

Sec.	
1221e-1d.	Use of Council staff and facilities.
1221e-2.	Repealed.
1221e-3.	General authority of Secretary.
1221e-4.	Educational impact statement.
1221f to 1221i.	Repealed.
1221j.	Television program assistance.

## SUBCHAPTER II—APPROPRIATIONS AND EVALUATIONS

### PART 1—APPROPRIATIONS

1222.	Repealed.
1223.	Forward funding.
1224.	Repealed.
1225.	Availability of appropriations on academic or school-year basis; additional period for obligation of funds.
1226.	Repealed.
1226a.	Contingent extension of programs.
1226a-1.	Payments; installments, advances or reimbursement, and adjustments.

### PART 2—PLANNING AND EVALUATION OF FEDERAL EDUCATION ACTIVITIES

1226b.	Responsibility of States to furnish information.
1226c.	Biennial evaluation report.
1226c-1.	Availability of education reports, etc., to Congressional committees.
1226d, 1227.	Repealed.
1228.	Repealed.
1228a.	Equity for students, teachers, and other program beneficiaries.
1228b.	Coordination.
1228c.	Disclosure requirements.

## SUBCHAPTER III—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS: GENERAL AUTHORITY OF SECRETARY

1230.	Repealed.
-------	-----------

### PART 1—GENERAL AUTHORITY

1231.	Joint funding of programs.
1231a.	Collection and dissemination of information.
1231b, 1231b-1.	Repealed.
1231b-2.	Review of applications.
1231c.	Advice, counsel, and technical assistance.
1231c-1.	Repealed.
1231d.	Parental involvement and dissemination.
1231e.	Use of funds withheld.
1231f.	Repealed.

### PART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

1231g.	Applications.
1232.	Regulations.
1232-1.	Repealed.
1232a.	Prohibition against Federal control of education.
1232b.	Labor standards.

## PART 3—ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS BY STATES AND LOCAL EDUCATIONAL AGENCIES

1232c.	State agency monitoring and enforcement.
1232d.	Single State application.
1232e.	Single local educational agency application.

### PART 4—RECORDS; PRIVACY; LIMITATION ON WITHHOLDING FEDERAL FUNDS

1232f.	Records.
1232g.	Family educational and privacy rights.

Sec.	
1232h.	Protection of pupil rights.
1232i.	Limitations on withholding of Federal assistance.
1232j.	Prohibition on federally sponsored testing.

## SUBCHAPTER IV—ENFORCEMENT

1234.	Office of Administrative Law Judges.
1234a.	Recovery of funds.
1234b.	Measure of recovery.
1234c.	Remedies for existing violations.
1234d.	Withholding.
1234e.	Cease and desist orders.
1234f.	Compliance agreements.
1234g.	Judicial review.
1234h.	Use of recovered funds.
1234i.	Definitions.

## SUBCHAPTER V—READY TO LEARN TELEVISION

1235 to 1235g. Repealed.

## Editorial Notes

### CODIFICATION

Pub. L. 91-230, title IV, § 401(a)(1), Apr. 13, 1970, 84 Stat. 164, substituted as chapter heading “GENERAL PROVISIONS CONCERNING EDUCATION” for “LEAD-TIME AND PLANNING AND EVALUATION IN ELEMENTARY AND SECONDARY EDUCATION PROGRAMS”.

### § 1221. Short title; applicability; definitions

#### (a) Short title

This chapter may be cited as the “General Education Provisions Act”.

#### (b) Applicability of chapter

(1) Except as otherwise provided, this chapter applies to each applicable program of the Department of Education.

(2) Except as otherwise provided, this chapter does not apply to any contract made by the Department of Education.

#### (c) Definitions

As used in this chapter, the following terms have the following meanings:

(1) The term “applicable program” means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act [20 U.S.C. 3401 et seq.] or under Federal law effective after the effective date of that Act.

(2) The term “applicable statute” means—

(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

(B) this chapter; and

(C) any other statute that by its terms expressly controls the administration of an applicable program.

(3) The term “Department” means the Department of Education.

(4) The term “Secretary” means the Secretary of Education.

#### (d) Application of other laws unaffected

Nothing in this chapter shall be construed to affect the applicability of title VI of the Civil

Rights Act of 1964 [42 U.S.C. 2000d et seq.], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], title V of the Rehabilitation Act of 1973 [29 U.S.C. 790 et seq.], the Age Discrimination Act [42 U.S.C. 6101 et seq.], or other statutes prohibiting discrimination, to any applicable program.

(Pub. L. 90-247, title IV, § 400, formerly § 401, Jan. 2, 1968, 81 Stat. 814; Pub. L. 90-576, title III, § 301(a), Oct. 16, 1968, 82 Stat. 1094; Pub. L. 91-230, title IV, § 401(a)(2), Apr. 13, 1970, 84 Stat. 164; renumbered § 400, Pub. L. 92-318, title III, § 301(a)(1), June 23, 1972, 86 Stat. 326; Pub. L. 93-380, title V, § 505(a)(1), Aug. 21, 1974, 88 Stat. 561; Pub. L. 103-382, title II, § 211, Oct. 20, 1994, 108 Stat. 3912.)

