

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

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AUTHORITY: 78 Stat. 241; 20 U.S.C. 2000c–2000c–9, unless otherwise noted.

SOURCE: 38 FR 16065, June 20, 1973, unless otherwise noted.

Subpart A—General Provisions

§ 180.01 Purpose.

The purpose of this part is to provide for awards as authorized by sections 403, 404, and 405 of title IV of the Civil Rights Act of 1964 (78 Stat. 241) for technical assistance, training institutes, and grants to school boards in connection with desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c.)

§ 180.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

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

(42 U.S.C. 2000c(a).)

(b) (1) "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. For purposes of this paragraph, overcoming racial imbalance means the assignment of students to correct conditions of segregation or separation (on the basis of race, color, religion, or national origin) not resulting from State or local law or official action.

(2) For purposes of this part, a school board shall be deemed to be "desegregating" if it is implementing or developing a plan for desegregation (as defined in subparagraph (1) of this paragraph) (i)

which has been or will be undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official authorized by State law to issue such an order, or (ii) which has been required and approved by the Secretary of Health, Education, and Welfare as adequate under title VI of the Civil Rights Act of 1964.

(3) For purposes of this part, a school board shall be deemed to be "desegregated" if (1) it is not under a current legal obligation (as described in paragraph (b) (2) of this section) to desegregate, and (ii) it enrolls in its schools significant proportions of both minority and nonminority group students.

(42 U.S.C. 2000c(b); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 878-879 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967).)

(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 government 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.

(42 U.S.C. 2000c(c).)

(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.

(42 U.S.C. 2000c(d).)

(e) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(42 U.S.C. 2000c—2000c-9.)

(f) The term "institution of higher education" means an educational institution in any State which: (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (2) is legally authorized within such State to provide a program of education beyond high school; (3) provides an educational program for which it awards a bachelor's degree; or provides not less than a 2-year program which is acceptable for full credit toward such a degree; or offers a 2-year program in engineering, mathematics, or the physical or biological sci-

ences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; (4) is a public or other nonprofit institution; and (5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(42 U.S.C. 2000c—2000c-9.)

(g) The term "minority group" refers to persons (1) who are Negro, American Indian, Spanish-surnamed American, or Oriental, or (2) who have been specifically determined by the Commissioner to have been segregated or separated on the basis of race, color, religion, or national origin as a result of State or local law or official action.

(42 U.S.C. 2000c—2000c-9.)

(h) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(42 U.S.C. 2000c—2000c-9.)

(i) The term "State" means one of the 50 States or the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(42 U.S.C. 2000c-1.)

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law for such purpose.

(42 U.S.C. 2000c—2000c-9.)

(k) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(42 U.S.C. 2000c—2000c-9.)

§ 180.03 Retention of records.

(a) *Records.* Each recipient of funds under this part shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Education Provisions Act, including all accounting records and re-

lated original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b) (2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained (1) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are reviewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be retained until resolution of any such audit questions.

(e) *Audit and 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 and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(Office of Management and Budget Circular No. A-73; Office of Management and Budget Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 180.04 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such

records or other documents as may be necessary to review the results of such audits.

(d) Each recipient shall use a single auditor for all of its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(20 U.S.C. 1232c(b)(2); Office of Management and Budget Circular No. A-102, attachment G,2, attachment C,1.)

§ 180.05 Limitations on costs.

The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government shall not exceed the amount set forth in the grant award or contract document or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant or contract.

(31 U.S.C. 200.)

§ 180.06 Final accounting.

(a) In addition to such other accounting as the Commissioner may require, the recipient shall render, with respect to the program, project, or activity assisted under this part, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 623.)

§ 180.07 Use of experts.

In evaluating the educational and programmatic merits of applications for assistance under this part, the Commissioner is authorized to purchase or utilize the services, recommendations, or advice of experts in the areas of edu-

cation and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(42 U.S.C. 2000c—2000c-9.)

§§ 180.08—180.10 [Reserved]

Subpart B—Technical Assistance Arrangements With State Educational Agencies

§ 180.11 Eligibility for awards.

