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Improvement Act of 2004  
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Document 7 (Part D)

DRAFT

prepared by  
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Additions are marked with underlining and italics.  
Deletions are marked with striking through.

[COPAA Note: Because Part D is changed extensively, we have redlined only a few pertinent sections. The rest are simply reprinted.]

## PART D--NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

### ~~Subpart 1--State Program Improvement Grants for Children with Disabilities~~

#### 20 U.S.C. § 1450 (SEC. ~~650 651~~) FINDINGS AND PURPOSE.

~~(a) FINDINGS.~~ The Congress finds the following:

~~(1) States are responding with some success to multiple pressures to improve educational and transitional services and The Federal Government has an ongoing obligation to support activities that contribute to positive results for children with disabilities enabling those children to lead productive and independent adult lives. in response to growing demands imposed by ever-changing factors, such as demographics, social policies, and labor and economic markets.~~

~~(2) In order for States to address such demands and to facilitate lasting systemic change that is of benefit to~~

~~(2) Systemic change benefiting all students, including children with disabilities, s tates must involve requires the involvement of States, local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations ~~in carrying out~~ to develop and implement comprehensive strategies to that improve educational results for children with disabilities.~~

~~(3) Targeted Federal financial resources are needed to assist States, working in partnership with others, to identify and make needed changes to address the needs of children with disabilities into the next century.~~

~~(4 3) State educational agencies, in partnership with local educational agencies , parents of children with disabilities, and other individuals and organizations, are in the best position ~~to~~ identify and design ways to meet emerging and expanding demands to improve education for children with disabilities and to address their special needs.~~

~~(5) Research, demonstration, and practice over the past 20 years in special education and related disciplines have built a foundation of knowledge on which State and local systemic change activities can now be based.~~

~~(6) Such research, demonstration, and practice in special education and related disciplines have demonstrated that an~~

~~(4) An effective educational system now and in the future must serving students with disabilities should--~~

~~(A) maintain high academic achievement standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and~~

methods to ensure that ~~students who are~~ all children with disabilities have ~~maximum~~ opportunities the opportunity to achieve those standards and goals;

~~(B) create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;~~

~~(C)~~

~~(B) clearly define, in objective, measurable terms, the school and post- school results that children with disabilities are expected to achieve; and~~

~~(D) C) promote ~~service integration, transition services and the coordination of~~ coordinate State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who ~~require need~~ significant levels of support to ~~maximize their participation~~ participate and ~~learning~~ learn in school and the community;~~

~~(E) ensure that children with disabilities are provided assistance and support in making transitions as described in section 674(b)(3)(C);~~

~~((F) promote comprehensive programs of professional development to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;~~

~~(G) disseminate to teachers and other personnel serving children with disabilities research based knowledge about successful teaching practices and models and provide technical assistance to local educational agencies and schools on how to improve results for children with disabilities.~~

~~(5) The availability of an adequate number of qualified personnel is critical--~~

~~(A) to serve effectively children with disabilities;~~

~~(B) to assume leadership positions in administration and direct services;~~

~~(C) to provide teacher training; and~~

~~(D) to conduct high quality research to improve special education.~~

~~(6) High quality, comprehensive professional development programs are essential to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;~~

~~7) Models of professional development should be scientifically based and reflect successful practices, including strategies for recruiting, preparing, and retaining personnel.~~

~~(8) Continued support is essential for the development and maintenance of a coordinated and high quality program of research to inform successful teaching practices and ~~models and~~ provide model curricula for educating children with disabilities.~~

~~(9) Training, technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve high quality early intervention, educational, and transitional results for children with disabilities and their families.~~

~~(10) Parents, teachers, administrators, and related services personnel need technical assistance ~~to local educational agencies~~ and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.~~

(11) Parent training and information activities assist parents of a child with a disability in dealing with the multiple pressures of parenting such a child and are of particular importance in--

(A) playing a vital role in creating and preserving constructive relationships between parents of children with disabilities and schools ~~on how to improve~~ by facilitating open communication between the parents and schools; encouraging dispute resolution at the earliest possible point in time; and discouraging the escalation of an adversarial process between the parents and schools;

(B) ensuring the involvement of parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

(C) achieving high quality early intervention, educational, and transitional results for children with disabilities;

~~(H) create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;~~

~~((I) establish placement neutral funding formulas and cost-effective strategies for meeting the needs of children with disabilities; and~~

~~(J) involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating systemic change activities and educational reforms.~~

~~(b) PURPOSE.— The purpose of this subpart is to assist State educational agencies, and their partners referred to in section 652(b), in reforming and improving their systems for providing educational;~~

(D) providing such parents information on their rights, protections, and responsibilities under this title to ensure improved early intervention, educational, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities;

(E) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 673(b)(6);

(F) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families; and

(G) supporting such parents who may have limited access to services and supports, due to economic, cultural, or linguistic barriers.

