

GUEST VIEWPOINT: RICHARD W. RILEY



Exchange red tape for higher standards and greater achievement

President Clinton and I support increased flexibility for schools and school systems because we know the needs of communities differ significantly from one another. A "one-size-fits-all" approach to improving education will not work.

When I first arrived at the U.S. Department of Education three years ago, I was handed a report just completed by the General Accounting Office (GAO) concluding that the department's management practices inadequately supported our major initiatives and that the department was over-regulated and too bureaucratic. Our team set out immediately to correct those problems.

While we still have much

Richard W. Riley is U.S. Secretary of Education.

work to do, I am happy to report progress since 1993. We have thrown out or simplified almost 40 percent of our regulations, cut the required paperwork to get student loans, and proposed eliminating 60 outdated programs.

The education staff is more than 30 percent smaller than under the old Department of Health, Education, and Welfare and is projected to shrink further.

Major congressional action was required for us to make some of the needed changes in the department and the programs it administers. For example, when I came into office, I had no authority to grant waivers to allow local school districts or states to try out their own innovative ideas with federal program funds.

But under education legisla-

tion signed by President Clinton in 1994, the department in the last year alone has granted 90 waivers to local school districts and has given five states unprecedented Ed-Flex waiver authority covering a number of our major programs.

This dramatic regulatory relief and flexibility demonstrates true respect for our long American tradition of state and local control of education.

Two of the president's legislative initiatives—Goals 2000 and the Improving America's Schools Act (the reauthorized Elementary and Secondary Education Act or ESEA)—provide increased flexibility, cut red tape, and provide better resources to schools, school districts, and states to start and expand their own education improvements and raise core academic standards.

As the son of a school board attorney, a PTA member, a governor, and now the secretary of education, I've observed that the hardest money to get at the local level is resources for schools to improve themselves, raise standards of achievement and discipline, and build partnerships for needed change.

Excellence grants from Goals 2000 provide such resources for local school improvements—with no new regulations.

Goals 2000 funds already are being used by participating districts to build partnerships around parents, teachers, district officials, and business people for developing local strategies for improving teaching and learning.

Under the revised Title I, beginning in 1996-97, schools with an enrollment of at least

50 percent low-income students will be eligible to operate an improvement program for the entire school. This means nearly 20,000 schools can combine most of their federal education program funds (not solely Title I funds) with state and local resources to support serious schoolwide improvements.

These schools are exempt from most federal requirements, such as tracking dollars to specific services for particular students, as long as the intent and purposes of the programs are met.

In return for this flexibility, participating schools develop and implement comprehensive plans to improve teaching and learning geared to challenging standards across their entire school.

Continued on page 7

VIEWPOINT

Continued from page 2

In 1994-95, less than half of the eligible schools across the United States were operating schoolwide programs with Title I funds. In preparation for next school year, school districts with qualifying schools might want to provide extra technical assistance, training, and staff development and planning time to take advantage of this opportunity to make significant advances.

The new flexibility in Title I is not limited to schoolwide programs. Now, for all Title I schools, program funds may support professional development for any teacher who works with Title I students, not just Title I teachers. Title I also encourages school-parent compacts that invite better teacher-parent collaboration to address pressing needs in their school.

Beyond the flexibility provided by ESEA itself, the Department of Education has sought to increase the flexibility of its elementary and secondary programs by eliminating all but the necessary regulations and simplifying those that are needed.

For instance, under the Safe and Drug-Free Schools provisions, schools and districts can develop comprehensive strategies to make schools and surrounding communities safer, more disciplined, and drug-free for their students.

Even with a more flexible ESEA and many fewer regulations, schools, districts, and states might encounter federal program requirements that interfere with their strategies for improving the quality of instruction and student academic performance.

Now, for the first time ever, Goals 2000 and ESEA give the Education Department authori-

ty to provide waivers for the vast majority of statutory and regulatory requirements for our major programs. For example:

- The Fort Worth, Texas, school district received a waiver allowing it to target an extra portion of its Title I dollars for a complete overhaul of four high-poverty, inner-city elementary schools. The schools, operating schoolwide programs, use Title I funds to improve instruction for all their students and plan to reorganize staff, lengthen the school year, focus on teaching reading and math, provide extensive teacher training, and strengthen links to the community.

- As part of Oregon's comprehensive school improvement efforts, the state education department received a waiver of Perkins Act provisions to link community colleges and school districts in an innovative consortia arrangement.

- Based on needs identified by member districts, the Riverview Consortium in Shippenville, Pa., received a waiver enabling it to use up to 50 percent of its Eisenhower professional development funds for local teacher training in core academic subjects other than math and science.

Perhaps the most dramatic example of the department's new flexibility is the Education Flexibility Partnership Demonstration Program (Ed-Flex) established by the Goals 2000 Act.

Under Ed-Flex, the secretary may give up to six state education agencies the authority to waive certain federal statutory or regulatory requirements to remove barriers to better teaching and learning.

To apply for the demonstration, a state must have an approved state education im-

provement plan under Goals 2000 and must provide appropriate waivers to local districts and schools.

Those affected by the waivers agree to be held accountable for the academic performance of their students. Requirements pertaining to health and safety, civil rights, and parental participation may not be waived.

So far, Kansas, Massachusetts, Ohio, Oregon, and Texas have been selected for Ed-Flex, with a sixth state to be chosen soon. Kansas, Massachusetts, and Oregon already have begun approving waivers.

Public charter schools are another important new tool for promoting effective local innovation, better accountability, and choice in public education.

The department awarded \$6 million to help start charter schools in 11 states last year, and the Clinton Administration will seek funds to help open nearly 3,000 charter schools over the next four years.

The program allows the secretary to waive for public charter schools most statutory and regulatory requirements of federal education programs.

In a recent meeting in Minnesota, a local school board member told me how having a charter school as part of his district helped the district treat all of their schools with more autonomy and focused the district's attention on helping schools reach mutually agreed-upon goals.

Building on the progress of the past couple of years, our department will continue to explore ways to provide more flexibility and cut unnecessary red tape and to use the improved legislation and federal funds in ways that better support local innovation. ■

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SUPPLEMENTARY INFORMATION:

Title: NAEP Consumer Survey Research Study of the Achievement Levels for the U.S. History NAEP and the Geography NAEP.

Abstract: The purpose of this information collection activity is to gather information for NAGB regarding the achievement levels set for the 1994 NAEP in U.S. History and in Geography. In particular, Congress has deemed that the achievement levels must be shown to be reasonable, valid, and informative to the public. This survey is designed to collect responses from individuals who are likely to have some interest in the ALS process (having been invited in 1994 to nominate individuals to serve as panelists for the ALS process) and individuals who are likely to have some interest in the subjects for which achievement levels have been developed.

A report has been developed in the form of a newspaper (The NAEP Reporter) to provide respondents information about the NAEP, and about the achievement levels. The "newspaper" report was developed as a means of providing information in a format that would be interesting to the respondent. Unlike actual newspaper articles that have reported on the recently-released results of the NAEP, this account does not judge the outcomes regarding student performances. That is, this report is objective and neither applauds nor decries the performance of students on the NAEP.

A brief questionnaire elicits responses to questions regarding the usefulness and informativeness of the achievement levels for reporting NAEP results. The survey is printed on a postage-paid, self-mailer card.

No third party notification or public disclosure burden is associated with this collection.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published on December 20, 1995.

Burden Statement: The estimated total respondent burden is 924 hours, and the average burden per respondent is .44 hours. This is a one-time survey. Individuals included in the survey will not be contacted for follow-up comments. This burden estimate includes .33 hours to read the stimulus piece (newspaper) and .11 hours to read and respond to the questionnaire.

No small businesses nor other small entities are included in the survey.

Respondents/Affected Entities: Parties affected by this information collection are persons included in a broadly representative sample including persons identified as nominators of achievement levels-setting (ALS) panelists for pilot studies and ALS, as well as samples of subscribers to The Smithsonian magazine (for U.S. History) and The National Geographic for geography.

Estimated Number of Respondents: 2100 in this collection.

Estimated Total Annual Burden of Respondents: 924 hours for this collection.

Frequency of Collection: One time only.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following address. Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Wendy Taylor, Desk Officer for NAGB, 725 17th Street, NW., Washington, DC 20503.

Dated: March 18, 1996.

Roy Truby,

Executive Director.

[FR Doc. 96-6830 Filed 3-21-96; 8:45 am]

BILLING CODE 4000-01-M

Notice of Waivers Granted by the U.S. Secretary of Education Under the Authority of the Elementary and Secondary Education Act and the Goals 2000: Educate America Act

SUMMARY: States and communities have new opportunities for flexibility in the use of Federal education funds in order to improve school effectiveness and academic achievement. The Improving America's Schools Act (Pub. L. 103-382), (which reauthorized the Elementary and Secondary Education Act (ESEA)), the Goals 2000: Educate America Act (Pub. L. 103-227) (Goals 2000), and the School-to-Work Opportunities Act (Pub. L. 103-239) provide States, school districts, and other eligible waiver applicants with significant new opportunities to seek waivers of certain requirements of Federal education programs in order to improve teaching and learning.

As of December 31, 1995, 85 waiver requests had been approved by the U.S. Department of Education and 11 waiver requests had been denied. This notice identifies the 71 waiver requests approved by the U.S. Department of Education under the above waiver authorities from July 1, 1995 through December 31, 1995. (The other 14 were

described in a previous notice.) This notice also identifies the three additional States that have had their Education Flexibility (Ed-Flex) Partnership Demonstration Program applications approved and been delegated the Secretary's waiver authority under the Goals 2000: Educate America Act during this time period.

Notably, in addition to the waivers of targeting and within district allocation provisions described in the earlier notice, this notice includes, among others, waivers that have been approved regarding provisions governing the statutory poverty thresholds for implementing schoolwide programs under Title I, the proportions of funds devoted to professional development in core subject areas under the Eisenhower Professional Development Program, the formation of consortia under the Perkins Vocational and Applied Technology Education Act, and the Public Charter Schools Program. Copies of revised draft Waiver Guidance, which provides examples of waivers and explains the waiver authorities in detail, are available from the U.S. Department of Education at (202) 401-7801.

Application Approvals: From July 1, 1995 through December 31, 1995, the Secretary approved 71 applications for waivers and three applications for Ed-Flex. The successful applications are listed in this notice, which is published as provided for in section 14401(g) of the ESEA and section 311(g) of Goals 2000. Each waiver application is reviewed and evaluated based on its individual merits in accordance with the statutory criteria.

(A) Waivers Approved Under the General Waiver Authority in Section 14401 of the ESEA.

- (1) Name of Applicant: Monmouth Public Schools, Monmouth, IL.
Requirements Waived: Sections 1113(b)(1)(A) and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: July 2, 1995.
- (2) Name of Applicant: Franklin Area School District, Franklin, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: July 11, 1995.
- (3) Name of Applicant: Tri-Valley School District, Valley View, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: July 12, 1995.
- (4) Name of Applicant: Blount County Schools, Maryville, TN.
Requirement Waived: Section 1113(c)(1) of the ESEA.

