

§ 1452. Eligibility and collaborative process**(a) Eligible applicants**

A State educational agency may apply for a grant under this part for a grant period of not less than 1 year and not more than 5 years.

(b) Partners**(1) In general**

In order to be considered for a grant under this part, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities, including—

(A) not less than 1 institution of higher education; and

(B) the State agencies responsible for administering subchapter III, early education, child care, and vocational rehabilitation programs.

(2) Other partners

In order to be considered for a grant under this part, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, which may include—

(A) the Governor;

(B) parents of children with disabilities ages birth through 26;

(C) parents of nondisabled children ages birth through 26;

(D) individuals with disabilities;

(E) parent training and information centers or community parent resource centers funded under sections 1471 and 1472 of this title, respectively;

(F) community based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(G) personnel as defined in section 1451(b) of this title;

(H) the State advisory panel established under subchapter II;

(I) the State interagency coordinating council established under subchapter III;

(J) individuals knowledgeable about vocational education;

(K) the State agency for higher education;

(L) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice;

(M) other providers of professional development that work with infants, toddlers, preschoolers, and children with disabilities; and

(N) other individuals.

(3) Required partner

If State law assigns responsibility for teacher preparation and certification to an individual, entity, or agency other than the State educational agency, the State educational agency shall—

(A) include that individual, entity, or agency as a partner in the partnership under this subsection; and

(B) ensure that any activities the State educational agency will carry out under this part that are within that partner's jurisdic-

tion (which may include activities described in section 1454(b) of this title) are carried out by that partner.

(Pub. L. 91-230, title VI, §652, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2767.)

PRIOR PROVISIONS

A prior section 1452, Pub. L. 91-230, title VI, §652, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 124, related to eligibility and collaborative process, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1452, Pub. L. 91-230, title VI, §652, Apr. 13, 1970, 84 Stat. 186; Pub. L. 93-380, title VI, §620(1), Aug. 21, 1974, 88 Stat. 585; Pub. L. 94-482, title V, §501(h), Oct. 12, 1976, 90 Stat. 2237; Pub. L. 98-199, §3(b), Dec. 2, 1983, 97 Stat. 1358; Pub. L. 99-457, title III, §315, Oct. 8, 1986, 100 Stat. 1171; Pub. L. 100-630, title I, §106(c), Nov. 7, 1988, 102 Stat. 3300; Pub. L. 101-476, title VI, §602, title IX, §901(b)(151), (152), Oct. 30, 1990, 104 Stat. 1139, 1149; Pub. L. 102-119, §25(b), Oct. 7, 1991, 105 Stat. 607, related to establishment of a loan service of captioned films, television, descriptive video, and educational media for individuals with disabilities, prior to repeal by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

§ 1453. Applications**(a) In general****(1) Submission**

A State educational agency that desires to receive a grant under this part shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

(2) State plan

The application shall include a plan that identifies and addresses the State and local needs for the personnel preparation and professional development of personnel, as well as individuals who provide direct supplementary aids and services to children with disabilities, and that—

(A) is designed to enable the State to meet the requirements of section 1412(a)(14) of this title and section 1435(a)(8) and (9) of this title;

(B) is based on an assessment of State and local needs that identifies critical aspects and areas in need of improvement related to the preparation, ongoing training, and professional development of personnel who serve infants, toddlers, preschoolers, and children with disabilities within the State, including—

(i) current and anticipated personnel vacancies and shortages; and

(ii) the number of preservice and inservice programs; and

(C) is integrated and aligned, to the maximum extent possible, with State plans and activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], and the Higher Education Act of 1965 [20 U.S.C. 1001 et seq.].

(3) Requirement

The State application shall contain an assurance that the State educational agency will carry out each of the strategies described in subsection (b)(4).

(b) Elements of State personnel development plan

Each State personnel development plan under subsection (a)(2) shall—

(1) describe a partnership agreement that is in effect for the period of the grant, which agreement shall specify—

(A) the nature and extent of the partnership described in section 1452(b) of this title and the respective roles of each member of the partnership, including the partner described in section 1452(b)(3) of this title if applicable; and

(B) how the State educational agency will work with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the persons and organizations;

(2) describe how the strategies and activities described in paragraph (4) will be coordinated with activities supported with other public resources (including part B [subchapter II] and part C [subchapter III] funds retained for use at the State level for personnel and professional development purposes) and private resources;

(3) describe how the State educational agency will align its personnel development plan under this part with the plan and application submitted under sections 1111 and 2101(d), respectively, of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6311, 6611(d)];

(4) describe those strategies the State educational agency will use to address the professional development and personnel needs identified under subsection (a)(2) and how such strategies will be implemented, including—

