

TRANSFER OF FUNCTIONS

“Secretary” and “Secretary’s”, meaning the Secretary of Education, substituted for “Commissioner” and “Commissioner’s”, respectively, in subsecs. (a) to (d) pursuant to sections 301(a)(1) and 507 of Pub. L. 96-88, which are classified to sections 3441(a)(1) and 3507 of this title and which transferred functions of Commissioner of Education to Secretary of Education.

NATIONAL INSTITUTE OF EDUCATION

The National Institute of Education consisting of a National Council on Educational Research and a Director of the Institute was established by section 1221e of this title which, as amended generally by Pub. L. 99-498, title XIV, §1401(a), Oct. 17, 1986, 100 Stat. 1589, provided objectives and duties for the Office of Educational Research and Improvement and established the National Advisory Council on Educational Research and Improvement, and section 1401(b) of Pub. L. 99-498 transferred the property and records of the National Institute of Education to the Office of Educational Research and Improvement.

§ 1231c-1. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, §426A, as added Pub. L. 95-561, title XII, §1202, Nov. 1, 1978, 92 Stat. 2334; amended Pub. L. 96-88, title III, §301(a)(1), (b)(2), title V, §507, Oct. 17, 1979, 93 Stat. 677, 678, 692, related to equalization assistance.

§ 1231d. Parental involvement and dissemination

In the case of any applicable program in which the Secretary determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, the Secretary shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination is made provides for payments to local educational agencies, applications for such payments shall—

(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

(Pub. L. 90-247, title IV, §434, formerly §415, as added Pub. L. 91-230, title IV, §401(a)(10), Apr. 13, 1970, 84 Stat. 168; renumbered §425, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; renumbered §427, Pub. L. 93-380, title V, §508(a), Aug. 21, 1974, 88 Stat. 565; renumbered §434 and amended Pub. L. 103-382, title II, §§212(b)(1), 244, Oct. 20, 1994, 108 Stat. 3913, 3922.)

PRIOR PROVISIONS

A prior section 434 of Pub. L. 90-247 was renumbered section 440, and is classified to section 1232c of this title.

Another prior section 434 of Pub. L. 90-247 was renumbered section 444, and was classified to section 1233c of this title prior to repeal by Pub. L. 103-382.

Another prior section 434 of Pub. L. 90-247 was classified to section 1232c of this title prior to repeal by Pub. L. 95-561.

AMENDMENTS

1994—Pub. L. 103-382, §244, substituted “Secretary determines” for “Commissioner determines” and “the Secretary shall” for “he shall” and inserted “is made” after “such determination”.

§ 1231e. Use of funds withheld

(a) At any time that the Secretary makes an allotment or reallocation to any State under any applicable program, the Secretary shall reduce such allotment or reallocation by such amount as the Secretary determines such allotment or reallocation would have been reduced, had the data on which such allotment or reallocation is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary’s action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], section 794 of title 29, or the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.].

(b) The Secretary may use any funds withheld under subsection (a) of this section—

(1) to increase the allotments or reallocations of local educational agencies within the State that are not described in subsection (a) of this section, or the allotments or reallocation of all States, in accordance with the Federal law governing the program; or

(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964 [42 U.S.C. 2000c-4], or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.

(Pub. L. 90-247, title IV, §435, formerly §416, as added Pub. L. 91-230, title IV, §401(a)(10), Apr. 13, 1970, 84 Stat. 168; renumbered §426, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326; renumbered §428, Pub. L. 93-380, title V, §508(a), Aug. 21, 1974, 88 Stat. 565; renumbered §435 and amended Pub. L. 103-382, title II, §§212(b)(1), 245, Oct. 20, 1994, 108 Stat. 3913, 3922.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (a), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 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 2000a of Title 42 and Tables.

The Education Amendments of 1972, referred to in subsec. (a), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235, as amended. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (a), is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, 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 this Title 42 and Tables.

PRIOR PROVISIONS

A prior section 435 of Pub. L. 90-247 was renumbered section 441, and is classified to section 1232d of this title.

