

Pt. 76

for the purpose of obtaining relevant information.

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

[54 FR 21775, May 19, 1989]

PART 76—STATE-ADMINISTERED PROGRAMS

Subpart A—General

REGULATIONS THAT APPLY TO STATE-ADMINISTERED PROGRAMS

Sec.

- 76.1 Programs to which part 76 applies.
- 76.2 Exceptions in program regulations to part 76.

ELIGIBILITY FOR A GRANT OR SUBGRANT

- 76.50 Statutes determine eligibility and whether subgrants are made.
- 76.51 A State distributes funds by formula or competition.
- 76.52 Eligibility of faith-based organizations for a subgrant.

Subpart B—How a State Applies for a Grant

STATE PLANS AND APPLICATIONS

- 76.100 Effect of this subpart.
- 76.101 The general State application.
- 76.102 Definition of “State plan” for part 76.
- 76.103 Multi-year State plans.
- 76.104 A State shall include certain certifications in its State plan.
- 76.106 State documents are public information.

CONSOLIDATED GRANT APPLICATIONS FOR INSULAR AREAS

- 76.125 What is the purpose of these regulations?
- 76.126 What regulations apply to the consolidated grant applications for insular areas?
- 76.127 What is the purpose of a consolidated grant?
- 76.128 What is a consolidated grant?
- 76.129 How does a consolidated grant work?
- 76.130 How are consolidated grants made?
- 76.131 How does an insular area apply for a consolidated grant?
- 76.132 What assurances must be in a consolidated grant application?
- 76.133 What is the reallocation authority?
- 76.134 What is the relationship between consolidated and non-consolidated grants?
- 76.135 Are there any requirements for matching funds?
- 76.136 Under what programs may consolidated grant funds be spent?

34 CFR Subtitle A (7-1-04 Edition)

- 76.137 How may carryover funds be used under the consolidated grant application?

AMENDMENTS

- 76.140 Amendments to a State plan.
- 76.141 An amendment requires the same procedures as the document being amended.
- 76.142 An amendment is approved on the same basis as the document being amended.

Subpart C—How a Grant Is Made to a State

APPROVAL OR DISAPPROVAL BY THE SECRETARY

- 76.201 A State plan must meet all statutory and regulatory requirements.
- 76.202 Opportunity for a hearing before a State plan is disapproved.
- 76.235 The notification of grant award.

ALLOTMENTS AND REALLOTMENTS OF GRANT FUNDS

- 76.260 Allotments are made under program statute or regulations.
- 76.261 Reallotted funds are part of a State's grant.

Subpart D—How To Apply to the State for a Subgrant

- 76.300 Contact the State for procedures to follow.
- 76.301 Local educational agency general application.
- 76.302 The notice to the subgrantee.
- 76.303 Joint applications and projects.
- 76.304 Subgrantee shall make subgrant application available to the public.

Subpart E—How a Subgrant Is Made to an Applicant

- 76.400 State procedures for reviewing an application.
- 76.401 Disapproval of an application—opportunity for a hearing.

Subpart F—What Conditions Must Be Met by the State and Its Subgrantees?

NONDISCRIMINATION

- 76.500 Federal statutes and regulations on nondiscrimination.

ALLOWABLE COSTS

- 76.530 General cost principles.
- 76.532 Use of funds for religion prohibited.
- 76.533 Acquisition of real property; construction.
- 76.534 Use of tuition and fees restricted.

INDIRECT COST RATES

- 76.560 General indirect cost rates; exceptions.
- 76.561 Approval of indirect cost rates.
- 76.563 Restricted indirect cost rate—programs covered.
- 76.564 Restricted indirect cost rate—formula.
- 76.565 General management costs—restricted rate.
- 76.566 Fixed costs—restricted rate.
- 76.567 Other expenditures—restricted rate.
- 76.568 Occupancy and space maintenance costs—restricted rate.
- 76.569 Using the restricted indirect cost rate.
- 76.580 Coordination with other activities.

EVALUATION

- 76.591 Federal evaluation—cooperation by a grantee.
- 76.592 Federal evaluation—satisfying requirement for State or subgrantee evaluation.

CONSTRUCTION

- 76.600 Where to find construction regulations.

PARTICIPATION OF STUDENTS ENROLLED IN PRIVATE SCHOOLS

- 76.650 Private schools; purpose of §§76.651-76.662.
- 76.651 Responsibility of a State and a subgrantee.
- 76.652 Consultation with representatives of private school students.
- 76.653 Needs, number of students, and types of services.
- 76.654 Benefits for private school students.
- 76.655 Level of expenditures for students enrolled in private schools.
- 76.656 Information in an application for a subgrant.
- 76.657 Separate classes prohibited.
- 76.658 Funds not to benefit a private school.
- 76.659 Use of public school personnel.
- 76.660 Use of private school personnel.
- 76.661 Equipment and supplies.
- 76.662 Construction.

PROCEDURES FOR BYPASS

- 76.670 Applicability and filing requirements.
- 76.671 Notice by the Secretary.
- 76.672 Bypass procedures.
- 76.673 Appointment and functions of a hearing officer.
- 76.674 Hearing procedures.
- 76.675 Posthearing procedures.
- 76.676 Judicial review of a bypass action.
- 76.677 Continuation of a bypass.

