

ational agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local educational agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged 3 through 5 residing in the areas the other local educational agencies serve.

(h) Subchapter III inapplicable

Subchapter III does not apply to any child with a disability receiving a free appropriate public education, in accordance with this subchapter, with funds received under this section.

(i) State defined

In this section, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(j) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 91-230, title VI, §619, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2740.)

PRIOR PROVISIONS

A prior section 1419, Pub. L. 91-230, title VI, §619, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 102, related to preschool grants, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1419, Pub. L. 91-230, title VI, §619, as added Pub. L. 94-142, §5(a), Nov. 29, 1975, 89 Stat. 793; amended Pub. L. 98-199, §§3(b), 9, Dec. 2, 1983, 97 Stat. 1358, 1363; Pub. L. 99-457, title II, §201(a), Oct. 8, 1986, 100 Stat. 1155; Pub. L. 100-630, title I, §102(i), Nov. 7, 1988, 102 Stat. 3296; Pub. L. 101-476, title IX, §901(b)(79)-(93), Oct. 30, 1990, 104 Stat. 1145, 1146; Pub. L. 102-119, §§7, 25(b), Oct. 7, 1991, 105 Stat. 591, 607, related to preschool grants, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

A prior section 1420, Pub. L. 91-230, title VI, §620, as added Pub. L. 94-142, §5(a), Nov. 29, 1975, 89 Stat. 793; amended Pub. L. 98-199, §3(b), Dec. 2, 1983, 97 Stat. 1358, which related to payments to States and distribution by States to local educational agencies and intermediate educational units, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

Prior sections 1421 to 1427, which comprised former subchapter III of this chapter, were repealed by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

Section 1421, Pub. L. 91-230, title VI, §621, Apr. 13, 1970, 84 Stat. 181; Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983, 97 Stat. 1358, 1363; Pub. L. 99-457, title III, §301, Oct. 8, 1986, 100 Stat. 1159; Pub. L. 100-630, title I, §103(b), Nov. 7, 1988, 102 Stat. 3296; Pub. L. 101-476, title III, §301, title IX, §901(b)(95)-(99), Oct. 30, 1990, 104 Stat. 1117, 1146; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to establishment and operation of regional and Federal resource centers.

Section 1422, Pub. L. 91-230, title VI, §622, Apr. 13, 1970, 84 Stat. 182; Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983, 97 Stat. 1358, 1364; Pub. L. 99-457, title III, §302, Oct. 8, 1986, 100 Stat. 1160; Pub. L. 100-630, title I, §103(c), Nov. 7, 1988, 102 Stat. 3297; Pub. L. 101-476, title III, §302, Oct. 30, 1990, 104 Stat. 1118; Pub. L. 102-119, §25(a)(8), Oct. 7, 1991, 105 Stat. 606; Pub. L. 103-382, title III, §391(f)(3), Oct. 20, 1994, 108 Stat. 4023, related to services for deaf-blind children and youth.

Section 1423, Pub. L. 91-230, title VI, §623, Apr. 13, 1970, 84 Stat. 183; Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983,

97 Stat. 1358, 1365; Pub. L. 99-457, title III, §303, Oct. 8, 1986, 100 Stat. 1161; Pub. L. 100-630, title I, §103(d), Nov. 7, 1988, 102 Stat. 3297; Pub. L. 101-476, title III, §303, title IX, §901(b)(100)-(106), Oct. 30, 1990, 104 Stat. 1121, 1146, 1147; Pub. L. 102-119, §§8, 25(a)(9), (b), Oct. 7, 1991, 105 Stat. 592, 606, 607, related to early education for children with disabilities.

Section 1424, Pub. L. 91-230, title VI, §624, Apr. 13, 1970, 84 Stat. 183; Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983, 97 Stat. 1358, 1366; Pub. L. 99-457, title III, §304, Oct. 8, 1986, 100 Stat. 1162; Pub. L. 100-630, title I, §103(e), Nov. 7, 1988, 102 Stat. 3297; Pub. L. 101-476, title III, §304, title IX, §901(b)(107)-(110), Oct. 30, 1990, 104 Stat. 1122, 1147; Pub. L. 102-119, §25(a)(10), (b), Oct. 7, 1991, 105 Stat. 606, 607, related to programs for children with severe disabilities.

Section 1424a, Pub. L. 91-230, title VI, §625, as added Pub. L. 93-380, title VI, §616, Aug. 21, 1974, 88 Stat. 584; amended Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983, 97 Stat. 1358, 1367; Pub. L. 99-457, title III, §305, Oct. 8, 1986, 100 Stat. 1162; Pub. L. 100-630, title I, §103(f), Nov. 7, 1988, 102 Stat. 3297; Pub. L. 101-476, title III, §305, title IX, §901(b)(111)-(118), Oct. 30, 1990, 104 Stat. 1123, 1147; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607; Pub. L. 102-421, title II, §201(a), Oct. 16, 1992, 106 Stat. 2164, related to programs of postsecondary, vocational, technical, continuing, or adult education for individuals with disabilities.

Section 1425, Pub. L. 91-230, title VI, §626, formerly §625, Apr. 13, 1970, 84 Stat. 183, renumbered §626, Pub. L. 93-380, title VI, §616, Aug. 21, 1974, 88 Stat. 584; amended Pub. L. 98-199, §§3(b), 10, Dec. 2, 1983, 97 Stat. 1358, 1367; Pub. L. 99-457, title III, §306, Oct. 8, 1986, 100 Stat. 1163; Pub. L. 100-630, title I, §103(g), Nov. 7, 1988, 102 Stat. 3298; Pub. L. 101-476, title III, §306, title IX, §901(b)(119)-(127), Oct. 30, 1990, 104 Stat. 1124, 1147, 1148; Pub. L. 102-119, §25(a)(11), (b), Oct. 7, 1991, 105 Stat. 606, 607, related to secondary education and transitional services for youth with disabilities.

Section 1426, Pub. L. 91-230, title VI, §627, formerly §626, Apr. 13, 1970, 84 Stat. 184, renumbered §627 and amended Pub. L. 93-380, title VI, §§616, 617, Aug. 21, 1974, 88 Stat. 584; Pub. L. 95-49, §2, June 17, 1977, 91 Stat. 230; Pub. L. 98-199, §10, Dec. 2, 1983, 97 Stat. 1368; Pub. L. 101-476, title III, §307, Oct. 30, 1990, 104 Stat. 1127, related to programs for children and youth with serious emotional disturbance.

Section 1427, Pub. L. 91-230, title VI, §628, as added Pub. L. 98-199, §10, Dec. 2, 1983, 97 Stat. 1368; amended Pub. L. 99-457, title III, §307, Oct. 8, 1986, 100 Stat. 1165; Pub. L. 101-476, title III, §308, Oct. 30, 1990, 104 Stat. 1128, authorized appropriations.

PRESCHOOL GRANTS

Pub. L. 100-630, title I, §110, Nov. 7, 1988, 102 Stat. 3303, as amended by Pub. L. 101-476, title IX, §901(a)(3), Oct. 30, 1990, 104 Stat. 1142, provided that: “The provisions of section 300.300(b)(3) of title 34, Code of Federal Regulations, shall not apply with respect to children aged 3 through 5, inclusive, in any State for any fiscal year for which the State receives a grant under section 619(a)(1) of the Individuals with Disabilities Education Act [20 U.S.C. 1419(a)(1)].”

SUBCHAPTER III—INFANTS AND TODDLERS WITH DISABILITIES

§ 1431. Findings and policy

(a) Findings

Congress finds that there is an urgent and substantial need—

(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child’s first 3 years of life;

(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

(3) to maximize the potential for individuals with disabilities to live independently in society;

(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and infants and toddlers in foster care.

(b) Policy

It is the policy of the United States to provide financial assistance to States—

(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

(3) to enhance State capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

(Pub. L. 91-230, title VI, §631, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2744.)

PRIOR PROVISIONS

A prior section 1431, Pub. L. 91-230, title VI, §631, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 106, set out findings and policy, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1431, Pub. L. 91-230, title VI, §631, Apr. 13, 1970, 84 Stat. 184; Pub. L. 98-199, §§3(b), 11, Dec. 2, 1983, 97 Stat. 1358, 1369; Pub. L. 99-457, title III, §308, Oct. 8, 1986, 100 Stat. 1165; Pub. L. 100-630, title I, §104(b), Nov. 7, 1988, 102 Stat. 3298; Pub. L. 101-476, title IV, §401, title IX, §901(b)(129)-(142), Oct. 30, 1990, 104 Stat. 1129, 1148; Pub. L. 102-119, §§9(a), (b), 25(a)(12), (b), Oct. 7, 1991, 105 Stat. 593, 594, 606, 607; Pub. L. 102-421, title II, §202, Oct. 16, 1992, 106 Stat. 2165; Pub. L. 102-569, title IX, §912(a), Oct. 29, 1992, 106 Stat. 4486; Pub. L. 103-73, title III, §302, Aug. 11, 1993, 107 Stat. 736; Pub. L. 103-218, title IV, §401, Mar. 9, 1994, 108 Stat. 95, related to grants for personnel training, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

EFFECTIVE DATE

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

§ 1432. Definitions

In this subchapter:

(1) At-risk infant or toddler

The term “at-risk infant or toddler” means an individual under 3 years of age who would

be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

(2) Council

The term “council” means a State interagency coordinating council established under section 1441 of this title.

(3) Developmental delay

The term “developmental delay”, when used with respect to an individual residing in a State, has the meaning given such term by the State under section 1435(a)(1) of this title.

(4) Early intervention services

The term “early intervention services” means developmental services that—

(A) are provided under public supervision;

(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

(C) are designed to meet the developmental needs of an infant or toddler with a disability, as identified by the individualized family service plan team, in any 1 or more of the following areas:

(i) physical development;

(ii) cognitive development;

(iii) communication development;

(iv) social or emotional development; or

(v) adaptive development;

(D) meet the standards of the State in which the services are provided, including the requirements of this subchapter;

(E) include—

(i) family training, counseling, and home visits;

(ii) special instruction;

(iii) speech-language pathology and audiology services, and sign language and cued language services;

(iv) occupational therapy;

(v) physical therapy;

(vi) psychological services;

(vii) service coordination services;

(viii) medical services only for diagnostic or evaluation purposes;

(ix) early identification, screening, and assessment services;

(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

(xi) social work services;

(xii) vision services;

(xiii) assistive technology devices and assistive technology services; and

(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

(F) are provided by qualified personnel, including—

(i) special educators;

(ii) speech-language pathologists and audiologists;

(iii) occupational therapists;

(iv) physical therapists;

(v) psychologists;