

- (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 and the respective roles of each member of the partnership, including the partner described in section 1452(b)(3) of this title if applicable; and

(B) how the State educational agency will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

(2) describe how the strategies and activities described in paragraph (4) will be coordinated with activities supported with other public resources (including part B [subchapter II] and part C [subchapter III] funds retained for use at the State level for personnel and professional development purposes) and private resources;

(3) describe how the State educational agency will align its personnel development plan

under this part with the plan and application submitted under sections 1111 and 2101(d), respectively, of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311, 6611(d)];

(4) describe those strategies the State educational agency will use to address the professional development and personnel needs identified under subsection (a)(2) and how such strategies will be implemented, including—

(A) a description of the programs and activities to be supported under this part that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

(B) how such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 1462 of this title;

(5) provide an assurance that the State educational agency will provide technical assistance to local educational agencies to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

(6) provide an assurance that the State educational agency will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

(7) describe how the State educational agency will recruit and retain teachers who meet the qualifications described in section 1412(a)(14)(C) of this title and other qualified personnel in geographic areas of greatest need;

(8) describe the steps the State educational agency will take to ensure that poor and minority children are not taught at higher rates by teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title; and

(9) describe how the State educational agency will assess, on a regular basis, the extent to which the strategies implemented under this part have been effective in meeting the performance goals described in section 1412(a)(15) of this title.

**(c) Peer review**

**(1) In general**

The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 1451(c)(1) of this title.

**(2) Composition of panel**

A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

**(3) Payment of fees and expenses of certain members**

The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of panel members who are not employees of the Federal Government.

**(d) Reporting procedures**

Each State educational agency that receives a grant under this part shall submit annual per-

formance reports to the Secretary. The reports shall—

(1) describe the progress of the State educational agency in implementing its plan;

(2) analyze the effectiveness of the State educational agency's activities under this part and of the State educational agency's strategies for meeting its goals under section 1412(a)(15) of this title; and

(3) identify changes in the strategies used by the State educational agency and described in subsection (b)(4), if any, to improve the State educational agency's performance.

(Pub. L. 91-230, title VI, § 653, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2768; amended Pub. L. 114-95, title IX, §§ 9214(d)(3), 9215(ss)(7), Dec. 10, 2015, 129 Stat. 2165, 2183.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) 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 Rehabilitation Act of 1973, referred to in subsec. (a)(2)(C), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 1453, Pub. L. 91-230, title VI, § 653, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 125, related to grant applications, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1453, Pub. L. 91-230, title VI, § 653, Apr. 13, 1970, 84 Stat. 187; Pub. L. 94-142, § 6(b), Nov. 29, 1975, 89 Stat. 795; Pub. L. 99-386, title II, § 204, Aug. 22, 1986, 100 Stat. 823, related to establishment and operation of centers on educational media and materials for handicapped, prior to repeal by Pub. L. 99-457, title III, § 316, Oct. 8, 1986, 100 Stat. 1171.

AMENDMENTS

2015—Subsec. (b)(3). Pub. L. 114-95, § 9215(ss)(7), substituted “and 2101(d),” for “and 2112.”

Subsec. (b)(7). Pub. L. 114-95, § 9214(d)(3)(A), substituted “teachers who meet the qualifications described in section 1412(a)(14)(C) of this title” for “highly qualified teachers”.

Subsec. (b)(8). Pub. L. 114-95, § 9214(d)(3)(B), substituted “teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title” for “teachers who are not highly qualified”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

**§ 1454. Use of funds**

**(a) Professional development activities**

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