OTHER REQUIREMENTS FOR CERTAIN PROGRAMS

- 76.681 Protection of human subjects.

- 76.682 Treatment of animals.
- 76.683 Health or safety standards for facilities.

Subpart G—What Are the Administrative Responsibilities of the State and Its Subgrantees?

GENERAL ADMINISTRATIVE RESPONSIBILITIES

- 76.700 Compliance with statutes, regulations, State plan, and applications.
- 76.701 The State or subgrantee administers or supervises each project.
- 76.702 Fiscal control and fund accounting procedures.
- 76.703 When a State may begin to obligate funds.
- 76.704 New State plan requirements that must be addressed in a State plan.
- 76.707 When obligations are made.
- 76.708 When certain subgrantees may begin to obligate funds.
- 76.709 Funds may be obligated during a “carryover period.”
- 76.710 Obligations made during a carryover period are subject to current statutes, regulations, and applications.
- 76.711 Requesting funds by CFDA number.

REPORTS

- 76.720 Financial and performance reports by a State.
- 76.722 A subgrantee makes reports required by the State.

RECORDS

- 76.730 Records related to grant funds.
- 76.731 Records related to compliance.

PRIVACY

- 76.740 Protection of and access to student records; student rights in research, experimental programs, and testing.

USE OF FUNDS BY STATES AND SUBGRANTEES

- 76.760 More than one program may assist a single activity.
- 76.761 Federal funds may pay 100 percent of cost.

STATE ADMINISTRATIVE RESPONSIBILITIES

- 76.770 A State shall have procedures to ensure compliance.
- 76.783 State educational agency action—subgrantee’s opportunity for a hearing.

Subpart H—How Does a State or Local Educational Agency Allocate Funds to Charter Schools?

GENERAL

- 76.785 What is the purpose of this subpart?
- 76.786 What entities are governed by this subpart?

§ 76.1

76.787 What definitions apply to this subpart?

RESPONSIBILITIES FOR NOTICE AND INFORMATION

76.788 What are a charter school LEA's responsibilities under this subpart?

76.789 What are an SEA's responsibilities under this subpart?

ALLOCATION OF FUNDS BY STATE EDUCATIONAL AGENCIES

76.791 On what basis does an SEA determine whether a charter school LEA that opens or significantly expands its enrollment is eligible to receive funds under a covered program?

76.792 How does an SEA allocate funds to eligible charter school LEAs under a covered program in which the SEA awards subgrants on a formula basis?

76.793 When is an SEA required to allocate funds to a charter school LEA under this subpart?

76.794 How does an SEA allocate funds to charter school LEAs under a covered program in which the SEA awards subgrants on a discretionary basis?

ADJUSTMENTS

76.796 What are the consequences of an SEA allocating more or fewer funds to a charter school LEA under a covered program than the amount for which the charter school LEA is eligible when the charter school LEA actually opens or significantly expands its enrollment?

76.797 When is an SEA required to make adjustments to allocations under this subpart?

Applicability of This Subpart to Local Educational Agencies

76.799 Do the requirements in this subpart apply to LEAs?

Subpart I—What Procedures Does the Secretary Use To Get Compliance?

76.900 Waiver of regulations prohibited.

76.901 Office of Administrative Law Judges.

76.902 Judicial review.

76.910 Cooperation with audits.

AUTHORITY: 20 U.S.C. 1221e-3, 3474, 6511(a), and 8065a, unless otherwise noted.

SOURCE: 45 FR 22517, Apr. 3, 1980, unless otherwise noted. Redesignated at 45 FR 77368, Nov. 21, 1980.

34 CFR Subtitle A (7-1-04 Edition)

Subpart A—General

REGULATIONS THAT APPLY TO STATE-ADMINISTERED PROGRAMS

§ 76.1 Programs to which part 76 applies.

(a) The regulations in part 76 apply to each State-administered program of the Department.

(b) If a State formula grant program does not have implementing regulations, the Secretary implements the program under the authorizing statute and, to the extent consistent with the authorizing statute, under the General Education Provisions Act and the regulations in this part. For the purposes of this part, the term *State formula grant program* means a program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 45 FR 84059, Dec. 22, 1980; 50 FR 29330, July 18, 1985; 52 FR 27804, July 24, 1987; 54 FR 21776, May 19, 1989; 55 FR 14816, Apr. 18, 1990]

§ 76.2 Exceptions in program regulations to part 76.

If a program has regulations that are not consistent with part 76, the implementing regulations for that program identify the sections of part 76 that do not apply.

(Authority: 20 U.S.C. 1221e-3, 3474, and 6511(a))

[45 FR 22517, Apr. 3, 1980. Redesignated at 45 FR 77368, Nov. 21, 1980, as amended at 54 FR 21776, May 19, 1989]

ELIGIBILITY FOR A GRANT OR SUBGRANT

§ 76.50 Statutes determine eligibility and whether subgrants are made.

(a) Under a program covered by this part, the Secretary makes a grant:

(1) To the State agency designated by the authorizing statute for the program; or

(2) To the State agency designated by the State in accordance with the authorizing statute.

(b) The authorizing statute determines the extent to which a State may: