

**§ 206.20**

**Subpart C—How Does One Apply for a Grant?**

**§ 206.20 What must be included in an application?**

In applying for a grant, an applicant shall:

(a) Follow the procedures and meet the requirements stated in subpart C of 34 CFR part 75 (EDGAR-Direct Grant Programs);

(b) Submit a grant application that:

(1) Covers a period of five years unless extraordinary circumstances warrant a shorter period; and

(2) Includes an annual budget of not less than \$150,000;

(c) Include a management plan that contains:

(1) Assurances that the staff has a demonstrated knowledge of and will be sensitive to the unique characteristics and needs of the migrant and seasonal farmworker population; and

(2) Provisions for:

(i) Staff inservice training;

(ii) Training and technical assistance;

(iii) Staff travel;

(iv) Student travel;

(v) Interagency coordination; and

(vi) Project evaluation; and

(d) Provide the following assurances:

(1) The grantee will develop and implement a plan for identifying, informing, and recruiting eligible participants who are most in need of the academic and supporting services and financial assistance provided by the project.

(2) The grantee will develop and implement a plan for identifying and using the resources of the participating IHE and the community to supplement and enhance the services provided by the project.

(Authority: 20 U.S.C. 1070d-2(a) and (d)-(f))

(Approved by the Office of Management and Budget under control number 1810-0055)

[46 FR 35075, July 6, 1981, as amended at 52 FR 24920, July 1, 1987; 57 FR 60407, Dec. 18, 1992]

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**Subpart D—How Does the Secretary Make a Grant to an Applicant?**

**§ 206.30 How does the Secretary evaluate an application?**

The Secretary evaluates an application under the procedures in 34 CFR part 75.

(Authority: 20 U.S.C. 1070d-2(a) and (e))

[62 FR 10403, Mar. 6, 1997]

**Subpart E—What Conditions Must Be Met by a Grantee?**

**§ 206.40 What restrictions are there on expenditures?**

Funds provided under HEP or CAMP may not be used for construction activities, other than minor construction-related activities such as the repair or minor remodeling or alteration of facilities.

(Authority: Sec. 418A(a); 20 U.S.C. 1070d-2)

**PART 222—IMPACT AID PROGRAMS**

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Sec.

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- 222.91 What requirements must a local educational agency meet to receive a payment under section 8003 of the Act for children residing on Indian lands?
- 222.92 What additional statutes and regulations apply to this subpart?
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- 222.96–222.101 [Reserved]

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- 222.115 When does the Assistant Secretary withhold payments from a local educational agency under this subpart?
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- 222.119 What is the effect of withholding under this subpart?
- 222.120 When is a local educational agency exempt from withholding of payments?
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- 222.122 What procedures are followed if it is determined that the local educational agency's funds will not be withheld under this subpart?
- 222.123-222.129 [Reserved]

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- 222.140 What definitions apply to this subpart?
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- 222.144-222.149 [Reserved]

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- 222.150 What is the scope of this subpart?
- 222.151 When is an administrative hearing provided to a local educational agency?
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- 222.154 How must written submissions under this subpart be filed?
- 222.155 When and where is an administrative hearing held?
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- 222.160 What are the scope and purpose of this subpart?
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- 222.162 What disparity standard must a State meet in order to be certified and how are disparities in current expenditures or revenues per pupil measured?
- 222.163 What proportion of Impact Aid funds may a State take into consideration upon certification?
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- 222.166-222.169 [Reserved]

**APPENDIX TO SUBPART K—DETERMINATIONS UNDER SECTION 8009 OF THE ACT—METHODS OF CALCULATIONS FOR TREATMENT OF IMPACT AID PAYMENTS UNDER STATE EQUALIZATION PROGRAMS**

**Subpart L—Impact Aid Discretionary Construction Grant Program Under Section 8007(b) of the Act**

**GENERAL**

- 222.170 What is the purpose of the Impact Aid Discretionary Construction grant program (Section 8007(b) of the Act)?
- 222.171 What LEAs may be eligible for Discretionary Construction grants?
- 222.172 What activities may an LEA conduct with funds received under this program?
- 222.173 What activities will not receive funding under a Discretionary Construction grant?
- 222.174 What prohibitions apply to these funds?
- 222.175 What regulations apply to recipients of funds under this program?
- 222.176 What definitions apply to this program?

**ELIGIBILITY**

- 222.177 What eligibility requirements must an LEA meet to apply for an emergency grant under the first priority?
- 222.178 What eligibility requirements must an LEA meet to apply for an emergency grant under the second priority?
- 222.179 Under what circumstances may an ineligible LEA apply on behalf of a school for an emergency grant under the second priority?
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- 222.182 Under what circumstances may an ineligible LEA apply on behalf of a school for a modernization grant under the fourth priority?

**HOW TO APPLY FOR A GRANT**

- 222.183 How does an LEA apply for a grant?

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- 222.184 What information must an application contain?
- 222.185 What additional information must be included in an emergency grant application?
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**HOW GRANTS ARE MADE**

- 222.188 What priorities may the Secretary establish?
- 222.189 What funding priority does the Secretary give to applications?
- 222.190 How does the Secretary rank and select applicants?
- 222.191 What is the maximum award amount?
- 222.192 What local funds may be considered as available for this project?
- 222.193 What other limitations on grant amounts apply?
- 222.194 Are "in-kind" contributions permissible?

**CONDITIONS AND REQUIREMENTS GRANTEEES MUST MEET**

- 222.195 How does the Secretary make funds available to grantees?
- 222.196 What additional construction and legal requirements apply?

**AUTHORITY:** 20 U.S.C. 7701-7714, unless otherwise noted.

**SOURCE:** 60 FR 50778, Sept. 29, 1995, unless otherwise noted.

**Subpart A—General**

**§ 222.1 What is the scope of this part?**

The regulations in this part govern the provision of financial assistance under title VIII of the Elementary and Secondary Education Act of 1965 (ESEA) to local educational agencies (LEAs) in areas affected by Federal activities.

(Authority: 20 U.S.C. 7701-7714)

**§ 222.2 What definitions apply to this part?**

(a)(1) The following terms defined in section 8013 of the Act apply to this part:

- Armed forces
- Average per-pupil expenditure
- Construction
- Current expenditures
- Indian lands
- Local contribution percentage
- Low-rent housing

School facilities

(2) The following term defined in § 222.30 applies to this part:

Free public education

(b) The following terms defined in section 14101 of the ESEA (General Provisions) also apply to this part:

- Average daily attendance (ADA)
- Child
- County
- Department
- Outlying area
- Parent
- Secretary
- State
- State educational agency (SEA)

(c) In addition, the following definitions apply to this part:

*Act* means title VIII of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

*Applicant* means any LEA that files an application for financial assistance under section 8002, 8003, or 8006 of the Act and the regulations in this part implementing those provisions. Except as provided in section 8005(d)(4) of the Act, an SEA may be an applicant for assistance under section 8003 only if the SEA directly operates and maintains facilities for providing free public education for the children it claims in its application.

(Authority: 20 U.S.C. 7705 and 7713(9))

*Application* means a complete and signed application in the form approved by the Secretary, filed by an applicant.

(Authority: 20 U.S.C. 7705)

*Federally connected children* means children described in sections 8003(a)(1) and 8010(c)(2) of the Act.

(Authority: 20 U.S.C. 7703(a)(1) and 7710(c)(2))

*Federal property.* (1) The term means—

(i) Federal property described in section 8013; and

(ii) Ships that are owned by the United States and whose home ports are located upon Federal property described in this definition.

(2) Notwithstanding paragraph (1) of this definition, for the purpose of section 8002 the term does not include—