- Duration of Waiver: One year.
Date Granted: July 27, 1995.
- (5) Name of Applicant: Mifflin County School District, Yeagertown, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three Years.
Date Granted: July 27, 1995.
- (6) Name of Applicant: Edgecombe County Schools, Tarboro, NC.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: July 30, 1995.
- (7) Name of Applicant: Montebello Unified School District, Montebello, CA.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: July 30, 1995.
- (8) Name of Applicant: Windber Area School District, Windber, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: July 30, 1995.
- (9) Name of Applicant: Tamaqua Area School District, Tamaqua, PA.
Requirement Waived: Section 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 3, 1995.
- (10) Name of Applicant: Puerto Rico Department of Education, San Juan, PR.
Requirement Waived: Section 1113(a)(5) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 4, 1995.
- (11) Name of Applicant: DuBois Area School District, DuBois, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 5, 1995.
- (12) Name of Applicant: Greene County School District, Greeneville, TN.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Two years.
Date Granted: August 5, 1995.
- (13) Name of Applicant: Hempfield School District, Landisville, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 5, 1995.
- (14) Name of Applicant: Kentucky Department of Education.
Requirement Waived: Section 14601(b) of the ESEA only with respect to date of enactment of State law.
Duration of Waiver: Until July 1, 1996.
Date Granted: August 5, 1995.
- (15) Name of Applicant: Manitowoc Public School District, Manitowoc, WI.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 5, 1995.
- (16) Name of Applicant: North Schuylkill School District, Ashland, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 5, 1995.
- (17) Name of Applicant: Northwestern Lehigh School District, New Tripoli, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 5, 1995.
- (18) Name of Applicant: Belle Vernon Area School District, Belle Vernon, PA.
Requirements Waived: Sections 1113(a)(2)(B), 1113(c)(1), and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 22, 1995.
- (19) Name of Applicant: Jefferson County Public Schools, Louisville, KY.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 22, 1995.
- (20) Name of Applicant: Belleville Township High School District, Belleville, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 23, 1995.
- (21) Name of Applicant: Gadsden County School District, Quincy, FL.
Requirement Waived: Section 1113(a)(3) of the ESEA.
Duration of Waiver: One year.
Date Granted: August 23, 1995.
- (22) Name of Applicant: Northwest Tri-County Intermediate Unit 5 Title II Consortium, Edinboro, PA.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 23, 1995.
- (23) Name of Applicant: Riverview Intermediate Unit 6 Title II Consortium, Shippensburg, PA.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 24, 1995.
- (24) Name of Applicant: Trinity Area School District, Washington, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: August 31, 1995.
- (25) Name of Applicant: Berwick Area School District, Berwick, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 5, 1995.
- (26) Name of Applicant: Campbell County Board of Education, Jacksboro, TN.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 10, 1995.
- (27) Name of Applicant: Puerto Rico Department of Education, San Juan, PR.
Requirement Waived: Section 1113(a)(3) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 11, 1995.
- (28) Name of Applicant: Warwick School District, Lititz, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 11, 1995.
- (29) Name of Applicant: Clarkston School District, Clarkston, WA.
Requirement Waived: Section 1114(a)(1)(A) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 15, 1995.
- (30) Name of Applicant: Octorara Area School District, Atglen, PA.
Requirement Waived: Section 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 15, 1995.
- (31) Name of Applicant: Santa Maria Joint Union High School District, Santa Maria, CA.
Requirements Waived: Section 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 15, 1995.
- (32) Name of Applicant: Chula Vista Elementary School District, Chula Vista, CA.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 25, 1995.
- (33) Name of Applicant: Columbia Heights Public Schools, Columbia Heights, MN.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 25, 1995.
- (34) Name of Applicant: Kutztown Area School District, Kutztown, PA.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 25, 1995.
- (35) Name of Applicant: Northern Lehigh School District, Slatington, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.

- Duration of Waiver: Three years.
Date Granted: September 25, 1995.
- (36) Name of Applicant: Juniata County School District, Mifflintown, PA.
Requirements Waived: Sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 27, 1995.
- (37) Name of Applicant: Orland School District, Orland Park, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 27, 1995.
- (38) Name of Applicant: Punxsatawney Area School District, Punxsatawney, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 27, 1995.
- (39) Name of Applicant: Conestoga Valley School District, Leola, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 28, 1995.
- (40) Name of Applicant: Oil City School District, Oil City, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: September 28, 1995.
- (41) Name of Applicant: White Mountains Regional School District, Whitefield, NH.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2).
Duration of Waiver: Three years.
Date Granted: September 28, 1995.
- (42) Name of Applicant: Wyalusing Area School District, Wyalusing, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: September 28, 1995.
- (43) Name of Applicant: Federal Way Public Schools, Federal Way, WA.
Requirement Waived: Section 1114(a)(1)(A) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 2, 1995.
- (44) Name of Applicant: Scranton School District, Scranton, PA.
Requirements Waived: Sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 2, 1995.
- (45) Name of Applicant: East Moline School District, East Moline, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 3, 1995.
- (46) Name of Applicant: Cincinnati Public Schools, Cincinnati, OH.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 4, 1995.
- (47) Name of Applicant: Alexandria Public Schools, School District 206, Alexandria, Minnesota.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 5, 1995.
- (48) Name of Applicant: Lehigh Area School District, Lehigh, PA.
Requirement Waived: Section 1113(a)(2)(B).
Duration of Waiver: Three years.
Date Granted: October 11, 1995.
- (49) Name of Applicant: Modesto City Schools, Modesto, CA.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 12, 1995.
- (50) Name of Applicant: Coatesville Area School District, Coatesville, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 25, 1995.
- (51) Name of Applicant: Goldendale Public Schools, Goldendale, WA.
Requirement Waived: Section 1114(a)(1)(A) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 25, 1995.
- (52) Name of Applicant: Jersey Shore Area School District, Jersey Shore, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 25, 1995.
- (53) Name of Applicant: Meriwether County School System, Greenville, GA.
Requirement Waived: Section 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 25, 1995.
- (54) Name of Applicant: Jefferson County Public Schools, Golden, CO.
Requirements Waived: Sections 1113(c)(1) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 27, 1995.
- (55) Name of Applicant: Laurel Highlands School District, Uniontown, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 27, 1995.
- (56) Name of Applicant: Northampton Area School District, Northampton, PA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.
Duration of Waiver: Three years.
Date Granted: October 27, 1995.
- (57) Name of Applicant: Worth Schools, Worth, IL.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: One year.
Date Granted: October 27, 1995.
- (58) Name of Applicant: Kiski Area School District, Vandergrift, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: November 22, 1995.
- (59) Name of Applicant: Burbank School District 111, Burbank, IL.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.
Duration of Waiver: Three years.
Date Granted: December 1, 1995.
- (60) Name of Applicant: Highlands School District, Natrona Heights, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: December 1, 1995.
- (61) Name of Applicant: Lake-Lehman School District, Lehman, PA.
Requirement Waived: Section 1113(a)(2)(B) of the ESEA.
Duration of Waiver: Three years.
Date Granted: December 1, 1995.
- (62) Name of Applicant: Maine School Administrative District #57, Waterboro, ME.
Requirements Waived: Sections 1113(a)(2)(B), 1113(c)(1), and 1113(c)(2) of the ESEA.
Duration of Waiver: One year.
Date Granted: December 1, 1995.
- (63) Name of Applicant: Nebraska Department of Education on behalf of the Nebraska Coordinating Commission for Postsecondary Education, Lincoln, NE.
Requirement Waived: Section 2206(b) of the ESEA.
Duration of Waiver: Three years.
Date Granted: December 1, 1995.
- (64) Name of Applicant: Palmdale School District, Palmdale, CA.
Requirements Waived: Sections 1113(b)(1)(A) and 1113(c)(2) of the ESEA.
Duration of Waiver: Two years.
Date Granted: December 1, 1995.
- (65) Name of Applicant: Placerville Union School District, Placerville, CA.
Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the

ESEA.

Duration of Waiver: One year.

Date Granted: December 1, 1995.

(B) Waivers Approved Under the Special Waiver Authority in Section 1113(a)(7) of the ESEA

- (1) Name of Applicant: Omaha School District, Omaha, NE.

Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.

Duration of Waiver: ESEA reauthorization period.

Date Granted: September 12, 1995.

- (2) Name of Applicant: Woodland Hills School District, Pittsburgh, PA.

Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(1) of the ESEA.

Duration of Waiver: Three years.

Date Granted: September 28, 1995.

- (3) Name of Applicant: Lynchburg City Schools, Lynchburg, Va.

Requirements Waived: Sections 1113(a)(2)(B) and 1113(c)(2) of the ESEA.

Duration of Waiver: One year (in part) and three years (in part).

Date Granted: October 2, 1995.

- (4) Name of Applicant: New Kensington-Arnold School District, Arnold, PA.

Requirement Waived: Section 1113(a)(2)(B) of the ESEA.

Duration of Waiver: Three years.

Date Granted: October 17, 1995.

(C) Waiver Approved Under the Public Charter Schools Waiver Authority in Section 10304(e) of the ESEA

- (1) Name of Applicant: Massachusetts Department of Education.

Requirement Waived: Section 10302(a) of Title X, Part C of the ESEA.

Duration of Waiver: Three years.

Date Granted: July 31, 1995.

(D) Waivers Approved Under the Waiver Authority in Section 311 of the Goals 2000: Educate America Act

- (1) Name of Applicant: Oregon Department of Education.

Requirements Waived: Carl D. Perkins Vocational and Applied Technology Education Act at 34 CFR Sections 403.190 and 403.116(c)(1).

Duration of Waiver: Four years.

Date Granted: August 3, 1995.

(E) States Designated Ed-Flex States Under the Education Flexibility Partnership Demonstration Program in section 311(e) of the Goals 2000: Educate America Act

- (1) Name of Applicant: Massachusetts.
Duration of Ed-Flex Authority: Five years.

Date Granted: August 19, 1995.

- (2) Name of Applicant: Kansas.

Duration of Ed-Flex Authority: Five years.

Date Granted: August 20, 1995.

- (3) Name of Applicant: Ohio.

Duration of Ed-Flex Authority: Five years.

Date Granted: September 27, 1995.

(F) Correction to Previous Federal Register Notice

In the description of the Lancaster School District, PA waiver, 60 FR 44391 (August 25, 1995) described two of the district's elementary schools as otherwise ineligible for Title I funds. These two schools have poverty levels below the district average, but are eligible to receive Title I funds irrespective of the waiver.

FOR FURTHER INFORMATION CONTACT: Collette Roney at the Department's Waiver Assistance Line, (202) 401-7801. Copies of Waiver Guidance are also available at this number.

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.

Dated: February 16, 1996.

Marshall S. Smith,

Under Secretary.

[FR Doc. 96-6879 Filed 3-21-96; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

[FE Docket No. EA-113]

**Application to Export Electricity
Destec Power Services, Inc.****AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of application.

SUMMARY: Destec Power Services, Inc. (Destec) has requested authorization to export electric energy to Mexico. Destec is a marketer of electric energy. It does not own or control any electric generation or transmission facilities. **DATES:** Comments, protests, or requests to intervene must be submitted on or before April 22, 1996.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE-52), Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-

9624 or Michael T. Skinker (Program Attorney) 202-586-6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. § 824a(e)).

On March 11, 1995, Destec filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to export electric energy to Mexico pursuant to section 202(e) of the FPA. Destec neither owns nor controls any facilities for the transmission or distribution of electricity, nor does it have a franchised retail service area. Rather, Destec is a power marketer authorized by the Federal Energy Regulatory Commission (FERC) to engage in the wholesale sale of electricity in interstate commerce at negotiated rates pursuant to its filed rate schedules.

In its application, Destec proposes to sell electric energy to Mexico. The electric energy Destec proposes to transmit to Mexico would be purchased from electric utilities and Federal power marketing agencies in the United States. Destec asserts that such energy would be surplus to the requirements of the entities from which it would be purchased. Destec would arrange for the exported energy to be wheeled from the selling entities, over existing domestic transmission facilities, and delivered to the foreign purchaser over one or more of the following international transmission lines for which Presidential permits (PP) have been previously issued: San Diego Gas and Electric Company's (SDG&E) 230-kilovolt (kV), Miguel-Tijuana transmission line (PP-68); the SDG&E 230-kV line at Imperial Valley (PP-79); El Paso Electric Company's 115-kV lines at Diablo, New Mexico (PP-92) and Ascarate, Texas (PP-48-A); Central Power and Light Company's 138-kV and 69-kV transmission lines at Brownsville, Texas (PP-94); and the 138-kV transmission lines permitted to Mexico's Comision Federal de Electricidad at Eagle Pass (PP-50), Laredo (PP-57), and Falcon Dam (PP-57) in Texas.

Procedural Matters

Any persons desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214). Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies are to be

WAIVERS -- Status Report (draft)

25-Mar-96

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Palm Beach County School District West Palm Beach, FL	11/28/94	Approved	
Philadelphia School District Philadelphia, PA	3/6/95	Withdrawn -- No Waiver Needed	
Akron Public Schools Akron, OH	3/9/95	Withdrawn -- Unknown Reason	
Decatur Township School District Decatur, IN	3/9/95	Approved	
Riverside Unified School District--I Riverside, CA	3/30/95	Withdrawn -- No Waiver Needed	
Columbus Municipal School District Columbus, MS	4/4/95	Withdrawn -- Unknown Reason	
Council Rock School District Council Rock, PA	4/6/95	Withdrawn -- No Waiver Needed	
Lancaster School District Lancaster, PA	4/6/95	Approved	
Berlin Brothers Valley School District Berlin, PA	4/17/95	Withdrawn -- No Waiver Needed	
Watertown Public Schools Watertown, SD	4/17/95	Withdrawn -- No Waiver Needed	
Buena Regional School District Buena, NJ	4/18/95	Withdrawn -- No Waiver Needed	
Riverside Unified School District--II Riverside, CA	4/19/95	Approved	
Wichita Public School District Wichita, KS	4/25/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Hopewell Area School District Hopewell PA,	4/28/95	Withdrawn -- No Waiver Needed	
Mifflin County School District Yeagertown, PA	4/28/95	Approved	
Fort Worth Independent School District Fort Worth, TX	5/3/95	Approved	
Montebello Unified School District Montebello, CA	5/3/95	Approved	
San Diego City Schools San Diego, CA	5/4/95	Approved	
New Jersey (Cherry Hill Public Schools) Cherry Hill, NJ	5/7/95	Disapproved	
Sierra Unified School District Auberry, CA	5/7/95	Withdrawn -- No Waiver Needed	
Hillsborough County School District Tallahassee, FL	5/8/95	Approved	
Sweetwater Union High School District Sweetwater Union, CA	5/8/95	Withdrawn -- No Waiver Needed	
Huntingdon Area School District Huntingdon, PA	5/9/95	Approved	
Juniata County School District Mifflintown, PA	5/9/95	Approved	
Kentucky Department of Education - I Frankfort, KY	5/9/95	Approved	
Ligonier Valley District School Ligonier Valley, PA	5/9/95	Disapproved	
Windber Area School District Windber, PA	5/10/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Waltham Public School Waltham, MA	5/11/95	Withdrawn -- No Waiver Needed	
Belle Vernon Area School District Belle Vernon, PA	5/12/95	Approved	
Eastern Lebanon County School District Eastern Lebanon, PA	5/12/95	Disapproved	
Franklin Area School District Franklin, PA	5/12/95	Approved	
General McLane School District General McLane, PA	5/12/95	Withdrawn -- No Waiver Needed	
Redbank Valley School District Redbank Valley, PA	5/12/95	Withdrawn -- No Waiver Needed	
Edgecombe County Schools Tarboro, NC	5/14/95	Approved	
Modesto City School Modesto City, CA	5/15/95	Approved	
Ferguson-Florissant R-II School District Ferguson-Florissant, MO	5/16/95	Approved	
Pulaski County School District Pulaski County, AR	5/16/95	Withdrawn -- Unknown Reason	
South Eastern School District South Eastern, PA	5/16/95	Approved	
Wyoming Valley West School District Wyoming Valley, PA	5/16/95	Disapproved	
Penn Manor School District Penn Manor, PA	5/17/95	Approved	
Nash-Rocky-Mount School District--I Nash-Rocky Mount, NC	5/19/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Nash-Rocky-Mount School District--II Nashville, NC	5/19/95	Withdrawn -- No Waiver Needed	
North Schuylkill School District North Schuylkill, PA	5/19/95	Approved	
West Chester Area School District West Chester, PA	5/19/95	Approved	
Columbus County Shools Columbus County, NC	5/22/95	Withdrawn -- No Waiver Needed	
Northern Lehigh School District Northern Lehigh, PA	5/22/95	Approved	
Tri-Valley School District Valley View, PA	5/22/95	Approved	
Brookville Area Shcool District Brookville Area, PA	5/24/95	Withdrawn -- No Waiver Needed	
Carlisle Area School District Carlisle Area, PA	5/25/95	Withdrawn -- No Waiver Needed	
Oregon Department of Education Salem, OR	5/25/95	Approved	
Woodland Hills School District Woodland Hills (Pittsburg), PA	5/25/95	Approved	
Kentucky Department of Education - II Frankfort, KY	5/26/95	Withdrawn -- No Waiver Needed	
Knoxville Community Unit School District No. 202 Knoxville, IL	5/26/95	Approved	
Bentworth School District Ellsworth, Pa	5/31/95	Withdrawn -- No Waiver Needed	
Bradford Area School District Bradford, PA	5/31/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Hempfield School District Hempfield, PA	5/31/95	Approved	
Scranton School District Scranton, PA	5/31/95	Approved	
Siuslaw School District Siuslaw, OR	5/31/95	Withdrawn -- No Waiver Needed	
Tamaqua Area School District Tamaqua, PA	5/31/95	Approved	
Williams Valley School District Tower City, PA	5/31/95	Withdrawn -- No Waiver Needed	
Holtville Unified School District Holtville, CA	6/1/95	Withdrawn -- No Waiver Needed	
Laguna Beach Unified School District Laguna Beach, CA	6/1/95	Disapproved	
Texas Education Agency - I Fort Worth, TX	6/1/95	Approved	
Blount County Schools Maryville, TN	6/5/95	Approved	
Campbell County Board of Education Jacksboro, TN	6/5/95	Approved	
Chula Vista Elementary School District Chula Vista, CA	6/5/95	Approved	
Danville Area School District Danville, PA	6/5/95	Withdrawn -- Unknown Reason	
Freeport Area School District Freeport, PA	6/5/95	Withdrawn -- Unknown Reason	
Greene County School District Greene, TN	6/5/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Wyalusing Area School District Wyalusing, PA	6/5/95	Approved	
Pennsylvania Department of Education - I Harrisburg, PA	6/6/95	Withdrawn -- Unknown Reason	
Bass Lake School District Bass Lake, CA	6/7/95	Withdrawn -- No Waiver Needed	
Dunlap Community Unit Community Dunlap, IL	6/7/95	Withdrawn -- Unknown Reason	
Joliet Township High School District Joliet, IL	6/7/95	Withdrawn -- No Waiver Needed	
Octorara Area School District Octorara, PA	6/7/95	Approved	
Lauderdale County School District Meridian, MS	6/8/95	Withdrawn -- No Waiver Needed	
Monmouth Public Schools Monmouth, IL	6/9/95	Approved	
Maine Administrative School District No. 29, Houlton High School Houlton, ME	6/12/95	Withdrawn -- No Waiver Needed	
Minnesota Department of Education St. Paul, MN	6/12/95	Approved	
Chicago School District No. 299 Chicago, IL	6/13/95	Withdrawn -- Unknown Reason	
Coatesville Area School District Coatesville, PA	6/13/95	Approved	
Conestoga Valley School District Leola, PA	6/13/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Greensburg Salem School District Greensburg, PA	6/13/95	Withdrawn -- No Waiver Needed	
Pennsylvania Department of Education - II Harrisburg, PA	6/13/95	Disapproved	
Kiski Area School District Vandergrift, PA	6/14/95	Approved	
Lynchburg City Public Schools Lynchburg, VA	6/14/95	Approved	
Belleville Township High School District No. 201 Belleville, IL	6/15/95	Approved	
DuBois Area School District DuBois, PA	6/15/95	Approved	
Omaha School District Omaha, NE	6/15/95	Approved	
Southern Columbia Area School District Catawissa, PA	6/15/95	Withdrawn -- No Waiver Needed	
Warren County School District North Warren, PA	6/15/95	Withdrawn -- Unknown Reason	
Massachusetts Department of Education Malden, MA	6/16/95	Approved	
Chambersburg School District Chambersburg, PA	6/21/95	Withdrawn -- No Waiver Needed	
Middletown Area School District Middletown, PA	6/21/95	Withdrawn -- No Waiver Needed	
Northwestern Lehigh School District New Tripoli, PA	6/21/95	Approved	
Santa Maria Joint Union High School District Santa Maria, CA	6/22/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Berwick Area School District Berwick, PA	6/26/95	Approved	
Gadsden County School District Quincy, FL	6/26/95	Approved	
Los Angeles Unified School District Los Angeles, CA	6/26/95	Withdrawn -- Unknown Reason	
Oil City School District Oil City, PA	6/26/95	Approved	
Pennridge School District Perkasie, PA	6/26/95	Disapproved	
Punxsatawney Area School District Punxsatawney, PA	6/26/95	Approved	
Riverview Intermediate Unit 6 Title II Consortium Shippensburg, PA	6/26/95	Approved	
Manitowoc Public School District Manitowoc, WI	6/27/95	Approved	
Kutztown Area School District Kutztown, PA	6/28/95	Approved	
Lehigh Area School District Lehigh, PA	6/28/95	Approved	
Northwest Tri-County Intermediate Unit 5 Title II Consortium Edinboro, PA	6/28/95	Approved	
Trinity Area School District Washington, PA	6/28/95	Approved	
Fort Zumwalt School District O'Fallon, MO	6/29/95	Disapproved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Orland School District No. 135 Orland, FL	6/30/95	Approved	
Worth School District Worth, IL	6/30/95	Approved	
Worth Schools - I Worth, IL	6/30/95	Approved	
Central Dauphin School District Harrisburg, PA	7/3/95	Disapproved	
Jersey Shore Area School District Jersey Shore, PA	7/3/95	Approved	
Northampton Area School District Northampton, PA	7/3/95	Approved	
Warwick School District Lititz, PA	7/3/95	Approved	
Windsor Unified School District Windsor, CA	7/3/95	Withdrawn -- Unknown Reason	
Baldwin County Board of Education Bay Minette, AL	7/6/95	Withdrawn -- Unknown Reason	
Clarkston School District Clarkston, WA	7/6/95	Approved	
East Moline District No. 37 East Moline, IL	7/6/95	Approved	
Federal Way Public Schools Federal Way, WA	7/6/95	Approved	
Jefferson County School District Golden, CO	7/6/95	Approved	
Pennsylvania Department of Education - III Harrisburg, PA	7/6/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Puerto Rico Department of Education - I San Jaun, PR	7/6/95	Approved	
Texas Education Agency - II Austin, TX	7/10/95	Withdrawn -- No Waiver Needed	
Erie School District Erie, PA	7/12/95	Disapproved	
Montclair Public Schools Montclair, NJ	7/13/95	Withdrawn -- Unknown Reason	
East Side Union High School District San Jose, CA	7/14/95	Withdrawn -- No Waiver Needed	
Columbia Heights Public Schools Columbia Heights, MN	7/17/95	Approved	
Highlands School District Natrona Heights, PA	7/17/95	Approved	
Nebraska Coordinating Commission for PostSecondary Education Lincoln, NE	7/17/95	Approved	
Vermont Department of Education - I Montpelier, VT	7/17/95	approved	
Cincinnati Public Schools Cincinnati, OH	7/18/95	Approved	
Burbank School District No. 111 Burbank, IL	7/19/95	Approved	
Pennsylvania Department of Education - IV Harrisburg, PA	7/19/95	Withdrawn -- No Waiver Needed	
Puerto Rico Department of Education - II San Juan, PR	7/21/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Rhode Island Department of Education Providence, RI	7/25/95	Withdrawn -- Unknown Reason	
Tennessee Department of Education Nashville, TN	7/25/95	Withdrawn -- No Waiver Needed	
White Mountains Regional School District Whitefield, NH	7/25/95	Approved	
Hayden-Winkelman Unified School District Winkelman, AZ	7/26/95	Withdrawn -- Unknown Reason	
Meriwether County School District Greenville, GA	7/26/95	Approved	
Alexandria Public Schools Alexandria, MN	7/28/95	Approved	
Jefferson County Public Schools Louisville, KY	7/28/95	Approved	
Lee County Board of Education Opelika, AL	7/28/95	Withdrawn -- No Waiver Needed	
Mississippi Department of Education on Behalf of North Panola/Stone County/Bay St. Louis Waveland School Districts Jackson, MS	7/28/95	Disapproved	
New Kensington Arnold School District Arnold, PA	7/30/95	Approved	
Texas Education Agency - II (FLAP) Austin, TX	8/1/95	Withdrawn -- No Waiver Needed	
Texas Education Agency--III (Union Independent Sch District) Brownfield, TX	8/1/95	Approved	
Virginia Department of Correctional Education Richmond, VA	8/3/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Aromas - San Juan Unified School District San Juan Bautista, CA	8/7/95	Disapproved	
Weld County Board of Cooperative Education LaSalle, CO	8/7/95	Withdrawn -- No Waiver Needed	
Vermont Department of Education - II Montpelier, VT	8/9/95	Disapproved	
Placerville Unified School District Placerville, CA	8/14/95	Approved	
Escondido Union High School District Escondido, CA	8/15/95	Withdrawn -- Unknown Reason	
Gosnell School District No. 6 Gosnell, AR	8/15/95	Approved	
Norristown Area School District Norristown, PA	8/15/95	Withdrawn -- Unknown Reason	
Wyoming Department of Education Cheyenne, WY	8/15/95	Approved	
Goldendale Public Schools Goldendale, WA	8/16/95	Approved	
Laurel Highlands School District Uniontown, PA	8/16/95	Approved	
Cahokia Unit School District, #187 Springfield, IL	8/19/95	Approved	
Saint Louis Public Schools St. Louis, MO	8/21/95	Withdrawn -- Unknown Reason	
Lake-Lehman School District Lehman, PA	8/24/95	Approved	
Harrisburg Community Unit School District No. 3 Harrisburg, IL	9/6/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Dickenson County Public Schools Clintwood, VA	9/12/95	Withdrawn -- No Waiver Needed	
Amherst County Schools Amherst, VA	9/13/95	OUS Preparing Memo	11/12/9
South Whittier School District Whittier, CA	9/15/95	Approved	
Cook County School District No. 104 Summit, IL	9/19/95	Withdrawn -- Unknown Reason	
Du Quoin Community Unit School District No. 300 Du-Quoin, IL	9/19/95	Withdrawn -- No Waiver Needed	
Estherville Community School District Estherville, IA	9/19/95	Withdrawn -- No Waiver Needed	
Herrin Community Unit School District No. 4 Herrin, IL	9/19/95	Withdrawn -- No Waiver Needed	
Palmdale School District Palmdale, CA	9/20/95	Approved	
Preble Shawnee Local Shools Camden, OH	9/22/95	Approved	
Maine Adminstrative School District No. 57 Waterboro, ME	9/25/95	Approved	
Rockwell City/Lytton Schools Rockwell City, IA	9/25/95	Withdrawn -- No Waiver Needed	
Springfield Public School District No. 186 Springfield, IL	9/25/95	Withdrawn -- No Waiver Needed	
Fairfax County Public Schools Annandale, VA	9/27/95	Withdrawn -- No Waiver Needed	
Midland School District Midland, PA	10/16/95	Approved	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Canton Independent School District Canton, TX	10/18/95	Withdrawn -- No Waiver Needed	
Consolidated High School District No. 230 Orland Park, IL	10/18/95	Approved	
Indian Springs School District Justice, IL	10/18/95	Approved	
East Ramapo Central School District Spring Valley, NY	10/20/95	Pending in CEP	12/19/9
Mount Pleasant Area School District Mount Pleasant, PA	10/23/95	Approved	
Wabash Community Unit School District No. 348 Mt. Carmel, IL	10/27/95	Withdrawn -- No Waiver Needed	
Lampeter Strasburg School District Lampeter, PA	10/30/95	Approved	
Butner Public Schools Cromwell, OK	11/1/95	Approved	
Delavan-Darien School District Delavan, WI	11/20/95	Pending in CEP	1/19/96
Houston Community College System Houston, TX	11/20/95	Withdrawn -- Unknown Reason	
Leydon Community High School District Franklin Park, IL	11/20/95	Pending in CEP	1/19/96
Maple School District Maple, WI	11/20/95	Returned	
Texas Education Agency--IV (Walnut Bend School District - IV (Walnut Bend Independent Sch District) Gainesville, TX	11/20/95	Withdrawn -- No Waiver Needed	

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Evergreen Park Elementary School District Evergreen Park, IL	11/21/95	Returned	
White Plains Public Schools White Plains, NY	11/21/95	Pending in CEP	1/20/96
UpShur County Board of Education Buckhannon, WV	11/24/95	Withdrawn -- No Waiver Needed	
Penn Manor School District - II Millersville, PA	12/5/95	OUS Preparing Memo	2/3/96
Alton Communtiy United School District No. 11 Alton, IL	12/6/95	Pending in CEP	2/4/96
Skokie School District No. 68 Skokie, IL	12/7/95	Board Reviewing	2/5/96
South Euclid-Lyndhurst City Schools Lyndhurst, OH	12/7/95	Withdrawn -- No Waiver Needed	
Urbana School District No. 116 Urbana, IL	12/7/95	Returned	
Chatham School District Juneau, AK	1/11/96	Board Reviewing	3/11/96
Lincoln School District (Community United School District No. 205) Galesburg, IL	1/11/96	Withdrawn -- No Waiver Needed	
Puerto Rico Department of Education - II San Juan, PR	1/11/96	Pending in SIP	3/11/96
Jefferson-Lewis-Oneida-Hamilton Herkimer BOCES Title I Consortium Albany, NY	1/17/96	Pending in CEP	3/17/96
State College Area School District State College, PA	1/25/96	Pending in CEP	3/25/96

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Wisconsin Department of Education--I on behalf of Madison Metropolitan School District Madison, WI	1/25/96	Pending in CEP	3/25/96
Braxton County Schools Braxton County, WV	1/29/96	Withdrawn -- No Waiver Needed	
Durant School District I-72 Durant, OK	1/29/96	Pending in CEP	3/29/96
Nebraska Department of Education - II Lincoln, NE	1/29/96	Withdrawn -- No Waiver Needed	
Clinton Community School District Clinton, IL	2/7/96	Pending in CEP	4/7/96
New Jersey Department of Education(Cherry Hill Public Schools) Trenton, NJ	2/7/96	Pending in SIP	4/7/96
Lower Kuskokwim School District Bethe;, AK	2/8/96	Pending in CEP	4/8/96
Virgin Islands Department of Education St. Thomas, VI	2/8/96	Pending in SIP	4/8/96
Donegal School District Mount Joy, PA	2/12/96	Pending in CEP	4/12/96
Shade-Central School District Caimbrook, PA	2/12/96	Pending in CEP	4/12/96
Old Adobe Union School District Petaluma, CA	2/13/96	Pending in CEP	4/13/96
Indiana Commission on Vocational and Technical Education Indianapolis, IN	2/20/96	Pending in OVAE	4/20/96
Harrisburg City School District Harrisburg, PA	2/23/96	Pending in CEP	4/23/96

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Reading School District Reading, PA	2/23/96	Pending in CEP	4/23/96
Washoe County School District Carson City, NV	2/23/96	Pending in CEP	4/23/96
Homewood-Flossmoor Community High School District #233 Flossmoor, IL	2/27/96	Pending in CEP	4/27/96
Kentucky Department of Education on behalf of Christian County Public Schools Hopkinsville, KY	2/27/96	Pending in CEP	4/27/96
Worth School District #127--II Worth, IL	2/27/96	Pending in CEP	4/27/96
Palm Beach County School District--II West Palm Beach, FL	2/28/96	Pending in CEP	4/28/96
Madison County School System (Walnut Grove School) Huntsville, AL	3/4/96	Pending in CEP	5/3/96
North Hills School District Pittsburgh, PA	3/4/96	Pending in CEP	5/3/96
Rose Tree Mdeia School District Media, PA	3/4/96	Pending in CEP	5/3/96
Sidney Public School District Sidney, MT	3/5/96	Pending in CEP	5/4/96
Tenkiller School Co66 Welling, OK	3/5/96	Pending in CEP	5/4/96
Woodland Hills School District--II Pittsburgh, PA	3/5/96	Pending in CEP	5/4/96
Pitt County Schools Greenville, NC	3/8/96	Pending in CEP	5/7/96

<u>Applicant</u>	<u>Received</u>	<u>Waiver Status</u>	<u>Due</u>
Cocalico School District Denver, PA	3/12/96	Pending in CEP	5/11/96
Pulaski County Special School District--II Little Rock, AR	3/13/96	Pending in CEP	5/12/96
Central Bucks School District Doylestown, PA	3/18/96	Pending in CEP	5/17/96
Freeport Area School District Freeport, PA	3/18/96	Pending in CEP	5/17/96
Missouri Department of Education--II Jefferson City, MO	3/19/96	Pending in SIP	5/18/96
Missouri Department of Education-I Jefferson City, MO	3/19/96	Pending in SIP	5/18/96
Upper Dublin School District Dresher, PA	3/20/96	Pending in CEP	5/19/96

SUMMARY

Requests Received: 236

Pending 43

Approved: 101

Disapproved 13

Withdrawn: 76

No Waiver Needed: 56

Reason Unknown: 20

Returned: 3

WAIVER SUMMARY

Requests Received:	216
Pending	43
Approved:	101
Disapproved	13
Withdrawn:	76
No Waiver Needed:	56
Returned:	3

1/9, DRAFT 4

Dear Governor/State School Chief,

I am pleased to tell you that significant new federal legislation was enacted last year enabling the Department of Education to provide much greater flexibility for state and local use of federal education dollars, in exchange for an increased focus on educational results [or improved student academic achievement.] As a former Governor, I am pleased with this shift and have been working hard to use this new authority to its fullest.

After careful analysis of new provisions promoting flexibility, I am writing you to outline a number of ways in which your state can tailor federal program resources to best meet your needs. I am also making available teams from my Department, upon request, to help you understand how to take advantage of these new opportunities. If you or your staff are interested in exploring these issues further with us, or arranging a visit with a Department team, please feel free to contact my senior advisor Mike Cohen at (202)-401-3000.

I thought it might be helpful to outline briefly for you the major legislative provisions that support greater flexibility, and to provide several additional documents explaining these opportunities in greater detail. I hope that your efforts to improve education for all students in your state can benefit from the dramatic new approach to federal education initiatives described in these documents.

I look forward to working with you to support your efforts to improve education. Best wishes in the New Year, and please feel free to contact me with questions or concerns at any time.

Sincerely,

Richard Riley

ATTACHMENT A

Overview of major new vehicles promoting flexibility to support state and community education reform efforts:

School-to-Work and Goals 2000 grants to support reform plans custom-made by states and communities..

School-to-Work and Goals 2000 grants are designed to support reform efforts custom-made by your state, and by communities and schools in your state. As a former Governor, I have long believed that greater flexibility in federal education programs would better enable states and communities to improve the education of their students, and that one size does not fit all in American public education.. I am pleased to tell you that School-to-Work, Goals 2000, and my Department's approach in implementing these acts, are shaped by this principles.

Both laws, enacted last year with broad and bipartisan support, invest in state and community efforts to address critical needs in American public education. These critical needs include preparing our students for the world of work, professional development opportunities for teachers, raising academic standards for all students, investing in educational technologies, and keeping our schools safe and drug-free. States, communities, and schools can use these investments to strengthen and coordinate their own initiatives to address these critical needs.

My Department has also worked hard to implement these laws as flexibly as possible. The application for first-year Goals 2000 funding was only two pages, no regulations for the grant program have been issued at all, and the average length of time for reviewing and funding applications, to date, is only 23 (?) days.

Waivers from federal statutory and regulatory requirements.

Your state -- and school districts and schools in your state -- may request waivers from most programmatic and regulatory requirements associated with the reauthorized Elementary and Secondary Education Act, and certain other federal education programs. Under new authority in the Goals 2000, School-to-Work, and Elementary and Secondary Education acts, my Department is prepared to work with your state to remove programmatic or regulatory obstacles impeding your ability to help children reach challenging academic standards. Attached in Tab B is guidance explaining the waiver process in greater detail, and TAB C contains a chart comparing the provisions of waiver authorities in Goals 2000, School-to-Work, and IASA in greater detail. States or school districts considering requesting waivers can also call 1-800-USA-LEARN to discuss waiver opportunities with a Departmental representative.

