

DEPARTMENT OF EDUCATION**Part A of Title I of the Elementary and Secondary Education Act of 1965****AGENCY:** Department of Education.**ACTION:** Notice of Interpretation.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) interprets section 1112(c)(1)(H) of Title I of the Elementary and Secondary Education Act of 1965 to require, beginning in fiscal year 1997, that local educational agencies (LEAs) choosing to use Title I, Part A funds to provide early childhood development services to low-income, preschool children comply with the proposed Head Start performance standards in 45 CFR 1304.21—Education and Early Childhood Development. The U.S. Department of Health and Human Services has published these standards, among others, in a Notice of Proposed Rulemaking elsewhere in this issue of the Federal Register. Section 1112(c)(3) of Title I exempts an LEA from complying with these performance standards if it is using Title I, Part A funds to operate a preschool program using the Even Start model or to expand its Even Start program.

DATES: In order to be considered, comments on proposed 45 CFR 1304.21 must be received on or before June 21, 1996.

ADDRESSES: All comments on the substance of the performance standards in 45 CFR 1304.21 should be addressed to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: For information on the applicability of Head Start performance standards to Title I preschool programs, contact Mary Jean LeTendre, Director, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW (Portals Building, Room 4000), Washington, D.C. 20202-6132. Telephone (202) 260-0826. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: A number of Federal programs—most notably, Head Start, Even Start, and Part A of Title I of the Elementary and Secondary Education Act of 1965 (ESEA)—provide education and other services to preschool children. Federal legislation

increasingly has linked services under these programs to expand the number of children who can be served, reduce duplication of effort, and provide smooth transitions from preschool to elementary school. For example, under Part A of Title I, a local educational agency (LEA) must describe in its plan how it will coordinate and integrate services under Part A with other educational services such as Even Start, Head Start, and other preschool programs, including plans for the transition of children in those programs to elementary school programs. An LEA must also describe, if appropriate, how it will use Part A funds to support preschool programs for children, particularly children participating in a Head Start or Even Start program. If an LEA chooses to use Title I, Part A funds to provide early childhood development services, the LEA must assure in its plan that, beginning in fiscal year 1997, it will comply with performance standards established under section 641A(a) of the Head Start Act. It is this requirement that is the subject of this notice.

Since the 1970's, program performance standards have played a central role in the Head Start program. These standards provide a definition of quality services for approximately 2,112 community-based organizations nationwide that administer Head Start; serve as training guides for staff and parents on the key elements of quality; provide a vision of service delivery to young children and families that has served as a catalyst for program development and professional education and training in the preschool field; and provide the regulatory structure for the monitoring and enforcement of quality standards in Head Start. The Head Start Act Amendments of 1994 required the U.S. Department of Health and Human Services (HHS) to update the Head Start performance standards. As a result, elsewhere in this issue of the Federal Register, the Associate Commissioner of the Head Start Bureau, Administration for Children, Youth and Families, has published a Notice of Proposed Rulemaking revising those standards.

Section 1112(c)(1)(H) of Title I requires an LEA to assure in its Title I plan that, beginning in fiscal year 1997, if the LEA "chooses to use [Part A funds] to provide early childhood development services to low-income children below the age of compulsory school attendance, [the LEA will] ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act * * * " The proposed performance

standards governing early childhood development services are found in 45 CFR 1304.21—Education and Early Childhood Development. These proposed standards would ensure that the varied experiences provided in Title I preschool programs would help each child achieve social, emotional, intellectual, and physical skills in a manner appropriate to the child's age and stage of development. For example, the proposed standards would require an LEA to use an approach to child development and education that is developmentally and linguistically appropriate, recognizing that children have individual preferences and individual patterns of development as well as different ability levels, cultures, and learning styles. The LEA would be required to develop or select, in consultation with parents, a curriculum that, for example, supports each child's individual pattern of development and learning, provides for the development of cognitive skills, and integrates all educational aspects of health, nutrition, and mental health services into its program activities. The LEA would also be required to support the social and emotional development of preschool children by building trust, setting limits and realistic expectations, and encouraging respect. Finally, the LEA would be required to provide for the development of each child's cognitive and language skills and promote each child's physical growth by providing sufficient time, space, materials, and equipment for the development of large and small motor skills. We note that section 1112(c)(3) of Title I exempts an LEA from complying with these performance standards if it is using Title I, Part A funds to operate a preschool program using the Even Start model or to expand its Even Start program.

Because section 1112(c)(1)(H) of Title I requires an LEA to comply with the performance standards relating to early childhood development services, it is our interpretation that the LEA must comply only with the standards in 45 CFR 1304.21. As the title of that section—"Education and Early Childhood Development"—suggests, those are the standards that govern early childhood development services. Moreover, those standards support the primary purpose of Title I: To improve the capacity of schools to provide educational services to assist educationally disadvantaged children, including preschool children, to achieve the same high academic standards expected of all children. This interpretation is consistent with the flexibility the Title I statute provides

LEAs in implementing Title I programs and takes into account that other Title I provisions address many of the remaining topics covered by HHS' proposed performance standards applicable to Head Start grantees, such as parent involvement, program improvement, fiscal management, and recordkeeping.

To assist LEAs operating Title I preschool programs to understand and comment on the proposed Head Start performance standards that would apply to their programs, we have included the text of proposed § 1304.21 following this paragraph. Please note that any comments on the substance of these proposed standards as they impact Title I preschool programs should be sent to the Associate Commissioner of the Head Start Bureau at the address at the beginning of this notice. For information on the applicability of the Head Start Performance Standards to Title I preschool programs, please contact the Director of Compensatory Education Programs at the address at the beginning of this notice.

