

728, as amended, and which is classified generally to chapter 76 (§6101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103-382 amended section generally, inserting provision that this chapter not apply to any contract made by the Department of Education, substituting definition of “Department” as meaning Department of Education for definition of “Director” as meaning Director of the National Institute of Education, striking out reference to the Civil Rights Act of 1964, adding references to title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, and other statutes prohibiting discrimination, and striking out provision authorizing appropriations for any fiscal year of such sums as may be necessary to carry out the provisions of this chapter.

1974—Subsec. (a). Pub. L. 93-380 redesignated subsec. (d) as (a). Former subsec. (a) provisions “The provisions of this chapter shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this chapter unless so specified by such amendments” were incorporated in part in subsec. (b).

Subsec. (b). Pub. L. 93-380 incorporated subsec. (a) provisions in subsec. (b), inserting introductory text “Except where otherwise specified.”, substituting “an administrative head of an education agency has administrative responsibility as provided by law or by delegation of authority pursuant to law” for “the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute.”, deleting “Amendments to Acts authorizing such programs shall not affect the applicability of this chapter unless so specified by such amendments.” Former subsec. (b) definition provisions for “Commissioner”, “Secretary”, and “applicable program” incorporated in subsec. (c)(1).

Subsec. (c). Pub. L. 93-380 incorporated subsec. (b)(3), (1), (2) provisions in par. (1)(A), (D), (F), respectively; inserted in par. (1)(A) “, under the terms of subsection (b) of this section.”; and added pars. (1)(B), (C), (E), (2), and (3). Former subsec. (c) provisions “There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this chapter,” incorporated in subsec. (d).

Subsec. (d). Pub. L. 93-380 incorporated subsec. (c) provisions in provisions designated as subsec. (d), inserting introductory text “Except as otherwise limited in this chapter.”, and deleting “, as part of the appropriations for salaries and expenses for the Office of Education,” after “fiscal year”. Former subsec. (d) redesignated (a).

Subsec. (e). Pub. L. 93-380 added subsec. (e).

1970—Pub. L. 91-230, §401(a)(2)(A), provided for definitions and authorization of appropriations in section catchline.

Subsecs. (b), (c). Pub. L. 91-230, §401(a)(2)(B), added subsecs. (b) and (c).

1968—Pub. L. 90-576 substituted general reference to “any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute” for specific references to “title I of the Elementary and Secondary Education Act of 1965 (title II of Pub. L. 81-874), titles II, III, V, VI, VII, and VIII of the Elementary and Secondary Education Act of 1965, and the Adult Education Act of 1966 (title III of the Elementary and Secondary Education Amendments of 1966), as now in effect or hereafter from time to time amended” as the areas in which the provisions of this chapter shall apply and inserted provision that amendments to

the programs covered shall not affect the applicability of this chapter unless so specified by such amendments.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 3(a)(2) of Pub. L. 103-382 provided that: “Title II of this Act [§§211 to 272 of Pub. L. 103-382, see Tables for classification] and the amendments made by title II of this Act shall take effect on the date of enactment of this Act [Oct. 20, 1994], except that section 236 [enacting section 1228a of this title] (equity for students, teachers, and other program beneficiaries) of such title shall be effective—

“(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

“(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.”

EFFECTIVE DATE OF 1974 AMENDMENT

Section 505(b) of Pub. L. 93-380 provided that: “The amendments made by subsection (a) [amending this section and section 1221g of this title] shall be effective on the tenth day after the date of enactment of this Act [Aug. 21, 1974].”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-297, title III, §3401, Apr. 28, 1988, 102 Stat. 344, provided that: “This part [part C (§§3401-3403) of title III of Pub. L. 100-297, amending sections 1221e and 1221e-1 of this title and enacting provisions set out as a note under section 1221e-1 of this title] may be cited as the ‘National Assessment of Educational Progress Improvement Act.’”

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-561, title XII, §1211, Nov. 1, 1978, 92 Stat. 2338, provided that: “This part [enacting sections 1221-3 and 1231g of this title and amending section 1221e-1 of this title] may be cited as the ‘Control of Paperwork Amendments of 1978.’”

SHORT TITLE OF 1974 AMENDMENT

Section 513(b)(2) of Pub. L. 93-380 provided that: “This section [enacting section 1232g of this title and provisions set out as a note under section 1232g of this title] may be cited as the ‘Family Educational Rights and Privacy Act of 1974.’”