(12) Support is needed to improve technological resources and integrate technology, including universally designed technologies, into the lives of children with disabilities, parents of children with disabilities, school personnel, and others through curricula, services, and assistive technologies.

## **Subpart 1--State Personnel Development Grants**

### **20 U.S.C. § 1451 (SEC. 651)**

#### **PURPOSE; DEFINITION OF PERSONNEL; PROGRAM AUTHORITY.**

- (a) **PURPOSE.**--The purpose of this subpart is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.
- (b) **DEFINITION OF PERSONNEL.**--In this subpart the term 'personnel' means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.
- (c) **COMPETITIVE GRANTS.**--
- (1) **IN GENERAL.**--Except as provided in subsection (d), for any fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is less than \$100,000,000, the Secretary shall award grants, on a competitive basis, to State educational agencies to carry out the activities described in the State plan submitted under section 653.
  - (2) **PRIORITY.**--In awarding grants under paragraph (1), the Secretary may give priority to State educational agencies that--
    - (A) are in States with the greatest personnel shortages; or
    - (B) demonstrate the greatest difficulty meeting the requirements of section 612(a)(14).
  - (3) **MINIMUM AMOUNT.**--The Secretary shall make a grant to each State educational agency selected under paragraph (1) in an amount for each fiscal year that is--
    - (A) not less than \$500,000, nor more than \$4,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and
    - (B) not less than \$80,000 in the case of an outlying area.
  - (4) **INCREASE IN AMOUNT.**--The Secretary may increase the amounts of grants under paragraph (1) to account for inflation.
  - (5) **FACTORS.**--The Secretary shall determine the amount of a grant under paragraph (1) after considering--
    - (A) the amount of funds available for making the grants;
    - (B) the relative population of the State or outlying area;
- (d) **FORMULA GRANTS.**--
- (1) **IN GENERAL.**--Except as provided in paragraphs (2) and (3), for the first fiscal year for which the amount appropriated under section 655, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is equal to or greater than \$100,000,000, and

for each fiscal year thereafter, the Secretary shall allot to each State educational agency, whose application meets the requirements of this subpart, an amount that bears the same relation to the amount remaining as the amount the State received under section 611(d) for that fiscal year bears to the amount of funds received by all States (whose applications meet the requirements of this subpart) under section 611(d) for that fiscal year.

**(2) MINIMUM ALLOTMENTS FOR STATES THAT RECEIVED COMPETITIVE GRANTS.--**

(A) IN GENERAL.--The amount allotted under this subsection to any State educational agency that received a competitive multi-year grant under subsection (c) for which the grant period has not expired shall be not less than the amount specified for that fiscal year in the State educational agency's grant award document under that subsection.

(B) SPECIAL RULE.--Each such State educational agency shall use the minimum amount described in subparagraph (A) for the activities described in the State educational agency's competitive grant award document for that year, unless the Secretary approves a request from the State educational agency to spend the funds on other activities.

**(3) MINIMUM ALLOTMENT.--**The amount of any State educational agency's allotment under this subsection for any fiscal year shall not be less than--

(A) the greater of \$500,000 or 1/2 of 1 percent of the total amount available under this subsection for that year, in the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) \$80,000, in the case of an outlying area.

**(4) DIRECT BENEFIT.--**In using grant funds allotted under paragraph (1), a State educational agency shall, through grants, contracts, or cooperative agreements, undertake activities that significantly and directly benefit the local educational agencies in the State.

**(e) CONTINUATION AWARDS.--**

(1) IN GENERAL.--Notwithstanding any other provision of this subpart, from funds appropriated under section 655 for each fiscal year, the Secretary shall reserve the amount that is necessary to make a continuation award to any State educational agency (at the request of the State educational agency) that received a multi-year award under this part (as this part was in effect on the day before the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004), to enable the State educational agency to carry out activities in accordance with the terms of the multi-year award.

(2) PROHIBITION.--A State educational agency that receives a continuation award under paragraph (1) for any fiscal year may not receive any other award under this subpart for that fiscal year.