The following is the text of § 1304.21 of the proposed Head Start Performance Standards:

§ 1304.21 Education and Early Childhood Development.

(a) *Child development and education approach for all children.* (1) In order to help children gain the skills and confidence necessary to be prepared to succeed in their present environment and with later responsibilities in school and life, grantee and delegate agencies' approach to child development and education must—

(i) Be developmentally and linguistically appropriate, recognizing that children have individual preferences and individual patterns of development as well as different ability levels, cultures, ages, and learning styles;

(ii) Provide an environment of acceptance that supports and respects each child's gender, culture, language, and ethnicity; and

(iii) In center-based settings, provide a balanced daily program of staff-directed and child-initiated activities, including individual and small group activities.

(2) Parents must be—

(i) Invited to become integrally involved in the development of the program's curriculum and approach to child development and education; and

(ii) Provided opportunities to increase their child observation skills and to share assessments with staff that will help plan the learning experiences.

(3) Grantee and delegate agencies must support social and emotional development by—

(i) Encouraging development which enhances each child's strengths by—

(A) Building trust;

(B) Fostering independence;

(C) Setting consistent limits and realistic expectations;

(D) Encouraging respect for the feelings and rights of others; and

(E) Supporting and respecting the home language and culture of each child in ways that support the child's health and well-being; and

(ii) Allowing routines and transitions to occur in a timely, predictable and unrushed manner according to each child's needs.

(4) Grantee and delegate agencies must provide for the development of each child's cognitive and language skills by—

(i) Supporting each child's learning, using various strategies, including experimentation, inquiry, observation, play and exploration;

(ii) Providing opportunities for creative self-expression through activities such as art, music, movement, and dialogue;

(iii) Promoting interaction and language use among children and between children and adults; and

(iv) Supporting emerging literacy and numeracy development through materials and activities according to the developmental level of each child.

(5) In center-based settings, grantee and delegate agencies must promote each child's physical growth by—

(i) Providing sufficient time, indoor and outdoor space, equipment, materials and adult guidance for active play or movement that support the development of large muscle skills;

(ii) Providing appropriate time, space, equipment, materials and adult guidance for the development of small-motor skills according to each child's developmental level; and

(iii) Providing an appropriate environment and adult guidance for the participation of children with special needs.

(b) *Child development and education approach for infants and toddlers.* (1)

Grantee and delegate agencies must provide an environment for infants and toddlers which encourages—

(i) The development of secure relationships in out-of-home care settings for infants and toddlers by having a limited number of consistent caregivers over as extended a period of time as possible. Staff caregivers must be able to understand the child's family's culture and, whenever possible, speak the child's language;

(ii) Trust and emotional security so that each child can explore his or her environment according to his or her developmental level; and

(iii) Opportunities for each child to explore a variety of sensory and motor experiences with support and stimulation from staff caregivers or family members.

(2) Grantee and delegate agencies must support the social and emotional development of infants and toddlers by providing an environment that—

(i) Encourages the development of self-knowledge, self-awareness, autonomy, and self-expression; and

(ii) Supports the emerging communication skills of infants and toddlers by providing daily opportunities for each child to listen and express himself or herself freely.

(3) Grantee and delegate agencies must provide an environment that promotes the

physical development of infants and toddlers by—

(i) Providing opportunities for small-motor development that encourage the control and coordination of small, specialized motions, using the eyes, mouth, hands, and feet;

(ii) Supporting the development of the new-found physical skills of infants and toddlers such as grasping, pulling, pushing, crawling, walking, and climbing; and

(iii) Allowing and enabling children to independently use toilet facilities when it is developmentally appropriate and when efforts to encourage toilet training are supported by the parents.

(c) *Child development and education approach for preschoolers.* (1) Grantee and delegate agencies, in collaboration with the parents, must develop or select a curriculum that is adapted for each group and applied consistently in the program and that—

(i) Supports each child's individual pattern of development and learning;

(ii) Provides for the development of cognitive skills by encouraging each child to organize his or her experiences, to understand concepts, and to develop age appropriate skills in literacy, numeracy, reasoning, problem solving and decision-making, which form a foundation for school success.

(iii) Integrates all educational aspects of the health, nutrition, and mental health services into program activities;

(iv) Ensures that the program environment helps children develop emotional security and facility in social relationships;

(v) Enhances each child's understanding of self as an individual and as a member of a group;

(vi) Provides each child with opportunities for success to help develop feelings of competence, self-esteem, and positive attitudes toward learning; and

(vii) Provides individual, small group and large group activities both indoors and outdoors.

(2) Staff must use a variety of strategies to promote and support children's learning and developmental progress based on the assessment of each child's individual strengths and needs.

Waiver of Rulemaking

In accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553), it is the practice of the Department to offer interested parties the opportunity to comment on proposed rules. However, under section 553(b)(A) of the APA, the Department is not required to offer the public an opportunity to comment on an interpretive rule that merely advises the public of the Department's construction of a statute that it administers. Because this notice sets forth the Assistant Secretary's interpretation of section 1112(c)(1)(H) of Title I, public comment, pursuant to 5 U.S.C. 553(b)(A), is unnecessary.

(Catalog of Federal Domestic Assistance Number 84.010, Improving Programs Operated by Local Educational Agencies)

Dated: April 11, 1996.

Gerald N. Tirozzi,

*Assistant Secretary for Elementary and
Secondary Education.*

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