EXECUTIVE ORDER NO. 11761

Ex. Ord. No. 11761, Jan. 17, 1974, 39 F.R. 2345, which provided for coordination of Federal educational programs and which continued Federal Interagency Committee on Education, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EXECUTIVE ORDER NO. 12687

Ex. Ord. No. 12687, Aug. 15, 1989, 54 F.R. 34127, as amended by Ex. Ord. No. 12741, Dec. 31, 1990, 56 F.R. 475; Ex. Ord. No. 12785, Dec. 26, 1991, 56 F.R. 67451, which established the President’s Education Policy Advisory Committee to advise the President with respect to objectives and conduct of overall education policy of the United States, was revoked by Ex. Ord. No. 12869, §4(e), Sept. 30, 1993, 58 F.R. 51751, formerly set out under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 1221-1. National policy with respect to equal educational opportunity

Recognizing that the Nation’s economic, political, and social security require a well-educated citizenry, the Congress (1) reaffirms, as a matter of high priority, the Nation’s goal of equal educational opportunity, and (2) declares it to be

the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers.

(Pub. L. 93-380, title VIII, §801, Aug. 21, 1974, 88 Stat. 597.)

CODIFICATION

Section was enacted as part of Education Amendments of 1974, and not as part of General Education Provisions Act which comprises this chapter.

EFFECTIVE DATE

Section 2(c) of Pub. L. 93-380 provided that:

“(1) Unless otherwise specified, each provision of this Act [see Tables for classification] and each amendment made by this Act shall be effective on and after the sixtieth day after the enactment of this Act [Aug. 21, 1974].

“(2) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1973, or on July 1, 1973, such amendment shall be deemed to have been enacted on June 30, 1973.”

STUDY OF CIVILIAN AVIATION TRAINING PROGRAMS

Pub. L. 102-325, title XIV, §1410, July 23, 1992, 106 Stat. 821, directed Secretary of Education to enter into appropriate arrangements with National Academy of Sciences Commission on Behavioral and Social Sciences and Education to study civilian aviation training programs needed to satisfy workforce requirements of commercial aviation industry in year 2000 and beyond, directed Secretary to request that National Academy of Sciences Commission on Behavioral and Social Sciences and Education submit an interim report to Secretary and Congress within 1 year after July 23, 1992, and directed that the study be completed within 2 years of July 23, 1992, prior to repeal by Pub. L. 105-332, §6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

NATIONAL COMMISSION ON INDEPENDENT HIGHER EDUCATION

Pub. L. 102-325, title XIV, part B, July 23, 1992, 106 Stat. 824, as amended by Pub. L. 103-208, §2(k)(11), Dec. 20, 1993, 107 Stat. 2486, provided that part B could be cited as the “National Independent Colleges and Universities Discovery Act”, provided for establishment, membership, etc., of National Commission on Independent Higher Education, which Commission was to develop factual base for understanding status of independent colleges and universities, their contributions to public priorities, and effects of national higher education policies on independent nonprofit sector, to review issuance of Federal regulations regarding independent colleges and universities, and suggest means by which independent colleges and universities can be held accountable for use of public resources without inappropriate intrusion into institutional autonomy, and to address the relationship between Federal and State policies in independent colleges and universities, particularly with respect to student access and choice, finance, institutional subsidies, and institutional accountability, and directed that the Commission terminate 3 years after July 23, 1992, prior to repeal by Pub. L. 105-332, §6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

NATIONAL COMMISSION ON COST OF HIGHER EDUCATION

Pub. L. 102-325, title XIV, part C, July 23, 1992, 106 Stat. 827, as amended by Pub. L. 103-208, §2(k)(12), Dec. 20, 1993, 107 Stat. 2486, provided for establishment, membership, etc., of National Commission on the Cost of Higher Education, which Commission was to make findings and specific recommendations regarding the increase in tuition costs compared with other commodities and services as well as methods of reducing increased tuition costs, administrative costs of colleges

and universities and methods of reducing such costs, the extent to which Federal, State, and local regulations contribute to increased tuition costs and the increase in the cost of higher education, and extent to which the lack of student financial assistance programs contribute to increased tuition costs, and directed that the Commission cease to exist on the date that is 90 days after the Commission submits its final report, which report was to be submitted to the President and Congress not later than Sept. 1, 1994, prior to repeal by Pub. L. 105-332, §6(b)(2), Oct. 31, 1998, 112 Stat. 3128.

