

amended Pub. L. 100-630, title I, §108(f), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, §901(b)(174)-(176), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§14, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to the individualized family service plan.

Section 1478, Pub. L. 91-230, title VI, §678, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1150; amended Pub. L. 100-630, title I, §108(g), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, §901(b)(177), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§15, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to contents of State application, statement of assurances, and approval process.

Section 1479, Pub. L. 91-230, title VI, §679, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1151; amended Pub. L. 100-630, title I, §108(h), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, §901(b)(178), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§16, 25(b), Oct. 7, 1991, 105 Stat. 598, 607, related to permissible uses of funds.

Section 1480, Pub. L. 91-230, title VI, §680, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1152; amended Pub. L. 100-630, title I, §108(i), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, §901(b)(179), (180), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§17, 25(b), Oct. 7, 1991, 105 Stat. 598, 607, related to procedural safeguards.

PART D—GENERAL PROVISIONS

§ 1481. Comprehensive plan for parts B and C

(a) Comprehensive plan

(1) In general

After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under parts B and C in order to enhance the provision of early intervention services, educational services, related services, and transitional services to children with disabilities under subchapters II and III. To the extent practicable, the plan shall be coordinated with the plan developed pursuant to section 9567b(c) of this title¹ and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State personnel development grants under part A and for grants under parts B and C.

(2) Public comment

The Secretary shall provide a public comment period of not less than 45 days on the plan.

(3) Distribution of funds

In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds awarded under parts B and C are used to carry out activities that benefit, directly or indirectly, children with the full range of disabilities and of all ages.

(4) Reports to Congress

The Secretary shall annually report to Congress on the Secretary's activities under parts B and C, including an initial report not later than 12 months after December 3, 2004.

(b) Assistance authorized

The Secretary is authorized to award grants to, or enter into contracts or cooperative agree-

ments with, eligible entities to enable the eligible entities to carry out the purposes of such parts in accordance with the comprehensive plan described in subsection (a).

(c) Special populations

(1) Application requirement

In making an award of a grant, contract, or cooperative agreement under part B or C, the Secretary shall, as appropriate, require an eligible entity to demonstrate how the eligible entity will address the needs of children with disabilities from minority backgrounds.

(2) Required outreach and technical assistance

Notwithstanding any other provision of this chapter, the Secretary shall reserve not less than 2 percent of the total amount of funds appropriated to carry out parts B and C for either or both of the following activities:

(A) Providing outreach and technical assistance to historically Black colleges and universities, and to institutions of higher education with minority enrollments of not less than 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this part.

(B) Enabling historically Black colleges and universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities, if the historically Black colleges and universities and the institutions of higher education described in subparagraph (A) meet the criteria established by the Secretary under this part.

(d) Priorities

The Secretary, in making an award of a grant, contract, or cooperative agreement under part B or C, may, without regard to the rulemaking procedures under section 553 of title 5, limit competitions to, or otherwise give priority to—

(1) projects that address 1 or more—
 (A) age ranges;
 (B) disabilities;
 (C) school grades;
 (D) types of educational placements or early intervention environments;
 (E) types of services;
 (F) content areas, such as reading; or
 (G) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community based educational settings;

(2) projects that address the needs of children based on the severity or incidence of their disability;

(3) projects that address the needs of—
 (A) low achieving students;
 (B) underserved populations;
 (C) children from low income families;
 (D) limited English proficient children;
 (E) unserved and underserved areas;
 (F) rural or urban areas;
 (G) children whose behavior interferes with their learning and socialization;
 (H) children with reading difficulties;
 (I) children in public charter schools;

¹ See References in Text note below.

(J) children who are gifted and talented; or
 (K) children with disabilities served by local educational agencies that receive payments under title VIII of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7701 et seq.];

(4) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

(5) projects that are carried out in particular areas of the country, to ensure broad geographic coverage;

(6) projects that promote the development and use of technologies with universal design, assistive technology devices, and assistive technology services to maximize children with disabilities' access to and participation in the general education curriculum; and

(7) any activity that is authorized in part B or C.

(e) Eligibility for financial assistance

No State or local educational agency, or other public institution or agency, may receive a grant or enter into a contract or cooperative agreement under part B or C that relates exclusively to programs, projects, and activities pertaining to children aged 3 through 5, inclusive, unless the State is eligible to receive a grant under section 1419(b) of this title.

(Pub. L. 91-230, title VI, §681, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2795.)

REFERENCES IN TEXT

Section 9567b(c) of this title, referred to in subsec. (a)(1), was in the original "section 178(c) of the Education Sciences Reform Act of 2002", meaning section 178(c) of Pub. L. 107-279, which was translated as reading section 177(c) of Pub. L. 107-279, to reflect the probable intent of Congress, because Pub. L. 107-279 does not contain a section 178 and section 177(c) of that Act requires development of a plan.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(3)(K), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title VIII of the Act is classified generally to subchapter VIII (§7701 et seq.) 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.

PRIOR PROVISIONS

A prior section 1481, Pub. L. 91-230, title VI, §681, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 146, related to congressional findings and purposes for subpart 2 of part B 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 1481, Pub. L. 91-230, title VI, §681, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1152; amended Pub. L. 100-630, title I, §108(j), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, §901(b)(181), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to nonsubstitution of funds to pay for services which would have been paid for from another source and construction of such provisions so as not to reduce other benefits, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

§ 1482. Administrative provisions

(a) Applicant and recipient responsibilities

(1) Development and assessment of projects

The Secretary shall require that an applicant for, and a recipient of, a grant, contract,

or cooperative agreement for a project under part B or C—

(A) involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the project; and

(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

(2) Additional responsibilities

The Secretary may require a recipient of a grant, contract, or cooperative agreement under part B or C to—

(A) share in the cost of the project;

(B) prepare any findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

(C) disseminate such findings and products; and

(D) collaborate with other such recipients in carrying out subparagraphs (B) and (C).

(b) Application management

(1) Standing panel

(A) In general

The Secretary shall establish and use a standing panel of experts who are qualified, by virtue of their training, expertise, or experience, to evaluate each application under part B or C that requests more than \$75,000 per year in Federal financial assistance.

(B) Membership

The standing panel shall include, at a minimum—

(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out high quality programs of personnel preparation;

(ii) individuals who design and carry out scientifically based research targeted to the improvement of special education programs and services;

(iii) individuals who have recognized experience and knowledge necessary to integrate and apply scientifically based research findings to improve educational and transitional results for children with disabilities;

(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

(vii) individuals who are parents of children with disabilities ages birth through 26 who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

(viii) individuals with disabilities.

(C) Term

No individual shall serve on the standing panel for more than 3 consecutive years.