(A) a description of the programs and activities to be supported under this part that will provide personnel with the knowledge and skills to meet the needs of, and improve the performance and achievement of, infants, toddlers, preschoolers, and children with disabilities; and

(B) how such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 1462 of this title;

(5) provide an assurance that the State educational agency will provide technical assistance to local educational agencies to improve the quality of professional development available to meet the needs of personnel who serve children with disabilities;

(6) provide an assurance that the State educational agency will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

(7) describe how the State educational agency will recruit and retain teachers who meet the qualifications described in section 1412(a)(14)(C) of this title and other qualified personnel in geographic areas of greatest need;

(8) describe the steps the State educational agency will take to ensure that poor and minority children are not taught at higher rates

by teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title; and

(9) describe how the State educational agency will assess, on a regular basis, the extent to which the strategies implemented under this part have been effective in meeting the performance goals described in section 1412(a)(15) of this title.

(c) Peer review**(1) In general**

The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 1451(c)(1) of this title.

(2) Composition of panel

A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

(3) Payment of fees and expenses of certain members

The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of panel members who are not employees of the Federal Government.

(d) Reporting procedures

Each State educational agency that receives a grant under this part shall submit annual performance reports to the Secretary. The reports shall—

(1) describe the progress of the State educational agency in implementing its plan;

(2) analyze the effectiveness of the State educational agency's activities under this part and of the State educational agency's strategies for meeting its goals under section 1412(a)(15) of this title; and

(3) identify changes in the strategies used by the State educational agency and described in subsection (b)(4), if any, to improve the State educational agency's performance.

(Pub. L. 91-230, title VI, § 653, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2768; amended Pub. L. 114-95, title IX, §§ 9214(d)(3), 9215(ss)(7), Dec. 10, 2015, 129 Stat. 2165, 2183.)

REFERENCES IN TEXT

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

The Rehabilitation Act of 1973, referred to in subsec. (a)(2)(C), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 1453, Pub. L. 91-230, title VI, § 653, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat.

125, related to grant applications, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1453, Pub. L. 91-230, title VI, § 653, Apr. 13, 1970, 84 Stat. 187; Pub. L. 94-142, § 6(b), Nov. 29, 1975, 89 Stat. 795; Pub. L. 99-386, title II, § 204, Aug. 22, 1986, 100 Stat. 823, related to establishment and operation of centers on educational media and materials for handicapped, prior to repeal by Pub. L. 99-457, title III, § 316, Oct. 8, 1986, 100 Stat. 1171.

AMENDMENTS

2015—Subsec. (b)(3). Pub. L. 114-95, § 9215(ss)(7), substituted “and 2101(d),” for “and 2112.”

Subsec. (b)(7). Pub. L. 114-95, § 9214(d)(3)(A), substituted “teachers who meet the qualifications described in section 1412(a)(14)(C) of this title” for “highly qualified teachers”.

Subsec. (b)(8). Pub. L. 114-95, § 9214(d)(3)(B), substituted “teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title” for “teachers who are not highly qualified”.

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.

§ 1454. Use of funds

(a) Professional development activities

A State educational agency that receives a grant under this part shall use the grant funds to support activities in accordance with the State’s plan described in section 1453 of this title, including 1 or more of the following:

(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

(A) provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development;

(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State academic achievement standards and with the requirements for professional development, as defined in section 7801 of this title; and

(C) encourage collaborative and consultative models of providing early intervention, special education, and related services.

(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

(A) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

(B) to enhance learning by children with disabilities; and

(C) to effectively communicate with parents.

(3) Providing professional development activities that—

(A) improve the knowledge of special education and regular education teachers concerning—

(i) the academic and developmental or functional needs of students with disabilities; or

(ii) effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

(B) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, and that—

(i) provide training in how to teach and address the needs of children with different learning styles and children who are limited English proficient;

(ii) involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

(iii) provide training in methods of—

(I) positive behavioral interventions and supports to improve student behavior in the classroom;

(II) scientifically based reading instruction, including early literacy instruction;

(III) early and appropriate interventions to identify and help children with disabilities;

(IV) effective instruction for children with low incidence disabilities;

(V) successful transitioning to post-secondary opportunities; and

(VI) using classroom-based techniques to assist children prior to referral for special education;

(iv) provide training to enable personnel to work with and involve parents in their child’s education, including parents of low income and limited English proficient children with disabilities;

(v) provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate IEPs; and

(vi) provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving such students;

(C) train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

(D) train early intervention, preschool, and related services providers, and other relevant school personnel, in conducting effective individualized family service plan (IFSP) meetings.

(4) Developing and implementing initiatives to promote the recruitment and retention of special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title, particularly initiatives that have been proven effective in recruiting and retaining teachers, including programs that provide—

(A) teacher mentoring from exemplary special education teachers, principals, or superintendents;