

(6) Prohibited uses of funds

None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

(c) State allotments**(1) In general**

Except as provided in paragraphs (2) and (3), from the funds remaining for each fiscal year after the reservation and payments under subsections (a), (b), and (e), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

(2) Minimum allotments

Except as provided in paragraph (3), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

- (A) $\frac{1}{2}$ of 1 percent of the remaining amount described in paragraph (1); or
- (B) \$500,000.

(3) Ratable reduction**(A) In general**

If the sums made available under this subchapter for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

(B) Additional funds

If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis the allotments were reduced.

(4) Definitions

In this subsection—

- (A) the terms “infants” and “toddlers” mean children under 3 years of age; and
- (B) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) Reallocation of funds

If a State elects not to receive its allotment under subsection (c), the Secretary shall reallocate, among the remaining States, amounts from such State in accordance with such subsection.

(e) Reservation for State incentive grants**(1) In general**

For any fiscal year for which the amount appropriated pursuant to the authorization of appropriations under section 1444 of this title exceeds \$460,000,000, the Secretary shall reserve 15 percent of such appropriated amount to provide grants to States that are carrying out the policy described in section 1435(c) of this title in order to facilitate the implementation of such policy.

(2) Amount of grant**(A) In general**

Notwithstanding paragraphs (2) and (3) of subsection (c), the Secretary shall provide a

grant to each State under paragraph (1) in an amount that bears the same ratio to the amount reserved under such paragraph as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States receiving grants under such paragraph.

(B) Maximum amount

No State shall receive a grant under paragraph (1) for any fiscal year in an amount that is greater than 20 percent of the amount reserved under such paragraph for the fiscal year.

(3) Carryover of amounts**(A) First succeeding fiscal year**

Pursuant to section 1225(b) of this title, amounts under a grant provided under paragraph (1) that are not obligated and expended prior to the beginning of the first fiscal year succeeding the fiscal year for which such amounts were appropriated shall remain available for obligation and expenditure during such first succeeding fiscal year.

(B) Second succeeding fiscal year

Amounts under a grant provided under paragraph (1) that are not obligated and expended prior to the beginning of the second fiscal year succeeding the fiscal year for which such amounts were appropriated shall be returned to the Secretary and used to make grants to States under section 1433 of this title (from their allotments under this section) during such second succeeding fiscal year.

(Pub. L. 91-230, title VI, §643, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2760.)

REFERENCES IN TEXT

Public Law 95-134, referred to in subsec. (a)(2), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, as amended. Provisions relating to consolidation of grants 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 1443, Pub. L. 91-230, title VI, §643, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 118, related to allocation of funds, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1443, Pub. L. 91-230, title VI, §643, Apr. 13, 1970, 84 Stat. 185; Pub. L. 98-199, §§3(b), 12, Dec. 2, 1983, 97 Stat. 1358, 1373; Pub. L. 99-457, title III, §313, Oct. 8, 1986, 100 Stat. 1170; Pub. L. 100-630, title I, §105(c), Nov. 7, 1988, 102 Stat. 3299; Pub. L. 101-476, title IX, §901(b)(145), (146), Oct. 30, 1990, 104 Stat. 1149; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to requirement of the Secretary to convene panels of experts to evaluate proposals for projects, prior to repeal by Pub. L. 101-476, title V, §§503, 1001, Oct. 30, 1990, 104 Stat. 1138, 1151, effective Oct. 1, 1990.

§ 1444. Authorization of appropriations

For the purpose of carrying out this subchapter, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2005 through 2010.

(Pub. L. 91-230, title VI, §644, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2763.)

PRIOR PROVISIONS

A prior section 1444, Pub. L. 91-230, title VI, §644, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 121; amended Pub. L. 106-402, title IV, §401(b)(1), Oct. 30, 2000, 114 Stat. 1737; Pub. L. 108-173, title IX, §900(e)(6)(C), Dec. 8, 2003, 117 Stat. 2373, which related to the Federal Interagency Coordinating Council, was repealed, as such section was in effect on the day before Dec. 3, 2004, by Pub. L. 108-446, title III, §304, Dec. 3, 2004, 118 Stat. 2804.

Another prior section 1444, Pub. L. 91-230, title VI, §643, formerly §644, Apr. 13, 1970, 84 Stat. 186; Pub. L. 93-380, title VI, §619, Aug. 21, 1974, 88 Stat. 585; Pub. L. 95-49, §5, June 17, 1977, 91 Stat. 231; Pub. L. 98-199, §12, Dec. 2, 1983, 97 Stat. 1374; Pub. L. 99-457, title III, §314, Oct. 8, 1986, 100 Stat. 1171; renumbered §643 and amended Pub. L. 101-476, title V, §§503, 504, title IX, §901(b)(147), (148), Oct. 30, 1990, 104 Stat. 1138, 1149; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, authorized appropriations, prior to repeal by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

A prior section 1445, Pub. L. 91-230, title VI, §645, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 123, which authorized appropriations, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

**SUBCHAPTER IV—NATIONAL ACTIVITIES
TO IMPROVE EDUCATION OF CHILDREN
WITH DISABILITIES**

§ 1450. Findings

Congress finds the following:

(1) The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities, enabling those children to lead productive and independent adult lives.

(2) Systemic change benefiting all students, including children with disabilities, requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations to develop and implement comprehensive strategies that improve educational results for children with disabilities.

(3) State educational agencies, in partnership with local educational agencies, parents of children with disabilities, and other individuals and organizations, are in the best position to improve education for children with disabilities and to address their special needs.

(4) An effective educational system serving students with disabilities should—

(A) maintain high academic achievement standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that all children with disabilities have the opportunity to achieve those standards and goals;

(B) clearly define, in objective, measurable terms, the school and post-school results that children with disabilities are expected to achieve; and

(C) promote transition services and coordinate State and local education, social, health, mental health, and other services, in addressing the full range of student needs,

particularly the needs of children with disabilities who need significant levels of support to participate and learn in school and the community.

(5) The availability of an adequate number of qualified personnel is critical—

(A) to serve effectively children with disabilities;

(B) to assume leadership positions in administration and direct services;

(C) to provide teacher training; and

(D) to conduct high quality research to improve special education.

(6) High quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children.

(7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.

(8) Continued support is essential for the development and maintenance of a coordinated and high quality program of research to inform successful teaching practices and model curricula for educating children with disabilities.

(9) Training, technical assistance, support, and dissemination activities are necessary to ensure that subchapters II and III are fully implemented and achieve high quality early intervention, educational, and transitional results for children with disabilities and their families.

(10) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

(11) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in—

(A) playing a vital role in creating and preserving constructive relationships between parents of children with disabilities and schools by facilitating open communication between the parents and schools; encouraging dispute resolution at the earliest possible point in time; and discouraging the escalation of an adversarial process between the parents and schools;

(B) ensuring the involvement of parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

(C) achieving high quality early intervention, educational, and transitional results for children with disabilities;

(D) providing such parents information on their rights, protections, and responsibilities under this chapter to ensure improved early intervention, educational, and transitional results for children with disabilities;