**20 U.S.C. §1452 (SEC. 652)**

**ELIGIBILITY AND COLLABORATIVE PROCESS.**

(a) ELIGIBLE APPLICANTS.--A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

(b) PARTNERS.--

~~(1) REQUIRED PARTNERS.--~~

~~(A) 1) CONTRACTUAL PARTNERS IN GENERAL.--In order to be considered for a grant under this subpart, 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 part C, early education, child care, and vocational rehabilitation programs.

~~(B 2) OTHER PARTNERS.--In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including--~~

~~(i A) the Governor;~~

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

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

~~(iv D) individuals with disabilities;~~

~~(v) organizations representing individuals with disabilities and their parents, such as E) parent training and information centers or community parent resource centers funded under sections 671 and 672, respectively;~~

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

~~(vii) the lead State agency for part C;~~

~~(viii) general and special education teachers, and early intervention personnel;~~

~~(ix G) personnel as defined in section 651(b);~~

~~(H) the State advisory panel established under part C B;~~

~~(x I) the State interagency coordinating council established under part C; and~~

~~(xi) institutions of higher education within the State.~~

(2) OPTIONAL PARTNERS.--A partnership under subparagraph (A) or (B) of paragraph (1) may also include--

~~(A)~~

(J) individuals knowledgeable about vocational education;

~~(B K) the State agency for higher education;~~

~~(C) the State vocational rehabilitation agency;~~

~~(D 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

~~(E 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 subpart that are within that partner's jurisdiction (which may include activities described in section 654(b)) are carried out by that partner.

**20 U.S.C. § 1453 (SEC. 653)**  
**APPLICATIONS.**

(a) IN GENERAL.--

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

(2) STATE ~~IMPROVEMENT PLAN~~.--The application shall include a ~~State improvement plan that--~~

~~(A) is integrated 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 612(a)(14) and section 635(a) (8) and (9);~~

~~(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--and , the Rehabilitation Act of 1973, and the Higher Education Act of 1965.~~

~~as appropriate; and~~

~~(B) meets the requirements of this section.~~

(b) DETERMINING CHILD AND PROGRAM NEEDS.--

(1) IN GENERAL.--Each State improvement plan shall identify those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16).

(2) REQUIRED ANALYSES.--To meet the requirement of paragraph (1), the State improvement plan shall include at least--

~~(A) an analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State, including--~~

~~(i) their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;~~

~~(ii) their participation in postsecondary education and employment; and~~

~~(iii) how their performance on the assessments and indicators described in clause (i) compares to that of non-disabled children;~~

~~(B) an analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum--~~

~~(i) the number of personnel providing special education and related services; and~~

- (ii) relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in clause (i) with temporary certification), and on the extent of certification or retraining necessary to eliminate such shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs;
  - (C) an analysis of the major findings of the Secretary's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and
  - (D) an analysis of other information, reasonably available to the State, on the effectiveness of the States systems of early intervention, special education, and general education in meeting the needs of children with disabilities.
- (e) ~~IMPROVEMENT STRATEGIES.~~ Each State improvement plan

(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

(A) specifies--(i)

that is in effect for the period of the grant, which agreement shall specify--

(A) the nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, described in section 652(b) and the respective roles of each member of the partnership, including the partner described in section 652(b)(3) if applicable; and

- (ii) B) how ~~such agencies~~ the State educational agency will work ~~in partnership~~ with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of the ~~se~~ persons and organizations; ~~and~~
- (B) is in effect for the period of the grant;

(2) describe how ~~grant funds will be used in undertaking the systemic change activities, and the amount and nature of funds from any other sources,~~ strategies and activities described in paragraph (4) will be coordinated with activities supported with other public resources (including part B and part C 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 subpart with the plan and application submitted under sections ~~611(f) 1111 and 619(d), that will be committed to the systemic change activities;~~

(3) describe the 2112, respectively, of the Elementary and Secondary Education Act of 1965;

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

(A) how the State will change State policies and procedures to address systemic barriers to improving results for a description of the programs and activities to be supported under this subpart 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;

~~(B) how the State will hold local and~~

~~(B) how such strategies will be integrated, to the maximum extent possible, with other activities supported by grants funded under section 662;~~

~~(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 highly qualified teachers 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 are not highly qualified; and~~

~~(9) describe how the State educational agency will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective in meeting the performance goals described in section 612(a)(15).~~

~~agencies and schools accountable for educational progress of children with disabilities;~~

~~(C) how the State agency will provide technical assistance to local educational agencies and schools to improve results for to improve the quality of professional development available to meet the needs of personnel who serve~~

~~(D) how the State will address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and knowledge necessary to meet the needs of children with disabilities, including a description of how--~~

~~(i) the State will prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;~~

~~(ii) the State will prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;~~

~~(iii) the State will work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality programs that meet State and local needs;~~

~~(iv) the State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of such a program of preparation;~~

- (v) the State will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;
- (vi) the State will enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of children with disabilities that impedes the learning of children with disabilities and others;
- (vii) the State will acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State will, when appropriate, adopt promising practices, materials, and technology;
- (viii) the State will recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are under-represented in the fields of regular education, special education, and related services;
- (ix) the plan is integrated, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and
- (x) the State will provide for the joint training of parents and special education, related services, and general education personnel;
- (E) strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel;
- (F) how the State will disseminate results of the local capacity building and improvement projects funded under section 611(f)(4);
- (G) how the State will address improving results for children with disabilities in the geographic areas of greatest need; and
- (H) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and
- (4) describe how the improvement strategies described in paragraph (3) will be coordinated with public and private sector resources.
- (d) ~~COMPETITIVE AWARDS.~~
- (1) ~~IN GENERAL.~~—The Secretary shall make grants under this subpart on a competitive basis.
- (2) ~~PRIORITY.~~—The Secretary may give priority to applications on the basis of need, as indicated by such information as the findings of Federal compliance reviews.
- (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 this subpart section 651(c)(1).
- (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 subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.
- (-f) d) REPORTING PROCEDURES.--Each State educational agency that receives a grant under this subpart shall submit annual performance reports to the Secretary pursuant to a schedule

to be determined by the Secretary, but not more frequently than annually. – The reports shall shall--

- (1) describe the progress of the State *educational agency in ~~meeting the performance goals established under section 612(a) implementing its plan;~~*
- (2) ~~(16)~~, analyze the effectiveness of the ~~States~~ *State educational agency's activities under this subpart and of the State educational agency's strategies ~~in~~ for meeting ~~those~~ its goals, under section 612(a)(15); and*
- (3) identify ~~any~~ changes in the strategies ~~needed to improve its performance.~~ *used by the State educational agency and described in subsection (b)(4), if any, to improve the State educational agency's performance.*

## 20 U.S.C. § 1454 (SEC. 654)

### USE OF FUNDS.

(a) ~~(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT ACTIVITIES.~~ --A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, 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 student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965; 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;
    - ((I) 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 postsecondary 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 highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers, including programs that provide--
- (A) teacher mentoring from exemplary special education teachers, principals, or superintendents;
  - (B) induction and support for special education teachers during their first 3 years of employment as teachers; or
- (C) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.
- (5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as--
- (A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, which professional development shall be

consistent with the definition of professional development in section 9101 of the Elementary and Secondary Education Act of 1965; and

(B) the development and use of proven, cost effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning.

(6) Carrying out programs and activities that are designed to improve the quality of early intervention personnel, including paraprofessionals and primary referral sources, such as--

(A) professional development programs to improve the delivery of early intervention services;

(B) initiatives to promote the recruitment and retention of early intervention personnel; and

(C) interagency activities to ensure that early intervention personnel are adequately prepared and trained.

(b) OTHER ACTIVITIES.--A State educational agency that receives a grant under this subpart shall use the grant funds to support activities in accordance with the State's plan described in section 653, including 1 or more of the following:

(1) Reforming special education and regular education teacher certification (including recertification) or licensing requirements to ensure that--

(A) special education and regular education teachers have--

(i) the training and information necessary to address the full range of needs of children with disabilities across disability categories; and

(ii) the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

(B) special education and regular education teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

(C) special education and regular education teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students with disabilities meet challenging State student academic achievement and functional standards.

(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

(3) Teacher advancement initiatives for special education teachers that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified special education teachers.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed

under this paragraph or developed using funds provided under this subpart may lead to the weakening of any State teaching certification or licensing requirement.

(7) Assisting local educational agencies to serve children with disabilities through the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(8) Developing, or assisting local educational agencies in developing, merit based performance systems, and strategies that provide differential and bonus pay for special education teachers.

(9) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement and functional standards, and State assessments for all children with disabilities, to improve instructional practices and improve the academic achievement of children with disabilities.

(10) When applicable, coordinating with, and expanding centers established under, section 2113(c)(18) of the Elementary and Secondary Education Act of 1965 to benefit special education teachers.

~~(a) (c) CONTRACTS AND SUBGRANTS.--A State educational agency that receives a grant under this subpart--~~

~~(2) (1) shall consistent with its partnership agreement under section 652(b) shall award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, or community parent resource centers, as appropriate, to carry out its State improvement plan under this subpart; and~~

~~(2) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out the State such plan.~~

~~(d) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.--A State educational agency that receives a grant under this subpart shall use--~~

~~(1) not less than 90 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (a); and~~

~~(2) not more than 10 percent of the funds the State educational agency receives under the grant for any fiscal year for activities under subsection (b).~~

~~(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.--A State educational agency that receives a grant under this subpart--~~

~~(1) shall use not less than 75 percent of the funds it receives under the grant for any fiscal year--~~

~~(A) to ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children; or~~

~~(B) to work with other States on common certification criteria; or~~

~~(2) shall use not less than 50 percent of such funds for such purposes, if the State demonstrates to the Secretary's satisfaction that it has the personnel described in paragraph (1)(A).~~

~~(e) GRANTS TO OUTLYING AREAS.--Public Law 95-134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.~~

**SEC. 655. MINIMUM STATE GRANT AMOUNTS.**

(a) ~~IN GENERAL.~~ The Secretary shall make a grant to each State educational agency whose application the Secretary has selected for funding under this subpart in an amount for each fiscal year that is—

(1) ~~not less than \$500,000, nor more than \$2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and~~

(2) ~~not less than \$80,000, in the case of an outlying area.~~

(b) ~~INFLATION ADJUSTMENT.~~ Beginning with fiscal year 1999, the Secretary may increase the maximum amount described in subsection (a)(1) to account for inflation.

(c) ~~FACTORS.~~ The Secretary shall set the amount of each grant under subsection (a) after considering—

(1) ~~the amount of funds available for making the grants;~~

(2) ~~the relative population of the State or outlying area; and~~

(3) ~~the types of activities proposed by the State or outlying area.~~

**20 U.S.C. § 1455 (SEC. 655)**

**AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years ~~1998~~ 2005 through 2010.

[COPAA NOTE: As Section 661 is almost completely rewritten, and sections 662-667 are almost completely new to Part D, we are not redlining them. Instead, those sections are simply reprinted.]

**Subpart 2--Personnel Preparation, Technical Assistance, Model Demonstration Projects, and Dissemination of Information**

**20 U.S.C. § 1461 (SEC. 661)**

**PURPOSE; DEFINITION OF ELIGIBLE ENTITY.**

(a) ~~PURPOSE.~~--The purpose of this subpart is--

(1) to provide Federal funding for personnel preparation, technical assistance, model demonstration projects, information dissemination, and studies and evaluations, in order to improve early intervention, educational, and transitional results for children with disabilities; and

(2) to assist State educational agencies and local educational agencies in improving their education systems for children with disabilities.

(b) ~~DEFINITION OF ELIGIBLE ENTITY.~~--

(1) ~~IN GENERAL.~~--In this subpart, the term 'eligible entity' means--

(A) a State educational agency;

(B) a local educational agency;

(C) a public charter school that is a local educational agency under State law;

(D) an institution of higher education;

(E) a public agency not described in subparagraphs (A) through (D);

- (F) a private nonprofit organization;
- (G) an outlying area;
- (H) an Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act); or
- ((I) a for-profit organization, if the Secretary finds it appropriate in light of the purposes of a particular competition for a grant, contract, or cooperative agreement under this subpart.

(2) SPECIAL RULE.--The Secretary may limit which eligible entities described in paragraph (1) are eligible for a grant, contract, or cooperative agreement under this subpart to 1 or more of the categories of eligible entities described in paragraph (1).

**20 U.S.C. § 1462 (SEC. 662)**

**PERSONNEL DEVELOPMENT TO IMPROVE SERVICES  
AND RESULTS FOR CHILDREN WITH DISABILITIES.**

(a) IN GENERAL.--The Secretary, on a competitive basis, shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to carry out 1 or more of the following objectives:

(1) To help address the needs identified in the State plan described in section 653(a)(2) for highly qualified personnel, as defined in section 651(b), to work with infants or toddlers with disabilities, or children with disabilities, consistent with the qualifications described in section 612(a)(14).

(2) To ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined, through scientifically based research, to be successful in serving those children.

(3) To encourage increased focus on academics and core content areas in special education personnel preparation programs.

(4) To ensure that regular education teachers have the necessary skills and knowledge to provide instruction to students with disabilities in the regular education classroom.

(5) To ensure that all special education teachers are highly qualified.

(6) To ensure that preservice and in-service personnel preparation programs include training in--

(A) the use of new technologies;

(B) the area of early intervention, educational, and transition services;

(C) effectively involving parents; and

(D) positive behavioral supports.

