

Public Law 96-46
96th Congress

An Act

Aug. 6, 1979
[H.R. 4591]

To make technical corrections and miscellaneous amendments in certain education laws contained in the Education Amendments of 1978, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended—

Elementary and
Secondary
Education Act of
1965,
amendment.
20 USC 821 note.
20 USC 2721.
20 USC 2733.
20 USC 2734.
20 USC 2735.

(1) by striking out “subsection (o)” in section 116(b)(2) and inserting in lieu thereof “subsection (c)”;

(2) by striking out “but did not meet” in section 123(b) and inserting in lieu thereof “but did meet”;

(3) by striking out “section 183(g)” in section 124(g)(1) and inserting in lieu thereof “section 183(b)”;

(4) by striking out subparagraphs (A), (B), and (C) of section 125(a)(1) and inserting in lieu thereof the following:

“(A) has a majority of members who are parents of children to be served by projects assisted under this title, who shall either be (i) elected by the project area or school advisory councils required to be established by paragraph (2)(A) of this subsection, or (ii) elected by the parents in such areas;

“(B) includes such additional members as may be (i) elected by the project area or school advisory councils required to be established by paragraph (2)(A) of this subsection, or (ii) elected by the parents in such areas;

“(C) includes representatives of children and schools eligible to be served by, but not currently participating in, programs assisted with funds provided under this title, who shall be elected by the parents in such areas; and

“(D) is established in accordance with regulations to be issued by the Commissioner which provide alternative models to carry out subparagraphs (A) through (C) of this paragraph.”;

(5) by amending the matter preceding clause (A) of section 125(c)(1) to read as follows:

“(c) ACCESS TO INFORMATION.—(1) Each local educational agency shall provide without charge to each advisory council established by such an agency under subsection (a) of this section, and, upon request, to each member of such advisory council—”;

20 USC 2740.

(6) by striking out “and (l)” in section 130(a) and inserting in lieu thereof “and (m)”;

20 USC 2762.

(7) by striking out “126(d), and 130” in section 142(a)(3) and by inserting in lieu thereof “and 126(d)”;

(8) by striking out “subsection” in section 142(b) and inserting in lieu thereof “section”;

20 USC 2763.

(9) by amending section 143(b) to read as follows:

“(b) AVAILABILITY OF FUNDS.—The Commissioner shall, from the funds appropriated for carrying out this subpart, reserve for purposes of this section for any fiscal year an amount which shall not be less than \$6,000,000 nor more than 5 per centum of the amount so appropriated.”;

- (10) by striking out "126(e), and 130" in section 147 and inserting in lieu thereof "and 126(e)"; 20 USC 2772.
- (11) by striking out "126(e), and 130" in section 152(a) and inserting in lieu thereof "and 126(e)"; 20 USC 2782.
- (12) by striking out "130(a)(1)" in section 222(c) and inserting in lieu thereof "130(a)"; 20 USC 2902.
- (13) by striking "part B" in section 404(a)(7) and by inserting in lieu thereof "part B, section 521,"; 20 USC 3084.
- (14) by striking out "section 431(a)" in section 404(a)(8) and inserting in lieu thereof "section 521";
- (15) by striking out "421" in section 404(a)(9) and inserting in lieu thereof "521";
- (16)(A) by striking out "(A)" and "(B)" in section 523(b) and inserting in lieu thereof "(1)" and "(2)", respectively; 20 USC 3163.
- (B) by inserting "(A)" in section 523(b)(1) (as redesignated) before "15 percent"; and
- (C) by inserting before the comma in section 523(b)(1) (as redesignated) the following: "or (B) the amount made available to all States for fiscal year 1973 for title V as in effect in such year, whichever is greater"; 20 USC 3141 *et seq.*
- (17) by inserting after section 523 the following new section:

"ALLOTMENTS TO STATES

"SEC. 524. (a) From the amount appropriated under this part to meet the requirement of section 523(b)(1) for any fiscal year, the Commissioner shall allot to each State an amount equal to the allotment of the State for strengthening activities in the fiscal year 1973 pursuant to title V as in effect in such year to be available to carry out this part. 20 USC 3164.

"(b) From the amounts appropriated in excess of the amount appropriated to meet the requirement of subsection (a), the Commissioner shall award grants to States on a discretionary basis to be available to carry out this part.";

(18) by inserting "(1)" in section 610(f) after the subsection designation and by adding at the end of such subsection the following new paragraph: 20 USC 3200.

"(2) The Assistant Secretary shall not finally disapprove in whole or in part any application for funds submitted by a State or local educational agency without first notifying the agency of the specific reasons for his disapproval and without affording the agency an appropriate opportunity to modify its application.";

(19) by inserting "(1)" in section 809(b) after the subsection designation and by adding at the end of such subsection the following new paragraph: 20 USC 3289.

"(2) No grant may be made to a local education agency to plan, direct, or operate any program or activity that is being conducted by another public agency unless the Commissioner determines that there is collaboration between the local education agency and the public agency conducting such program or activity.";

(20) by striking out the section designation "Sec. 1004." (as amended by section 901(b) of the Education Amendments of 1978), and inserting in lieu thereof "Sec. 1003."; and 20 USC 3384.

(21) by adding at the end of section 1005(e) the following new paragraph: 92 Stat. 2305.
20 USC 3384;
3383.

"(3) From the funds appropriated pursuant to subsection (g)(1) of this section, the Commissioner is also authorized to make grants to 20 USC 3385.

and contracts with Indian tribes, Indian institutions, and Indian organizations, and public agencies and institutions for—

“(A) the national dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

“(B) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.”.

SEC. 2. (a) The Education Amendments of 1978 are amended—

(1) by striking out “IX” in section 801(1) and inserting in lieu thereof “X”;

(2) by striking out “XIII” in section 802 and inserting in lieu thereof “VIII”;

(3) by striking out “1004” in section 901(b) and inserting in lieu thereof “1003”;

(4) by striking out “December 31, 1979, and December 31, 1980, and shall make a final report thereto no later than December 31, 1981” in section 1203(f) and by inserting in lieu thereof “December 31, 1980, and December 31, 1981, and shall make a final report thereto no later than December 31, 1982”;

(5) by striking out “1979” in section 1015(d) and inserting in lieu thereof “1980”;

(6)(A) by striking out “314” in section 1311(a)(1) and inserting in lieu thereof “316”;

(B) by striking out “314” in section 1311(a)(2) and inserting in lieu thereof “316”;

(C) by striking out in section 1311(b) “redesignating subsections (b), (c), and (d) as subsections” and inserting in lieu thereof “striking out ‘July 1, 1978’ and inserting in lieu thereof”;

(7) by striking out “section 201(a)(3)” in section 1331(b) and inserting in lieu thereof “section 201(b)(3)”;

(8) by striking out “one year” in section 1412(a)(2) and inserting in lieu thereof “two years”;

(9) by striking out “one year” in section 1526 and by inserting in lieu thereof “eighteen months”;

(10) by inserting “(a)” before “Except” in section 1530 and by adding at the end thereof the following new subsection:

“(b) The provisions of section 412(b)(2) of the General Education Provisions Act, as added by section 1245 of this Act, shall not take effect with respect to the use of funds under section 421 of the Elementary and Secondary Education Act of 1965 until October 1, 1980, except at the option of local educational agencies.”; and

(11)(A) by inserting at the end of title I the following new section:

“EXPERIMENTAL PROJECT WAIVER AUTHORITY CONTINUED

“SEC. 103. Notwithstanding any other provision of title I of the Elementary and Secondary Education Act of 1965, the Commissioner shall approve for fiscal year 1979 the use of funds provided under that title under the same terms and conditions as such uses were permitted during the preceding fiscal year in local educational agencies which participated in the study conducted under section 821(a)(5) of the Education Amendments of 1974 when such agency requests such approval.”; and

(B) by adding in the table of contents after item “Sec. 102.” the following new item:

“Sec. 103. Experimental project waiver authority continued.”.

92 Stat. 2143.
20 USC 3381 *et seq.*
20 USC 3381-3386.
20 USC 3311 *et seq.*
20 USC 3384, 3383.
20 USC 1221-1 note.

20 USC 236 note.

20 USC 1211a.

20 USC 1211b note.

20 USC 930.

20 USC 1231a note.

20 USC 2701 note.

92 Stat. 2354.

20 USC 1225.

20 USC 3101.

20 USC 1221e note.

20 USC 236 *et seq.*

20 USC 1221e note.

- (b) Title XI of the Education Amendments of 1978 is amended—
- (1) by striking out “the Secretary of the Interior shall” and everything that follows through the end of the first sentence of section 1103(a)(1) and inserting in lieu thereof the following: “the Secretary of the Interior shall make payments of all funds appropriated under the authority of the Act of November 2, 1921, for fiscal year 1978 (including any fiscal year 1978 funds subsequently obligated in fiscal year 1979 from such appropriation) for basic support contracts or grants to any school that had a deficit in its operating budget for fiscal year 1978 as a consequence of the lack of complete payment from the Department of the Interior for such contract or grant.”; 92 Stat. 2313.
25 USC 13 note.
25 USC 13.
- (2) by striking out “fifteen months” in the first sentence of section 1121(b)(1) and inserting in lieu thereof “eighteen months”; 25 USC 2001.
- (3) by striking out “eighteen months” in the second sentence of section 1121(b)(1) and inserting in lieu thereof “twenty-one months”;
- (4) by striking out “Within one year of such date,” in section 1121(f) and inserting in lieu thereof “No later than January 1, 1981,”;
- (5) by striking out “Within one year of such date,” in section 1122(c) and inserting in lieu thereof “No later than January 1, 1981,”; 25 USC 2002.
- (6) by inserting immediately before the period at the end of the first sentence of section 1126(b) a comma and the following: “including (but not limited to) school or institution custodial or maintenance personnel”; 25 USC 2006.
- (7) by striking out paragraph (4) of section 1128(a), by redesignating paragraph (5) of such section as paragraph (4), and by adding at the end of such section the following new sentence: “Upon the establishment of the standards required by sections 1121 and 1122 of this Act, the Secretary shall revise the formula established under this subsection to reflect the cost and funding standards so established.”; 25 USC 2008.
- (8) by redesignating subsection (c) of section 1128 as subsection (d) and by inserting immediately after subsection (b) of such section the following new subsection:
“(c) The formula established under subsection (a) of this section shall be implemented for fiscal year 1980 and each succeeding fiscal year, except that—
- “(1) for fiscal year 1980, no school shall as a consequence of such formula receive less than 90 per centum, nor more than 120 per centum, of the funds it received from Bureau education funds for fiscal year 1979;
- “(2) for fiscal year 1981, no school shall as a consequence of such formula receive less than 70 per centum, nor more than 170 per centum, of the funds it received from Bureau education funds for fiscal year 1979; and
- “(3) for fiscal year 1982 and any succeeding fiscal year the formula shall be fully implemented.”; and
- (9) by striking out “and” at the end of paragraph (5) of section 1132, by striking out the period at the end of paragraph (6) of such section and inserting in lieu thereof “; and”, and by adding after such paragraph the following new paragraph:
“(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements.”. 25 USC 2012.

