

propriated 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.

(B) Administrative support

The Secretary may use not more than 1 percent of the funds appropriated to carry out part B or C to pay non-Federal entities for administrative support related to management of applications submitted under part B or C, respectively.

(c) Program evaluation

The Secretary may use funds made available to carry out part B or C to evaluate activities carried out under part B or C, respectively.

(d) Minimum funding required

(1) In general

Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, not less than the following amounts are provided under parts B and C to address the following needs:

(A) \$12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deafblindness.

(B) \$4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

(C) \$4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

(2) Ratable reduction

If the sum of the amount appropriated to carry out parts B and C, and part E of the Education Sciences Reform Act of 2002 [20 U.S.C. 9567 et seq.] for any fiscal year is less than \$130,000,000, the amounts listed in paragraph (1) shall be ratably reduced for the fiscal year. (Pub. L. 91-230, title VI, § 682, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2797.)

REFERENCES IN TEXT

The Education Sciences Reform Act of 2002, referred to in subsec. (d)(2), is title I of Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1941, as amended. Part E of the Act is

classified generally to part E (§9567 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.

PRIOR PROVISIONS

A prior section 1482, Pub. L. 91-230, title VI, §682, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 149, related to parent training and information centers, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1482, Pub. L. 91-230, title VI, §682, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1153; amended Pub. L. 100-630, title I, §108(k), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, §901(b)(182), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§18, 25(a)(18), (b), Oct. 7, 1991, 105 Stat. 599, 606, 607, related to establishment of State Interagency Coordinating Councils, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1483, Pub. L. 91-230, title VI, §683, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 151, which related to community parent resource centers, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1483, Pub. L. 91-230, title VI, §683, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1154; amended Pub. L. 101-476, title IX, §901(b)(183), (184), Oct. 30, 1990, 104 Stat. 1151; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to Federal administration, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1484, Pub. L. 91-230, title VI, §684, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 152, which related to technical assistance for parent training and information centers, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1484, Pub. L. 91-230, title VI, §684, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1154; amended Pub. L. 101-476, title IX, §901(b)(185), Oct. 30, 1990, 104 Stat. 1151; Pub. L. 102-119, §§19(a)(1), (b), 25(b), Oct. 7, 1991, 105 Stat. 600, 601, 607; Pub. L. 103-382, title III, §313(a), Oct. 20, 1994, 108 Stat. 3935, related to allocation of funds, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1484a, Pub. L. 91-230, title VI, §685, as added Pub. L. 102-119, §21(2), Oct. 7, 1991, 105 Stat. 602; amended Pub. L. 102-321, title I, §161, July 10, 1992, 106 Stat. 375; Pub. L. 103-448, title II, §204(w)(2)(B), Nov. 2, 1994, 108 Stat. 4746, related to establishment, composition, functions, etc., of the Federal Interagency Coordinating Council, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1485, Pub. L. 91-230, title VI, §685, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 152; amended Pub. L. 106-402, title IV, §401(b)(1), Oct. 30, 2000, 114 Stat. 1737, which related to coordinated technical assistance and dissemination, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1485, Pub. L. 91-230, title VI, §686, formerly §685, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1155; renumbered §686 and amended Pub. L. 102-119, §§20, 21(1), Oct. 7, 1991, 105 Stat. 602, related to authorization of appropriations, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1486, Pub. L. 91-230, title VI, §686, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 154, which authorized appropriations, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

A prior section 1487, Pub. L. 91-230, title VI, §687, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 154, which related to technology development, dem-

onstration, and utilization and media services, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Prior sections 1491 to 1491o, which comprised former subchapter IX of this chapter, were repealed by Pub. L. 105-17, title II, §203(a), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1998.

Section 1491, Pub. L. 91-230, title VI, §701, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3937, provided that former subchapter IX of this chapter could be cited as the "Families of Children with Disabilities Support Act of 1994".

Section 1491a, Pub. L. 91-230, title VI, §702, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3937, related to findings, purposes, and policy.

Section 1491b, Pub. L. 91-230, title VI, §703, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3939, related to definitions.

Section 1491c, Pub. L. 91-230, title VI, §704, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3943, related to grants to States.

Section 1491d, Pub. L. 91-230, title VI, §705, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3944, related to information and assurances required in application for grant.

Section 1491e, Pub. L. 91-230, title VI, §706, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3946, related to designation of lead entity by State desiring to receive grant.

Section 1491f, Pub. L. 91-230, title VI, §707, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3946, related to designation or establishment by State of a State Policy Council for Families of Children with Disabilities and its composition, functions, etc.

Section 1491g, Pub. L. 91-230, title VI, §708, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3949, related to activities authorized for use of grant funds.

Section 1491h, Pub. L. 91-230, title VI, §709, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3951, related to creation and submission of strategic plan by lead entity of State in conjunction with State Policy Council.

Section 1491i, Pub. L. 91-230, title VI, §710, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3952, related to progress criteria and reports.

Section 1491j, Pub. L. 91-230, title VI, §711, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3952, related to administrative provisions.

Section 1491k, Pub. L. 91-230, title VI, §712, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3953, related to technical assistance.

Section 1491l, Pub. L. 91-230, title VI, §713, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3954, related to program evaluation by Secretary.

Section 1491m, Pub. L. 91-230, title VI, §714, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3955, related to projects of national significance.

Section 1491n, Pub. L. 91-230, title VI, §715, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3955, related to construction of provisions of subchapters I through VIII of this chapter as being inapplicable to subchapter IX of this chapter.

Section 1491o, Pub. L. 91-230, title VI, §716, as added Pub. L. 103-382, title III, §315, Oct. 20, 1994, 108 Stat. 3955, related to authorization of appropriations.

CHAPTER 34—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

§§ 1501 to 1506. Repealed. Pub. L. 111-340, title IV, §401(a), Dec. 22, 2010, 124 Stat. 3604

Section 1501, Pub. L. 91-345, §2, July 20, 1970, 84 Stat. 440, related to Congressional statement of policy.

Section 1502, Pub. L. 91-345, §3, July 20, 1970, 84 Stat. 440; Pub. L. 102-95, §2, Aug. 14, 1991, 105 Stat. 479, related to establishment of National Commission on Libraries and Information Science.

Section 1503, Pub. L. 91-345, §4, July 20, 1970, 84 Stat. 441; Pub. L. 102-95, §3, Aug. 14, 1991, 105 Stat. 479; Pub.