

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 develop-

mental 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 Secretary 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—

(1) summarizes the research conducted under part E of the Education Sciences Reform Act of 2002 [20 U.S.C. 9567 et seq.];

(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 1418 of this title;

(3) summarizes the studies and evaluations conducted under this section and the timeline for their completion;

(4) describes the extent and progress of the assessment of national activities; and

(5) describes the findings and determinations resulting from reviews of State implementation of this chapter.

(e) Authorized activities

In carrying out this section, the Secretary may support objective studies, evaluations, and assessments, including studies that—

(1) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

(2) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

(3) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

(A) data on—

(i) the number of minority children who are referred for special education evaluation;

(ii) the number of minority children who are receiving special education and related services and their educational or other service placement;

(iii) the number of minority children who graduated from secondary programs with a regular diploma in the standard number of years; and

(iv) the number of minority children who drop out of the educational system; and

(B) the performance of children with disabilities from minority backgrounds on

State assessments and other performance indicators established for all students;

(4) measure educational and transitional services and results for children with disabilities served under this chapter, including longitudinal studies that—

(A) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this chapter, using a national, representative sample of distinct age cohorts and disability categories; and

(B) examine educational results, transition services, postsecondary placement, and employment status for individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this chapter; and

(5) identify and report on the placement of children with disabilities by disability category.

(f) Study

The Secretary shall study, and report to Congress regarding, the extent to which States adopt policies described in section 1435(c)(1) of this title and on the effects of those policies.

(Pub. L. 91-230, title VI, §664, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2783.)

REFERENCES IN TEXT

The Education Sciences Reform Act of 2002, referred to in subsec. (d)(1), 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.

§ 1465. Interim alternative educational settings, behavioral supports, and systemic school interventions

(a) Program authorized

The Secretary may award grants, and enter into contracts and cooperative agreements, to support safe learning environments that support academic achievement for all students by—

(1) improving the quality of interim alternative educational settings; and

(2) providing increased behavioral supports and research-based, systemic interventions in schools.

(b) Authorized activities

In carrying out this section, the Secretary may support activities to—

(1) establish, expand, or increase the scope of behavioral supports and systemic interventions by providing for effective, research-based practices, including—

(A) training for school staff on early identification, prereferral, and referral procedures;

(B) training for administrators, teachers, related services personnel, behavioral specialists, and other school staff in positive behavioral interventions and supports, behavioral intervention planning, and classroom and student management techniques;