

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

**(35) Universal design**

The term “universal design” has the meaning given the term in section 3002 of title 29.

**(36) Ward of the State**

**(A) In general**

The term “ward of the State” means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency.

**(B) Exception**

The term does not include a foster child who has a foster parent who meets the definition of a parent in paragraph (23).

(Pub. L. 91-230, title VI, §602, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2652; amended Pub. L. 110-315, title IX, §941(k)(2)(C), Aug. 14, 2008, 122 Stat. 3466; Pub. L. 111-256, §2(b)(2), Oct. 5, 2010, 124 Stat. 2643.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in pars. (8)(A)(ii), (iii) and (10)(F), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. Part A of title I of the Act is classified generally to part A (§6311 et seq.) of subchapter I of chapter 70 of this title. Parts A and B of title III of the Act are classified generally to parts A (§6811 et seq.) and B (§6891 et seq.), respectively, of subchapter III of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (13), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Tribally Controlled Colleges and Universities Assistance Act of 1978, referred to in par. (17)(B), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

PRIOR PROVISIONS

A prior section 1401, Pub. L. 91-230, title VI, §602, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 42; amended Pub. L. 105-244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828, related to definitions of terms used in this chapter, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1401, Pub. L. 91-230, title VI, §602, Apr. 13, 1970, 84 Stat. 175; Pub. L. 94-142, §4(a), Nov. 29, 1975, 89 Stat. 775; Pub. L. 98-199, §§2, 3(b), Dec. 2, 1983, 97 Stat. 1357, 1358; Pub. L. 99-457, title IV, §402, Oct. 8, 1986, 100 Stat. 1172; Pub. L. 100-630, title I, §101(a), Nov. 7, 1988, 102 Stat. 3289; Pub. L. 101-476, title I, §101, title IX, §901(b)(10)-(20), Oct. 30, 1990, 104 Stat. 1103, 1142, 1143; Pub. L. 102-73, title VIII, §802(d)(1), July 25, 1991, 105 Stat. 361; Pub. L. 102-119, §§3, 25(a)(1), (b), Oct. 7, 1991, 105 Stat. 587, 605, 607; Pub. L. 103-382, title III, §391(f)(1), Oct. 20, 1994, 108 Stat. 4023, related to definitions of terms used in this chapter, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

AMENDMENTS

2010—Par. (3)(A)(i). Pub. L. 111-256, §2(b)(2)(A), substituted “with intellectual disabilities” for “with mental retardation”.

Par. (30)(C). Pub. L. 111-256, §2(b)(2)(B), substituted “of intellectual disabilities” for “of mental retardation”.

2008—Par. (17)(B). Pub. L. 110-315 substituted “college or university” for “community college” and “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

EFFECTIVE DATE

Section effective July 1, 2005, except that subparagraphs (C) through (F) of par. (10) of this section are effective Dec. 3, 2004, for purposes of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), see section 302(a) of Pub. L. 108-446, set out as a note under section 1400 of this title.

DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of this title.

**§ 1402. Office of Special Education Programs**

**(a) Establishment**

There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in the Department for administering and carrying out this chapter and other programs and activities concerning the education of children with disabilities.

**(b) Director**

The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

**(c) Voluntary and uncompensated services**

Notwithstanding section 1342 of title 31, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this chapter.

(Pub. L. 91-230, title VI, §603, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2659.)

PRIOR PROVISIONS

A prior section 1402, Pub. L. 91-230, title VI, §603, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 46, related to the Office of Special Education Programs, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1402, Pub. L. 91-230, title VI, §603, Apr. 13, 1970, 84 Stat. 177; Pub. L. 93-380, title VI, §612(a), Aug. 21, 1974, 88 Stat. 579; Pub. L. 98-199, §3(a), Dec. 2, 1983, 97 Stat. 1357; Pub. L. 101-476, title IX, §901(b)(21), Oct. 30, 1990, 104 Stat. 1143; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to the Office of Special Education Programs, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

**§ 1403. Abrogation of State sovereign immunity**

**(a) In general**

A State shall not be immune under the 11th amendment to the Constitution of the United