

## DEPARTMENT OF EDUCATION

**Office of Elementary and Secondary Education; Preliminary Consolidated State Plans Under Section 14302 of the Elementary and Secondary Education Act**

**AGENCY:** Department of Education.

**ACTION:** Responses to public comments on proposed guidance for preliminary consolidated State plans.

**SUMMARY:** The Department of Education provides responses to public comments submitted on proposed guidance for the submission of optional preliminary consolidated State plans under section 14302 of the Elementary and Secondary Education Act.

**FOR FURTHER INFORMATION CONTACT:**

William Wooten, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Ave, SW., Washington, DC 20202-6100. Telephone (202) 260-1922. The Internet address is consolidated—plan@ed.gov. The fax number is 202-205-0303. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m. Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** Section 14302 of the ESEA, as reauthorized by the Improving America's Schools Act, provides for the establishment of criteria under which any SEA may obtain Federal funds under certain programs through a single consolidated plan rather than through separate funding applications or plans. As explained in section 14301 of the ESEA, this consolidated plan option is intended to enhance cross-program coordination, planning and service delivery, as well as the integration of Federal program services with services offered by States and localities as keys to increased student achievement.

On January 13, 1995, the Department published proposed guidance and criteria for optional consolidated State plans under section 14302 (60 FR 3306). After considering public comment on these criteria, the Department issued forms and instructions, together with a supplementary guidance document, to State educational agencies (SEAs) on April 20, 1995. Appendix A to this notice contains the relevant portions of this guidance document. Except as provided in the guidance document, the instructions that SEAs received reflect the criteria published in the January 13 notice. The Department is treating these criteria as nonbinding. Appendix B to

this notice contains the Department's response to substantive comment received on its proposals for submission of consolidated State plans.

Dated: June 9, 1995.

**Thomas W. Payzant,**

*Assistant Secretary for Elementary and Secondary Education.*

**Appendix A—Consolidated State Plans Supplementary Information**

April 20, 1995.

On January 13, 1995, the Department published in the **Federal Register** proposed criteria to govern submission of consolidated State plans under section 14302 of the Elementary and Secondary Education Act (ESEA), as amended by the Improving America's Schools Act (IASA). The Department received comments from State educational agencies (SEAs), nonprofit private organizations, and other interested persons. These constructive and thoughtful comments were part of a process of collaboration with the public about the content of consolidated State plans that began with the Department's distribution of preliminary guidance at the December, 1994 IASA conference in Baltimore, Maryland.

These comments are addressed throughout this package [ . . . ]

**I. Preliminary Consolidated Plans**

1. *Overall Approach.* The January 13 notice continues to provide the basic framework for the submission of both preliminary consolidated State plans in May of this year, and final consolidated plans in the spring of 1996. Except for the need to address equitable participation in State-level programs, as is now required by section 427 of the General Education Provisions Act, instructions for the preliminary consolidated plan contain only relatively minor adjustments to those proposed in the January 13 **Federal Register** notice. As suggested in comments on the proposal, these changes include the need for States to include pupil services personnel among the key individuals who will participate in development of the final consolidated State plan.

A few SEAs have indicated a desire to submit consolidated State plans in one stage rather than two. Those SEAs should review the information on final consolidated State plans contained in the January 13 notice and Part II of this guidance, which provides a framework for submission of their plans. However, because collaboration with the public on the criteria for the final plan is still continuing and the final criteria may differ from the criteria provided in this guidance, an SEA submitting a final plan in the next few months could be asked to provide additional information that the Department decides is needed in final plans.

2. *Inclusion of Additional Programs.* Section 14302 authorizes the Secretary to designate programs in addition to those specified in the statute as programs that a State may include in its consolidated plan. In the January 13 notice, the Secretary specified several such additional programs. Commenters on the January 13 notice

suggested that the Secretary should designate a number of other programs (not listed in the January 13 notice) for possible inclusion in consolidated State plans. Among the programs suggested for designation were the Individuals with Disabilities Education Act (IDEA), the Adult Education Act (AEA), and the Bilingual Education Act.

The Department has determined that none of these programs should be designated at this time for inclusion in consolidated plans. Both the IDEA and the AEA will be subject to reauthorization during the coming year. (While the Perkins Act is also subject to reauthorization, Congress, in section 14302, specifically designated the Part A Perkins Act program for optional inclusion in a consolidated State plan.) A State's funding level under the State-level Bilingual Education program authorized in section 7134 of the ESEA is dependent upon the receipt of competitive grant awards by LEAs in the State. The Emergency Immigrant Education Program has a distinctive relationship to other Federal initiatives for addressing immigrant-related issues. Therefore, these programs are not appropriate for inclusion.

Accordingly, at this time an SEA may choose to include in a consolidated State plan the thirteen programs proposed in the January 13 notice for purposes of obtaining FY 1995 funds.

The Secretary's designation of programs affects only a State's ability to receive program funding on the basis of a consolidated plan. However, the scope of a State's consolidated planning is in no way limited to those included programs. States are encouraged to focus their consolidated plans on how funds provided under *all* Federal programs can be used in conjunction with State and local resources to enhance the academic achievement of all students.

3. *Coverage of the Carl D. Perkins Vocational and Applied Technology Education Act.* A State may include the following Perkins Act programs in a preliminary consolidated State plan: programs under Title II, Parts A-C and Title III, Parts A, B, and E. For funds that become available on July 1, 1995, the current State plans under the Perkins Act are in effect. Accordingly, to receive these funds under that Act, a State need not submit additional plan descriptions or information unless program changes warrant the submission of amendments pursuant to section 113(c) of the Perkins Act.

Nevertheless, a State may wish to include one or more of the Perkins Act programs in its consolidated State plan for the period beginning July 1, 1995, in order to encourage and facilitate coordination of these programs with ESEA and other programs included in the plan. In this case, a State is encouraged to include in its description of the processes for developing the final plan the involvement of the State agency designated as the State board of vocational education under section 111(a)(1) of the Perkins Act, even though the SEA submits the preliminary consolidated plan.

The Secretary has transmitted the Administration's legislative proposal for restructuring the Perkins Act for the grant