Another prior section 435 of Pub. L. 90-247 was renumbered section 423, and is classified to section 1226a-1 of this title.

Another prior section 435 of Pub. L. 90-247 was renumbered section 445, and is classified to section 1233d of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Pub. L. 103-382, § 245, amended section generally. Prior to amendment, section consisted of single par. relating to use of funds withheld for failure to comply with title VI of the Civil Rights Act of 1964.

§ 1231f. Repealed. Pub. L. 103-382, title II, § 212(a)(1), Oct. 20, 1994, 108 Stat. 3913

Section, Pub. L. 90-247, title IV, § 429, formerly § 417, as added Pub. L. 91-230, title IV § 401(a)(10), Apr. 13, 1970, 84 Stat. 168; renumbered § 427, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; renumbered § 429 and amended Pub. L. 93-380, title V, §§ 501(b)(2), 508(a), Aug. 21, 1974, 88 Stat. 558, 565; Pub. L. 96-88, title III, § 301(a)(1), (b)(2), title V, § 507, Oct. 17, 1979, 93 Stat. 677, 678, 692, authorized transfer of information.

PART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

§ 1231g. Applications

(a) Submission and amendments of applications

Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, the Secretary is authorized to provide for the submission of applications for assistance effective for more than one fiscal year under any applicable program with whatever amendments to such applications being required as the Secretary determines essential.

(b) Uniform dates

The Secretary shall, insofar as is practicable, establish uniform dates during the year for the submission of applications under all applicable programs and for the approval of such applications.

(c) Development of common applications

The Secretary shall, insofar as is practicable, develop and require the use of—

(1) a common application for grants to local educational agencies in applicable programs administered by State educational agencies in which the funds are distributed to such local agencies pursuant to some objective formula, and such application shall be used as the single application for as many of these programs as is practicable;

(2) a common application for grants to local educational agencies in applicable programs administered by State educational agencies in which the funds are distributed to such local agencies on a competitive or discretionary basis, and such application shall be used as the single application for as many of such programs as is practicable; and

(3) a common application for grants to local educational agencies in applicable programs

which are directly administered by the Secretary, and such application shall be used as the single application for as many of these programs as is practicable.

(Pub. L. 90-247, title IV, § 436, formerly § 430, as added Pub. L. 95-561, title XII, § 1213, Nov. 1, 1978, 92 Stat. 2342; renumbered § 436 and amended Pub. L. 103-382, title II, §§ 212(b)(1), 246, Oct. 20, 1994, 108 Stat. 3913, 3923.)

PRIOR PROVISIONS

A prior section 436 of Pub. L. 90-247 was renumbered section 442, and is classified to section 1232e of this title.

Another prior section 436 of Pub. L. 90-247 was classified to section 1232e of this title prior to repeal by Pub. L. 95-561.

Another prior section 436 of Pub. L. 90-247 was renumbered section 446, and was classified to section 1233e of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Pub. L. 103-382, § 246(2), substituted “Secretary” for “Commissioner” wherever appearing.

Subsec. (a). Pub. L. 103-382, § 246(1), substituted “for more than one fiscal year” for “for three fiscal years”.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 1530(a) of Pub. L. 95-561, set out as an Effective Date of 1978 Amendment note under section 1221e-3 of this title.

§ 1232. Regulations

(a) “Regulation” defined

For the purpose of this section, the term “regulation” means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

(1) is prescribed by the Secretary or the Department; and

(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

(b) Citation of authority

Regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

(c) Uniform application

All regulations shall be uniformly applied and enforced throughout the 50 States.

(d) Application of exemption

The exemption for public property, loans, grants and benefits in section 553(a)(2) of title 5 shall apply only to regulations—

(1) that govern the first grant competition under a new or substantially revised program authority as determined by the Secretary; or

(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

(e) Schedule for promulgation of final regulations

Not later than 60 days after the date of enactment of any Act, or any portion of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Com-