

(3) Secretary's responsibility

The Secretary—

(A) shall ensure that individuals described in paragraph (1) comply with the requirements of that paragraph; and

(B) may use not more than 0.5 percent of the funds appropriated under subsection (i) for each fiscal year, to carry out subparagraph (A), in addition to any other funds that are available for that purpose.

(i) Authorization of appropriations

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

(Pub. L. 91-230, title VI, §662, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2774; amended Pub. L. 114-95, title IX, §§9214(d)(4)(C), 9215(ss)(9), Dec. 10, 2015, 129 Stat. 2165, 2183.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(2)(A)(vii), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, 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.

PRIOR PROVISIONS

A prior section 1462, Pub. L. 91-230, title VI, §662, as added Pub. L. 99-457, title III, §317, Oct. 8, 1986, 100 Stat. 1172; amended Pub. L. 101-476, title VII, §702, Oct. 30, 1990, 104 Stat. 1141, 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 662 of Pub. L. 91-230, title VI, Apr. 13, 1970, 84 Stat. 188, eff. July 1, 1971, repealed sections 611 to 618, 621 to 624, and 871 to 880a of this title, and sections 2491 to 2494 and 2698 to 2698b of Title 42, The Public Health and Welfare, and amended section 676 of this title, prior to repeal by Pub. L. 98-199, §14, Dec. 2, 1983, 97 Stat. 1374.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-95, §9214(d)(4)(C)(i)(I), substituted “personnel, as defined in section 1451(b) of this title, who meet the applicable requirements described in section 1412(a)(14) of this title” for “highly qualified personnel, as defined in section 1451(b) of this title”.

Subsec. (a)(5). Pub. L. 114-95, §9214(d)(4)(C)(i)(II), substituted “special education teachers meet the qualifications described in section 1412(a)(14)(C) of this title” for “special education teachers are highly qualified”.

Subsec. (b)(2)(A)(viii). Pub. L. 114-95, §9215(ss)(9), substituted “section 6113(d)(1)(A)(ii)” for “section 7113(d)(1)(A)(ii)”.

Subsec. (b)(2)(B). Pub. L. 114-95, §9214(d)(4)(C)(ii), substituted “special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title” for “highly qualified teachers”.

Subsec. (c)(4)(B). Pub. L. 114-95, §9214(d)(4)(C)(iii), substituted “personnel who meet the applicable requirements described in section 1412(a)(14) of this title” for “highly qualified personnel”.

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.

§ 1463. Technical assistance, demonstration projects, dissemination of information, and implementation of scientifically based research**(a) In general**

The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to provide technical assistance, support model demonstration projects, disseminate useful information, and implement activities that are supported by scientifically based research.

(b) Required activities

Funds received under this section shall be used to support activities to improve services provided under this chapter, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

(1) implementing effective strategies for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 6311(b)(2) of this title;

(3) providing training for both regular education teachers and special education teachers to address the needs of students with different learning styles;

(4) disseminating information about innovative, effective, and efficient curricula designs, instructional approaches, and strategies, and identifying positive academic and social learning opportunities, that—

(A) provide effective transitions between educational settings or from school to post school settings; and

(B) improve educational and transitional results at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of children with disabilities, as measured by assessments within the general education curriculum involved; and

(5) applying scientifically based findings to facilitate systemic changes, related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel.

(c) Authorized activities

Activities that may be carried out under this section include activities to improve services provided under this chapter, including the practices of professionals and others involved in providing such services to children with disabilities, that promote academic achievement and improve results for children with disabilities through—

(1) applying and testing research findings in typical settings where children with disabili-

ities receive services to determine the usefulness, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media;

(2) supporting and promoting the coordination of early intervention and educational services for children with disabilities with services provided by health, rehabilitation, and social service agencies;

(3) promoting improved alignment and compatibility of general and special education reforms concerned with curricular and instructional reform, and evaluation of such reforms;

(4) enabling professionals, parents of children with disabilities, and other persons to learn about, and implement, the findings of scientifically based research, and successful practices developed in model demonstration projects, relating to the provision of services to children with disabilities;

(5) conducting outreach, and disseminating information, relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services to personnel who provide services to children with disabilities;

(6) assisting States and local educational agencies with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities;

(7) promoting change through a multistate or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes;

(8) focusing on the needs and issues that are specific to a population of children with disabilities, such as providing single-State and multi-State technical assistance and in-service training—

(A) to schools and agencies serving deaf-blind children and their families;

(B) to programs and agencies serving other groups of children with low incidence disabilities and their families;

(C) addressing the postsecondary education needs of individuals who are deaf or hard-of-hearing; and

(D) to schools and personnel providing special education and related services for children with autism spectrum disorders;

(9) demonstrating models of personnel preparation to ensure appropriate placements and services for all students and to reduce disproportionality in eligibility, placement, and disciplinary actions for minority and limited English proficient children; and

(10) disseminating information on how to reduce inappropriate racial and ethnic disproportionalities identified under section 1418 of this title.

(d) Balance among activities and age ranges

In carrying out this section, the Secretary shall ensure that there is an appropriate balance across all age ranges of children with disabilities.

(e) Linking States to information sources

In carrying out this section, the Secretary shall support projects that link States to technical assistance resources, including special education and general education resources, and shall make research and related products available through libraries, electronic networks, parent training projects, and other information sources, including through the activities of the National Center for Education Evaluation and Regional Assistance established under part D of the Education Sciences Reform Act of 2002 [20 U.S.C. 9561 et seq.].

(f) Applications

(1) In general

An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) Standards

To the maximum extent feasible, each eligible entity shall demonstrate that the project described in the eligible entity's application is supported by scientifically valid research that has been carried out in accordance with the standards for the conduct and evaluation of all relevant research and development established by the National Center for Education Research.

(3) Priority

As appropriate, the Secretary shall give priority to applications that propose to serve teachers and school personnel directly in the school environment.

(Pub. L. 91-230, title VI, § 663, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2781; amended Pub. L. 114-95, title IX, § 9215(ss)(10), Dec. 10, 2015, 129 Stat. 2183.)

REFERENCES IN TEXT

The Education Sciences Reform Act of 2002, referred to in subsec. (e), is title I of Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1941, as amended. Part D of the Act is classified generally to part D (§9561 et seq.) of subchapter I of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114-95, which directed amendment of subsec. (b)(2) by “striking and inserting the following:” followed by the text of a new par. (2), was executed by substituting the new par. (2) for the existing par. (2) to reflect the probable intent of Congress. Prior to amendment, par. (2) read as follows: “improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing adequate yearly progress, as described under section 6311(b)(2)(B) of this title;”.

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.

§ 1464. Studies and evaluations

(a) Studies and evaluations

(1) Delegation

The Secretary shall delegate to the Director of the Institute of Education Sciences responsibility to carry out this section, other than subsections (d) and (f).

(2) Assessment

The Secretary shall, directly or through grants, contracts, or cooperative agreements awarded to eligible entities on a competitive basis, assess the progress in the implementation of this chapter, including the effectiveness of State and local efforts to provide—

(A) a free appropriate public education to children with disabilities; and

(B) early intervention services to infants and toddlers with disabilities, and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to the infants and toddlers.

(b) Assessment of national activities

(1) In general

The Secretary shall carry out a national assessment of activities carried out with Federal funds under this chapter in order—

(A) to determine the effectiveness of this chapter in achieving the purposes of this chapter;

(B) to provide timely information to the President, Congress, the States, local educational agencies, and the public on how to implement this chapter more effectively; and

(C) to provide the President and Congress with information that will be useful in developing legislation to achieve the purposes of this chapter more effectively.

(2) Scope of assessment

The national assessment shall assess activities supported under this chapter, including—

(A) the implementation of programs assisted under this chapter and the impact of such programs on addressing the developmental needs of, and improving the academic achievement of, children with disabilities to enable the children to reach challenging developmental goals and challenging State academic content standards based on State academic assessments;

(B) the types of programs and services that have demonstrated the greatest likelihood of helping students reach the challenging State academic content standards and developmental goals;

(C) the implementation of the professional development activities assisted under this chapter and the impact on instruction, student academic achievement, and teacher qualifications to enhance the ability of special education teachers and regular education teachers to improve results for children with disabilities; and

(D) the effectiveness of schools, local educational agencies, States, other recipients of assistance under this chapter, and the Sec-

retary in achieving the purposes of this chapter by—

(i) improving the academic achievement of children with disabilities and their performance on regular statewide assessments as compared to nondisabled children, and the performance of children with disabilities on alternate assessments;

(ii) improving the participation of children with disabilities in the general education curriculum;

(iii) improving the transitions of children with disabilities at natural transition points;

(iv) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

(v) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

(vi) addressing the reading and literacy needs of children with disabilities;

(vii) reducing the inappropriate over-identification of children, especially minority and limited English proficient children, as having a disability;

(viii) improving the participation of parents of children with disabilities in the education of their children; and

(ix) resolving disagreements between education personnel and parents through alternate dispute resolution activities, including mediation.

(3) Interim and final reports

The Secretary shall submit to the President and Congress—

(A) an interim report that summarizes the preliminary findings of the assessment not later than 3 years after December 3, 2004; and

(B) a final report of the findings of the assessment not later than 5 years after December 3, 2004.

(c) Study on ensuring accountability for students who are held to alternative achievement standards

The Secretary shall carry out a national study or studies to examine—

(1) the criteria that States use to determine—

(A) eligibility for alternate assessments; and

(B) the number and type of children who take those assessments and are held accountable to alternative achievement standards;

(2) the validity and reliability of alternate assessment instruments and procedures;

(3) the alignment of alternate assessments and alternative achievement standards to State academic content standards in reading, mathematics, and science; and

(4) the use and effectiveness of alternate assessments in appropriately measuring student progress and outcomes specific to individualized instructional need.

(d) Annual report

The Secretary shall provide an annual report to Congress that—