(7) To provide high-quality professional development for principals, superintendents, and other administrators, including training in--

(A) instructional leadership;

(B) behavioral supports in the school and classroom;

(C) paperwork reduction;

(D) promoting improved collaboration between special education and general education teachers;

(E) assessment and accountability;

(F) ensuring effective learning environments; and

(G) fostering positive relationships with parents.

(b) PERSONNEL DEVELOPMENT; ENHANCED SUPPORT FOR BEGINNING SPECIAL EDUCATORS.--

(1) IN GENERAL.--In carrying out this section, the Secretary shall support activities--

(A) for personnel development, including activities for the preparation of personnel who will serve children with high incidence and low incidence disabilities, to prepare special education and general education teachers, principals, administrators, and related services personnel (and school board members, when appropriate) to meet the diverse and individualized instructional needs of children with disabilities and improve early intervention, educational, and transitional services and results for children with disabilities, consistent with the objectives described in subsection (a); and

(B) for enhanced support for beginning special educators, consistent with the objectives described in subsection (a).

(2) PERSONNEL DEVELOPMENT.--In carrying out paragraph (1)(A), the Secretary shall support not less than 1 of the following activities:

(A) Assisting effective existing, improving existing, or developing new, collaborative personnel preparation activities undertaken by institutions of higher education, local educational agencies, and other local entities that incorporate best practices and scientifically based research, where applicable, in providing special education and general education teachers, principals, administrators, and related services personnel with the knowledge and skills to effectively support students with disabilities, including--

(i) working collaboratively in regular classroom settings;

(ii) using appropriate supports, accommodations, and curriculum modifications;

(iii) implementing effective teaching strategies, classroom-based techniques, and interventions to ensure appropriate identification of students who may be eligible for special education services, and to prevent the misidentification, inappropriate overidentification, or underidentification of children as having a disability, especially minority and limited English proficient children;

(iv) effectively working with and involving parents in the education of their children;

(v) utilizing strategies, including positive behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom;

(vi) effectively constructing IEPs, participating in IEP meetings, and implementing IEPs;

(vii) preparing children with disabilities to participate in statewide assessments (with or without accommodations) and alternate assessments, as appropriate, and to ensure that all children with disabilities are a part of all accountability systems under the Elementary and Secondary Education Act of 1965; and

(viii) working in high need elementary schools and secondary schools, including urban schools, rural schools, and schools operated by an entity described in section 7113(d)(1)(A)(ii) of the Elementary and Secondary Education Act of 1965, and schools that serve high numbers or percentages of limited English proficient children.

(B) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, highly qualified teachers to reduce teacher

shortages, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

(C) Providing continuous personnel preparation, training, and professional development designed to provide support and ensure retention of special education and general education teachers and personnel who teach and provide related services to children with disabilities.

(D) Developing and improving programs for paraprofessionals to become special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable the paraprofessionals to improve early intervention, educational, and transitional results for children with disabilities.

(E) In the case of principals and superintendents, providing activities to promote instructional leadership and improved collaboration between general educators, special education teachers, and related services personnel.

(F) Supporting institutions of higher education with minority enrollments of not less than 25 percent for the purpose of preparing personnel to work with children with disabilities.

(G) Developing and improving programs to train special education teachers to develop an expertise in autism spectrum disorders.

(H) Providing continuous personnel preparation, training, and professional development designed to provide support and improve the qualifications of personnel who provide related services to children with disabilities, including to enable such personnel to obtain advanced degrees.

(3) ENHANCED SUPPORT FOR BEGINNING SPECIAL EDUCATORS.--In carrying out paragraph (1)(B), the Secretary shall support not less than 1 of the following activities:

(A) Enhancing and restructuring existing programs or developing preservice teacher education programs to prepare special education teachers, at colleges or departments of education within institutions of higher education, by incorporating an extended (such as an additional 5th year) clinical learning opportunity, field experience, or supervised practicum into such programs.

(B) Creating or supporting teacher-faculty partnerships (such as professional development schools) that--

(i) consist of not less than--

((I) 1 or more institutions of higher education with special education personnel preparation programs;

((I) 1 or more local educational agencies that serve high numbers or percentages of low-income students; or

((I) 1 or more elementary schools or secondary schools, particularly schools that have failed to make adequate yearly progress on the basis, in whole and in part, of the assessment results of the disaggregated subgroup of students with disabilities;

(ii) may include other entities eligible for assistance under this part; and

(iii) provide--

((I) high-quality mentoring and induction opportunities with ongoing support for beginning special education teachers; or

((I) inservice professional development to beginning and veteran special education teachers through the ongoing exchange of information and instructional strategies with faculty.

(c) **LOW INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.--**

(1) **IN GENERAL.--**In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low incidence disabilities.

(2) **AUTHORIZED ACTIVITIES.--**Activities that may be carried out under this subsection include activities such as the following:

(A) Preparing persons who--

(i) have prior training in educational and other related service fields; and

(ii) are studying to obtain degrees, certificates, or licensure that will enable the persons to assist children with low incidence disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with low incidence disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with low incidence disabilities.

(C) Preparing personnel in the innovative uses and application of technology, including universally designed technologies, assistive technology devices, and assistive technology services--

(i) to enhance learning by children with low incidence disabilities through early intervention, educational, and transitional services; and

(ii) to improve communication with parents.

(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

(E) Preparing personnel to be qualified educational interpreters, to assist children with low incidence disabilities, particularly deaf and hard of hearing children in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.

(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

(G) Preparing personnel who provide services to children with low incidence disabilities and limited English proficient children.

(3) **DEFINITION.--**In this section, the term 'low incidence disability' means--

(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

(B) a significant cognitive impairment; or

(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

(4) **SELECTION OF RECIPIENTS.--**In selecting eligible entities for assistance under this subsection, the Secretary may give preference to eligible entities submitting applications that include 1 or more of the following:

(A) A proposal to prepare personnel in more than 1 low incidence disability, such as deafness and blindness.

- (B) A demonstration of an effective collaboration between an eligible entity and a local educational agency that promotes recruitment and subsequent retention of highly qualified personnel to serve children with low incidence disabilities.
- (5) PREPARATION IN USE OF BRAILLE.--The Secretary shall ensure that all recipients of awards under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille, will prepare those individuals to provide those services in Braille.
- (d) LEADERSHIP PREPARATION; AUTHORIZED ACTIVITIES.--
- (1) IN GENERAL.--In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).
- (2) AUTHORIZED ACTIVITIES.--Activities that may be carried out under this subsection include activities such as the following:
- (A) Preparing personnel at the graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services to improve results for children with disabilities.
- (B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, related services faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities, including children with disabilities who are limited English proficient children.
- (e) 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) IDENTIFIED STATE NEEDS.--
- (A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.--An application for assistance under subsection (b), (c), or (d) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the eligible entity proposes to serve.
- (B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.--An eligible entity that is not a local educational agency or a State educational agency shall include in the eligible entity's application information demonstrating to the satisfaction of the Secretary that the eligible entity and 1 or more State educational agencies or local educational agencies will cooperate in carrying out and monitoring the proposed project.
- (3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.--The Secretary may require eligible entities to provide in the eligible entities' applications assurances from 1 or more States that such States intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards or other requirements in State law or regulation for serving children with disabilities or serving infants and toddlers with disabilities.
- (f) SELECTION OF RECIPIENTS.--
- (1) IMPACT OF PROJECT.--In selecting eligible entities for assistance under this section, the Secretary shall consider the impact of the proposed project described in the application in meeting the need for personnel identified by the States.

(2) REQUIREMENT FOR ELIGIBLE ENTITIES TO MEET STATE AND PROFESSIONAL QUALIFICATIONS.--The Secretary shall make grants and enter into contracts and cooperative agreements under this section only to eligible entities that meet State and professionally recognized qualifications for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

(3) PREFERENCES.--In selecting eligible entities for assistance under this section, the Secretary may give preference to eligible entities that are institutions of higher education that are--

(A) educating regular education personnel to meet the needs of children with disabilities in integrated settings;

(B) educating special education personnel to work in collaboration with regular educators in integrated settings; and

(C) successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which the institution of higher education is preparing individuals.

(g) SCHOLARSHIPS.--The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), and (d).

(h) SERVICE OBLIGATION.--

(1) IN GENERAL.--Each application for assistance under subsections (b), (c), and (d) shall include an assurance that the eligible entity will ensure that individuals who receive a scholarship under the proposed project agree to subsequently provide special education and related services to children with disabilities, or in the case of leadership personnel to subsequently work in the appropriate field, for a period of 2 years for every year for which the scholarship was received or repay all or part of the amount of the scholarship, in accordance with regulations issued by the Secretary.

(2) SPECIAL RULE.--Notwithstanding paragraph (1), the Secretary may reduce or waive the service obligation requirement under paragraph (1) if the Secretary determines that the service obligation is acting as a deterrent to the recruitment of students into special education or a related field.

(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.