(a) Any State educational agency may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance to any school board, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans or programs for the desegregation of public schools. Such technical assistance shall be rendered only upon the request of a school board, municipality, school district, or other governmental unit (1) which is desegregating its schools or (2) which is desegregated and is seeking to maintain or enhance its desegregated status.

(42 U.S.C. 2000c-2; 20 U.S.C. 1231(b).)

(b) Technical assistance proposed to be rendered pursuant to this subpart shall consist of or include the provision of information regarding effective methods of coping with special educational problems occasioned by desegregation. For purposes of this paragraph, the term "special educational problems occasioned by desegregation" means 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 race, color, religion, or national origin.

(42 U.S.C. 2000c(b), 2000c-2)

§ 180.12 Authorized activities.

Funds made available pursuant to this subpart shall be used for the activities described in paragraph (a) of this section and for one or more of the activities described in paragraphs (b) through (i) of this section, when such activities are requested in accordance with § 180.11(a).

(a) Planning and other activities designed to insure that administrators, teachers, and other educational personnel who are members of minority groups

are not demoted or dismissed in the process of, or as a result of, desegregation;

(42 U.S.C. 2000c-2.)

(b) Assessment of desegregation-related educational needs in one or more public schools;

(42 U.S.C. 2000c-2.)

(c) Development of administrative methods and techniques to cope with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(d) Development of educational programs, materials, and methods for use in desegregated classroom situations;

(42 U.S.C. 2000c-2.)

(e) Training of administrators, teachers, or other public school personnel in the implementation or use of methods, techniques, programs, and materials designed to cope with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(f) Development of techniques for communications or interaction between public schools or school systems and the minority and nonminority group communities affected by the desegregation of such schools or school systems;

(42 U.S.C. 2000c-2.)

(g) Technical assistance to public school administrative staffs in determining the availability and appropriate utilization of funds under other Federal and State programs which would assist in coping with special educational problems occasioned by desegregation;

(42 U.S.C. 2000c-2.)

(h) Training of administrative staffs (in desegregating school districts or districts under a current legal obligation to desegregate) in efficient and educationally sound methods of assigning students to and within public schools;

(42 U.S.C. 2000c-2.)

(i) Any other activity which the Commissioner determines will make substantial progress toward achieving the purposes of this subpart.

(42 U.S.C. 2000c-2.)

§ 180.13 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposals shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant

will use the funds awarded on the basis of such proposal only for the activities described in § 180.12. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(42 U.S.C. 2000c-2.)

(b) Proposals submitted pursuant to this subpart shall contain a listing of the school boards, municipalities, school districts, or other governmental units to which the applicant proposes to render technical assistance, the nature of such assistance expected to be rendered, and a statement as to whether the proposed recipients of such assistance are desegregated or are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and approved by the Secretary. Such proposals shall also include copies of requests for such assistance from such school boards, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such assistance. Such requests, at a minimum, shall indicate the status of the requesting school board, municipality, school district, or other governmental unit with respect to desegregation and the nature of the special educational problems with respect to which technical assistance is requested, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.

(42 U.S.C. 2000c-2.)

(c) Proposals shall be submitted pursuant to this subpart in such form and at such times as the Commissioner may require.

(42 U.S.C. 2000c-2.)

§ 180.14 Criteria for awards.

In approving proposals under this subpart, the Commissioner shall apply the following criteria:

(a) *Concentration of minority group students (18 points)*. The number of minority group students enrolled in the public schools of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units which have requested technical assistance from the applicant, for the fiscal year preceding the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-2.)

(b) *Needs assessment (6 points)*. (1) The magnitude of desegregation-related educational needs assessed by the applicant with respect to desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's State, and (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs.

(42 U.S.C. 2000c-2.)

(c) *Statement of objectives (8 points)*. The degree (1) to which the applicant sets forth specific, measurable objectives for its program, project, or activity, in relation to specifically identified educational needs, and (2) to which such objectives are realistically attainable within the limits of the project period and the available resources.

(42 U.S.C. 2000c-2.)

