



Why is GEPA Important to Federal Education Grants Management


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**The Future of the Federal Role in Education:
Bringing Clarity to Chaos**


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- Governs “Applicable Program”
 - Tydings Amendment
 - Contingent Extension of Programs
 - System of Payments
 - Appeals of State Actions
 - Regulatory Authority
 - Prohibiting Federal Control of Education

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- State Agency Monitoring
 - Single State Application
 - Single LEA Application
 - Retention of Records for Audit
 - FERPA
 - Prohibition on Federally Sponsored Tests
 - Enforcement
 - Statute of Limitation / Grantbacks



- GEPA enacted in 1968 as part of ESEA Amendments – Title IV
- Pub L 90-247



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- GEPA applies to “Applicable Program”
 - Any program for which Secretary or ED has administrative responsibility as provided by law
 - Section 400

Tydings Amendment (Section 421)

- Carryover Provision
 - Applicability → subject to specific limitations in program statutes
 - Changed from 24 months to 27 months in 1975
 - Carryover subject to new statute, regulation, program plan

What programs are subject to GEPA:

- a) ESEA, IDEA, Perkins, AEFLA;
- b) Only programs that specifically incorporate GEPA in the authorizing statute;
- c) All State-Administered programs;
- d) Programs for which the Secretary has administrative responsibility as provided by law.




Contingent Extension (Section 422)

Authorizations automatically extended

Payments (Section 423)



- Authorizes:
 1. Installment
 2. Advance
 3. Reimbursement




Appeal of SEA Action in State Administered Programs (Section 432)

- Recipients of pass-through funds may request a hearing within 30 days if:
 1. State disapproves local plan;
 2. State fails to provide 100% required;
 3. State orders repayment after audit; or
 4. State terminates assistance.

- If recipient aggrieved by failure of State to rescind action after appeal, recipient may appeal action to Secretary
- 432 (b)









LEAs/IHEs may appeal SEA actions under State Administered programs directly to the Secretary.

- a) True
- b) False
- c) True, only if the SEA fails to rescind its action

Regulations (Section 437)

- Regulations  “Generally applicable rule, regulation, guideline, interpretation or other requirement”
-  Prescribed by Secretary or ED
-  Legally binding effect
-  Must contain citation to federal statute

Prohibition Against Federal Control of Education (Section 438)

- No federal control over curriculum, program of instruction, administration, personnel of any education institution, or selection of textbooks



Labor Standards (Section 439)


- Applies Davis-Bacon Act to employees of contractors under applicable programs – prevailing wage rates



State Agency Monitoring


- Secretary “may” require monitoring plans for pass-throughs, including:
 1. Periodic visits
 2. Periodic audits
 3. Investigation of all complaints



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- In order to enforce federal regulations, State may:
 1. Withhold approval of local application
 2. Suspend payments
 3. Withhold payments
 - Section 440 (b)

Single State Application (Section 441)

- Key set of assurances (continuous in effect)
 - Compliance with statutes, regulations, program plans
 - Public control of funds
 - Monitoring and providing T/A
 - Correction of deficiencies
 - Fiscal control and accountability (fiduciary)
 - No purchase of equipment or computer software which results “in direct financial benefit to any organization representing interests of purchasing entity”



True or False. If a local is determined by the State to be in violation of the civil rights requirements (Title VI, Title IX, Section 504), the State may suspend payments:

- a) True
- b) False



Single Local Application (Section 442)

Very similar to State application



Records (Section 443)

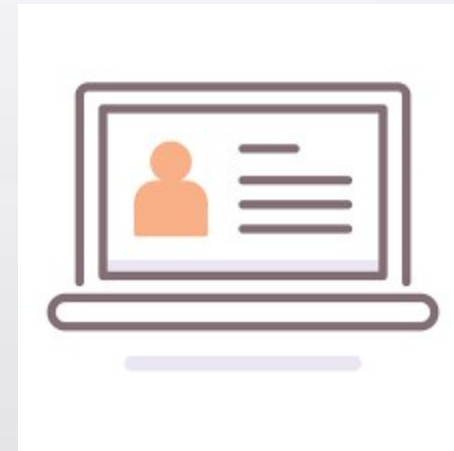
All recipients must maintain records for 3 years from the completion of the funded activity

What types of records?

- Amount and disposition of funds
- Total costs of the activity
- Federal share
- Records to facilitate an effective audit
- ED and Comptroller General shall have access, for purpose of audit examination

FERPA (Section 444)

- Student and parent access to records
- Prohibitions on permitting the release of education records or personally identifiable information





Prohibition on Federally Sponsored Testing (Section 447)

- No funds to ED may be used to pilot tests, field tests, or implement, administer, or distribute any test, unless specifically authorized



Enforcement (Part D)

- Establishes OALJ –
 - Recovery of funds
 - Withholding
 - Cease and desist
 - “Other proceedings designated by the Secretary”

Recipients must retain records for a period of:

- a) 5 years,
- b) 3 years,
- c) 6 years,
- d) forever.





Recovery of Funds (Secretary 452)

- Program Determination Letter (PDL) based on audit, monitoring, etc.
- 5-year Statute of Limitations

Measure of Recovery (Section 453)

- “Proportionate to the extent of the harm the violation caused to an identifiable federal interest”





Mitigating Circumstances (Section 443(b))

- When it is unjust to compel recovery because recipient reasonably relied on erroneous written guidance

Grantbacks (Section 459)

- Secretary “may” consider granting back up to 75% of recovered funds if practices / procedures have been corrected





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