

application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 13, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Meeting of the Board of Advisors to the Superintendent, Naval Postgraduate School

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of open meeting.

**SUMMARY:** The purpose of the meeting is to elicit the advice of the board on the Naval Service's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire into the curricula, instruction, physical equipment, administration, state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent. In order to further the collaborative exchange and partnership between the Naval Postgraduate School and the Air Force Institute of Technology (AFIT), AFIT and the Air University's Board of Visitors will attend a joint session on January 30, 2003. This meeting will be open to the public.

**DATES:** The meetings will be held on Wednesday, January 29, 2003, from 8 a.m. to 4 p.m. and on Thursday, January 30, 2003, from 8 a.m. to 2 p.m. All written comments regarding this meeting should be received by January 24, 2003, and be directed to Superintendent, Naval Postgraduate School (Attn: Jaye Panza), 1 University Circle, Monterey, CA 92943 or by fax (831) 656-3145.

**ADDRESSES:** The meetings will be held at the Naval Postgraduate School, Herrmann Hall, 1 University Circle, Monterey, CA.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Jaye Panza, Naval Postgraduate School, 1 University Circle, Monterey, CA, 93943-5000, telephone number (831) 656-2514.

Dated: January 14, 2003.

**R.E. Vincent II,**

*Lieutenant Commander, Judge Advocate General's Corp, U.S. Navy, Federal Register Liaison Officer.*

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## DEPARTMENT OF EDUCATION

### State Flexibility Program

**AGENDA:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice amending eligibility requirements and extending application deadline.

**SUMMARY:** Under the State Flexibility ("State-Flex") Program, the Secretary will competitively grant State-Flex authority to up to seven State educational agencies (SEAs), permitting them to (1) consolidate certain Federal education funds that are provided for State-level activities and State administration and use those funds for any educational purpose authorized under the Elementary and Secondary Education Act (ESEA) in order to meet the State's definition of adequate yearly progress (AYP) and advance the education priorities of the State and its local educational agencies (LEAs); and (2) specify how LEAs in the State will use funds allocated under section 5112(a) (State Grants for Innovative Programs) of the ESEA. In addition, an SEA with State-Flex authority must enter into performance agreements with at least four, but no more than ten, LEAs (at least half of which must be high-poverty LEAs), giving those LEAs the flexibility to consolidate certain Federal education funds and to use those funds for any educational purpose permitted under the ESEA in order to meet the State's definition of AYP and specific, measurable goals for improving student achievement and narrowing achievement gaps.

In this notice, we are (1) amending the State-Flex eligibility requirements consistent with the recently announced requirements for submission of accountability plans under Title I of the ESEA and (2) extending the deadline for eligible SEAs to apply to participate in the State-Flex program.

**Application Deadline:** February 28, 2003.

**Eligible Applicants:** To be eligible to participate in this State-Flex competition, an SEA must have submitted, by January 31, 2003, its accountability workbook under Title I of the ESEA.

**SUPPLEMENTARY INFORMATION:** On October 11, 2002, we published in the **Federal Register** a notice inviting applications for State flexibility authority (67 FR 63,394-63,395) and a notice of final application requirements, selection criteria, and competition schedule (67 FR 63,390-63,394). At that time, we established a State-Flex application deadline of January 17, 2003 and indicated that to be eligible to apply, an SEA had to either have its AYP definition approved by the Department or submit an assurance that it would provide the Department with a State AYP definition that meets the requirements of section 1111(b)(2) of the ESEA by the AYP deadline established by the Department.

Subsequent to announcing the initial State-Flex competition, the Department published final accountability regulations under Title I and sent to all States an accountability workbook to assist them in submitting their accountability plans for peer review and approval. Because the primary purpose of the State-Flex program is to assist States and affected LEAs in meeting the State's definition of AYP under Title I, in this notice, the Department is amending the State-Flex eligibility requirements to reflect the recently announced steps that States must take to comply with Title I accountability requirements.

Under Title I, States must submit their completed accountability workbook to the Department by January 31, 2003. The workbook will document how respective elements that are required for approval are met by existing State policy, or will be met through a proposed State policy. For each proposed policy that a State lists in its workbook, the State must include a dateline demonstrating the steps that it will take to adopt the policy prior to the May 1, 2003 deadline for final submission of State accountability plans.

Thus, to be eligible to participate in the State-Flex program, a State must have submitted the completed workbook by the deadline established by the Department under Title I.

The Secretary intends to select up to four SEAs for participation in State-Flex in this initial competition. In conducting the competition, the Department will review the quality of State-Flex plans, including the quality of the local performance agreements that are submitted as part of those plans, on the basis of the selection criteria announced in the October 11, 2002 **Federal Register** notice (67 FR 63,390-63,394). If an SEA selected for State-Flex authority has not yet received final