

standard established by the Secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

(C) Print instructional materials

The term “print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by students in the classroom.

(D) Specialized formats

The term “specialized formats” has the meaning given the term in section 121(d)(3) of title 17.

(4) Applicability

This subsection shall apply to print instructional materials published after the date on which the final rule establishing the National Instructional Materials Accessibility Standard was published in the Federal Register.

(5) Liability of the Secretary

Nothing in this subsection shall be construed to establish a private right of action against the Secretary for failure to provide instructional materials directly, or for failure by the National Instructional Materials Access Center to perform the duties of such center, or to otherwise authorize a private right of action related to the performance by such center, including through the application of the rights of children and parents established under this chapter.

(6) Inapplicability

Subsections (a) through (d) shall not apply to this subsection.

(Pub. L. 91-230, title VI, §674, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2792.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(3)(A), (5), was in the original “this Act” and was translated as reading “this title”, meaning title VI of Pub. L. 91-230, as amended, which enacted this chapter, to reflect the probable intent of Congress.

“An Act to provide books for the adult blind”, approved March 3, 1931, referred to in subsec. (e)(3)(A), is act Mar. 3, 1931, ch. 400, 46 Stat. 1487, as amended, which is classified generally to sections 135a and 135b of Title 2, The Congress. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 1474, Pub. L. 91-230, title VI, §674, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 143, related to studies and evaluations, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1474, Pub. L. 91-230, title VI, §674, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1147, related to general eligibility, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

§ 1475. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be nec-

essary for each of the fiscal years 2005 through 2010.

(Pub. L. 91-230, title VI, §675, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2795.)

PRIOR PROVISIONS

Prior sections 1475 to 1480 were repealed by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

Section 1475, Pub. L. 91-230, title VI, §675, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, §108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, §901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, §10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to continuing eligibility.

Section 1476, Pub. L. 91-230, title VI, §675, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, §108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, §901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, §10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to the minimum components for a statewide system providing early intervention services to infants and toddlers with disabilities and their families.

Section 1477, Pub. L. 91-230, title VI, §677, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1149; 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

¹ See References in Text note below.

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 agreements 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;

(J) children who are gifted and talented; or

(K) children with disabilities served by local educational agencies that receive payments under title VII 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; amended Pub. L. 114-95, title IX, §9215(ss)(11), Dec. 10, 2015, 129 Stat. 2183.)

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. Title VII of the Act is classified generally to subchapter VII (§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.

AMENDMENTS

2015—Subsec. (d)(3)(K). Pub. L. 114-95 substituted “payments under title VII of the Elementary and Secondary Education Act of 1965;” for “payments under title VIII of the Elementary and Secondary Education Act of 1965;”.

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.

§ 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.

(2) Peer-review panels for particular competitions

(A) Composition

The Secretary shall ensure that each subpanel selected from the standing panel that reviews an application under part B or C includes—

(i) individuals with knowledge and expertise on the issues addressed by the activities described in the application; and

(ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

(B) Federal employment limitation

A majority of the individuals on each subpanel that reviews an application under part B or C shall be individuals who are not employees of the Federal Government.

(3) Use of discretionary funds for administrative purposes

(A) Expenses and fees of non-Federal panel members

The Secretary may use funds available under part B or C to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.