- 20 USC 241-1. SEC. 3. (a) Section 7(a)(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by striking out "October 1, 1978" each place it appears in subparagraphs (A) and (B) and inserting in lieu thereof "October 1, 1983".
- 20 USC 240. (b)(1) Section 5(b)(3)(C)(i) of such Act is amended by striking out "may file" and inserting in lieu thereof "may, in its discretion and without regard to the requirements of any other provision of law, file".
- Supra.* (2) Section 5(b)(3) of such Act is further amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:
 "(E) If the local educational agency rejects the determination of the Commissioner and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with that Agency, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action (under such subsection (d)) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 3(d)(2)(D) of this Act. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i)."
- 20 USC 240 note. (3) Section 5(c)(2)(A)(v) of such Act is amended by striking out "clause (A)(ii) of this paragraph" and inserting in lieu thereof "clause (i)(II) of this subparagraph".
- 20 USC 238. SEC. 4. (a) Section 400A of the General Education Provisions Act is amended—
- 92 Stat. 2338. (1) by striking out the subsection designation "(f)" the first time it appears in such section and inserting in lieu thereof "(3)";
- 20 USC 1221-3. and
- (2) by striking out "paragraph (6)" in subsection (g)(2) and inserting in lieu thereof "subsections (f) (1) and (2)".
- 20 USC 1226c. (b) Section 417(a) of the General Education Provisions Act is amended by striking out the paragraph designation "(1)" and by repealing paragraph (2).
- 20 USC 1232g. (c) Section 438(b) of the General Education Provisions Act is amended by adding at the end thereof the following new paragraph:
 "(5) Nothing in this section shall be construed to prohibit State and local educational officials from having access to student or other records which may be necessary in connection with the audit and evaluation of any federally or State supported education program or in connection with the enforcement of the Federal legal requirements which relate to any such program, subject to the conditions specified in the proviso in paragraph (3)."
- 20 USC 2308. SEC. 5. (a) Section 108(b)(2)(B) of the Vocational Educational Act of 1963 is amended by inserting before the semicolon a comma and the following: "except that the Commissioner may modify this requirement pursuant to regulations in order to avoid any duplication of data-collection occurring under section 161 or under section 437 of the General Education Provisions Act".
- 20 USC 2391. (b) Section 110 of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new subsection:
- 20 USC 1232f. (e) Pursuant to regulations established by the Commissioner, a State may exceed the 50 per centum Federal share specified in subsections (a) and (b) of the percentages set aside in subsections (a) and (b) by making larger payments with such funds to local educa-
- 20 USC 2310.

tional agencies and other eligible recipients which are otherwise financially unable to provide such programs.”

SEC. 6. Section 4 of the Career Education Incentive Act is amended— 20 USC 2603.

- (1) by striking out “(a) Subject to the provisions of subsections (b) and (c), there” and inserting in lieu thereof “There”, and
- (2) by repealing subsections (b) and (c).

SEC. 7. Section 453(c) of the Indian Education Act is amended— 20 USC 1221h.

- (1) by striking out “In establishing” and inserting in lieu thereof “On the form establishing”; and
- (2) by adding at the end thereof the following new sentence: “Nothing in the requirements of paragraphs (1) through (5) of this subsection shall be construed as changing or restricting the applicable eligibility definition set forth in subsection (a) of this section.”.

SEC. 8. The amendments made by this Act shall take effect October 1, 1978. 20 USC 2701 note.

Approved August 6, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-338 (Comm. on Education and Labor).
 CONGRESSIONAL RECORD, Vol. 125 (1979):
 July 23, considered and passed House.
 July 24, considered and passed Senate.