

(d) *Assignment of note.* Payment of a claim shall be contingent upon receipt of an assignment to the United States of America of all right, title and interest of the lender of the note on which the claim is filed, without warranty except that the note qualified for insurance under this subpart.

§ 178.41 Records, reports, and inspections.

(a) The lender shall maintain complete and accurate records of all federally insured loan accounts which shall reflect each transaction so as to afford ready identification of each borrower's account and the status thereof and shall contain full and proper documentation to support a claim for loss.

(b) The lender shall retain all records pertaining to each applicant to whom a loan is made until such time as the Commissioner has no further need for such records.

(c) The lender shall submit such reports and information as the Commissioner may reasonably require in connection with the administration of the program, and will permit the Government's authorized representatives at any reasonable time to inspect its books and accounts insofar as they relate to loans insured under this subpart.

§ 178.42 Transfer of insured loan.

(a) A loan insured under this subpart shall not be transferred or assigned, including assignment as security, except to another eligible lender.

(b) The Commissioner shall be notified of any assignment of a note insured under this subpart where the right to receive interest payments has also been assigned. The borrower shall be notified of the assignment of any note insured under this subpart where the assignment results in his being required to make installment payments or direct other matters connected with the loan to another party.

(c) The approval of the Commissioner is required prior to transfer or assignment of a note to any eligible lender who has not entered into an agreement with the Commissioner pursuant to this subpart. The Commissioner shall approve such transfer or assignment only if he has assurance that all matters required of lenders under this part will be complied with by one or more of the parties to such transfer or assignment.

(d) The insurance coverage on notes transferred or assigned in accordance with the provisions of this section shall remain in full force and effect and any matters required to lenders in order to perfect a claim on such notes under this part may be performed by the transferee or assignee.

§ 178.43 Termination of insurance.

The agreement covering insurance of loans provided for in § 178.32 may be terminated after reasonable notice and an opportunity for a hearing, if the Commissioner finds the lender has failed to comply with any of the provisions of this part including (1) the exercise of reasonable care and diligence in the making and collection of loans, (2) payment of premiums required pursuant to § 178.36, or (3) the filing of such reports and the keeping of such records as may be required pursuant to § 178.41. After issuance to and the receipt of such notice by the lender, and pending action taken on the basis of a hearing, if any, the Commissioner shall no longer issue certificates of loan insurance pursuant to § 178.32(b).

§ 178.44 Forbearance.

Nothing in this subpart shall be construed to preclude any forbearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner.

PART 180—DESEGREGATION OF PUBLIC EDUCATION

Subpart A—General Provisions

- Sec.
- 180.1 Purpose.
- 180.2 Definitions.

Subpart B—Training Institutes

- 180.11 Arrangements with institution.
- 180.12 Stipends other than travel allowances.
- 180.13 Travel allowances.

Subpart C—Grants to School Boards

- 180.21 Applications.
- 180.22 Determinations by Commissioner.

AUTHORITY: The provisions of this Part 180 are issued under secs. 401, 404, and 405, 78 Stat. 241, 246, 247; 42 U.S.C. 2000c, 2000c-3, 2000c-4.

SOURCE: The provisions of this Part 180 appear at 30 F.R. 4359, Apr. 3, 1965, unless otherwise noted.

Subpart A—General Provisions**§ 180.1 Purpose.**

The purpose of this part is to set forth the provisions which apply to training institutes and grants authorized under Title IV of the Civil Rights Act of 1964, 78 Stat. 241.

§ 180.2 Definitions.

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public School" means any elementary or secondary educational institution, provided that such public school is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School Board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

(e) "Special educational problems occasioned by desegregation" and "problems incident to desegregation" mean those problems (other than problems uniquely related to the assignment of students to public schools in order to overcome racial imbalance) arising from the assignment of students to and within public schools without regard to differences in their race, color, religion, or national origin.

(f) Attendance at an institute on a "full-time basis" means attendance at the institute in accordance with the policies and regulations regarding attendance in effect at the institution at which the individual is enrolled, as set forth in the institution's arrangement with the Commissioner.

(g) An "Institute Day" means each day of a program of an institute which is scheduled to provide at least five hours of training.

Subpart B—Training Institutes**§ 180.11 Arrangements with institution.**

The Commissioner will arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation.

§ 180.12 Stipends other than travel allowances.

An individual who attends an institute on a full-time basis shall be paid a stipend of \$15 for each institute day of attendance up to \$75 per week. In the event that participation in an institute is interrupted or is terminated prior to completion of the institute program, stipend payment shall be made to the individual for such period as he was in attendance on a full-time basis.

§ 180.13 Travel allowances.

(a) An individual who attends an institute on a full-time basis may be provided travel, or an allowance for his actual cost of travel, from place of residence or employment to place of the institute, and from place of the institute to his place of residence or employment, as set forth in the institution's arrangement with the Commissioner, but not to exceed nine cents per mile. The allowance for travel in the case of travel by private automobile shall be at the rate of nine cents per mile. In the case of joint travel by private automobile by a group of participants, travel allowances shall be payable only to one of such participants, but without reduction on account of contribution to him by the other participants.

(b) In addition to the limitations of paragraph (a) of this section, when air, rail, or steamship transportation is used, first-class accommodations or an allowance therefor may be provided only where first-class accommodations are the only class of service for the most direct travel route, or where less than first-class accommodations result or would result in greater cost than first-class accommodations.

(c) In the event that an individual's participation in an institute is terminated prior to his completion of the institute

program, travel or an allowance therefor, from place of the institute to his place of residence or employment may be provided only if such termination is occasioned by extraordinary circumstances not reasonably within the control of the individual.

Subpart C—Grants to School Boards

§ 180.21 Applications.

School boards may apply to the Commissioner for grants to pay, in whole or in part, the cost of: (a) Giving to teachers and other public school personnel in-service training in dealing with problems incident to desegregation, and (b) employing specialists to advise in problems incident to desegregation.

§ 180.22 Determinations by Commissioner.

In determining whether to make a grant and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner will take into consideration the amount available for grants and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

- Sec.
- 181.1 Definitions.
- 181.2 Purpose.
- 181.3 Eligibility.
- 181.4 Authorized activities.
- 181.5 Allotment.
- 181.6 Application.
- 181.7 Advisory committees.
- 181.8 Student advisory committees.
- 181.9 Evaluation.
- 181.10 Priorities.
- 181.11 Review by State educational agency.
- 181.12 Non-Federal contributions.
- 181.13 Disposition of application.
- 181.14 General terms and conditions.

Appendix A—General Terms and Conditions—Emergency School Assistance Program.

Appendix B—Memorandum of Understanding Between the Office of Economic Opportunity and the Department of Health, Education and Welfare.

AUTHORITY: The provisions of this Part 181 issued under 20 U.S.C. 1119-1119a, 20 U.S.C. 331-332b, 42 U.S.C. 2000c-2000c-9, 20 U.S.C. 887, 20 U.S.C. 1222, and 42 U.S.C. 2781-2837.

SOURCE: The provisions of this Part 181 appear at 35 F.R. 13442, Aug. 22, 1970, unless otherwise noted.

§ 181.1 Definitions.

As used in this part:

(a) The term "Commissioner" means the U.S. Commissioner of Education.

(b) The term "desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" does not mean the assignment of students to public schools in order to overcome racial imbalance. (42 U.S.C. 2000c)

(c) The term "local educational agency" means a public board of education or other public authority legally constituted within a State either for administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. (20 U.S.C. 881)

(d) The term "minority group", with reference to any person or persons, means a person or persons of Negro, American Indian, Mexican-American, or Puerto Rican origin or ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, or organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual. (20 U.S.C. 881)

(f) The term "secondary school" means a school which provides secondary education, as determined under State law, except that it does not include any education beyond grade 12. (20 U.S.C. 881)

(g) The term "terminal phase", as it relates to a desegregation plan, means that phase of the plan at which the local educational agency begins operating a unitary school system within which no person is effectively excluded from any school because of race or color.