(d) *Activities (23 points)*.—(1) *Project design (13 points)*. The extent to which (i) the proposal provides for a continuing exchange of information between the applicant and the school boards, municipalities, school districts, or other governmental units proposed to be served; (ii) the proposed program, project, or activity promises to involve a substantial proportion of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's State; (iii) the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation; and (iv) the proposed services are concentrated upon classes or categories of beneficiaries which are sufficiently limited and specific to give promise of significant results;

(2) *Staffing (6 points)*. The extent to which the proposal (i) contains evidence of background, training, and experience on the part of the professional staff employed or to be employed by the applicant in coping with special educational problems occasioned by desegregation; (ii) the professional and other staff employed or to be employed by the applicant reflects the racial or ethnic composition of the population to be served; and

(3) *Coordination (4 points)*. The extent to which the applicant proposes to make use of other State resources and capabilities in meeting the needs of desegregating or desegregated school boards, municipalities, school districts,

and other governmental units.

(42 U.S.C. 2000c-2.)

(e) *Resource Management (4 points)*. The extent to which the applicant demonstrates that project costs are reasonable in relation to the expected benefits. (42 U.S.C. 2000c-2.)

(f) *Evaluation (5 points)*. The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation, and (ii) a method of reviewing the proposed program, project, or activity in the light of such data. (42 U.S.C. 2000d-2.)

(g) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 25 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-2.)

§§ 180.15—180.20 [Reserved]

Subpart C—General Assistance Centers

§ 180.21 Eligibility for awards.

Any public or private agency (other than a State educational agency), including any institution of higher education, may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance (as described in § 180.11(b)), to any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans or programs for the desegregation of public schools. Such technical assistance shall be rendered through general assistance centers serving designated service areas as described in § 180.22(b), only upon the request of a school board, State, municipality, school district, or other governmental unit (1) which is desegregating its schools or (2) which is desegregated and is seeking to

maintain or enhance its desegregated status.

(42 U.S.C. 2000c-2; 20 U.S.C. 1231(b).)

§ 180.22 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for one or more of the activities described in §§ 180.12(a) through (i), which such activities are requested in accordance with § 180.21.

(42 U.S.C. 2000c-2.)

(b) *Service areas*. (1) Activities authorized under paragraph (a) of this section shall be carried out in one of the following designated service areas, to be specified by the applicant in its proposal:

Area:	<i>States</i>
1---	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
2---	New York, New Jersey, Puerto Rico, Virgin Islands.
3---	Pennsylvania, Delaware, Maryland.
4---	Virginia, West Virginia, District of Columbia.
5---	North Carolina.
6---	South Carolina.
7---	Georgia.
8---	Florida.
9---	Alabama.
10---	Mississippi.
11---	Kentucky, Tennessee.
12---	Ohio.
13---	Indiana.
14---	Illinois.
15---	Michigan.
16---	Wisconsin, Minnesota.
17---	Texas.
18---	Louisiana.
19---	Oklahoma, Arkansas.
20---	New Mexico.
21---	Iowa, Nebraska, Kansas, Missouri.
22---	North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.
23---	California, Nevada, Arizona.
24---	Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands.
25---	Oregon, Washington, Idaho.
26---	Alaska.

(2) A public or private agency entering into an arrangement pursuant to this subpart shall provide technical assistance, to the extent that financial and other resources permit, upon the request of any desegregating or desegregated school board, State, municipality, school district or other governmental unit located within such agency's designated service area.

(3) No more than one award shall be made pursuant to this subpart for technical assistance activities in a single designated service area, unless the Commis-

sioner determines that the proposals pending before him for additional awards for such activities in such an area are of exceptional merit or promise. Where the Commissioner determines that insufficient need exists in one or more designated service areas for a general assistance center, he may require applicants to expand their proposed activities to include more than one such area. Where the Commissioner determines that needs existing in one or more designated service areas will not be met by a general assistance center or a State educational agency, he may require applicants under this subpart to expand their proposed activities to include such areas.
(42 U.S.C. 2000c-2.)

§ 180.23 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposal shall set forth a program, project, or activity under which, and such policies and procedures as well assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.22. Such proposals shall contain the information and materials described in § 180.13(b). Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.
(42 U.S.C. 2000c-2.)

(b) Proposals shall be submitted pursuant to this subpart in such form and at such times as the Commissioner may require.
(42 U.S.C. 2000c-2.)

§ 180.24 Criteria for awards.

(a) In approving proposals under this subpart, the Commissioner shall apply the criteria set forth in § 180.14, except that (1) the term "desegregating or desegregated school boards, municipalities, school districts, and other governmental units" in such section shall be understood to include States legally responsible for operating a public school or schools; (2) the term "within the applicant's State" in such section shall be understood to refer to the applicant's designated service area where such area includes more than one State; and (3) with respect to § 180.14(d), 15 points shall be awarded for the criteria set forth in § 180.14(d) (1), eight points shall be awarded for the

criteria set forth in § 180.14(d) (2), and no points shall be awarded for the criteria set forth in § 180.14(d) (3).
(42 U.S.C. 2000c-2.)

(b) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 50 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.
(42 U.S.C. 2000c-2.)

§§ 180.25—180.30 [Reserved]

Subpart D—Training Institutes

§ 180.31 Eligibility for assistance.

Any institution of higher education may apply for a grant pursuant to this subpart 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 (including school board members or trustees) to deal effectively with special educational problems occasioned by desegregation (as such problems are defined in § 180.11(b)).
(42 U.S.C. 2000c-3.)

§ 180.32 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for institutes for special training in one or more of the problem areas described in § 180.12 (except § 180.12 (b) and (g)). Such institutes may be held on the campus of the applicant institutions or at other locations, and shall consist of (1) summer sessions not to exceed 6 weeks in duration, or (2) sessions conducted during the regular academic year.
(42 U.S.C. 2000c-3.)

Area: *States*

(b) Training shall be provided pursuant to this subpart only upon the request of a school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools (1) which is desegregating its schools or (2) which is

desegregated and is seeking to maintain or enhance its desegregated status.
(42 U.S.C. 2000c-3.)

(c) *Stipends.* 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. For purposes of this paragraph, "attendance on a full-time basis" means attendance during a period for which the individual is receiving no other compensation for such attendance or for work performed during such period, and an "institute day" means each day of a program of an institute on which at least 5 hours of training is scheduled to be provided.
(42 U.S.C. 2000c-3.)

(d) *Travel allowances.* (1) An individual who attends an institute on a full-time basis (as defined in paragraph (c) of this section) 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 11 cents per mile. The allowance for travel in the case of travel by private automobile shall be at the rate of 11 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.

(2) In addition to the limitations of subparagraph (1) of this paragraph, 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.

(3) 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.

(42 U.S.C. 2000c-3.)

§ 180.33 Applications.

(a) An applicant desiring to receive assistance pursuant to this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.32. Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.
(42 U.S.C. 2000c-3.)

(b) Applications for assistance submitted pursuant to this subpart shall contain a listing of the school boards, States, municipalities, school districts, or other governmental units to whose teachers, supervisors, counselors, and other elementary or secondary school personnel the applicant proposes to provide special training, the nature of such training expected to be provided, and a statement as to whether such school boards, States, municipalities, school districts, or other governmental units are desegregated or are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and approved by the Secretary. Such applications shall also include copies of requests for such training from such school boards, States, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such training. Such requests, at a minimum, shall indicate the status of the requesting school board, State, municipality, school district, or other governmental unit with respect to desegregation, the number and percentage of minority group students enrolled, the nature of the special educational problems with respect to which training is requested, and the approximate number and type of personnel to be trained, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.
(42 U.S.C. 2000c-3.)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such times as the Commissioner may require.
(42 U.S.C. 2000c-3.)

§ 180.34 Criteria for assistance.

(a) In approving applications under this subpart, the Commissioner shall apply the criteria set forth at §§ 180.14 (b), (c), (d) (2), (e), and (f), except that (1) needs shall be assessed pursuant to § 180.14(b) with respect to all desegregating or desegregated school boards, States, municipalities, school districts, or other governmental units which have requested training assistance, and (2) 8 points shall be awarded for the criteria set forth in § 180.14(d) (2). The Commissioner shall also apply the criteria set forth in paragraph (b) of this section.
(42 U.S.C. 2000c-3.)

(b) *Project design (15 points)*. The extent to which (1) the participants in the proposed institute or institutes will include persons with authority to effect substantive changes in public school policies and procedures, including school board members or trustees, superintendents, assistant superintendents, and school principals; (2) the applicant proposes to work with institute participants on a regular basis in classroom and other field situations after completion of formal training sessions; (3) the applicant sets forth specific methods or techniques for preparing institute participants to train other teachers, supervisors, counselors, and other elementary or secondary school personnel in dealing effectively with desegregation-related problems; and (4) the proposed program, project, or activity is designed to develop specific educational strategies for dealing effectively with such problems.
(42 U.S.C. 2000c-3.)

(c) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 15 percent of the funds made available for assistance pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.
(42 U.S.C. 2000c-3.)

§§ 180.35—180.40 [Reserved]

Subpart E—Grants to School Boards

§ 180.41 Eligibility for assistance.

Any school board (a) which is desegregating its schools or (b) which is desegregated and is seeking to maintain or enhance its desegregated status may make application pursuant to this subpart for a grant to pay, in whole or in part, the cost of employing a specialist to advise in problems incident to desegregation, and of giving to teachers and other public school personnel inservice training in dealing with problems incident to desegregation. For purposes of this section, the term "problems incident to desegregation" means those problems (other than problems uniquely related to the assignment of students in order to overcome racial imbalance) arising from the assignment of students to and within public schools without regard to race, color, religion, or national origin.
(42 U.S.C. 2000c(b), 2000c-4.)

§ 180.42 Authorized activities.

Funds made available pursuant to this subpart shall be used to employ specialists as described in § 180.41 and to provide inservice training as described in § 180.41, for the purpose of advice or training in one or more of the problem areas described in § 180.12, when such advice or training is not available from other sources.
(42 U.S.C. 2000c-4.)

§ 180.43 Applications.

(a) An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.42. Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.
(42 U.S.C. 2000c-4.)

(b) Applications for assistance pursuant to this subpart shall indicate whether the applicant is desegregated or is desegregating its schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan required and ap-

proved by the Secretary, and shall describe the problems incident to desegregation to be addressed by the proposed program, project, or activity. If an application for assistance pursuant to this subpart includes a request for funds for inservice training as described in § 180.41, such application shall indicate the reasons that such training is not available from other sources.

(42 U.S.C. 2000c-4.)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such times as the Commissioner may require.

(42 U.S.C. 2000c-4.)

§ 180.44 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Commissioner shall apply the criteria set forth in §§ 180.14 (c), (e), and (f). The Commissioner shall also apply the criteria set forth in paragraphs (b), (c), and (d) of this section.

(42 U.S.C. 2000c-4.)

(b) *Concentration of minority group students (30 points)*. The number and percentage of minority group students enrolled in the schools of the applicant school board for the fiscal year preceding the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-4.)

(c) *Needs assessment (6 points)*. (1) The magnitude of desegregation-related educational needs assessed by the applicant; (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs; and (3) the extent to which the applicant lacks the financial and other resources necessary to meet such needs.

(42 U.S.C. 2000c-4.)

(d) *Activities (23 points)*.—(1) *Qualifications of specialist (8 points)*. The extent to which the application (i) contains evidence of desegregation-related background, training, and experience on the part of the person to be employed as an advisory specialist, and (ii) sets forth procedures for direct, formal consultation, on a regular basis, by such specialist with school board members and trustees and the superintendent of the affected school district concerning problems incident to desegregation;

(2) *Community involvement (7 points)*. The extent to which the application (i) reflects the participation of representatives of the minority and non-minority group communities affected by desegregation in the development of the

proposed program, project, or activity, and (ii) contains evidence that such representatives will participate in the implementation of the proposed program, project, or activity; and

(3) *Comprehensiveness (8 points)*. The extent to which (i) the application contains evidence that the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation, and (ii) the applicant proposes to conduct activities addressing a broad range of problem areas.

(42 U.S.C. 2000c-4.)

(e) Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in this section until the funds available for such assistance have been exhausted. No more than 10 percent of the funds made available pursuant to this part for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-4.)

PART 181—EMERGENCY SCHOOL ASSISTANCE PROGRAM

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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