

Subpart D—How Are Fellowship Payments Made?

§ 263.40 How are payments made?

(a) Fellowship payments are made directly to the institution of higher education where a fellow is enrolled, with stipends provided to the fellow in installments by the institution. No fewer than two installments per academic year may be made.

(b) If a fellow transfers to another institution, the fellowship may also be transferred provided the fellow maintains basic eligibility for the award.

(c) A fellow who officially or unofficially withdraws or is expelled from an institution before completion of a term shall refund a prorated portion of the stipends received, as determined by the Secretary. The Secretary requires the institution to return any unexpended funds.

(Authority: 20 U.S.C. 7833)

PART 270—DESEGREGATION OF PUBLIC EDUCATION

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AUTHORITY: 42 U.S.C. 2000c-2000c-2, 2000-5, unless otherwise noted.

SOURCE: 52 FR 24963, July 1, 1987, unless otherwise noted.

§ 270.1 What are the Desegregation of Public Education Programs?

The Desegregation of Public Education Programs provide grants to projects that help public school districts and personnel in the preparation, adoption, and implementation of plans for the desegregation of public schools and in the development of effective methods of coping with special edu-

cational problems occasioned by desegregation.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

§ 270.2 What regulations apply to these programs?

The following regulations apply to these programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants), part 75 (Direct Grant Programs), part 77 (Definitions That Apply to Department Regulations), part 78 (Education Appeal Board), and part 79 (Intergovernmental Review of Department of Education Programs and Activities), except that 34 CFR 75.200 through 75.217 (relating to the evaluation and competitive review of grants) do not apply to grants awarded under 34 CFR part 271 and 34 CFR 75.232 (relating to the cost analysis) does not apply to grants under 34 CFR part 272.

(b) The regulations in this part and in 34 CFR parts 271 and 272.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

§ 270.3 What definitions apply to these programs?

In addition to the definitions in 34 CFR 77.1, the following definitions apply to the regulations in this part:

Desegregation assistance means the provision of technical assistance (including training) in the areas of race, sex, and national origin desegregation of public elementary and secondary schools.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

Desegregation assistance areas means the areas of race, sex, and national origin desegregation.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

Desegregation Assistance Center means a regional desegregation technical assistance and training center funded under 34 CFR part 272.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

Limited English proficiency has the same meaning under this part as the same term defined in 34 CFR 500.4 of

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the General Provisions regulations for the Bilingual Education Program.

(Authority: 20 U.S.C. 3223(a)(1))

National origin desegregation means the assignment of students to public schools and within those schools without regard to their national origin, including providing students of limited English proficiency with a full opportunity for participation in all educational programs.

(Authority: 42 U.S.C. 2000c(b))

Public school means any elementary or secondary educational institution 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 governmental sources.

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

Public school personnel means school board members and persons who are employed by or who work in the schools of a responsible governmental agency, as that term is defined in this section.

(Authority: 42 U.S.C. 2000c(c); 2000c-2000c-2, 2000c-5)

Race desegregation means the assignment of students to public schools and within those schools without regard to their race including providing students with a full opportunity for participation in all educational programs regardless of their race. "Race desegregation" does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of State or local law or official action.

(Authority: 42 U.S.C. 2000c(b))

Responsible governmental agency means any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools.

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

School board means any agency or agencies that administer a system of one or more public schools and any other agency that is responsible for the

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assignment of students to or within that system.

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

Sex desegregation means the assignment of students to public schools and within those schools without regard to their sex including providing students with a full opportunity for participation in all educational programs regardless of their sex.

(Authority: 42 U.S.C. 2000c(b))

§270.4 What types of projects are funded under these programs?

The Secretary may fund—

- (a) State Educational Agency (SEAs) projects; and
- (b) Desegregation Assistance Centers (DACs).

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

§270.5 What stipends and related reimbursements are authorized under these programs?

(a) The recipient of an award under 34 CFR parts 271 and 272 may pay:

- (1) Stipends to public school personnel who participate in technical assistance or training activities funded under these parts for the period of their attendance, if the person to whom the stipend is paid receives no other compensation for that period; or
- (2) Reimbursement to a responsible governmental agency that pays substitutes for public school personnel who:

- (i) Participate in technical assistance or training activities funded under these parts; and

- (ii) Are being compensated by that responsible governmental agency for the period of their attendance.

- (b) A recipient may pay the stipends and reimbursements described in this section only if it demonstrates that the payment of these costs is necessary to the success of the technical assistance or training activity, and will not exceed 20 percent of the total award.

- (c) If a recipient is authorized by the Secretary to pay stipends or reimbursements (or any combination of these payments), the recipient shall determine the conditions and rates for

these payments in accordance with appropriate State policies, or in the absence of State Policies, in accordance with local policies.

(d) A recipient of a grant under 34 CFR parts 271 and 272 may pay a travel allowance described in these parts only to a person who participates in a technical assistance or training activity.

(e) If the participant does not complete the entire scheduled activity, the recipient may pay the participant's transportation to his or her residence or place of employment only if the participant left the training activity because of circumstances not reasonably within his or her control.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

§270.6 What limitation is imposed on providing race and national origin desegregation assistance under these programs?

(a) Except as provided in paragraph (b) of this section, a recipient of a grant for race or national origin desegregation assistance under these programs may not use funds to assist in the development or implementation of activities or the development of curriculum materials for the direct instruction of students to improve their academic and vocational achievement levels.

(b) A recipient of a grant for national origin desegregation assistance under these programs may use funds to assist in the development and implementation of activities or the development of curriculum materials for the direct instructional of students of limited English proficiency, to afford these students a full opportunity to participate in all educational programs.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

PART 271—STATE EDUCATIONAL AGENCY DESEGREGATION PROGRAM

Subpart A—General

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AUTHORITY: 42 U.S.C. 2000c-2000c-2, 2000c-5, unless otherwise noted.

SOURCE: 52 FR 24964, July 1, 1987, unless otherwise noted.

Subpart A—General

§271.1 What is the State Educational Agency Desegregation Program?

This program provides grants to State educational agencies (SEAs) to enable them to provide technical assistance (including training) at the request of school boards and other responsible governmental agencies in the preparation, adoption, and implementation of plans for the desegregation of public schools and in the development of effective methods of coping with special educational problems occasioned by desegregation.

(Authority: 42 U.S.C. 2000c-2000c-2, 2000c-5)

§271.2 Who is eligible to apply for assistance under this program?

An SEA is eligible to apply for a grant under this program. An SEA shall submit one application to provide technical assistance in one, two, or all three of the desegregation assistance areas, as defined in 34 CFR 270.3.

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

§271.3 What regulations apply to this program?

The following regulations apply to the SEA program: