

## PART 81—GENERAL EDUCATION PROVISIONS ACT—ENFORCEMENT

### Subpart A—General Provisions

#### Sec.

- 81.1 Purpose.
- 81.2 Definitions.
- 81.3 Jurisdiction of the Office of Administrative Law Judges.
- 81.4 Membership and assignment to cases.
- 81.5 Authority and responsibility of an Administrative Law Judge.
- 81.6 Hearing on the record.
- 81.7 Non-party participation.
- 81.8 Representation.
- 81.9 Location of proceedings.
- 81.10 Ex parte communications.
- 81.11 Motions.
- 81.12 Filing requirements.
- 81.13 Mediation.
- 81.14 Settlement negotiations.
- 81.15 Evidence.
- 81.16 Discovery.
- 81.17 Privileges.
- 81.18 The record.
- 81.19 Costs and fees of parties.
- 81.20 Interlocutory appeals to the Secretary from rulings of an ALJ.

### Subpart B—Hearings for Recovery of Funds

- 81.30 Basis for recovery of funds.
- 81.31 Measure of recovery.
- 81.32 Proportionality.
- 81.33 Mitigating circumstances.
- 81.34 Notice of a disallowance decision.
- 81.35 Reduction of claims.
- 81.36 Compromise of claims under General Education Provisions Act.
- 81.37 Application for review of a disallowance decision.
- 81.38 Consideration of an application for review.
- 81.39 Submission of evidence.
- 81.40 Burden of proof.
- 81.41 Initial decision.
- 81.42 Petition for review of initial decision.
- 81.43 Review by the Secretary.
- 81.44 Final decision of the Department.
- 81.45 Collection of claims.

#### APPENDIX TO PART 81—ILLUSTRATIONS OF PROPORTIONALITY

AUTHORITY: 20 U.S.C. 1221e-3, 1234-1234i, and 3474(a), unless otherwise noted.

SOURCE: 54 FR 19512, May 5, 1989, unless otherwise noted.

### Subpart A—General Provisions

#### § 81.1 Purpose.

The regulations in this part govern the enforcement of legal requirements under applicable programs adminis-

tered by the Department of Education and implement Part E of the General Education Provisions Act (GEPA).

(Authority: 20 U.S.C. 1221e-3, 1234(f)(1), and 3474(a))

#### § 81.2 Definitions.

The following definitions apply to the terms used in this part:

*Administrative Law Judge* (ALJ) means a judge appointed by the Secretary in accordance with section 451 (b) and (c) of GEPA.

*Applicable program* means any program for which the Secretary of Education has administrative responsibility, except a program authorized by—

(a) The Higher Education Act of 1965, as amended;

(b) The Act of September 30, 1950 (Pub. L. 874, 81st Congress), as amended; or

(c) The Act of September 23, 1950 (Pub. L. 815, 81st Congress), as amended.

*Department* means the United States Department of Education.

*Disallowance decision* means the decision of an authorized Departmental official that a recipient must return funds because it made an expenditure of funds that was not allowable or otherwise failed to discharge its obligation to account properly for funds. Such a decision, referred to as a “preliminary departmental decision” in section 452 of GEPA, is subject to review by the Office of Administrative Law Judges.

*Party* means either of the following:

(a) A recipient that appeals a decision.

(b) An authorized Departmental official who issues a decision that is appealed.

*Recipient* means the recipient of a grant or cooperative agreement under an applicable program.

*Secretary* means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.

(Authority: 20 U.S.C. 1221e-3, 1234 (b), (c), and (f)(1), 1234a(a)(1), 1234i, and 3474(a))

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