

103-382, title II, §§ 212(b)(1), (3)(A), 261(f), Oct. 20, 1994, 108 Stat. 3913, 3928; Pub. L. 107-110, title X, § 1062(2), Jan. 8, 2002, 115 Stat. 2087.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Part C of title V of the Act is classified generally to part C (§ 7231 et seq.) of subchapter V of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

CODIFICATION

A prior section 1232d was renumbered by Pub. L. 95-561, § 1231(a)(1), and was transferred to section 1226a-1 of this title.

PRIOR PROVISIONS

Another prior section 441 of Pub. L. 90-247 was classified to section 1233 of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-110 made technical correction to directory language of Pub. L. 100-297. See 1988 Amendment note below.

1994—Pub. L. 103-382, § 261(f)(1), substituted “Secretary” for “Commissioner” wherever appearing.

Subsec. (a). Pub. L. 103-382, § 261(f)(2)(C), substituted “part C of title V of the Elementary and Secondary Education Act of 1965” for “title V of such Act”.

Pub. L. 103-382, § 261(f)(2)(B), which directed amendment of first sentence of subsec. (a) by striking “, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,” was executed by striking “, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,” after “(subject” to reflect the probable intent of Congress.

Pub. L. 103-382, § 261(f)(2)(A), struck out the comma after “submits a plan”.

Subsec. (b)(6). Pub. L. 103-382, § 212(b)(3), made technical amendment to reference to section 1232f of this title to reflect renumbering of corresponding section of original act.

1988—Subsec. (a). Pub. L. 100-297, as amended by Pub. L. 107-110, substituted “chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965” for “titles I and IV of the Elementary and Secondary Education Act of 1965”.

1984—Subsec. (b)(8). Pub. L. 98-511 added par. (8).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-110, title X, § 1062(2), Jan. 8, 2002, 115 Stat. 2087, provided that the amendment made by section 1062(2) is effective as of the date of enactment of Pub. L. 100-297, which was approved Apr. 28, 1988.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-297 effective 180 days after Apr. 28, 1988, but not applicable to recipients receiving written notice to return funds prior to that date, see section 3501(b) of Pub. L. 100-297, set out as a note under section 1234 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-511 effective Oct. 19, 1984, see section 711(a) of Pub. L. 98-511, set out as a note under section 1226c of this title.

EFFECTIVE DATE

Section effective with respect to appropriations for fiscal year 1980 and subsequent fiscal years, see section 1261 of Pub. L. 95-561, set out as a note under section 1232c of this title.

§ 1232e. Single local educational agency application

(a) General application to State agency or board

Each local educational agency which participates in an applicable program under which Federal funds are made available to such agency through a State agency or board shall submit to such agency or board a general application containing the assurances set forth in subsection (b) of this section. That application shall cover the participation by that local educational agency in all such programs.

(b) Assurances

The general application submitted by a local educational agency under subsection (a) of this section shall set forth assurances—

(1) that the local educational agency will administer each program covered by the application in accordance with all applicable statutes, regulations, program plans, and applications;

(2) that the control of funds provided to the local educational agency under each program, and title to property acquired with those funds, will be in a public agency and that a public agency will administer those funds and property;

(3) that the local educational agency will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to that agency under each program;

(4) that the local educational agency will make reports to the State agency or board and to the Secretary as may reasonably be necessary to enable the State agency or board and the Secretary to perform their duties and that the local educational agency will maintain such records, including the records required under section 1232f of this title, and provide access to those records, as the State agency or board or the Secretary deem necessary to perform their duties;

(5) that the local educational agency will provide reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations, and individuals in the planning for and operation of each program;

(6) that any application, evaluation, periodic program plan or report relating to each program will be made readily available to parents and other members of the general public;

(7) that in the case of any project involving construction—

(A) the project is not inconsistent with overall State plans for the construction of school facilities, and

(B) in developing plans for construction, due consideration will be given to excellence of architecture and design and to compliance with standards prescribed by the Secretary under section 794 of title 29 in order to ensure that facilities constructed with the use of Federal funds are accessible to and usable by individuals with disabilities;

(8) that the local educational agency has adopted effective procedures for acquiring and disseminating to teachers and administrators

participating in each program significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(9) that none of the funds expended under any applicable program will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization.

(c) Effective term of general application

A general application submitted under this section shall remain in effect for the duration of the programs it covers. The State agencies or boards administering the programs covered by the application shall not require the submission or amendment of such application unless required by changes in Federal or State law or by other significant change in the circumstances affecting an assurance in such application.

(Pub. L. 90-247, title IV, §442, formerly §436, as added Pub. L. 95-561, title XII, §1231(a)(3), Nov. 1, 1978, 92 Stat. 2345; amended Pub. L. 98-511, title VII, §706(b), Oct. 19, 1984, 98 Stat. 2407; renumbered §442 and amended Pub. L. 103-382, title II, §§212(b)(1), (3)(B), 261(g), Oct. 20, 1994, 108 Stat. 3913, 3928.)

PRIOR PROVISIONS

A prior section 1232e, Pub. L. 90-247, title IV, §436, formerly §426, as added Pub. L. 91-230, title IV, §401(a)(10), Apr. 13, 1970, 84 Stat. 170; renumbered §436, Pub. L. 92-318, title III, §301(a)(1), June 23, 1972, 86 Stat. 326, related to authority of Commissioner to vest title in equipment, prior to repeal by section 1231(a)(3) of Pub. L. 95-561.

A prior section 442 of Pub. L. 90-247 was classified to section 1233a of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-382, §261(g)(1), substituted “that local educational agency” for “that local education agency”.

Subsec. (b)(2). Pub. L. 103-382, §261(g)(2)(A), inserted comma after “program”.

Subsec. (b)(4). Pub. L. 103-382, §261(g)(2)(B), substituted “Secretary” for “Commissioner” wherever appearing.

Pub. L. 103-382, §212(b)(3)(B), made technical amendment to reference to section 1232f of this title to reflect renumbering of corresponding section of original act.

Subsec. (b)(7)(B). Pub. L. 103-382, §261(g)(2)(C), substituted “individuals with disabilities” for “handicapped individuals”.

1984—Subsec. (b)(9). Pub. L. 98-511 added par. (9).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-511 effective Oct. 19, 1984, see section 711(a) of Pub. L. 98-511, set out as a note under section 1226c of this title.

EFFECTIVE DATE

Section effective with respect to appropriations for fiscal year 1980 and subsequent fiscal years, see section 1261 of Pub. L. 95-561, set out as a note under section 1232c of this title.

PART 4—RECORDS; PRIVACY; LIMITATION ON WITHHOLDING FEDERAL FUNDS

§ 1232f. Records

(a) Records kept by recipient; full disclosure; maintenance period

Each recipient of Federal funds under any applicable program through any grant, subgrant, cooperative agreement, loan, or other arrangement shall keep records which fully disclose the amount and disposition by the recipient of those funds, the total cost of the activity for which the funds are used, the share of that cost provided from other sources, and such other records as will facilitate an effective financial or programmatic audit. The recipient shall maintain such records for three years after the completion of the activity for which the funds are used.

(b) Audit examination

The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit examination, to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements to which reference is made in subsection (a) of this section, or which may relate to the compliance of the recipient with any requirement of an applicable program.

(Pub. L. 90-247, title IV, §443, formerly §437, as added Pub. L. 95-561, title XII, §1231(c), Nov. 1, 1978, 92 Stat. 2346; renumbered §443 and amended Pub. L. 103-382, title II, §§212(b)(1), 248, Oct. 20, 1994, 108 Stat. 3913, 3924.)

PRIOR PROVISIONS

A prior section 443 of Pub. L. 90-247 was classified to section 1233b of this title prior to repeal by Pub. L. 103-382.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-382, §248(1), substituted “grant, subgrant, cooperative agreement, loan, or other arrangement” for “grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)”, inserted “financial or programmatic” before “audit.”, and substituted “three years” for “five years”.

Subsec. (b). Pub. L. 103-382, §248(2), substituted “to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements” for “to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements”.

EFFECTIVE DATE

Section effective with respect to appropriations for fiscal year 1980 and subsequent fiscal years, see section 1261 of Pub. L. 95-561, set out as a note under section 1232c of this title.