

cycle beginning on July 1, 1996, and subsequent fiscal years. This proposal contemplates close coordination between the Perkins Act and other Federal assistance programs. Inclusion of Perkins Act programs in a preliminary consolidated State plan can constitute a significant first step toward these goals. See Part II, Final Consolidated Plans.

4. *Certifications.* Commenters requested the consolidation of the standard certifications regarding matters such as construction, Drug-Free Workplace Act, and lobbying. In response, the forms and instructions for the preliminary consolidated State plan include a consolidated certification format.

5. *The General Assurances that Accompany a Consolidated Plan.* Consistent with section 14303 of the ESEA, the application for consolidated plans will include an assurance that the State agrees to "the assurances contained in section 14303(a) of the [ESEA]." Under section 14303(a)(1), these assurances include the SEA's agreement that "each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications."

While submission of a satisfactory consolidated plan permits the Secretary to award funds under programs that the plan covers, requirements governing the operation of programs are not affected. Absent a waiver, the assurance contained in section 14303(a)(1) does not eliminate any of a program's underlying operational requirements, including those that the program statute may express as application or plan descriptions or assurances (although it does eliminate a requirement to prepare a program application or plan). The January 13 **Federal Register** notice gives several examples of the effect of the general assurance on requirements expressed as program plan or application requirements. Therefore, for each program that a State includes in its preliminary consolidated plan, the requirements underlying statutory application or plan provisions mentioned in the following sections of the authorizing statute continue to apply to the State's use of program funds:

(1) Title I, Part A, of the ESEA (Improving Basic Programs Operated by Local Educational Agencies).

—Section 1111(b) and (c) of the ESEA.

(2) Title I, Part B, of the ESEA (Even Start).

—None; no statutory application or plan requirements.

(3) Title I, Part C, of the ESEA (Migrant Education).

—Sections 1304(b) and (c); 1306(a).

(4) Title I, Part D, of the ESEA (Neglected, Delinquent or At-Risk Children).

—Section 1414(a) of the ESEA.

(5) Title II of the ESEA (State and Local Programs) (Professional Development).

—Section 2205 of the ESEA.

(6) Title IV, Part A, Subpart I (other than the Governor's Programs in section 4114), of the ESEA (Safe and Drug-Free Schools and Communities).

—Section 4112(a) and (b) of the ESEA.

(7) Title VI of the ESEA (Innovative Education Program Strategies).

—Section 6202(a) of the ESEA.

(8) Title VII, Subtitle B of the Stewart B. McKinney Homeless Assistance Act (the Education for Homeless Children and Youth program) enacted in Title III, Part B of the IASA.

—Section 722(g) of the McKinney Act.

While the Goals 2000, School-to-Work, and the Title III, ESEA Technology programs may be included in the preliminary consolidated plan, submission of a consolidated State plan, in either preliminary or final form, does not alter planning or application requirements under these programs. As indicated above, many Perkins Act programs also may be included in the consolidated plan, but a State's grant from funds that become available on July 1, 1995, already is authorized under its previously approved plan. States review the content of the approved plans that have been submitted under these programs in determining their obligations under the general assurance in section 14303(a)(1).

6. *Public Participation; Peer Review.*

Section 14303(a)(7) of the ESEA provides that, before a consolidated State plan is submitted to the Secretary, the State must afford a reasonable opportunity for public comment on the plan and consider the comment. Commenters on the January 13 notice requested guidance on the manner in which this requirement could be satisfied.

States have wide latitude in determining how best to involve the public in a meaningful process of commenting on the proposed content of a preliminary (or final) consolidated State plan. Among the procedures that SEAs might use are (1) public comment sessions in regional workshops; (2) regional hearings; (3) dissemination of proposals through Statewide publications or similar widely-disseminated documents; and (4) any methods that, under State procedures, must be used to obtain comment on comparable State actions. In selecting the most appropriate methods, States may want to consider both the expected public interest in how the consolidated plan will be prepared, and any expected public reaction to development of a consolidated plan rather than individual program plans and applications.

The Department interprets section 14303(a)(7) as permitting an SEA to request and consider comment on the substance, rather than the precise text, of a consolidated State plan.

Furthermore, if an SEA believes that it has insufficient time to meet the public participation requirement before the due date for submission of preliminary consolidated plans, it may submit to the Department a draft preliminary consolidated plan before completing the public comment process. In this case, prior to the Secretary's approval of the plan, and the issuance of a grant award, the SEA would be expected to submit any revisions to the draft plan that are needed in view of public comment.

As proposed in the January 13 notice, the Department will approve preliminary

consolidated State plans without peer review.

II. Final Consolidated Plans

1. *Inclusion of Information on Standards and Assessments Under Section 1111(b) of the ESEA.* The January 13 **Federal Register** notice proposed criteria for inclusion in a consolidated State plan of information regarding standards and assessment under Title I of the ESEA. Some clarification regarding these criteria may be helpful. The Department intends to ask SEAs to include information regarding (1) content and performance standards, (2) assessments, and (3) adequate yearly progress, called for in section 1111(b) of the ESEA, that the SEA would submit if it prepared an individual State plan under Title I, Part A.

Section 1111(b) of the ESEA requires that a State plan under the Title I, Part A program must include certain specified information on developing State content and performance standards, assessments, ways of measuring adequate yearly progress and other matters.

Under the Department's approach, if a State is participating in Title III of the Goals 2000: Educate America Act, and has an approved State Goals 2000 plan, which adequately addresses the elements contained in section 1111(b) of the ESEA, a State's final consolidated plan would not need to contain any supplemental information relating to this section. On the other hand, if the State is not participating in Goals 2000, its Goals 2000 plan has not been approved, or its Goals 2000 plan does not address these elements sufficiently, the Department would request further information relevant to section 1111(b). These information requests would, of course, take into account the process of transition to standards, assessments and other section 1111(b) factors that States are undertaking.

2. *Perkins Act.* The authorization for the Perkins Act programs expires on September 30, 1996. As indicated above, the Secretary has transmitted a reauthorization proposal, the Career Preparation Education Reform Act of 1995. The information or descriptions that a State would be asked to include in a final consolidated plan with respect to the Perkins programs will depend upon the content of the reauthorized legislation.

4. *Peer Review.* Some commenters expressed concern that the Department's proposed use of peer review to evaluate a State's final consolidated plan could unnecessarily burden the approval process with activities that duplicate the peer review process under Goals 2000.

For final consolidated plans, the Department is developing procedures for peer review in collaboration with SEAs and others. However, if an SEA has had its Goals 2000 State improvement plan approved through peer review, and the Goals 2000 plan encompasses the content needed for final consolidated State plans, the Department does not believe that a further peer review process should be necessary. If Goals 2000 is included in the consolidated plan, a single peer review should be conducted.

5. *Other Considerations.* As with the preliminary consolidated State plans, final plans will need to address efforts to promote