

**Office of the Secretary, Education**

**§ 76.670**

**§ 76.659 Use of public school personnel.**

A subgrantee may use program funds to make public personnel available in other than public facilities:

(a) To the extent necessary to provide equitable program benefits designed for students enrolled in a private school; and

(b) If those benefits are not normally provided by the private school.

(Authority: 20 U.S.C. 1221e-3 and 3474)

**§ 76.660 Use of private school personnel.**

A subgrantee may use program funds to pay for the services of an employee of a private school if:

(a) The employee performs the services outside of his or her regular hours of duty; and

(b) The employee performs the services under public supervision and control.

(Authority: 20 U.S.C. 1221e-3 and 3474)

**§ 76.661 Equipment and supplies.**

(a) Under some program statutes, a public agency must keep title to and exercise continuing administrative control of all equipment and supplies that the subgrantee acquires with program funds. This public agency is usually the subgrantee.

(b) The subgrantee may place equipment and supplies in a private school

for the period of time needed for the project.

(c) The subgrantee shall insure that the equipment or supplies placed in a private school:

(1) Are used only for the purposes of the project; and

(2) Can be removed from the private school without remodeling the private school facilities.

(d) The subgrantee shall remove equipment or supplies from a private school if:

(1) The equipment or supplies are no longer needed for the purposes of the project; or

(2) Removal is necessary to avoid use of the equipment of supplies for other than project purposes.

(Authority: 20 U.S.C. 1221e-3 and 3474)

**§ 76.662 Construction.**

A subgrantee shall insure that program funds are not used for the construction of private school facilities.

(Authority: 20 U.S.C. 1221e-3 and 3474)

**PROCEDURES FOR BYPASS**

**§ 76.670 Applicability and filing requirements.**

(a) The regulations in §§76.671 through 76.677 apply to the following programs under which the Secretary is authorized to waive the requirements for providing services to private school children and to implement a bypass:

| CFDA number and name of program   | Authorizing statute  | Implementing regulations title 34 CFR part |
|---|--|--|
| 84.010 Chapter 1 Program in Local Educational Agencies.                   | Chapter 1, Title I, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2701 <i>et seq.</i> )  | 200  |
| 84.151 Federal, State, and Local Partnership for Educational Improvement. | Chapter 2, Title I, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2911-2952, 2971-2976). | 298  |
| 84.164 Mathematics and Science Education .....                            | Title II, Part A, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2981-2993).              | 208  |
| 84.186 State and Local Programs .....                                     | Part B, Drug Free Schools and Communities Act of 1986 (20 U.S.C. 3191-3197).                                     | None                                       |

(b) *Filing requirements.* (1) Any written submission under §§76.671 through 76.675 must be filed by hand-delivery, by mail, or by facsimile transmission. The Secretary discourages the use of

facsimile transmission for documents longer than five pages.

(2) If agreed upon by the parties, service of a document may be made upon the other party by facsimile transmission.