



**ADMINISTRATIVE COMMUNICATIONS SYSTEM  
UNITED STATES DEPARTMENT OF  
EDUCATION**

**DEPARTMENTAL DIRECTIVE**

**OCO: 1-101**

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All Department of Education employees

Approved by       /s/        
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**System of Receiving and Tracking State Process  
Recommendations and Comments on Programs Subject to  
Executive Order 12372**

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For technical questions regarding information in this directive, please contact Lynda Edwards via e-mail or 202-401-0410.

Supersedes OIIA: 1-101, "System of Receiving and Tracking State Process Recommendations and Comments on Programs Subject to Executive Order 12372," dated 7/16/2003.

**I. Purpose**

This directive describes the U.S. Department of Education's (ED's) system for receiving and tracking State process recommendations and comments on programs subject to Executive Order 12372, Intergovernmental Review of Federal Programs (E.O. 12372).

**II. Policy**

It is ED's policy to consider and accommodate comments and recommendations submitted under the State review process, or to explain why it cannot do so.

**III. Authority**

The authority for this directive is E.O. 12372, July 14, 1982 (47 FR 30959) as amended April 8, 1983, and 34 CFR Part 79 *et seq.*

The objectives of E.O. 12372 are to foster an intergovernmental partnership and strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance. E.O. 12372 allows States, after consultation with local officials, to select programs for review. It also allows them to establish their own process for comment on Federal financial assistance.

ED is fully committed to implementing all provisions of E.O. 12372 and Departmental regulations in 34 CFR Part 79.

**IV. Applicability**

This directive applies to all State process recommendations and comments, and all comments or concerns raised by program applicants regarding the State review process under E.O. 12372, other than information copies noting State process approval. Such information copies will not be controlled and may be sent to the appropriate program office for their records.

**V. Definition**

A ***recommendation or comment*** is any piece of correspondence denoting an action by the State under its E.O. 12372 review process, or written concern expressed by a funding applicant regarding an action by the State under its review process.

**VI. Responsibilities**

A. ED's Executive Secretariat (ES), in the Office of the Secretary, shall receive and forward to the appropriate Principal Office (PO), any correspondence containing or relating to State process recommendations and comments on proposed Federal financial assistance for programs subject to E.O. 12372.

- B. PO staff shall prepare responses for the signature of the Principal Officer or other appropriate individual to all correspondence containing recommendations, comments, or concerns under E.O. 12372. The executive order requires Federal agencies either to accommodate State process recommendations and comments or to explain why those recommendations and comments cannot be accommodated. All recommendations and comments received by ED must be considered and their receipt acknowledged; however, it is permissible to acknowledge all recommendations and comments concerning a program from a given State in one document. States have been instructed, through regulations (34 CFR Part 79), to clearly identify State process recommendations and comments.
- C. The Intergovernmental Affairs section of the Office of Communications and Outreach (OCO) shall maintain a central file that tallies all State review process recommendations and comments, or written concerns expressed by funding applicants in regard to any State review process, and PO responses to such recommendations, comments, and concerns for Departmental coordination purposes.

Copies of State review process approvals will not be maintained in this file. Such copies may be maintained by the appropriate program office, at its discretion.

## **VII. Procedures**

- A. Required State process approval documentation must be included with each application for programs covered under E.O. 12372 and shall be considered the official Departmental document of record. Information copies of State process approvals will not be controlled and require no response. Copies of State process approvals received by any office of the Department other than the appropriate PO shall be forwarded to the appropriate PO for its record keeping, as it sees fit.
- B. When a PO or a subunit of a PO receives State review process recommendations and comments, that office will send the correspondence to the appropriate funding division for processing.
- C. When ES receives State review process recommendations and comments, or written concerns from applicants regarding a State review process action either directly or from the PO, the ES shall return the document without controlling it to the responsible PO for handling.