



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

In the matter of

NORTH SLOPE BOROUGH
SCHOOL DISTRICT, ALASKA

Docket No. 90-47-I

Impact Aid Proceeding

CERTIFICATION OF DECISION

In the absence of specific regulatory guidance, the Secretary is inclined to adopt a broader definition of "submit" to include mailing. However, the lack of any substantial evidence establishing a mailing date would render such a holding irrelevant to the outcome of this case. The Secretary recognizes that the ruling by the Administrative Law Judge in this case might appear to be somewhat narrow; however, the Secretary believes himself to be without legal authority to ignore the specific provisions of 20 U.S.C. § 240 (d)(2)(C)(i). Therefore; the Initial Decision issued by Administrative Law Judge Allan C. Lewis on March 3, 1992, is hereby certified as the Final Decision of the Department.

So ordered this 19th day of August, 1992.

Lamar Alexander
Lamar Alexander

Washington, DC