

(B) not less than \$80,000 in the case of an outlying area.

(4) Increase in amount

The Secretary may increase the amounts of grants under paragraph (4) to account for inflation.

(5) Factors

The Secretary shall determine the amount of a grant under paragraph (1) after considering—

(A) the amount of funds available for making the grants;

(B) the relative population of the State or outlying area;

(C) the types of activities proposed by the State or outlying area;

(D) the alignment of proposed activities with section 1412(a)(14) of this title;

(E) the alignment of proposed activities with the State plans and applications submitted under sections 6311 and 6612, respectively, of this title; and

(F) the use, as appropriate, of scientifically based research activities.

(d) Formula grants

(1) In general

Except as provided in paragraphs (2) and (3), for the first fiscal year for which the amount appropriated under section 1455 of this title, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is equal to or greater than \$100,000,000, and for each fiscal year thereafter, the Secretary shall allot to each State educational agency, whose application meets the requirements of this part, an amount that bears the same relation to the amount remaining as the amount the State received under section 1411(d) of this title for that fiscal year bears to the amount of funds received by all States (whose applications meet the requirements of this part) under section 1411(d) of this title for that fiscal year.

(2) Minimum allotments for States that received competitive grants

(A) In general

The amount allotted under this subsection to any State educational agency that received a competitive multi-year grant under subsection (c) for which the grant period has not expired shall be not less than the amount specified for that fiscal year in the State educational agency's grant award document under that subsection.

(B) Special rule

Each such State educational agency shall use the minimum amount described in subparagraph (A) for the activities described in the State educational agency's competitive grant award document for that year, unless the Secretary approves a request from the State educational agency to spend the funds on other activities.

(3) Minimum allotment

The amount of any State educational agency's allotment under this subsection for any fiscal year shall not be less than—

(A) the greater of \$500,000 or ½ of 1 percent of the total amount available under this subsection for that year, in the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) \$80,000, in the case of an outlying area.

(4) Direct benefit

In using grant funds allotted under paragraph (1), a State educational agency shall, through grants, contracts, or cooperative agreements, undertake activities that significantly and directly benefit the local educational agencies in the State.

(e) Continuation awards

(1) In general

Notwithstanding any other provision of this part, from funds appropriated under section 1455 of this title for each fiscal year, the Secretary shall reserve the amount that is necessary to make a continuation award to any State educational agency (at the request of the State educational agency) that received a multi-year award under this subchapter (as this subchapter was in effect on the day before December 3, 2004), to enable the State educational agency to carry out activities in accordance with the terms of the multi-year award.

(2) Prohibition

A State educational agency that receives a continuation award under paragraph (1) for any fiscal year may not receive any other award under this part for that fiscal year.

(Pub. L. 91-230, title VI, §651, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2765.)

PRIOR PROVISIONS

A prior section 1451, Pub. L. 91-230, title VI, §651, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 123, related to the findings and purposes of part A of former subchapter IV of this chapter, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1451, Pub. L. 91-230, title VI, §651, Apr. 13, 1970, 84 Stat. 186; Pub. L. 100-630, title I, §106(b), Nov. 7, 1988, 102 Stat. 3300; Pub. L. 101-476, title VI, §601, title IX, §901(b)(150), Oct. 30, 1990, 104 Stat. 1138, 1149; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to the purposes of former subchapter VI of this chapter, which included promoting general welfare of deaf and hard of hearing individuals and visually impaired individuals and educational advancement of individuals with disabilities, prior to repeal by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

EFFECTIVE DATE

Part effective July 1, 2005, see section 302(a) of Pub. L. 108-446, set out as a note under section 1400 of this title.

§ 1452. Eligibility and collaborative process

(a) Eligible applicants

A State educational agency may apply for a grant under this part for a grant period of not less than 1 year and not more than 5 years.

(b) Partners

(1) In general

In order to be considered for a grant under this part, a State educational agency shall es-

establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities, including—

- (A) not less than 1 institution of higher education; and
- (B) the State agencies responsible for administering subchapter III, early education, child care, and vocational rehabilitation programs.

(2) Other partners

In order to be considered for a grant under this part, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

- (A) the Governor;
- (B) parents of children with disabilities ages birth through 26;
- (C) parents of nondisabled children ages birth through 26;
- (D) individuals with disabilities;
- (E) parent training and information centers or community parent resource centers funded under sections 1471 and 1472 of this title, respectively;
- (F) community based and other nonprofit organizations involved in the education and employment of individuals with disabilities;
- (G) personnel as defined in section 1451(b) of this title;
- (H) the State advisory panel established under subchapter II;
- (I) the State interagency coordinating council established under subchapter III;
- (J) individuals knowledgeable about vocational education;
- (K) the State agency for higher education;
- (L) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;
- (M) other providers of professional development that work with infants, toddlers, preschoolers, and children with disabilities; and
- (N) other individuals.

(3) Required partner

If State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the State educational agency, the State educational agency shall—

- (A) include that individual, entity, or agency as a partner in the partnership under this subsection; and
- (B) ensure that any activities the State educational agency will carry out under this part that are within that partner's jurisdiction (which may include activities described in section 1454(b) of this title) are carried out by that partner.

(Pub. L. 91-230, title VI, § 652, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2767.)

PRIOR PROVISIONS

A prior section 1452, Pub. L. 91-230, title VI, § 652, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 124, related to eligibility and collaborative process, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1452, Pub. L. 91-230, title VI, § 652, Apr. 13, 1970, 84 Stat. 186; Pub. L. 93-380, title VI, § 620(1), Aug. 21, 1974, 88 Stat. 585; Pub. L. 94-482, title V, § 501(h), Oct. 12, 1976, 90 Stat. 2237; Pub. L. 98-199, § 3(b), Dec. 2, 1983, 97 Stat. 1358; Pub. L. 99-457, title III, § 315, Oct. 8, 1986, 100 Stat. 1171; Pub. L. 100-630, title I, § 106(c), Nov. 7, 1988, 102 Stat. 3300; Pub. L. 101-476, title VI, § 602, title IX, § 901(b)(151), (152), Oct. 30, 1990, 104 Stat. 1139, 1149; Pub. L. 102-119, § 25(b), Oct. 7, 1991, 105 Stat. 607, related to establishment of a loan service of captioned films, television, descriptive video, and educational media for individuals with disabilities, prior to repeal by Pub. L. 105-17, title II, § 203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

§ 1453. Applications

(a) In general

(1) Submission

A State educational agency that desires to receive a grant under this part shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

(2) State plan

The application shall include a plan that identifies and addresses the State and local needs for the personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

(A) is designed to enable the State to meet the requirements of section 1412(a)(14) of this title and section 1435(a)(8) and (9) of this title;

(B) is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel who serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

- (i) current and anticipated personnel vacancies and shortages; and
- (ii) the number of preservice and inservice programs; and

(C) is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.].

(3) Requirement

The State application shall contain an assurance that the State educational agency will carry out each of the strategies described in subsection (b)(4).

(b) Elements of State personnel development plan

Each State personnel development plan under subsection (a)(2) shall—

(1) describe a partnership agreement that is in effect for the period of the grant, which agreement shall specify—

(A) the nature and extent of the partnership described in section 1452(b) of this title