

(c) Contracts and subgrants

A State educational agency that receives a grant under this part—

(1) shall award contracts or subgrants to local educational agencies, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out its State plan under this part; and

(2) may award contracts and subgrants to other public and private entities, including the lead agency under subchapter III, to carry out the State plan.

(d) Use of funds for professional development

A State educational agency that receives a grant under this part shall use—

(1) not less than 90 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (a); and

(2) not more than 10 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (b).

(e) Grants to outlying areas

Public Law 95-134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this part.

(Pub. L. 91-230, title VI, §654, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2770.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (b)(5), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

Public Law 95-134, referred to in subsec. (e), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, as amended. Provisions relating to consolidation of grants to the outlying areas are contained in section 501 of Pub. L. 95-134 which is classified to section 1469a of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

A prior section 1454, Pub. L. 91-230, title VI, §654, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 128, related to use of funds, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1454, Pub. L. 91-230, title VI, §653, formerly §654, Apr. 13, 1970, 84 Stat. 187; Pub. L. 93-380, title VI, §620(2), Aug. 21, 1974, 88 Stat. 585; Pub. L. 95-49, §6, June 17, 1977, 91 Stat. 231; Pub. L. 98-199, §13, Dec. 2, 1983, 97 Stat. 1374; renumbered §653 and amended Pub. L. 99-457, title III, §316, Oct. 8, 1986, 100 Stat. 1171; Pub. L. 101-476, title VI, §603, Oct. 30, 1990, 104 Stat. 1140, authorized appropriations, prior to repeal by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

§ 1455. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 2005 through 2010.

(Pub. L. 91-230, title VI, §655, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2774.)

PRIOR PROVISIONS

A prior section 1455, Pub. L. 91-230, title VI, §655, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat.

129, set out minimum State grant amounts, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

A prior section 1456, Pub. L. 91-230, title VI, §656, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 129, which authorized appropriations, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

PART B—PERSONNEL PREPARATION, TECHNICAL ASSISTANCE, MODEL DEMONSTRATION PROJECTS, AND DISSEMINATION OF INFORMATION

§ 1461. Purpose; definition of eligible entity

(a) Purpose

The purpose of this part is—

(1) to provide Federal funding for personnel preparation, technical assistance, model demonstration projects, information dissemination, and studies and evaluations, in order to improve early intervention, educational, and transitional results for children with disabilities; and

(2) to assist State educational agencies and local educational agencies in improving their education systems for children with disabilities.

(b) Definition of eligible entity

(1) In general

In this part, the term “eligible entity” means—

- (A) a State educational agency;
- (B) a local educational agency;
- (C) a public charter school that is a local educational agency under State law;
- (D) an institution of higher education;
- (E) a public agency not described in subparagraphs (A) through (D);
- (F) a private nonprofit organization;
- (G) an outlying area;
- (H) an Indian tribe or a tribal organization (as defined under section 450b of title 25); or
- (I) a for-profit organization, if the Secretary finds it appropriate in light of the purposes of a particular competition for a grant, contract, or cooperative agreement under this part.

(2) Special rule

The Secretary may limit which eligible entities described in paragraph (1) are eligible for a grant, contract, or cooperative agreement under this part to 1 or more of the categories of eligible entities described in paragraph (1).

(Pub. L. 91-230, title VI, §661, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2774.)

PRIOR PROVISIONS

A prior section 1461, Pub. L. 91-230, title VI, §661, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 130, related to administrative provisions, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1461, Pub. L. 91-230, title VI, §661, as added Pub. L. 99-457, title III, §317, Oct. 8, 1986, 100 Stat. 1172; amended Pub. L. 100-630, title I, §107(b), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title VII, §701, title IX, §901(b)(154)–(156), Oct. 30, 1990, 104 Stat. 1140, 1149; Pub. L. 102-119, §25(a)(15), (b), Oct. 7, 1991, 105 Stat. 606, 607, related to financial assistance for the purpose of advancing use of new technology, media, and

materials in education of students with disabilities and provision of related services and early intervention services to infants and toddlers with disabilities, prior to repeal by Pub. L. 105-17, title II, § 203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

Another prior section 1461, Pub. L. 91-230, title VI, § 661, Apr. 13, 1970, 84 Stat. 187; Pub. L. 93-380, title VI, § 621, Aug. 21, 1974, 88 Stat. 585; Pub. L. 98-199, § 3(b), Dec. 2, 1983, 97 Stat. 1358, related to research, training, and model centers respecting special programs for children with specific learning disabilities, providing in subsec. (a), Secretary's grant and contract authority, functions of model centers, and considerations governing making of contracts and grants; subsec. (b), other considerations in making awards, geographical distribution of training programs and trained personnel, and a model center in each State; and subsec. (c), appropriations authorization of \$10, \$20, and \$20 million dollars for fiscal years ending June 30, 1975 through 1977, respectively, prior to repeal by Pub. L. 98-199, § 14, Dec. 2, 1983, 97 Stat. 1374.

§ 1462. Personnel development to improve services and results for children with disabilities

(a) In general

The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to carry out 1 or more of the following objectives:

(1) To help address the needs identified in the State plan described in section 1453(a)(2) of this title for highly qualified personnel, as defined in section 1451(b) of this title, to work with infants or toddlers with disabilities, or children with disabilities, consistent with the qualifications described in section 1412(a)(14) of this title.

(2) To ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children.

(3) To encourage increased focus on academics and core content areas in special education personnel preparation programs.

(4) To ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom.

(5) To ensure that all special education teachers are highly qualified.

(6) To ensure that preservice and in-service personnel preparation programs include training in—

- (A) the use of new technologies;
- (B) the area of early intervention, educational, and transition services;
- (C) effectively involving parents; and
- (D) positive behavioral supports.

(7) To provide high-quality professional development for principals, superintendents, and other administrators, including training in—

- (A) instructional leadership;
- (B) behavioral supports in the school and classroom;
- (C) paperwork reduction;
- (D) promoting improved collaboration between special education and general education teachers;
- (E) assessment and accountability;
- (F) ensuring effective learning environments; and

(G) fostering positive relationships with parents.

(b) Personnel development; enhanced support for beginning special educators

(1) In general

In carrying out this section, the Secretary shall support activities—

(A) for personnel development, including activities for the preparation of personnel who will serve children with high incidence and low incidence disabilities, to prepare special education and general education teachers, principals, administrators, and related services personnel (and school board members, when appropriate) to meet the diverse and individualized instructional needs of children with disabilities and improve early intervention, educational, and transitional services and results for children with disabilities, consistent with the objectives described in subsection (a); and

(B) for enhanced support for beginning special educators, consistent with the objectives described in subsection (a).

(2) Personnel development

In carrying out paragraph (1)(A), the Secretary shall support not less than 1 of the following activities:

(A) Assisting effective existing, improving existing, or developing new, collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities that incorporate best practices and scientifically based research, where applicable, in providing special education and general education teachers, principals, administrators, and related services personnel with the knowledge and skills to effectively support students with disabilities, including—

- (i) working collaboratively in regular classroom settings;
- (ii) using appropriate supports, accommodations, and curriculum modifications;
- (iii) implementing effective teaching strategies, classroom-based techniques, and interventions to ensure appropriate identification of students who may be eligible for special education services, and to prevent the misidentification, inappropriate overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children;
- (iv) effectively working with and involving parents in the education of their children;

(v) utilizing strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom;

(vi) effectively constructing IEPs, participating in IEP meetings, and implementing IEPs;

(vii) preparing children with disabilities to participate in statewide assessments (with or without accommodations) and alternate assessments, as appropriate, and