### Editorial Notes

#### REFERENCES IN TEXT

The Department of Education Organization Act, referred to in subsec. (c)(1), is Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, which is classified principally to chapter 48 (§ 3401 et seq.) of this title. For the effective date of the Act, see Effective Date note set out under section 3401 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (d), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

The Education Amendments of 1972, referred to in subsec. (d), is Pub. L. 92-318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§ 1681 et seq.) of this title. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Title V of the Act is classified generally to subchapter V (§ 790 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Age Discrimination Act, referred to in subsec. (d), probably means the Age Discrimination Act of 1975, which is title III of Pub. L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, and which is classified generally to chapter 76 (§ 6101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of Title 42 and Tables.

#### AMENDMENTS

1994—Pub. L. 103-382 amended section generally, inserting provision that this chapter not apply to any contract made by the Department of Education, substituting definition of “Department” as meaning Department of Education for definition of “Director” as meaning Director of the National Institute of Education, striking out reference to the Civil Rights Act of 1964, adding references to title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, and other statutes prohibiting discrimination, and striking out provision authorizing appropriations for any fiscal year of such sums as may be necessary to carry out the provisions of this chapter.

1974—Subsec. (a). Pub. L. 93-380 redesignated subsec. (d) as (a). Former subsec. (a) provisions “The provisions of this chapter shall apply to any program for which the Commissioner of Education has responsibility for

administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this chapter unless so specified by such amendments” were incorporated in part in subsec. (b).

Subsec. (b). Pub. L. 93-380 incorporated subsec. (a) provisions in subsec. (b), inserting introductory text “Except where otherwise specified,” substituting “an administrative head of an education agency has administrative responsibility as provided by law or by delegation of authority pursuant to law” for “the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute,” deleting “Amendments to Acts authorizing such programs shall not affect the applicability of this chapter unless so specified by such amendments.” Former subsec. (b) definition provisions for “Commissioner”, “Secretary”, and “applicable program” incorporated in subsec. (c)(1).

Subsec. (c). Pub. L. 93-380 incorporated subsec. (b)(3), (1), (2) provisions in par. (1)(A), (D), (F), respectively; inserted in par. (1)(A) “, under the terms of subsection (b) of this section,”; and added pars. (1)(B), (C), (E), (2), and (3). Former subsec. (c) provisions “There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this chapter,” incorporated in subsec. (d).

Subsec. (d). Pub. L. 93-380 incorporated subsec. (c) provisions in provisions designated as subsec. (d), inserting introductory text “Except as otherwise limited in this chapter,” and deleting “, as part of the appropriations for salaries and expenses for the Office of Education,” after “fiscal year”. Former subsec. (d) redesignated (a).

Subsec. (e). Pub. L. 93-380 added subsec. (e).

1970—Pub. L. 91-230, § 401(a)(2)(A), provided for definitions and authorization of appropriations in section catchline.

Subsecs. (b), (c). Pub. L. 91-230, § 401(a)(2)(B), added subsecs. (b) and (c).

1968—Pub. L. 90-576 substituted general reference to “any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute” for specific references to “title I of the Elementary and Secondary Education Act of 1965 (title II of Pub. L. 81-874), titles II, III, V, VI, VII, and VIII of the Elementary and Secondary Education Act of 1965, and the Adult Education Act of 1966 (title III of the Elementary and Secondary Education Amendments of 1966), as now in effect or hereafter from time to time amended” as the areas in which the provisions of this chapter shall apply and inserted provision that amendments to the programs covered shall not affect the applicability of this chapter unless so specified by such amendments.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-382, § 3(a)(2), Oct. 20, 1994, 108 Stat. 3518, provided that: “Title II of this Act [§§ 211 to 272 of Pub. L. 103-382, see Tables for classification] and the amendments made by title II of this Act shall take effect on the date of enactment of this Act [Oct. 20, 1994], except that section 236 [enacting section 1228a of this title] (equity for students, teachers, and other program beneficiaries) of such title shall be effective—

“(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and

“(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.”

#### EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-380, title V, § 505(b), Aug. 21, 1974, 88 Stat. 562, provided that: “The amendments made by sub-

section (a) [amending this section and section 1221g of this title] shall be effective on the tenth day after the date of enactment of this Act [Aug. 21, 1974].”

#### SHORT TITLE OF 2013 AMENDMENT

Pub. L. 112-278, §1, Jan. 14, 2013, 126 Stat. 2480, provided that: “This Act [amending section 1232g of this title] may be cited as the ‘Uninterrupted Scholars Act (USA)’.”

#### SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-297, title III, §3401, Apr. 28, 1988, 102 Stat. 344, provided that: “This part [part C (§§3401-3403) of title III of Pub. L. 100-297, amending sections 1221e and 1221e-1 of this title and enacting provisions set out as a note under section 1221e-1 of this title] may be cited as the ‘National Assessment of Educational Progress Improvement Act’.”

#### SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-561, title XII, §1211, Nov. 1, 1978, 92 Stat. 2338, provided that: “This part [enacting sections 1221-3 and 1231g of this title and amending section 1221e-1 of this title] may be cited as the ‘Control of Paperwork Amendments of 1978’.”

#### SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-380, title V, §513(b)(2), Aug. 21, 1974, 88 Stat. 574, provided that: “This section [enacting section 1232g of this title and provisions set out as a note under section 1232g of this title] may be cited as the ‘Family Educational Rights and Privacy Act of 1974’.”

### Executive Documents

#### EX. ORD. NO. 11155. PROVIDING FOR THE RECOGNITION OF CERTAIN STUDENTS AS PRESIDENTIAL SCHOLARS

Ex. Ord. No. 11155, May 23, 1964, 29 F.R. 6909, as amended by Ex. Ord. No. 12158, Sept. 18, 1979, 44 F.R. 54451; Ex. Ord. No. 13697, June 22, 2015, 80 F.R. 36691, provided:

WHEREAS it is necessary in the national interest that the Federal Government encourage high attainment by students in secondary schools, both public and private, throughout the Nation, and

WHEREAS national recognition of scholastic attainments will tend to enhance the accomplishments of such students generally and their potential after graduation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. There is hereby established the Commission on Presidential Scholars (hereinafter referred to as the Commission). The Commission shall be composed of such members as the President may appoint from time to time from among appropriately qualified citizens of the United States. The person chosen each year, with the cooperation of the Commissioner of Education, Department of Health, Education, and Welfare [now Secretary of Education], as National Teacher of the Year shall be one of the members of the Commission for a period terminating one year after the date of his or her selection as National Teacher of the Year or at such earlier time as a next-succeeding National Teacher of the Year is chosen. The President shall designate one of the members as chairman of the Commission. Members of the Commission shall serve at the pleasure of the President and without compensation from the United States.

SEC. 2. The Commission, in accordance with such standards and procedures as it may prescribe and on the basis of its independent judgment, shall annually choose Presidential Scholars, subject to the following:

(1) The Presidential Scholars shall be chosen from among persons who have recently been graduated, or are about to be graduated, from secondary schools, public or private.

(2) They shall be chosen on the basis of their outstanding scholarship.

(3) One boy and one girl shall be chosen as Presidential Scholars from each of the following, namely:

(i) Each State of the United States.

(ii) The District of Columbia.

(iii) The Commonwealth of Puerto Rico.

(iv) The following, collectively: American Samoa, Canal Zone, Guam, Virgin Islands, Trust Territory of the Pacific Islands, and, if the Commission in its discretion shall so determine, other places overseas. In respect of the said other places overseas, only children whose parents are citizens of the United States shall be eligible to be chosen hereunder as Presidential Scholars from those places.

(4) In addition to the 106 Presidential Scholars provided for in paragraph (3), above, the Commission may choose other Presidential Scholars, not exceeding fifteen in number for any one year, to be chosen at large from the jurisdictions referred to in that paragraph.

(5) In addition to the Presidential Scholars provided for in paragraphs (3) and (4) above, the Commission may choose other Presidential Scholars not exceeding twenty in any one year. These Scholars shall be chosen at large, from the jurisdictions referred to in paragraph (3), on the basis of outstanding scholarship and demonstrated ability and accomplishment in the visual and performing arts or in creative writing.

(6) In addition to the Presidential Scholars provided for in paragraphs (3), (4), and (5) of this section, the Commission may choose other Presidential Scholars not exceeding twenty in any one year. These Scholars shall be chosen at large, from the jurisdictions referred to in paragraph (3), on the basis of outstanding scholarship and demonstrated ability and accomplishment in career and technical education fields.

SEC. 3. There is hereby established the Presidential Scholars Medallion which shall be of such design and material as the President shall approve and shall be presented to each Presidential Scholar chosen by the Commission under this order.

SEC. 4. As necessary and subject to law, the Office of Education [now Department of Education], Department of Health, Education, and Welfare, shall facilitate, or make arrangements for facilitating the carrying out of the purposes of this order.

#### EXECUTIVE ORDER NO. 11761

Ex. Ord. No. 11761, Jan. 17, 1974, 39 F.R. 2345, which provided for coordination of Federal educational programs and which continued Federal Interagency Committee on Education, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

#### EXECUTIVE ORDER NO. 12687

Ex. Ord. No. 12687, Aug. 15, 1989, 54 F.R. 34127, as amended by Ex. Ord. No. 12741, Dec. 31, 1990, 56 F.R. 475; Ex. Ord. No. 12785, Dec. 26, 1991, 56 F.R. 67451, which established the President's Education Policy Advisory Committee to advise the President with respect to objectives and conduct of overall education policy of the United States, was revoked by Ex. Ord. No. 12869, §4(e), Sept. 30, 1993, 58 F.R. 51751, formerly set out as a note under section 1013 of Title 5, Government Organization and Employees.

### § 1221-1. National policy with respect to equal educational opportunity

Recognizing that the Nation's economic, political, and social security require a well-educated citizenry, the Congress (1) reaffirms, as a matter of high priority, the Nation's goal of equal educational opportunity, and (2) declares it to be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers.