

determination function from a State agency as provided in this subpart.

Assumption of Disability Determination Function

§ 416.1090 Assumption when we make a finding of substantial failure.

(a) *Notice to State.* When we find that substantial failure exists, we will notify the State in writing that we will assume responsibility for performing the disability determination function from the State agency, whether the assumption will be partial or complete, and the date on which the assumption will be effective.

(b) *Effective date of assumption.* The date of any partial or complete assumption of the disability determination function from a State agency may not be earlier than 180 days after our finding of substantial failure, and not before compliance with the requirements of § 416.1092.

§ 416.1091 Assumption when State no longer wishes to perform the disability determination function.

(a) *Notice to the Secretary.* If a State no longer wishes to perform the disability determination function, it will notify us in writing. The notice must be from an official authorized to act for the State for this purpose. The State will provide an opinion from the State's Attorney General verifying the authority of the official who gave the notice.

(b) *Effective date of assumption.* The State agency will continue to perform whatever activities of the disability determination function it is performing at the time the notice referred to in paragraph (a) of this section is given for not less than 180 days or, if later, until we have complied with the requirements of § 416.1092. For example, if the State is not making disability determinations (because we previously assumed responsibility for making them) but is performing other activities related to the disability determination function at the time it gives notice, the State will continue to do these activities until the requirements of this paragraph are met. Thereafter, we will assume complete responsibility for performing the disability determination function.

§ 416.1092 Protection of State employees.

(a) *Hiring preference.* We will develop and initiate procedures to implement a plan to partially or completely assume the disability determination function from the State agency under § 416.1090 or § 416.1091, as appropriate. Except for the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent), we will give employees of the State agency who are

capable of performing duties in the disability determination function preference over any other persons in filling positions with us for which they are qualified. We may also give a preference in hiring to the State agency's administrator, deputy administrator, or assistant administrator (or his equivalent). We will establish a system for determining the hiring priority among the affected State agency employees in those instances where we are not hiring all of them.

(b) *Determination by Secretary of Labor.* We will not assume responsibility for performing the disability determination function from a State until the Secretary of Labor determines that the State has made fair and equitable arrangements under applicable Federal, State and local law to protect the interests of employees who will be displaced from their employment because of the assumption and who we will not hire.

§ 416.1093 Limitation on State expenditures after notice.

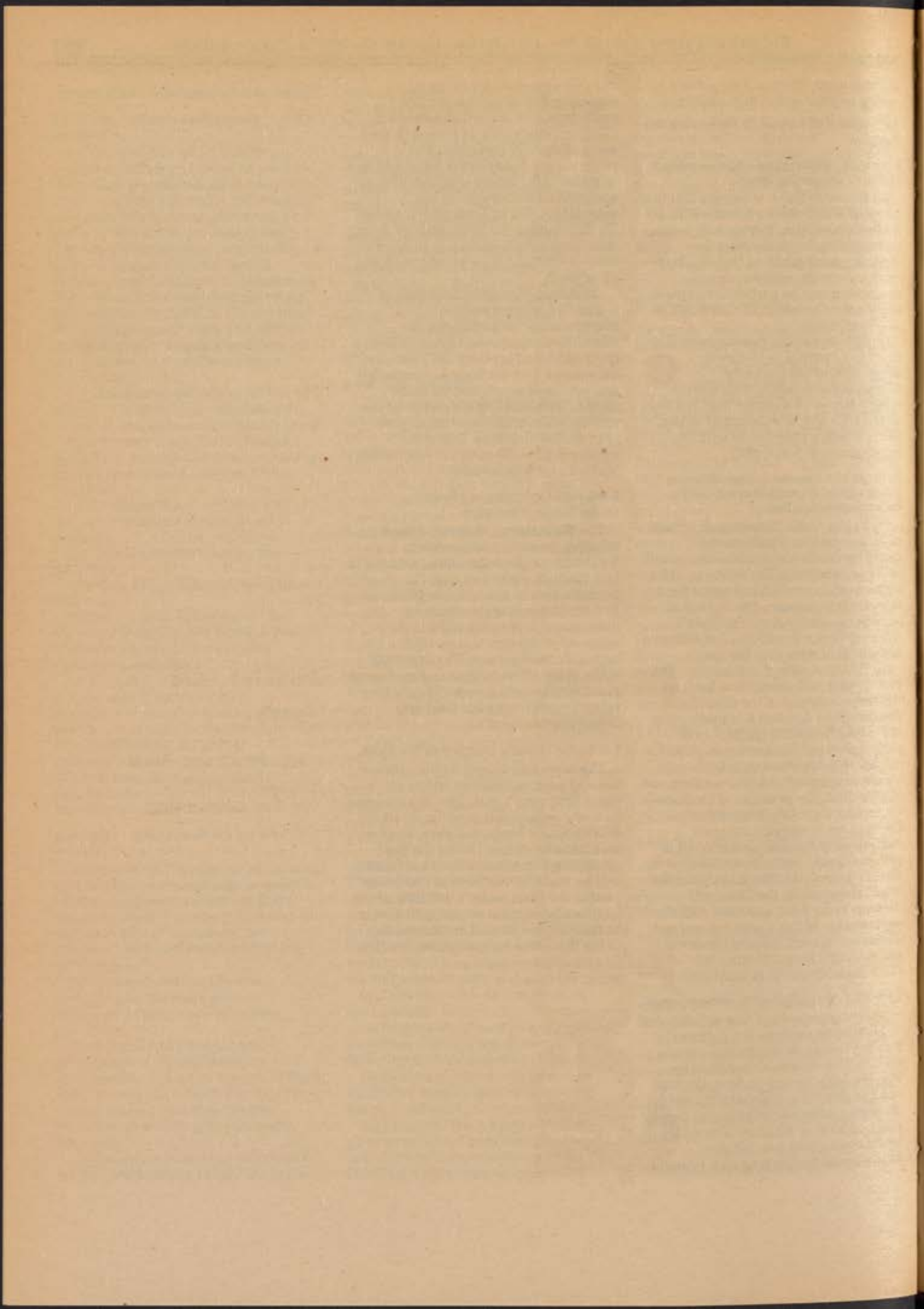
The State agency may not, after it receives the notice referred to in § 416.1090, or gives the notice referred to in § 416.1091, make any new commitments to spend funds allocated to it for performing the disability determination function without the approval of the appropriate SSA regional commissioner. The State will make every effort to close out as soon as possible all existing commitments that relate to performing the disability determination function.

§ 416.1094 Final accounting by the State.

The State will submit its final claims to us as soon as possible, but in no event later than 1 year from the effective date of our assumption of the disability determination function unless we grant an extension of time. When the final claim(s) is submitted, a final accounting will be made by the State of any funds paid to the State under § 416.1026 which have not been spent or committed prior to the effective date of our assumption of the disability determination function.

[FR Doc. 81-1542 Filed 1-15-81; 8:45 am]

BILLING CODE 4110-07-M



federal register

Friday
January 16, 1981

Part XVIII

Department of Education

**Arts in Education Program; Final
Regulations Announcement of
Applications for Noncompeting
Continuation Award**

DEPARTMENT OF EDUCATION

34 CFR Part 753

Arts in Education Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Arts in Education Act of 1978. These regulations replace the final regulations that were issued for the Act on April 3, 1980. They delete requirements that each project include cost sharing by the grantee, address at least four art forms, and have an advisory committee representative of community resources. Other changes are also made. These revised regulations are substantially shorter and less prescriptive than the earlier regulations. These regulations are redesignated from 45 CFR Part 161c to 34 CFR Part 753, and all section numbers are renumbered accordingly.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are transmitted to Congress several days before they are published in the Federal Register. The effective date is changed by statute if Congress takes certain adjournments. If you wish to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Harold Arberg, Director, of Arts and Humanities Staff, U.S. Department of Education, Room 3728 Donohoe Building, Washington, D.C. 20202. Telephone: (202) 472-7793.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) for the Arts in Education Act, published in the Federal Register on September 22, 1980 (45 FR 62856) contained background information on policy changes in the program and how the regulations are intended to work and invited public comment. The NPRM proposed to replace the final regulations issued on April 3, 1980 (45 FR 22742) as the result of the Secretary's conclusion that the purposes of the Act could be best achieved by shortening and simplifying the program regulations in response to the concerns raised. Most of the public responses support the proposed changes that have been made in these regulations. Some commenters requested clarification of allowable expenses. Several suggested specific changes in the regulations. A majority of the respondents commented on the three major changes proposed—deletion of the cost-sharing, "four arts," and

advisory committee requirements. Many addressed the Secretary's discretionary authority to assign points to specific funding priorities. Several commented on the proposed inclusion of geographic and programmatic diversity, and a number expressed a desire that the evaluation process include separate points for the States' review of local applications. Several of the commenters expressed the desire to return to former programmatic policy, i.e., "seed money" for SEAs and LEAs. Comments that resulted in alterations to the proposed regulations are discussed in paragraph A below; other comments requiring clarification or explanation follow in paragraph B.

A. Comments Resulting in Changes

§ 753.4 Definition of "rural or small community."

Comment. Several respondents expressed a concern that the proposed definition might exclude a typical applicant who may not fall within either the rural or the urban category under the proposed definitions.

Response. The definition has been modified to cover any applicant not included in the State or urban categories.

§ 753.11 What are the requirements regarding cooperation?

Comment. Several respondents opposed the requirement for intensive collaboration on the basis that they believed fewer programs would be funded and less money would be available directly to the SEAs and LEAs. Others favored this approach, which they felt would lead to more local involvement of resources and talent and would have more lasting impact. One commenter felt the regulations should be more specific on how the collaboration among agencies should be accomplished. Another commenter noted that the authorizing statute does not specifically require such arrangements.

Response. Section 753.11 has been deleted in order to remove any requirement concerning collaboration. However, collaboration is considered an important factor bearing on the quality of an application. The criterion in § 753.31(g) addresses it. School-community cooperation encourages maximum use of community resources and reduction of competing applications for scarce funds from the same community. This has been an important element of the Arts in Education Program since its inception. The issue of the number and size of awards is not addressed in these regulations but it

may be addressed in the annual application notice in the light of available appropriations.

§ 753.22 What are the requirements for State review of local applications?

Comment. One commenter expressed concern that § 753.22(a) and former § 753.22(b) could be interpreted as requiring States to have a State advisory council, when this is not required by the authorizing statute. Several commenters felt that the State Alliance for Arts Education Committee should serve this function. Many expressed a need for a governing body of some type.

Response. Section 753.22(a) has been amended to specify the Alliance for Arts Education Committee as an example of a State advisory council. Section 753.22(b) has been deleted to clarify that a State is not required to establish or designate an advisory council.

§ 753.30 How does the Secretary evaluate an application?

Comment. One commenter questioned the scope and rationale of § 753.30 (§ 161c.32(c) of the NPRM) concerning projects within the priorities of other agencies.

Response. The provision has been amended to clarify that the Secretary may decline to fund a project that comes within the priority of another Federal agency. The rationale is to avoid duplication and promote coordination with other Federal activities that support related purposes, so that taxpayers' funds are spent most efficiently.

§ 753.31 What selection criteria does the Secretary use?

Comment. One commenter stated that the law does not specify that projects must be innovative or new, nor does it require that they be comprehensive or that material be disseminated.

Response. The criterion related to new or innovative approaches, methods, and materials is necessary to comply with the purpose of title III, section 301 of the Education Amendments of 1978. The Arts in Education program will carry out projects that emphasize new or innovative approaches, methods, or materials. There is no longer a specific criterion on dissemination. The criterion regarding "comprehensive" projects has been modified to allow for more flexibility. As amended, it allows the Secretary, in judging the quality of an application, to consider whether the major arts are integrated into the curriculum. Dance, music, theater, and the visual arts are mentioned only as examples of the major arts. The criterion reflects research that shows that the

combination of multiple arts in an integrated program has the most effective impact on the overall elementary and secondary school curriculum.

§ 753.32 Are priorities for funding established?

Comment. Many respondents wanted to know how the Secretary will decide which of the designated funding areas should receive priority and how the public would be notified of priority decisions. One commenter asked what the rationale was for selecting these areas. Several expressed concern that the Secretary could override reviewers' or States' evaluations. Two States, one city, and one public school system favored the discretionary authority if it were used to make their agencies the priority for bonus points.

Response. These provisions have been amended to clarify how the funding categories would work, in accordance with the concerns expressed in the comments. The categories collectively encompass all eligible projects at the State or local level. They are designed to insure a fair competition between State-level, urban, and rural applications.

§ 753.33 What is the length of a project period?

Comment. Several respondents were interested in the regulations as they pertain to continuation awards. One expressed concern that school-community cooperation was a determining factor.

Response. The subject criterion on school-community collaboration with regard to continuation awards has been deleted. Coordination and cooperation are a criterion for all new awards, and it is unnecessary to have a separate criterion on this subject related to continuation awards.

§ 753.40 What are the limitations on costs?

Comment. One commenter asked if stipends to teachers for in-service training would be allowed.

Response. The word, "stipends," is misleading and has been deleted. Payments are allowable to teachers for in-service training.

Comment. One commenter asked why equipment is limited to 5% of the project costs.

Response. The 5% limitation has been deleted in the interest of greater program flexibility.

B. Response to Other Comments

The following comments did not result in changes in the regulations, either because the comments requested

provisions beyond the authority of the Act or concerned matters already addressed in the regulations. Commenters are referred to the proposed regulations, which present the basis and rationale for changes from previous regulations. Only comments considered to raise regulatory issues are discussed below.

§ 753.10 What are the required elements of an arts in education project?

Comment. One commenter felt that the language in § 753.10(a) should include vocation-oriented institutions.

Response. While the Act contains no limit on non-profit institutions that are eligible, the purpose of the Act is to integrate the arts into elementary and secondary school curricula. The regulations reflect these statutory provisions.

Comment. One-third of the respondents desired modification of § 753.10(b). Many felt that at least two of the arts should be required to avoid dependence on one teacher or administrator and to strengthen the curriculum as an aid to learning.

Response. Section 753.31(h) provides that in making a judgment as to the best applications, the Secretary may consider the degree to which the major arts are integrated into the regular curriculum. However, § 753.10 has not been amended to require a particular number of the arts in a project. The statute does not contain this requirement, and Congress objected to the provision in previous regulations requiring four major art forms in each project.

§ 753.22 What are the requirements for State review of local applications?

Comment. Several respondents wanted separate points to be assigned in the award process to State comments or rankings of local applications.

Response. State comments bearing on the published criteria will be carefully considered by the Secretary. However, the Secretary does not wish to prejudice or exclude an applicant from a State that may not have a specific mechanism in place to evaluate these applications, or that may choose not to evaluate them. No specific procedure is prescribed for State review.

§ 753.31 What selection criteria does the Secretary use?

Comment. One commenter argued that the geographic distribution criterion pits State against local applicants from the same State.

Response. The regulations contain no specific limit on the number of applications that may be funded in a particular State. However, it is

appropriate for the Secretary to consider geographic distribution in awarding limited funds. If a disproportionate number of applications were funded in particular States or regions, to the neglect of other parts of the country, this could detract from the national purposes of the Act.

Comment. Some commenters argued that deletion of the cost-sharing requirement may weaken local support of the project and result in increased competition for funds.

Response. Section 753.31(i) contains a criterion that allows the Secretary, in selecting the best applications, to consider the strength of local commitment and stability of the program following the Federal funding period. However, to avoid being overly prescriptive, the cost-sharing requirement has been deleted.

Comment. Many respondents believed that the deletion of the advisory committee requirement might weaken the project, make it less responsive to community needs and resources, and provide less collaboration among organizations involved. One believed that collaboration can weaken or dilute as well as strengthen.

Response. Section 753.31(g)(1) includes a criterion that allows the Secretary, in selecting the best applications, to consider coordination and collaboration. A specific method or strategy is not prescribed. § 753.11 has been deleted, and § 753.31(g) no longer provides for an advisory committee.

Comment. One respondent requested that the regulations clarify how the elderly are to be included in the project (§ 753.31 (a) and (b)). Another commenter applauded the spirit of equal opportunity in the proposed regulations.

Response. These provisions are derived from Department-wide criteria contained in the Education Department General Administrative Regulations (EDGAR). They would apply to the extent appropriate to a particular project. In elementary and secondary projects, the elderly might be included, for example, in in-service training or technical assistance activities.

Comment. One commenter urged that Congress intended private school children to be included in all programs for public school children under Title III of the Elementary and Secondary Education Act, and not only those controlled by SEAs and LEAs.

Response. These comments pertain to Department-wide provisions derived from EDGAR. The comments will be considered in any future amendments to EDGAR.

§ 753.32 Are priorities for funding established?

Comment. One respondent wanted a special category of grants to small urban systems.

Response. The change in the definition of "rural or small community" under § 753.4 clarifies that small urban systems are eligible to apply under the rural or small community category. See Subpart D, § 753.32, for how the Secretary will establish categories for funding.

§ 753.40 What are the limitations on cost?

Comment. One commenter asked that the regulations clarify the wording in § 753.40(a)(2) on unallowable expenses.

Response. The wording, "Salaries of regular, full-time instructional personnel" refers to teachers' salaries for regular classroom instruction. Payments may be made to part-time or substitute teachers or to regular teachers on released time to attend in-service training or to perform other project-related functions.

Citation of Legal Authority

A citation of statutory or other legal authority has been placed in parentheses on the line following each provision.

Dated: January 12, 1981.

Shirley M. Hufstetler,
Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.084, Arts Education Program)

The Secretary of Education amends Title 34 of the Code of Federal Regulations by adding a new Part 753 reading as follows:

PART 753—ARTS IN EDUCATION PROGRAM

Subpart A—General

Sec.

753.1 Arts in Education Program.

753.2 Eligible parties.

753.3 Regulations that apply to this program.

753.4 Definitions.

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

753.10 What are the required elements of an arts in education project?

Subpart C—How Does One Apply for a Grant?

753.20 What limitations apply to applicants?

753.21 What are the application requirements?

753.22 What are the requirements for State review of local applications?

Subpart D—How is a Grant Made?

753.30 How does the Secretary evaluate an application?

753.31 What selection criteria does the Secretary use?

753.32 Are priorities for funding established?

753.33 What is the length of a project period?

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

753.40 What are the limitations on costs?

Authority: Part C, Title III of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95-561, 92 Stat. 2212 (20 U.S.C. 2961).

Subpart A—General

§ 753.1 Arts in education program.

The Arts in Education Program assists in establishing, conducting or improving programs in which the arts are an integral part of elementary and secondary school curricula.

(20 U.S.C. 2962)

§ 753.2 Eligible parties.

(a) State educational agencies (SEAs), local educational agencies (LEAs), and public or private nonprofit agencies, organizations, and institutions are eligible to apply for grants.

(b) Agencies, organizations, and institutions may include, but are not limited to, libraries, museums, theaters, arts councils and centers, colleges and universities, performing arts groups, and parent, youth, and civic organizations.

(20 U.S.C. 2942, 2962)

§ 753.3 Regulations that apply to this program.

The following regulations apply to grants under the Arts in Education Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (General); and

(b) The regulations in this Part 753.

(20 U.S.C. 1221e-3, 2962)

§ 753.4 Definitions.

In addition to the definitions in 34 CFR Part 77 of EDGAR, the following definitions apply in these regulations:

"Arts" includes, but is not limited to, music, dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, and tape and sound recording; the presentation, performance, execution, and exhibition of these art forms; and the study and application of the arts to the human environment.

(20 U.S.C. 2961, 952(b), Pub. L. 89-209)

"Rural or small community" means a geographic area other than a State.

"Urban or large community" means a standard metropolitan statistical area (the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget).

(20 U.S.C. 2962, 3207)

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 753.10 What are the required elements of an arts in education project?

The Secretary assists an arts in education project only if it is designed to—

(a) Integrate one or more of the arts into the regular educational curricula of the schools served; and

(b) Provide opportunities for all students in the schools served to acquire skills and understanding in and through arts media.

(20 U.S.C. 2961, 2962)

Subpart C—How Does One Apply for a Grant?

§ 753.20 What limitations apply to applicants?

The Secretary approves no more than one project application from an applicant in a fiscal year, whether or not the application is filed jointly with that of other applicants.

(20 U.S.C. 1221e-3, 2962)

§ 753.21 What are the application requirements?

An applicant must demonstrate, on the application form furnished by the Secretary, that the proposed project meets the requirements of the Act and applicable regulations. An applicant should address each funding criterion.

Cross references:

EDGAR § 75.127-129 (Group applications).

EDGAR § 75.138-141 (Open meeting).

§ 302(b) of the ESEA, EDGAR § 75.650

(Participation of students in private schools).

(20 U.S.C. 1221e-3, 2962)

§ 753.22 What are the requirements for State review of local applications?

(a) The SEA, working with the State arts education advisory committee (such as the Alliance for Arts Education / Committee), if any, may review and comment on local applications.

(b) The local applicant must send a copy of its application to the SEA, at the same time it sends the application to the Secretary. The application must show that a copy was sent to the SEA.

(c) To ensure that its comments are considered in the application review, an

SEA should send its comments to the Secretary no later than 30 days after the closing date for receipt of applications.

(20 U.S.C. 1221e-3, 2962)

Subpart D—How is a Grant Made?

§ 753.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 753.31.

(b) The Secretary awards up to 100 possible points for these criteria.

(c) The maximum possible score for each complete criterion is indicated in parentheses.

(d) The Secretary may decline to approve applications that are within the funding priorities of other Federal agencies.

(20 U.S.C. 2962)

§ 753.31 What selection criteria does the Secretary use?

(a) *Plan of Operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(vi) If the applicant is a State or local educational agency, how the applicant will provide an opportunity for the participation of children in private schools.

(b) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590—Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (3 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Needs assessment.* (5 points)

The Secretary reviews each application for information that shows the extent to which the applicant—

(1) Identifies and analyzes, objectively and comprehensively, the need for arts education programs in the area to be served; and

(2) Establishes clear and measurable objectives that relate to the identified needs.

(g) *Coordination and collaboration.* (15 points)

(1) The quality of the applicant's plan to mobilize and coordinate activities of all agencies, organizations, and institutions involved. In judging this criterion, the Secretary considers the applicant's description of how and why each entity is cooperating in the project.

(2) The consistency with plans and activities previously carried out in arts education including the State plan for arts education, if any.

(3) The extent to which the applicant has developed and will employ effective methods, throughout the project period, for continuing consultation with the groups involved.

(h) *Arts integration.* (10 points)

The extent to which the project is designed to integrate the major arts (for example, dance, music, theater, and the visual arts) into the regular educational program of the schools served.

(i) *Commitment.* (15 points)

The extent to which the applicant's activities to make the arts an integral part of the elementary and secondary school curricula are likely to continue and expand when Federal assistance for the project ends.

(j) *Results.* (15 points)

(1) The extent to which the project is likely to result in new or innovative approaches, methods, or materials designed to achieve the purpose of the Act; and

(2) The likelihood that the materials to be developed by the project would be useful and effective for other potential users.

(k) *Special needs.* (10 points)

The extent to which the project is designed to serve the special needs of the handicapped, gifted, and underprivileged.

(l) *Diversity—geographic and programmatic.* To ensure geographic and programmatic diversity, the Secretary may add up to 10 points to the score of an application that will contribute to—

(1) An equitable geographic distribution of arts education programs throughout the United States in both urban and rural areas; and

(2) A variety in types of projects funded that collectively demonstrate diverse approaches to arts education.

(20 U.S.C. 2962)

§ 753.32 Are priorities for funding established?

(a) The Secretary funds projects in the following categories:

(1) State-wide projects;

(2) Urban or large community projects; and

(3) Rural or small community projects.

(b)(1) The Secretary decides annually how many grants to award in each category based on:

(i) The number of applications in each category;

(ii) The relative quality of the applications; and

(iii) The Secretary's goal to achieve a reasonable balance among projects funded in these categories.

(2) Through advance notice in the **Federal Register**, the Secretary may announce the distribution by category of previously funded projects eligible for non-competing continuation and its effect on new awards under paragraph (b)(1)(iii) of this section.

(20 U.S.C. 2962)

§ 753.33 What is the length of a project period?

(a) The Secretary usually approves a project for a maximum of three years. The budget period is twelve months.

(b) In deciding whether or not to make a continuation award within the approved project period, the Secretary considers the factors in § 75.253 of EDGAR.

(20 U.S.C. 1221e-3, 2962)

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

§ 753.40 What are the limitations on costs?

(a) A grantee may not use federal funds for—

(1) Direct student financial aid; or

(2) Salaries for regular, full-time instructional personnel.

(b) A grantee may use up to ten percent of total project costs for outside evaluation of the project.

(20 U.S.C. 2962)

[FR Doc. 81-1685 Filed 1-15-81; 9:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Arts in Education Program

AGENCY: Department of Education.

ACTION: Application notice.

Applications are invited for noncompeting continuation projects under the Arts in Education Program.

Authority for this program is contained in Part C of Title III of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561.

(20 U.S.C. 2961)

This program awards grants to State educational agencies (SEAs), local educational agencies (LEAs) and other public or private nonprofit agencies, organizations, and institutions.

The purpose of the awards is to establish or conduct programs in which the arts are an integral part of elementary and secondary school curricula.

Closing Date for Transmittal of Applications: To be assured of consideration for continued funding, an application for a noncompeting continuation award should be mailed or hand delivered by April 1, 1981.

Applications Delivered by Mail: An application for a noncompeting continuation award sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.084, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Available Funds: It is estimated that \$750,000 of FY 1981 funds will be available for continuation of 15 projects at the continuation level requested in the initial application. This estimate does not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms: Application forms and program information packages may be obtained by writing to the Arts and Humanities Staff, U.S. Department of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested.

Applicable Regulations: The following regulations apply under this program.

(a) Final regulations governing the Arts Education Program (34 CFR Part 753) published in this issue of the **Federal Register**.

(b) The Education Department General Administrative Regulations (EDGAR) redesignated in the **Federal Register** as 34 CFR Parts 75 (Direct Grant Programs) and 77 (General) on November 21, 1980 (45 FR 77368).

(c) The Administration of Grants Regulations in 34 CFR 74 published in the **Federal Register** on May 9, 1980 (45 FR 30856).

Further Information: For further information, contact the Arts and Humanities Staff, U.S. Department of Education (Room 3728, Donohoe Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472-7793.

(20 U.S.C. 2961)

(Catalog of Federal Domestic Assistance Program No. 80.084, Arts Education Program)

Dated: January 12, 1981.

F. James Rutherford,

Assistant Secretary for Educational Research and Improvement

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