Moreover, waiver requests from states, school districts, and schools can help guide future legislative proposals that balance the need to reduce statutory and regulatory requirements with the need for accountability in the use of taxpayers' money in education.

Ed-Flex Demonstration Program: States may request authority to waive federal statutes and regulations.

A demonstration program in the Goals 2000 Act allows me to select up to six states to become education flexibility demonstration states, receiving authority to waive many provisions in federal education statutes and regulations on their own. A state receiving this authority may waive federal laws and regulations affecting the state, school districts, and individual schools. My Department intends to conduct two separate competitions, the first as early as this spring, and the second within the following year, to select the six states.

By law, I may select up to three states with a population of over 3.5 million, and up to three states with populations under 3.5 million. To be eligible, a state must have developed an approved state education reform plan under the Goals 2000 Act. In addition, consistent with the purposes and spirit of this program, the state must also waive its own statutory and regulatory education requirements, while holding schools and districts accountable for the performance of their students.

Charter Schools Demonstration Program

One of the most innovative new strategies to promote flexibility and results-based accountability in education is the provision of "charters" to those interested in establishing new schools. Because one of the greatest challenges facing those interested in developing charter schools is getting started, the reauthorized Elementary and Secondary Education Act provides start-up grants to charter schools in states with charter school laws. Moreover, the Charter Schools program gives the Secretary extremely broad authority to waive the vast majority of federal education laws and regulations for charter schools.

The Administration asked for \$15 million to fund this grant program in FY 1995, Congress appropriated \$6 million. In addition to these funds, I strongly encourage states to consider using Goals 2000, School-to-Work, and other federal funds to support the development and operations of charter schools. Attached in Attachment D is a more detailed description on how your state, and charter schools in your state, may apply for these funds.

Flexibility Across the new Improving America's Schools Act

The Improving America's Schools Act of 1994 (IASA), which reauthorized the Elementary and Secondary Education Act (ESEA), promotes new flexibility for comprehensive school reform efforts in states, communities, and individual schools. While a range of new opportunities for flexibility are available under the new IASA, this document highlights some of the most significant provisions. A more detailed analysis is provided in Appendix C.

Schoolwide programs

The Improving America's School Act of 1994 significantly expands the number of schools eligible to become "schoolwide" programs, and dramatically increases flexibility in the use of federal program funds to support these programs. By the 1996 school year, schools with at least 50% low-income children will be eligible for schoolwide status, increasing the total number of potential schoolwide programs from 8,000 to 20,000 schools nationwide.

Moreover, for the first time, these schools will be able to combine most of their federal funds, not solely their Title I funds, to support schoolwide reform and will be freed from the separate statutory and regulatory requirements governing each federal education program. In return, these schools will be called upon to develop comprehensive plans to improve teaching and learning in their entire school, and to meet the needs of the children whose programs are included in the plan.

Elimination of burdensome Chapter 1 testing and reporting requirements.

The reauthorized Elementary and Secondary Education Act eliminates burdensome testing and reporting requirements. No longer will the federal government require Chapter 1 schools to give annual norm-referenced tests, in grades 2-12, to evaluate student progress. Nor will the federal government any longer require states to comply with burdensome annual reporting requirements and analyses of types of children participating in various federal programs.[??] In place of separate assessments, your state may now use its own assessments to evaluate the progress of students served by IASA programs. Moreover, we now encourage you to provide assessment information to your communities, rather than to the federal government

Submitting a single (consolidated) plan to receive most federal funds.

The Improving America's Schools Act provides broad new authority for the Secretary of Education to accept a single state plan for most federal funds supporting elementary and secondary education. States may choose to submit

this single plan instead of separate, often overlapping, plans for separate federal programs. Guidance explaining how states and school districts may take advantage of this new opportunity is attached in Appendix F, and is also being published in the January 13, 1994 edition of the federal register.

Ongoing Departmental activities supporting these provisions.

The Department is also working hard on a wide array of administrative and other activities to enable you to take the greatest advantage of these opportunities and promote flexibility and burden-reduction in the operation of federal programs. For example, the Department published in the Federal Register this week a draft notice outlining how states and local school districts might submit a single "consolidated" plan to receive funds from most federal programs.

Moreover, the Department is pioneering a new method of integrated monitoring; no longer will we send Department staff to monitor different federal programs throughout the year. This approach will be replaced by teams who visit states at the same time, focusing on how well the state is making progress toward results it has defined, rather than on rules and regulations established in Washington.

Finally, the office of Elementary and Secondary Education is reorganizing around teams designated to individual states and regions, rather than around individual programs. Finally, we are avoiding regulation wherever possible in the implementation of new laws, and are working hard to reduce paperwork and other burdens imposed on states and schools.

DRAFT -- 1/6/95

**GUIDANCE ON WAIVERS UNDER
THE GOALS 2000: EDUCATE AMERICA ACT,
THE ELEMENTARY AND SECONDARY EDUCATION ACT,
AND THE SCHOOL-TO-WORK OPPORTUNITIES ACT**

INTRODUCTION

The recent enactment of three pieces of legislation -- the Goals 2000: Educate America Act¹, the School-to-Work Opportunities Act², and the reauthorized Elementary and Secondary Education Act (ESEA)³ -- has shifted significantly the focus of Federal education programs. Rigid, fragmented programs that have often impeded innovation in education at the local level have been replaced with flexible initiatives that promote system-wide educational improvement based on challenging academic standards for all students. States, communities and schools face fewer burdens and requirements, and have real opportunities to implement meaningful and creative changes to their education systems.

As part of this increased flexibility, the Secretary of Education has been given unprecedented authority under Goals 2000, the ESEA, and School-to-Work to waive certain Federal statutory and regulatory requirements. This guidance, which has been drafted in question and answer form, highlights some of the significant aspects of the new waiver provisions, and describes the process by which the Department will review waiver requests. Attached to the guidance are the Goals 2000, ESEA, and School-to-Work waiver provisions, as well as a chart that provides a more detailed comparison of the waiver authorities.

¹ P.L. 103-227 (Mar. 31, 1994) (20 USC 5801 et seq.).

² P.L. 103-239 (May 4, 1994) (20 USC 6101 et seq.).

³ The ESEA was reauthorized by the Improving America's School Act of 1994 (IASA), P.L. 103-382 (Oct. 20, 1994) (20 USC 6301 et seq.).

WAIVER QUESTIONS AND ANSWERS

Will the Department assist potential applicants in preparing waiver requests?

Yes. The Department is committed to assisting potential applicants with their waiver requests. The Department also encourages dialogue with applicants during the period a request is being reviewed. To receive assistance, waiver applicants may contact 1-800-USA-LEARN or the relevant program office.

What statutory and regulatory requirements may be waived?

Although there is considerable overlap among the waiver provisions in Goals 2000, the ESEA, and School-to-Work, there are some differences in the requirements that may be waived under each program.

A. Waiver authority under Goals 2000

Subject to the limitations discussed below, under Goals 2000, the Secretary is authorized to waive any statutory or regulatory requirement applicable to the following programs or acts:

- ESEA Title I – Helping Disadvantaged Students Reach High Standards
- ESEA Title II – Eisenhower Professional Development
- ESEA Title IV – Safe and Drug-Free Schools and Communities
- ESEA Title VI – Innovative Education Program Strategies
- ESEA Title VII, Part C – Emergency Immigrant Education
- The Perkins Vocational and Applied Technology Act⁴

Under Goals 2000, there may be waivers of program-specific requirements, as well as waivers of other statutory or regulatory requirements "applicable" to the enumerated

⁴ The IASA contains conforming amendments that were intended to replace the program references in the Goals 2000 legislation with the appropriate references in the reauthorized ESEA. However, in a technical drafting error, certain provisions of the ESEA bill were reorganized after the conforming amendments were drafted, without corresponding changes to the conforming amendments. The references above refer to the programs for which Congress intended waivers to be authorized.

programs or Acts. Thus, under Goals 2000, the Secretary has authority to waive requirements under the General Education Provisions Act (GEPA)⁵ and the Education Department General Administrative Regulations (EDGAR)⁶.

B. Waiver authority under School-to-Work

Subject to the limitations discussed below, the School-to-Work legislation authorizes the Secretary to waive statutory or regulatory requirements of the following programs or acts:

- ESEA Title I – Helping Disadvantaged Students Reach High Standards
- ESEA Title II – Eisenhower Professional Development
- ESEA Title IV – Safe and Drug-Free Schools and Communities
- ESEA Title VI – Innovative Education Program Strategies
- ESEA Title VII, Part C – Emergency Immigrant Education
- The Perkins Vocational and Applied Technology Act⁷

Although the list of programs and acts subject to the School-to-Work and Goals 2000 waiver authorities is the same, the School-to-Work authority is somewhat more limited – the Secretary may waive requirements of the specified program statutes and implementing regulations (e.g., the Title I supplement, not supplant requirement), but may not waive other requirements applicable to these programs. Thus, under School-to-Work, waivers of GEPA and EDGAR requirements would not be permitted.

C. Waiver authority under the ESEA

Under the ESEA waiver authority, subject to the restrictions noted below, the Secretary is authorized to waive any statutory or regulatory requirement of the ESEA. In certain respects, this waiver authority is broader than the authority under Goals 2000 or School-to-Work. Under the ESEA waiver authority, the Secretary has broad discretion to waive any ESEA requirement, subject to the specific limitations discussed below. Under the Goals 2000 and School-to-Work waiver authority, on the other hand, the Secretary may only waive requirements of certain specified ESEA programs. Like the School-to-Work waiver provisions, the ESEA provisions do not permit waivers of other, non-programmatic requirements applicable to the ESEA. Thus, GEPA and EDGAR requirements may not be waived under the ESEA waiver authority.

⁵ 20 USC 1221 et seq.

⁶ 34 CFR Parts 74, 75, 76, 77, 79, 80, 81, 82, 85, and 86.

⁷ The conforming amendments for School-to-Work contain the same drafting errors as those for Goals 2000. See note 6 above.

Are there certain statutory or regulatory requirements that may not be waived?

Yes. For each of the waiver authorities, there are certain requirements that may not be waived. These requirements are listed in the attached waiver chart. Some requirements – for example, maintenance of effort, comparability, civil rights requirements,⁸ and health and safety requirements – may not be waived under any of the waiver authorities.⁹ In other instances, the waiver restrictions vary depending on the authority under which the waiver is sought. For example, a State educational agency (SEA) may obtain a waiver of a supplanting prohibition under the Goals 2000 or School-to-Work waiver authorities, but not under the ESEA.

Who is eligible to apply for a waiver?

The eligibility of an applicant to apply for a waiver depends on the authority under which the waiver is sought. (The attached waiver chart summarizes the eligibility requirements of waiver applicants.)

Under Goals 2000, only an SEA may apply directly to the Secretary for a waiver. A local educational agency (LEA) or school seeking a waiver under Goals 2000 must first submit a waiver application to its SEA for review. The SEA then forwards those requests that it approves to the Secretary for his review.

Likewise, under the ESEA, the SEA may apply directly to the Secretary for a waiver. In addition, an LEA may apply directly to the Secretary for a waiver on its own behalf or on behalf of a school, after the LEA or school request has been reviewed by the SEA. Thus, while the SEA has the responsibility of reviewing LEA and school waiver requests under the ESEA, it is the LEA's responsibility to submit these requests to the Secretary. In addition, under the ESEA, an Indian tribe may submit a waiver request to the Secretary on behalf of schools operated by the tribe.

⁸ Although the Goals 2000 waiver limitations do not expressly include civil rights requirements and health and safety requirements, the Secretary has determined that waivers of these requirements would be unwarranted under any circumstance. Waivers of these requirements are not needed to carry out comprehensive education reform or otherwise meet the purposes of the Goals 2000 legislation.

⁹ The restrictions applicable to the charter school waiver provisions are discussed separately in this guidance.

Under School-to-Work, the State may submit to the Secretary a waiver request on its own behalf, or on behalf of a local partnership. Furthermore, the local partnership may submit its request to the Secretary directly if the State fails to act upon the request within 30 days of receiving the waiver application.

May an applicant simultaneously seek a waiver under more than one of the waiver authorities?

Yes. An applicant may simultaneously seek a waiver under more than one authority so long as it is eligible to apply under those waiver authorities. For example, an SEA may simultaneously seek a waiver of Title I requirements under Goals 2000, the ESEA, and School-to-Work.

May an applicant simultaneously seek waivers of several different requirements?

Yes. The Department encourages potential applicants to submit comprehensive waiver requests where appropriate, rather than separate requests.

Is there a specific waiver application form?

No. There is not a specific form that must be completed by an applicant seeking a waiver. Instead, waiver applicants have the flexibility to submit requests in a manner that best meets their needs and circumstances, while still addressing the specific requirements of the respective waiver authorities.

What kind of supporting documentation must be submitted with a waiver request?

The individual waiver authorities contain waiver criteria and application requirements that should guide applicants in preparing their waiver submissions. The type of supporting documentation that must be submitted to meet these requirements and satisfy the criteria will vary depending on the nature of the waiver sought. The Department will work with waiver applicants in addressing any concerns that they may have about a particular request.

Goals 2000 waivers are only available to SEAs, LEAs and schools in States with approved Goals 2000 State improvement plans. However, the Goals 2000 waiver request may be submitted prior to the actual approval of the plan. For example, SEAs may want to include waiver requests as part of their State plan submission. The waivers may not be granted, however, until after the plan is approved. The waiver applicant must

demonstrate, among other things, that the requirements requested to be waived impede the ability to carry out the State or local improvement plan and that the SEA has waived, or agrees to waive, similar requirements of State law.

ESEA waiver provisions for formula grant programs become effective on July 1, 1995. The ESEA waiver requests are not contingent on the approval of a Goals 2000 or an ESEA plan. To be granted an ESEA waiver, an applicant must demonstrate, among other things, how the waiver will increase quality of instruction or improve teaching and learning, and describe which similar requirements of State or local law will be waived.

For a School-to-Work waiver, an applicant must describe specific, positive outcomes expected from the waiver, and explain why the outcomes cannot be achieved while complying with the requirement. As with the other waiver authorities, the State must also waive, or agree to waive, similar requirements of State law.

The attached chart details the specific requirements and criteria that must be met under each of the waiver authorities.

How will the Department review waiver requests?

The Secretary has established within the Department a Waiver Action Board to review applications for waivers under Goals 2000, the ESEA, and School-to-Work. The Board will be chaired by the Assistant Secretary for Elementary and Secondary Education, and include the Assistant Secretary for Vocational and Adult Education, the Director of Bilingual Education and Minority Language Affairs, and the General Counsel. As needed, practitioners in residence at the Department and other senior officials will assist in the review process. The Waiver Action Board will help ensure that waiver requests across categorical programs are handled in a consistent and expeditious manner. The Board will make its recommendations to the Under Secretary, who has been delegated the authority to make the final decision on a waiver request.

How long will it take the Department to review a waiver request?

In recognition of its desire to best serve the needs of students, the Department intends to act upon waiver requests as expeditiously as possible. The Department has established 60 days from receipt of a waiver request with the necessary documentation as the target date by which a waiver decision will be made. The Department will strive to make waiver decisions in less than sixty days whenever possible.

May the Department approve part of a waiver request?

Yes. The Department will approve portions of a waiver request, even if the entire request is not approvable. By permitting approval of part of a waiver request, the Department encourages applicants to consider waivers across various programs in light of their reform efforts and to consolidate individual requests.

Will the Department approve waivers on a multi-year basis?

Yes. In many instances, multi-year waivers may be needed to change fundamentally policies to improve teaching and learning. Under the ESEA, Goals 2000, and School-to-Work, waivers may be granted for up to three, four, and five years, respectively. Where appropriate, the Department will grant waivers for the maximum period possible to encourage the use of waivers, where needed, to advance systemic reform.

In addition to authorizing waivers of certain statutory and regulatory requirements relating to education, does the School-to-Work Opportunities Act authorize other waivers?

Yes. Subject to the conditions in Section 503 of the School-to-Work Opportunities Act, the Secretary of Labor is authorized to waive any requirement under any provision of the Job Training Partnership Act (JTPA), including regulations issued under these provisions. The Department of Education's Waiver Action Board will assist in coordinating with the Department of Labor any waiver requests that involve both JTPA and education requirements.

How do the general waivers under Goals 2000, the ESEA, and School-to-Work relate to waivers under the Goals 2000 Education Flexibility Partnership Demonstration Program (Ed-Flex Program)?

The educational flexibility program is an independent program under which the Secretary may grant up to six SEAs the authority to waive the same Federal statutory and regulatory requirements that the Secretary is authorized to waive under the Goals 2000 general waiver provisions.¹⁰ To be eligible to apply under the Ed-Flex program, an SEA must (1) have developed a State improvement plan under Goals 2000 that is approved by the Secretary; and (2) waive State statutory or regulatory requirements relating to education, while holding LEAs or schools within the State that are affected by the waivers accountable for the performance of their students. By statute, the Secretary will select for

¹⁰ See Goals 2000 Section 311(e).

participation in the Ed-Flex program three States with a population of 3,500,000 or greater, and three States with a population of less than 3,500,000, as determined by the 1990 decennial census.

What application requirements and selection criteria will be used to determine which States will be granted Ed-Flex status?

The Secretary will publish in the Federal Register in early 1995 proposed applicant requirements and selection criteria for the Ed-Flex program. The Secretary encourages comments on the proposal.

When will the Ed-Flex States be chosen?

The Secretary recognizes that States are at various stages in the development of the Goals 2000 State improvement plans. A number of States have made substantial progress toward completing their plans; other States are in the early stages of plan development. In order to provide as many SEAs as possible the opportunity to apply for the Ed-Flex waiver authority, while accommodating the needs of States that are further along in their reform efforts, the Secretary intends to conduct more than one Ed-Flex competition. The first competition would be conducted as early as the spring of 1995 and would result in the designation of no more than three States as Ed-Flex States, with no more than two States designated in either of the population categories. One or more additional competitions would be conducted within a year of the first and would result in the designation of the remaining Ed-Flex States.

What waivers may be granted under the charter school provisions of the ESEA?

The Secretary has broad authority to waive requirements applicable to public charter schools funded under Part C of Title X of the ESEA. The Secretary may waive any statutory or regulatory requirement over which he exercises administrative authority except those requirements relating to the elements of a charter school if – (1) the waiver is requested in an approved application, and (2) the Secretary determines that granting the waiver will promote the purposes of the ESEA charter school provisions.¹¹

¹¹ See ESEA Section 10304(e).

Are there requirements that may not be waived under the charter school waiver provisions?

Yes. Charter schools must comply with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act. In addition, a charter school must meet all applicable Federal, State, and local health and safety requirements.

COMPARISON OF WAIVER PROVISIONS IN
THE GOALS 2000: EDUCATE AMERICA ACT,
THE ELEMENTARY AND SECONDARY EDUCATION ACT,
AND THE SCHOOL-TO-WORK OPPORTUNITIES ACT

	GOALS 2000	ESEA	SCHOOL-TO-WORK
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Attachment C

GENERAL COVERAGE OF WAIVERS	Any statutory or regulatory requirement applicable to:	Any statutory or regulatory requirement of the ESEA	Any statutory or regulatory requirement of:
	ESEA Title I – Helping Disadvantaged Students Meet High Standards ESEA Title II – Eisenhower Professional Development ESEA Title IV – Safe and Drug-Free Schools and Communities ESEA Title VI – Innovative Education Program Strategies ESEA Title VII, Part C – Emergency Immigrant Education Perkins ¹		ESEA Title I – Helping Disadvantaged Students Meet High Standards ESEA Title II – Eisenhower Professional Development ESEA Title IV – Safe and Drug-Free Schools and Communities ESEA Title VI – Innovative Education Program Strategies ESEA VII, Part C – Emergency Immigrant Education Perkins ²

¹ The recently enacted Improving America's Schools Act of 1994 (P.L. 103-382) contains conforming amendments that were intended to replace the program references in the Goals 2000 legislation with the appropriate references in the reauthorized ESEA. However, in a technical drafting error, certain provisions of the ESEA bill were reorganized after the conforming amendments were drafted, without corresponding changes to the conforming amendments. The references in the chart refer to the programs for which Congress intended waivers to be authorized.

² The conforming amendments for School-to-Work contain the same drafting errors as those for Goals 2000. See note 1 above.

REQUIREMENTS THAT MAY NOT BE WAIVED	maintenance of effort comparability equitable participation of students and staff in private schools parental participation and involvement distribution of funds to States and LEAs In addition, civil rights requirements and health and safety requirements will not be waived.	maintenance of effort comparability equitable participation of students and teachers in private schools parental participation and involvement distribution of funds to States, LEAs, or other recipients applicable civil rights requirements supplement, not supplant Title X/Part C charter school requirement prohibitions regarding State aid or use of funds for religious worship or instruction	maintenance of effort comparability equitable participation of students in private schools student and parental participation and involvement distribution of funds to States and LEAs public health or safety, labor standards, civil rights, occupational safety or health, environmental protection eligibility of an individual for participation in a program prohibitions or restrictions regarding construction requirement relating to basic purposes or goals of program
WAIVER APPLICANTS	SEA acting in its own behalf SEA on behalf of LEA or school that receives funds under Title III of Goals, if SEA approves waiver request SEA on behalf of LEA or school with reform efforts comparable to Section 306 activities, if SEA approves waiver request	SEA acting in its own behalf LEA, after review by the SEA LEA on behalf of a school, after review by SEA Indian tribe on behalf of schools operated by tribe	State acting in its own behalf State on behalf of local partnership local partnership, if State fails to make determination to submit or not to submit within 30 days of receiving application

APPLICATION REQUIREMENTS	identify requirements requested to be waived and goals recipient intends to achieve describe action SEA has taken to remove State barriers identified in LEA applications for waivers describe goals of waiver and expected programmatic results describe number and types of students impacted describe timetable for implementation describe process for SEA monitoring, on biannual basis, progress in implementation (see also review criteria in box below)	identify Federal programs affected describe requirements to be waived and how waivers will increase quality of instruction or improve academic performance if applicable, describe which similar State and local requirements will be waived, and how waivers will help achieve stated objectives describe specific, measurable educational improvement goals and expected outcomes for all affected students describe methods to be used to measure progress in meeting goals and outcomes describe how schools will continue to provide assistance to same populations served by programs for which waivers are requested (see also review criteria in box below)	identify specific requirements to be waived describe specific, positive outcomes expected from waiver, and why outcomes cannot be achieved while complying with requirement describe process to be used in monitoring progress in implementing waiver (see also review criteria in box below)
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CRITERIA FOR GRANTING WAIVERS	requirements requested to be waived impede ability to carry out State or local improvement plan SEA has waived, or agrees to waive, similar requirements of State law for statewide waivers, demonstrate that SEA has provided LEAs and parent organization opportunity to comment, and submit LEAs comments to Secretary for LEA waivers, demonstrate that parents, community groups, and advocacy or civil rights groups were provided opportunity to comment underlying purposes of the statutory requirements of each program for which waiver is granted continue to be met	no explicit criteria, but waiver application must meet requirements listed above	requirements sought to be waived impede ability to carry out STW Act State provides documentation of necessity of waiver, meeting application requirements listed above State waives, or agrees to waive, similar requirements of State law State has provided relevant partnerships and LEAs with opportunity to comment on State request State provides, to extent feasible, students, parents, advocacy and civil rights groups, labor and business organizations, opportunity to comment on State request State has submitted comments of partnerships and LEAs to Secretary
DURATION, EXTENSION, AND TERMINATION OF WAIVERS	Up to 4 years May be extended if waiver has been effective in enabling State or affected LEAs to carry out reform plans May be terminated if performance of SEA, LEA, or school affected by waiver is inadequate to justify continuation	Up to 3 years May be extended if waiver has been effective in enabling recipient to carry out activities for which waiver was requested, waiver has contributed to improved student performance, and is in public interest May be terminated if performance of State or other recipient has been inadequate to justify continuation or if it is no longer necessary to achieve original purposes	Up to 5 years May be extended if waiver has been effective in enabling State or partnership to carry out purposes of STW Act May be terminated if performance of State, partnership, or LEA affected by waiver has been inadequate to justify continuation, or if State fails to waive similar requirements of State law as required or agreed to

PUBLICATION REQUIREMENTS	Notice of decision to grant waivers to be published in Federal Register and widely disseminated	Notice of decision to grant each waiver to be published in Federal Register and widely disseminated	None
REPORTING REQUIREMENTS OF WAIVER RECIPIENT	None	LEA that receives waiver submits a report to SEA at end of second year, and each subsequent year; SEA submits annual report to Secretary based on LEA reports Indian tribe submits annual report to Secretary	None
REPORTS FROM SECRETARY TO CONGRESS	By April 30, 1996, and every two years thereafter, Secretary submits Goals 2000 report that includes information on effect of waivers	Beginning in FY 1997 and in each subsequent year, Secretary submits waiver report to Congress	Not later than 24 months after enactment of Act, and every 12 months thereafter, Secretary submits report on all activities carried out pursuant to Act

DRAFT

FLEXIBILITY AND BURDEN-REDUCING PROVISIONS IN THE IMPROVING AMERICA'S SCHOOLS ACT

INTRODUCTION

The Improving America's Schools Act of 1994 (IASA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA), represents a major shift in the focus of Federal education programs – a departure from fragmented education programs that have often impeded innovation and coordination to flexible programs that promote system-wide reforms based on challenging academic standards for all students. The legislation provides greater decisionmaking authority and flexibility to schools and teachers, in exchange for greater responsibility for student performance. Emphasizing education results, the IASA contains fewer burdens and requirements and offers significant opportunities for cost savings and more effective uses of funds by State and local agencies.

Some of the key flexibility and burden-reducing provisions of the new legislation are outlined below.

A. KEY FLEXIBILITY AND BURDEN-REDUCING PROVISIONS WITH GENERAL APPLICABILITY

1. WAIVERS

The Secretary has broad authority to grant waivers of ESEA statutory and regulatory requirements applicable to state and local educational agencies (SEAs and LEAs), Indian tribes and schools. A waiver may be granted if, among other things, it will increase the quality of instruction or improve teaching and learning. (Section 14401 of the ESEA) (The waiver guidance and chart at Tab ____ contain a detailed comparison of the new waiver provisions in the ESEA, the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act.)

2. CONSOLIDATION OF STATE AND LOCAL ADMINISTRATIVE FUNDS

SEAs have the option of consolidating funds made available for State administration under Title I of the ESEA, other major ESEA programs, and Goals 2000. Administrative funds may be used for activities designed to enhance the effective and coordinated use of the funds available under the various programs. In addition, an SEA

may authorize LEAs to consolidate administrative funds. (Sections 14201, 14203)

The consolidation of administrative funds encourages fully integrated and coordinated services, while eliminating the need for duplicative administrative activities in each program, and for burdensome time distribution records for individual programs--the subject of many compliance problems in the past.

3. BETTER USE OF UNNEEDED FUNDS

With the approval of its SEA, an LEA may use up to 5 percent of the funds available under certain "covered programs" (as defined in section 14101(10)), excluding Part A of Title I, for the purpose of another covered program. To utilize this provision, an LEA would demonstrate that the funds are not needed for the program for which they were awarded. The provision gives the LEA flexibility to make more effective use of its funds. (Section 14206(a))

4. COORDINATED SERVICES

An LEA, school, or consortium of schools may now use up to 5 percent of the funds it receives under the ESEA for the establishment and implementation of coordinated services projects under ESEA Title XI, which are comprehensive approaches to provide students and their families with access to needed social, health, and education services through community-wide partnerships. (Section 14206(b))

5. CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

An SEA may submit a consolidated State plan or a consolidated State application for the following programs: the "covered programs" as defined in section 14101(10)); the Even Start program; Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out; programs under Part A of Title II of Perkins; programs under Goals 2000 and School-to-Work; and other programs designated by the Secretary. Similarly, there are provisions for the LEAs to submit applications or plans for "covered programs" to SEAs on a consolidated basis. This authority simplifies application requirements and reduces burden for SEAs and LEAs, and helps improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery. Attached at Tab ____ is detailed guidance on the new consolidated plan authority. (Sections 14302, 14305)

6. PUBLIC CHARTER SCHOOLS

The Secretary is authorized to make awards to SEAs (or an "authorized public chartering agency" that serves the State) to conduct a charter school grant program that, among other things, assists educationally disadvantaged and other students to achieve challenging academic standards, offers flexibility under the State's charter schools laws, and involves input from parents and other members of the community. Furthermore, the Secretary has broad authority to waive applicable statutory or regulatory requirements in order to promote the purposes of the charter school provisions. (Sections 10301 through 10307)

B. KEY FLEXIBILITY AND BURDEN-REDUCING PROVISIONS IN TITLE I

1. SCHOOLWIDE PROJECTS

The ESEA expands the schoolwide program approach by reducing the "eligibility thresholds" for schools from the current 75 percent children from low-income families to 60 percent in school year 1995-96, and 50 percent starting in school year 1996-97. Schools with schoolwide programs will now have substantial flexibility to use funds under Part A of Title I in combination with other Federal, State, and local funds to upgrade the entire educational program of the school and promote reform. Separate and burdensome accountability and fiscal requirements are eliminated. (Section 1114)

The reauthorized ESEA should increase the number of eligible schoolwide projects by about 12,000 schools (for a total of approximately 20,000 schools).

2. ACCOUNTABILITY AND TESTING

Burdensome Federal reporting requirements and mandatory use of norm-referenced tests have been eliminated. States will be able to determine their own standards and assessments for the purposes of Title I accountability. LEAs will no longer have to test each Title I child annually to determine whether desired outcomes are achieved and whether a school is in need of program improvement. Burdensome annual reporting requirements regarding test results and participation data are eliminated. States are permitted to use already existing standards developed in response to Goals 2000 or as part of their own State education reform efforts to assess the progress of Title I students and to identify schools that are in need of program improvement. (Section 1111)

ATTACHMENT D E

U.S. DEPARTMENT OF EDUCATION'S CHARTER SCHOOL DEMONSTRATION PROGRAM

Charter schools represent an important new strategy to promote innovation, parental and community involvement and choice in public education. The Department of Education will soon publish an announcement in the federal register for a grant competition awarding start-up funds, and eligibility for broad waivers, to charter schools.

The Administration requested \$15 million for this program in FY 1995, and \$6 million was appropriated by Congress. By law, the first competition will be held for states where charter schools laws have been enacted; states receiving grants must pass on at least 95% of these funds to partnerships of public chartering agencies -- such as a school district or public university -- with individual charter school developers. These developers may include teachers, parents, administrators, non-profit organizations, or for-profit firms. [Triple check decision on for-profits.]

Moreover, a wide array of federal funds -- including Goals 2000, School-to-Work, and IASA -- may be used by states and communities to support charter schools. The broad waiver authority in the charter schools law enables the Secretary to provide maximum flexibility in the use of federal program funds -- including Title I of IASA -- for charter schools. The Department intends to take full advantage of this waiver authority to help charter schools tailor the use of federal program resources to those needs.

Both the charter schools application, and guidance on waiver possibilities, will be made public by mid-February. Meanwhile, those interested in learning more about this program should feel free to contact the charter schools program officer, John Fiegel, at (202)-260-2671.

FEDERAL REGISTER NOTICE ON OPPORTUNITIES FOR CONSOLIDATED PLANNING FOR STATES AND SCHOOL DISTRICTS. TO BE PUBLISHED 1/13/95.

SUMMARY: The Department of Education proposes criteria for optional State consolidated plans submitted under section 14302 of the Elementary and Secondary Education Act of 1965 (ESEA), as recently reauthorized by the Improving America's Schools Act, Pub. L. 103-382 (IASA). Submitting a consolidated plan will allow a State to obtain funds under many Federal programs through a single plan, rather than through separate and detailed program funding plans or applications. The consolidated plan would explain how all of the resources of Federal programs included in the plan would work together to promote the State's educational goals for all students while effectively meeting the needs of the programs' intended beneficiaries.

To receive fiscal year (FY) 1995 program funds, a State educational agency (SEA) would need only to describe how it would develop its final plan over the following year, and to submit basic information needed to ensure fiscal accountability. The Secretary solicits written comments on this proposal from all interested parties. Subject to review of the comments received, the Secretary plans to announce final criteria for consolidated State plans in February, 1995.

Section 14302 of the ESEA, as reauthorized by Title I of the IASA, permits the Secretary to establish criteria under which any SEA may obtain certain Federal program funds through a single consolidated plan rather than through separate funding applications or plans. As explained in section 14301, this consolidated plan would be designed to enhance cross-program coordination, planning and service delivery, and the integration of Federal program services with services offered by States and localities, as keys to increased student achievement.

So that the development and use of consolidated plans can achieve their maximum potential, the Secretary proposes to offer States a two-phase process for completing their consolidated plans: (1) submission in the spring of 1995 of a relatively simple preliminary plan, followed by (2) the State's development and submission the next year of a final consolidated plan. This final plan would focus specifically on how the Federal programs included in the plan, while retaining their separate identities and intended beneficiaries, would support State goals and education reform strategies. A State developing a consolidated plan is encouraged to consider at the outset both the connection of this plan to its overall reform efforts, including efforts under the Goals 2000: Educate America Act or the School-to-Work Opportunities Act, and any waivers that it may need to request to effectively carry out its reforms. To ensure that local educational agencies (LEAs) and schools also can tap the full potential of Federal programs, section 14305 of the ESEA offers LEAs an opportunity to submit to their respective SEAs a consolidated plan under specific Federal programs.

These provisions for development of consolidated State plans -- particularly when coupled with the Secretary's new waiver authority, contained in Section 14401 of the ESEA (as well as in the Goals 2000 and School-to-Work statutes) and other provisions of the IASA that offer new opportunities for flexibility -- also enable the Department to refocus its administration of programs in ways that can better assist a State in meeting its education goals and objectives. Indeed, the information contained in a consolidated plan may help to clarify why an SEA or LEA needs a waiver of certain program requirements in order to

improve student achievement. The Department expects to issue separate guidance in the near future on the process for obtaining waivers of programmatic requirements under Section 14401.

Whether to submit a consolidated plan, which of the eligible programs to include in it if one is submitted, and whether to add to a final consolidated plan programs that were not included in a preliminary plan are decisions left to each SEA. Similarly, an SEA that submits a preliminary plan for FY 1995 would be able to submit individual program plans or applications for subsequent fiscal years rather than a final consolidated plan, just as an SEA that chooses for FY 1995 to submit individual program plans or applications could, in any subsequent fiscal year, submit a final consolidated plan.

Approval of a consolidated plan, whether in preliminary or final form, permits the Secretary to award funds under the programs included in the plans, and eliminates for an SEA the need, under those included programs, either to submit program applications to the Department or to develop program planning documents that the program statutes otherwise would require. Approval of a consolidated plan also establishes a different context for any Departmental review of an SEA's administration of the included programs.

The Secretary stresses that approval of a consolidated plan does not alter the obligation of an SEA and its grantees to continue to comply with all requirements of each program, including those that the program statute may express in terms of plan or application descriptions or assurances. (See further discussion and examples under "Assurances" to be submitted as part of the first-year (preliminary) consolidated plan.) Nor does approval of a consolidated State plan authorize commingling of program funds. However, under waiver provisions contained in the IASA, the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act, the Secretary is authorized to waive certain of these requirements. Furthermore, an SEA that meets the conditions of section 14201 of the ESEA may consolidate administrative funds under specified programs.

The remainder of this notice identifies the programs that might be included in a consolidated plan, and the proposed content of both the preliminary and final consolidated State plans. Attached in Appendix A, as background, is the preliminary guidance on the consolidated plan, which the Secretary provided to members of the public who attended a Federal program conference in Baltimore, Maryland, on December 2, 1994.

Programs that a State May Include in a Consolidated Plan

Section 14302 permits an SEA to include any of the following State-administered programs in its consolidated State plan:

- (1) Title I, Part A of the ESEA (LEA Program).
- (2) Title I, Part B of the ESEA (Even Start Program).
- (3) Title I, Part C of the ESEA (Migrant Education).
- (4) Title I, Part D of the ESEA (Neglected, Delinquent or At-Risk Children).

- (5) Title II of the ESEA (State and local programs) (Professional Development).
- (6) Title III, Part A, subpart 2 of the ESEA (Technology for Education).
- (7) Title IV, Part A (other than the Governor's Programs in section 4114) of the ESEA (Safe and Drug-Free Schools and Communities).
- (8) Title VI of the ESEA (Innovative Education Program Strategies (formerly Chapter 2)).
- (9) State leadership programs under Title II of the Carl D. Perkins Vocational and Applied Technology Education Act (Perkins Act).
- (10) Programs under the Goals 2000: Educate America Act.
- (11) Programs under the School-to-Work Opportunities Act.

In addition, pursuant to section 14302(a)(2)(F) of the ESEA, the Secretary proposes to designate the following additional programs that a State may include in a consolidated plan:

- (12) Subtitle B of Title III 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).
- (13) All other State formula grant programs under the Perkins Act.

The Secretary is considering whether to designate Title VII, Part C of the ESEA (the Emergency Immigrant Education Program) for possible inclusion in the consolidated State plan, but is not proposing to do so at this time in view of the significant relationship of this program to other Federal initiatives for addressing immigration-related issues.

Certain programs that the statute permits to be included in a consolidated State plan, such as the Technology for Education program in Title III, Part A, subpart 2 of the ESEA, are competitive grant programs rather than formula grant programs. These competitive programs can promote innovation in specific aspects of a State's reform efforts, and so can play an important role in a consolidated State plan for the overall use of Federal program funds. However, given their competitive nature, the Secretary proposes that SEAs still will need to meet the application content, selection criteria, and closing dates established for these programs.

The Secretary is considering how these and other discretionary grant programs that might be designated for inclusion in a consolidated State plan can best promote the purposes of a consolidated State plan. As stated in the "Invitation to Comment" section of this notice, the public is invited to suggest other grant programs, both formula and discretionary, that should be available for inclusion in a consolidated State plan, and how that plan can best accommodate these other programs.

The Preliminary (First-Year) Consolidated Plan Descriptions

The preliminary consolidated plan for FY 1995 program funds would identify the Federal programs that the plan covers, and address the following three areas with respect to the programs included in it:

1. Goals or Objectives. What are the goals and objectives that the SEA hopes to achieve through the development and use of a consolidated program plan, and how do they relate to the needs of the intended beneficiaries of programs included in the plan? In answering these questions, include:
 - Ways in which consolidated plans for use of Federal program funds are already being developed and used, and the impediments to success that are now most evident.
2. Process for Developing the Final Consolidated Plan. What process and timelines will the SEA use during the following year to develop its final consolidated plan? Include the State's strategies for --
 - Coordinating the planning for the use of Federal program funds with the State's overall education reform efforts (including planning under Goals 2000 and School-to-Work for participating States).
 - Bringing together all key individuals -- Governors, State program officials, LEA and school administrators, teachers, adult education administrators, parents, and others who play a key role in coordinating and integrating each program included in the plan with State and locally funded activities -- for the development and review of the final consolidated State plan.
3. Fiscal Accountability. To ensure fiscal accountability and the availability of information that the Secretary needs to distribute program funds, provide for each included program, where applicable --
 - The amount of funds provided under each program that will be used to carry out State-level activities (whether or not those activities are performed by the SEA), and a general description of how these funds will be used.
 - The procedures and criteria that the SEA will use to distribute program funds within the State where the program statute provides no in-State funding formula. (The Secretary thus far has identified the Even Start, Migrant Education, Neglected, Delinquent or At-Risk Children (Part D, Subpart 2, local agency program), Safe and Drug-Free Schools and Communities, Innovative Education, McKinney Homeless Assistance, and the Perkins Act, Title III, as programs to which this statement applies if they are included in a consolidated State plan.)
 - The amount of funds, if any, provided under each program that the State would consolidate for State administration under section 14201 of the ESEA, along with a statement confirming that the SEA has determined that a majority of its resources come from non-Federal sources.

Assurances. In addition, an SEA also would provide in its preliminary plan a set of assurances that include:

- Those required by section 14306 of the ESEA, which are repeated in APPENDIX B.
- Those required under the civil rights statutes.
- A general assurance that, unless and until these requirements are waived, the SEA and its subgrantees will continue to comply with all operational requirements of each program, including those that the program statute may express in terms of application or plan descriptions or assurances.

EXAMPLE 1: An SEA includes the Migrant Education Program (MEP) (Title I, Part C of the ESEA) in its preliminary consolidated plan. The SEA does not need to submit a State application, or any of the descriptions described in section 1304 of Title I, Part C. It also does not need to prepare the separate comprehensive service-delivery plan, as otherwise required for the MEP under section 1306(a) of the ESEA; that MEP plan is not required because it is addressed within the consolidated State plan. However, the SEA's receipt of MEP funds under an approved, preliminary consolidated plan still would require the SEA to develop and carry out activities for migratory children as identified in the comprehensive plan requirements of section 1306(a).

EXAMPLE 2: An SEA includes the Safe and Drug-Free Schools and Communities program (Title IV, Part A, of the ESEA) in its preliminary consolidated plan. The SEA does not need to submit the State application under section 4112 of Title IV, Part A, or any of the application descriptions, such as the description contained in section 4112(b)(4) of how the SEA will coordinate its program activities with the Governor's drug and violence prevention programs funded under section 4114, and prevention efforts of other State agencies. However, the SEA's receipt of Safe and Drug-Free Schools and Communities program funds under an approved, preliminary consolidated plan still would require the SEA to meet all applicable program requirements, including coordinating its program with relevant programs and activities of the Governor and other State agencies.

EXAMPLE 3: An SEA includes the Title I, Part A (ESEA) program in its preliminary consolidated plan. The SEA does not need to submit the State plan, or any of the State plan descriptions described in section 1111 of Title I, Part A. However, the SEA's receipt of Title I, Part A program funds under an approved, preliminary consolidated plan still would require the SEA to carry out all of the requirements contained in section 1111 with regard to standards and assessments and other provisions to support teaching and learning.

The Secretary is considering including in the final instructions for the preliminary consolidated plan a list, program-by-program, of all application and plan descriptions and assurances that the SEA's general assurance would cover in the absence of a waiver.

Relationship to the Goals 2000 and School-to-Work Initiatives

Goals 2000 provides States and communities with an opportunity to strengthen and broaden their education reform efforts by developing comprehensive plans to enable all children to learn to challenging academic standards. The School-to-Work Opportunities initiative may also play a significant role in a State's education reform efforts by helping to establish transition systems for youth that integrate challenging academic content with high quality work-based learning experience leading to postsecondary education and career-oriented entry into the workforce. A State's participation in these initiatives is voluntary, as it is with all Federal programs.

States that chose to participate in Goals 2000 and School-to-Work are encouraged to integrate their development of consolidated State plans under Section 14302 of the ESEA with their Goals 2000 and School-to-Work plans and activities. However, since these initiatives are designed specifically to support a State's overall education reform strategy (including those aspects which do not ordinarily draw upon Federal resources), the Secretary is not proposing that submission of a consolidated State plan, in either preliminary or final form, would alter application or planning requirements under Goals 2000 or School-to-Work.

The Final (Second-Year) Consolidated State Plan

The final consolidated plan will provide an opportunity for SEAs to consider how the resources of those Federal program included in the plan can be used directly to support their States' overall improvement strategies. The following discussion represents the Department's current thinking on what issues and questions a State might address in a final, second-year plan. After reviewing comment on this notice, the Department intends to continue collaboration with the public on modifications that may be needed, as well as on the formulation of additional examples that can better illustrate how States might address the questions presented.

Possible Issues to be Addressed in a Final (Second-Year) Consolidated Plan

1. What is the SEA's vision (including specific goals) for improving its educational system throughout the State? How do these goals relate directly to raising student academic achievement, geared to challenging academic standards, of all children who benefit from Federal programs? In answering this question, the State must address:
 - How the State will meet the standards and assessment requirements of Title 1, Part A, section 1111(b) of the ESEA to ensure the use of challenging academic content standards and high-quality assessments aligned with the standards.
 - What goals and performance indicators will the State establish to determine the effectiveness of programs included in the plan (e.g., improved professional development based upon realigned teacher certification requirements under the Eisenhower Professional Development program (Title II, Part B of the ESEA), and additional

performance indicators for safe and drug-free schools under the Safe and Drug-Free Schools and Communities program (Title IV, Part A of the ESEA).

2. How will the Federal resources (of programs included in the consolidated plan) support, at both the State and local level on the basis of identified needs, the State's specific goals and its efforts to enable intended program beneficiaries to reach the challenging academic standards established in the State?

Example 1: If a State determines that one of its goals to improve education is increasing the percentage of youth who complete high school, the State might describe how Federal program funds fit into State efforts to reach that goal.

Example 2: If the State has established overall goals for professional development, it should describe how it will use resources (not limited to Title II, ESEA) to reach these goals.

In answering Question 2, a State should consider addressing such critical areas as:

- The process it will use for determining the needs of the children served by these programs.
- The most significant barriers to more effective use of Federal funds, and how the State and individual programs will work together to overcome these barriers.
- Any waivers of Federal statutes or regulations the State may need to support its consolidated plan.
- How program administrators in the State will maintain the kind of communication and coordination needed to draw effectively on all Federal resources as outlined in the plan.
- How program administrators throughout the State will make the strategies outlined in the consolidated plan part of their daily work.
- If a State chooses to consolidate its use of State administration funds (under section 14201 of the ESEA), how the consolidation of these funds relates to the consolidated State plan under section 14302.
- Any critical timelines and benchmarks that will guide related and ongoing activities.

3. How will the State enable interested local educational agencies, in accordance with section 14305 of the ESEA, to develop their own consolidated plans for the use of Federal funds, and help to develop the capacity of LEAs and schools to use all of their funds to support high academic achievement for all intended program beneficiaries?
4. For an individual school whose activities are supported with Federal funds, how on a daily basis will the needs of its students be better met through implementation of the consolidated plan?

An SEA also would provide an update on any significant changes in the procedures for distribution of funds, as well as in the amounts and general uses of funds reserved for administrative and State-level activities, from those described in the preliminary consolidated plan.

Review of Consolidated Plans

The Secretary proposes that the State's preliminary consolidated plan be approved without peer review, but is strongly considering using a peer review process that involves the assistance and advice of State officials and others with relevant expertise for approving the final State consolidated plan.

Public Participation Requirements

Section 14303(7) of the ESEA, one of the general consolidated plan assurances described above in the discussion of the preliminary plan, requires an SEA to assure that "before the [consolidated plan] was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan ... and has considered such comment." (This assurance applies both to consolidated State plans under section 14302 and to all individual State plans or applications submitted under individual programs.)

Invitation to Comment

The Secretary invites comments from all interested members of the public on this proposal for the content of the consolidated State plan.

F
ATTACHMENT A --OPTION 2

OPPORTUNITIES FOR CONSOLIDATED PLANNING FOR STATES AND SCHOOL DISTRICTS

The Improving America's Schools Act provides broad new authority for the Secretary of Education to accept a single state plan for most federal funds supporting elementary and secondary education. States may choose to submit this single plan instead of separate, often overlapping, plans for separate federal programs.

A notice appears on the January, 13, 1994 edition of the federal register, explaining how states and school districts might take advantage of this opportunity. Briefly, the consolidated plan would explain how all of the resources of Federal programs included in the plan would work together to promote the State's educational goals for all students while effectively meeting the needs of the programs' intended beneficiaries. To receive fiscal year (FY) 1995 program funds, a State educational agency (SEA) would need only to describe how it would develop its final plan over the following year, and to submit basic information needed to ensure fiscal accountability.

[1-2 more paragraphs with additional information]

Meanwhile, those interested in learning more about these opportunities should feel free to contact Bill Wooten, at (202)-260-_____.