

TITLE 20 - EDUCATION**CHAPTER 31 - GENERAL PROVISIONS CONCERNING EDUCATION****§ 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.)

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, as amended, 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, as amended. 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.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

The Education Amendments of 1972, referred to in subsec. (d), is Pub. L. 92–318, June 23, 1972, 86 Stat. 235, as amended. 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, as amended. 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.

Effective Date of 1994 Amendment

Section 3(a)(2) of Pub. L. 103–382 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—

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“(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

Section 505(b) of Pub. L. 93–380 provided that: “The amendments made by subsection (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 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

Section 513(b)(2) of Pub. L. 93–380 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 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 under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.