

UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

In. Re:
SMITHVILLE R-II SCHOOL DISTRICT

Docket No. 91-4-I

Impact Aid Program

DECISION

On February 6, 1992, the undersigned rendered an initial decision in this matter. All findings of fact and conclusions of law of that decision are incorporated into this decision. The only issue in dispute in the case, according to the parties, is the validity of a regulation. Subsequent to that decision, the Secretary certified the initial decision in Lemont Township High School District #210, Docket No. 89-48-I, as the Final Decision of the Department. In Lemont, the Secretary held that an administrative law judge does not have the authority to overturn an established regulation of the Department.

By an order of the Secretary dated May 11, 1992, the initial decision of the undersigned was vacated. Further, I have been directed by the Secretary to take appropriate action consistent with his Lemont decision. I, therefore, find, in the above-captioned matter, that an administrative law judge has no authority to overturn an established regulation of the Department.

Daniel R. Shell
Administrative Law Judge

Date: May 18, 1992
Washington, D.C.