers. One component of the Title I, Part C program is the Consortium Incentive Grant (CIG) program, authorized in section 1308(d) of the ESEA (20 U.S.C. 6398(d)). Through the CIG program, the Department of Education (Department) may set aside up to \$3,000,000 from the annual Title I, Part C appropriation to award grants on a competitive basis to State educational agencies (SEAs) to participate in consortia with another State or appropriate entity that will improve the delivery of services to migratory children whose education is interrupted.

The Department published a notice of final requirements for the CIG program in the *Federal Register* on March 3, 2004 (69 FR 10110) (2004 Notice), a notice of final priority on March 12, 2008 (73 FR 13217), and a notice of final requirement on December 31, 2013 (78 FR 79613), in which we increased the maximum project period for the CIG program to three years.

On February 23, 2023, the Department published in the *Federal Register* (88 FR 11422) a notice inviting applications for the CIG program. A table listing the 39 FY 2023 grantees follows. One grantee declined to participate

in the CIG program immediately after receiving the FY 2023 award and one grantee declined to participate in the Title I, Part C program, including the CIG program, after receiving FY 2024 awards. These two grantees would not be eligible for an extension and are therefore not included in the table below.

<b>FY 2023 Awards under ALN 84.144F</b>	
<b>PR Award Number</b>	<b>Grantee Name</b>
S144F230001	Kansas State Department of Education
S144F230003	Utah State Board of Education
S144F230004	Commonwealth of Pennsylvania Department of Education
S144F230005	Nebraska Department of Education
S144F230006	Colorado Board of Education
S144F230008	Delaware Department of Education
S144F230011	Georgia Department of Education
S144F230012	Idaho State Board of Education
S144F230013	Illinois State Board of Education
S144F230014	Indiana Department of Education
S144F230015	Iowa Department of Education
S144F230017	Kentucky Department of Education
S144F230018	Louisiana Department of Administration
S144F230019	Maine Department of Education
S144F230021	Massachusetts Department of Elementary & Secondary Education
S144F230022	Michigan Department of Education
S144F230023	Minnesota Department of Education
S144F230024	Mississippi Department of Education
S144F230025	Missouri Department of Elementary & Secondary Education
S144F230026	Montana Office of Public Instruction

S144F230028	Nevada Department of Education
S144F230030	New Jersey Department of Education
S144F230031	State of New Mexico Public Education Department
S144F230032	New York State Education Department
S144F230033	North Carolina Department of Public Instruction
S144F230034	North Dakota Department of Public Instruction
S144F230035	Ohio Department of Education
S144F230037	Oregon Department of Education
S144F230041	South Carolina Department of Education
S144F230042	South Dakota Department of Education
S144F230044	Texas Education Agency
S144F230046	Vermont State Agency of Education
S144F230047	Commonwealth of Virginia State Board of Education
S144F230048	Washington Superintendent of Public Instruction
S144F230050	Wisconsin Department of Public Instruction
S144F230052	Hawaii State Department of Education
S144F230054	Alabama State Department of Education
S144F230055	Arizona Department of Education
S144F230056	Arkansas Department of Education

The current project period for these grantees ends on September 30, 2026.

*Waivers and Extensions:*

The Department proposes to extend the project period for the 39 current CIG program grantees for up to two additional 12-month periods. We are proposing to extend the

project period to allow grantees' work to continue as the Department considers changes to the priorities and structure of the CIG program. Specifically, the Secretary will consider the CIG program in the context of the Administration's priorities. An extension would allow current grantees to plan for potential future changes to their Title I, Part C funding and best align their work to the Administration's priorities.

We have concluded that it would be contrary to the public interest to have a lapse in the work of current CIG program grantees while the Department considers changes to the CIG program. As such, the Secretary proposes to waive the requirement in 34 CFR 75.261(b)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds. The waiver would allow the Department to issue continuation awards to current CIG grantees in FY 2026 and potentially, in FY 2027, at the Department's discretion and pending availability of FY 2027 funds.

Any activities carried out under these continuation awards must be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee's application as approved in the FY 2023 competition. The requirements for continuation awards are set forth in 34 CFR 75.253 and the 2004 Notice. Specifically, in making a continuation award, the Secretary considers, among other

things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its Title I Part C program; whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application; or whether the continuation of the project is in the best interest of the Federal Government.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### *Intergovernmental Review*

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive Order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

#### *Regulatory Flexibility Act Certification*

The Secretary certifies that this proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities.

The entities that would be affected by this proposed waiver and extension are:

(a) The FY 2023 SEA grantees currently receiving Federal funds; and

(b) SEAs that otherwise would have been eligible to apply for an award in FY 2026 under the CIG program if the Department had held that competition.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year(s) of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

*Paperwork Reduction Act of 1995*

This notice of proposed waiver and extension of the project period does not contain any information collection requirements.

*Accessible Format:* On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document in an accessible format. The Department will provide the

requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations via the Federal Digital System at: [www.govinfo.gov](http://www.govinfo.gov). You may also access documents of the Department published in the *Federal Register* by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov).

**Kirsten Baesler,**  
*Assistant Secretary,*  
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