EDUCATION COUNCIL ACT OF 1991

Pub. L. 102-62, June 27, 1991, 105 Stat. 305, as amended by Pub. L. 102-359, §1, Aug. 26, 1992, 106 Stat. 962; Pub. L. 103-290, §1, Aug. 1, 1994, 108 Stat. 1456; Pub. L. 103-382, title III, §362, Oct. 20, 1994, 108 Stat. 3975, provided for establishment, membership, etc., of National Education Commission on Time and Learning, which Commission was to examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects, year-round professional opportunities for teachers, and use of school facilities for extended learning programs, report to Congress and the Secretary on the results of the study not later than 2 years after the Commission concludes its first meeting, and terminate Sept. 30, 1994, and provided for establishment, membership, etc., of National Council on Education Standards and Testing, which Council was to advise the American people whether suitable specific education standards should be established for the knowledge and skills that students should possess and that schools should impart in order that American student leave grades 4, 8, and 12 demonstrating competency in challenging subject matters and whether an appropriate system of voluntary national tests or examinations should be established to provide prompt and accurate information on the progress made towards specific education standards by individual students, schools, school systems, States, and the Nation as a whole, submit a final report, as soon as possible, but not later than Dec. 31, 1991, to Congress, Secretary of Education, and National Education Goals Panel, and cease to exist 90 days after submitting its final report.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR FINANCING POSTSECONDARY EDUCATION

Pub. L. 99-498, title XIII, §1321, Oct. 17, 1986, 100 Stat. 1584, as amended by Pub. L. 101-324, July 6, 1990, 104 Stat. 300; Pub. L. 102-170, title III, §306, Nov. 26, 1991, 105 Stat. 1136, established as an independent agency in executive branch a commission to be known as National Commission on Responsibilities for Financing Postsecondary Education, directed Commission to study and investigate extent to which (1) there is a consistent and coherent Federal policy regarding the appropriate family role in financing costs of postsecondary education for family members, (2) current Federal laws and regulations promote stated Federal policy, and (3) extent to which State laws which remove parental responsibilities for children over 18 years of age conflict with Federal policy in this area, directed Commission to (A) summarize appropriate findings of National Commission on Student Financial Assistance, (B) recommend to Congress a comprehensive analysis on extent to which consensus exists regarding appropriate role of family in financing postsecondary education, and (C) recommend changes in current law required to achieve desired Federal policy, and provided that Commission would terminate 2 years after first meeting of its member, prior to repeal by Pub. L. 105-332, §6(a), Oct. 31, 1998, 112 Stat. 3127.

STUDY OF CLASSROOM USE OF VOLUNTEERS

Pub. L. 99-498, title XIII, §1341, Oct. 17, 1986, 100 Stat. 1587, as amended by Pub. L. 100-50, §23(7), June 3, 1987,

101 Stat. 362, directed National Academy of Sciences to conduct a thorough study of how volunteers could best be used in the classroom with the study to (1) feasibility of using recipients of student loans as part of repayment of such loans, (2) use of older Americans as such volunteers, (3) use of business persons and other professionals as volunteers, and (4) place of incentives to encourage volunteerism, and with National Academy of Sciences to prepare and submit to Congress a report, together with a description of programs on use of volunteers and with such recommendations as deemed appropriate not later than one year after entering into a contract to conduct the study, prior to repeal by Pub. L. 105-332, §6(a), Oct. 31, 1998, 112 Stat. 3127.

NATIVE HAWAIIAN EDUCATION STUDY

Pub. L. 96-374, title XIII, §1331, Oct. 3, 1980, 94 Stat. 1499, established an Advisory Council on Native Hawaiian Education consisting of seven members appointed by Secretary of Education, after consultation with Governor of Hawaii, from among individuals who were professionals in various fields relating to human development, and who were familiar with educational problems of Native Hawaiians, to conduct a study to (A) evaluate effectiveness of State and federally assisted educational programs in serving Native Hawaiian children and extent to which such programs achieve their purposes with respect to such children, and (B) take into account special health, social, and psychological needs of Native Hawaiian children, and to submit a report to Secretary and to Congress not later than Jan. 31, 1983, containing findings and recommendations of the Council, with the Council to terminate 60 days after submission of its report.

APPROPRIATIONS NOT AUTHORIZED FOR NATIVE HAWAIIAN EDUCATION STUDY FOR FISCAL YEAR 1982, 1983, OR 1984

Pub. L. 97-35, title V, §512(a), Aug. 13, 1981, 95 Stat. 444, provided that: "No funds are authorized to be appropriated to carry out part D of title XIII of the Education Amendments of 1980 [section 1331 of Pub. L. 96-374, set out as a note above] for fiscal year 1982, 1983, or 1984."

FINANCING OF ELEMENTARY AND SECONDARY EDUCATION; STUDIES AND SURVEYS; ADVISORY PANEL; REPORTS

Pub. L. 95-561, title XII, §1203, Nov. 1, 1978, 92 Stat. 2335, as amended by Pub. L. 96-46, §2(a)(4), Aug. 6, 1979, 93 Stat. 340; Pub. L. 96-88, title III, §301(a)(2), (b)(1), title V, §501(a), 507, Oct. 17, 1979, 93 Stat. 677, 678, 689, 692, established a 15-member Advisory Panel on Financing Elementary and Secondary Education within Department of Education to provide for (1) availability of reliable and comparative data on status and trends in financing elementary and secondary education, (2) conduct of studies necessary to understand and analyze the trends and problems affecting financing of elementary and secondary education, both public and non-public, including prospects for adequate financing during the next ten years, and development of recommendations for Federal policies to assist in improving equity and efficiency of Federal and State systems for raising and distributing revenues to support elementary and secondary education, with views and recommendations of the Panel to be presented to 1980 White House Conference on Education.

WHITE HOUSE CONFERENCE ON EDUCATION: REPORT OF FINDINGS AND RECOMMENDATIONS; NATIONAL CONFERENCE COMMITTEE: ESTABLISHMENT, MEMBERSHIP, REPORT TO PRESIDENT AND CONGRESS, TRAVEL EXPENSES; APPORTIONMENT OF FUNDS; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 93-380, title VIII, §804, Aug. 21, 1974, 88 Stat. 597, as amended by Pub. L. 95-272, title III, §301, May 3, 1978, 92 Stat. 227; Pub. L. 95-561, title XII, §1203(c)(8), Nov. 1, 1978, 92 Stat. 2335, directed President to call and

conduct a White House Conference on Education in 1980, established a National Conference Committee to provide guidance and planning and to make a final report to President and Congress not later than Dec. 1, 1980, authorized making of grants to States to assist in meeting cost of that State's participation, and authorized appropriations.

§ 1221-2. National policy with respect to museums as educational institutions

The Congress, recognizing—

(1) that museums serve as sources for schools in providing education for children,

(2) that museums provide educational services of various kinds for educational agencies and institutions and institutions of higher education, and

(3) that the expense of the educational services provided by museums is seldom borne by the educational agencies and institutions taking advantage of the museums' resources,

declares that it is the sense of the Congress that museums be considered educational institutions and that the cost of their educational services be more frequently borne by educational agencies and institutions benefiting from those services.

(Pub. L. 93-380, title VIII, §803, Aug. 21, 1974, 88 Stat. 597.)

CODIFICATION

Section was enacted as part of Education Amendments of 1974, and not as part of General Education Provisions Act which comprises this chapter.

EFFECTIVE DATE

Section effective on and after sixtieth day after Aug. 21, 1974, see section 2(c) of Pub. L. 93-380, set out as a note under section 1221-1 of this title.

§ 1221-3. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, §400A, as added Pub. L. 95-561, title XII, §1212(b), Nov. 1, 1978, 92 Stat. 2338; amended Pub. L. 96-46, §4(a), Aug. 6, 1979, 93 Stat. 342; Pub. L. 96-88, title III, §301(b)(2), title V, §507, Oct. 17, 1979, 93 Stat. 678, 692; Pub. L. 96-511, §4(a), Dec. 11, 1980, 94 Stat. 2826, related to control of excessive paperwork.

SUBCHAPTER I—FUNCTIONS OF DEPARTMENT OF EDUCATION

AMENDMENTS

1994—Pub. L. 103-382, title II, §221, Oct. 20, 1994, 108 Stat. 3913, amended subchapter heading generally.

§§ 1221a to 1221c. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section 1221a, Pub. L. 90-247, title IV, §401, as added Pub. L. 92-318, title III, §301(a)(2), June 23, 1972, 86 Stat. 326; amended Pub. L. 93-380, title V, §504(a), Aug. 21, 1974, 88 Stat. 561, established Education Division of the Department of Health, Education, and Welfare.

Section 1221b, Pub. L. 90-247, title IV, §402, as added Pub. L. 92-318, title III, §301(a)(2), June 23, 1972, 86 Stat. 327; amended Pub. L. 93-380, title V, §502(a)(2)(A), Aug. 21, 1974, 88 Stat. 560, established position of and provided for appointment and compensation of Assistant Secretary for Education in the Department of Health, Education, and Welfare.

Section 1221c, Pub. L. 90-247, title IV, §403, as added Pub. L. 92-318, title III, §301(a)(2), June 23, 1972, 86 Stat. 327; amended Pub. L. 93-380, title V, §503(a), Aug. 21,