**20 U.S.C. § 1463 (SEC. 663)**  
**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 title, 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 adequate yearly progress, as described under section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965;

(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 title, 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 disabilities 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 618.

(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.

(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.

**20 U.S.C. § 1464 (SEC. 664)**  
**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 title, 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 title in order--

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

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

(2) SCOPE OF ASSESSMENT.--The national assessment shall assess activities supported under this title, including--

(A) the implementation of programs assisted under this title 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 title 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 title, and the Secretary in achieving the purposes of this title 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 overidentification 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 the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004; and
- (B) a final report of the findings of the assessment not later than 5 years after the date of enactment of such Act.

(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;

(2) analyzes and summarizes the data reported by the States and the Secretary of the Interior under section 618;

(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 title.

- (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 title, 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 title, 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 title; 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 635(c)(1) and on the effects of those policies.

**20 U.S.C. § 1465 (SEC. 665)**

**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;
    - (C) joint training for administrators, parents, teachers, related services personnel, behavioral specialists, and other school staff on effective strategies for positive behavioral interventions and behavior management strategies that focus on the prevention of behavior problems;
    - (D) developing or implementing specific curricula, programs, or interventions aimed at addressing behavioral problems;
    - (E) stronger linkages between school-based services and community-based resources, such as community mental health and primary care providers; or
    - (F) using behavioral specialists, related services personnel, and other staff necessary to implement behavioral supports; or
  - (2) improve interim alternative educational settings by--
    - (A) improving the training of administrators, teachers, related services personnel, behavioral specialists, and other school staff (including ongoing mentoring of new teachers) in behavioral supports and interventions;
    - (B) attracting and retaining a high quality, diverse staff;
  - (C) providing for referral to counseling services;
    - (D) utilizing research-based interventions, curriculum, and practices;
    - (E) allowing students to use instructional technology that provides individualized instruction;
    - (F) ensuring that the services are fully consistent with the goals of the individual student's IEP;
    - (G) promoting effective case management and collaboration among parents, teachers, physicians, related services personnel, behavioral specialists, principals, administrators, and other school staff;
    - (H) promoting interagency coordination and coordinated service delivery among schools, juvenile courts, child welfare agencies, community mental health providers, primary care providers, public recreation agencies, and community-based organizations; or
    - ((I) providing for behavioral specialists to help students transitioning from interim alternative educational settings reintegrate into their regular classrooms.
- (c) DEFINITION OF ELIGIBLE ENTITY.--In this section, the term "eligible entity" means--
- (1) a local educational agency; or
  - (2) a consortium consisting of a local educational agency and 1 or more of the following entities:
    - (A) Another local educational agency.
    - (B) A community-based organization with a demonstrated record of effectiveness in helping children with disabilities who have behavioral challenges succeed.
  - (C) An institution of higher education.

- (D) A community mental health provider.
- (E) An educational service agency.
- (d) APPLICATIONS.--Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall--
  - (1) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require; and
  - (2) involve parents of participating students in the design and implementation of the activities funded under this section.
- (e) REPORT AND EVALUATION.--Each eligible entity receiving a grant under this section shall prepare and submit annually to the Secretary a report on the outcomes of the activities assisted under the grant.

**20 U.S.C. § 1466 (SEC. 667)**

**AUTHORIZATION OF APPROPRIATIONS.**

- (a) IN GENERAL.--There are authorized to be appropriated to carry out this subpart (other than section 662) such sums as may be necessary for each of the fiscal years 2005 through 2010.
- (b) RESERVATION.--From amounts appropriated under subsection (a) for fiscal year 2005, the Secretary shall reserve \$1,000,000 to carry out the study authorized in section 664(c). From amounts appropriated under subsection (a) for a succeeding fiscal year, the Secretary may reserve an additional amount to carry out such study if the Secretary determines the additional amount is necessary.

**Subpart 3--Supports To Improve Results for Children With Disabilities**

**20 U.S.C. § 1470 (SEC. 670)**

**PURPOSES.**

The purposes of this subpart are to ensure that--

- (1) children with disabilities and their parents receive training and information designed to assist the children in meeting developmental and functional goals and challenging academic achievement goals, and in preparing to lead productive independent adult lives;
- (2) children with disabilities and their parents receive training and information on their rights, responsibilities, and protections under this title, in order to develop the skills necessary to cooperatively and effectively participate in planning and decision making relating to early intervention, educational, and transitional services;
- (3) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist such personnel in improving early intervention, educational, and transitional services and results for children with disabilities and their families; and
- (4) appropriate technology and media are researched, developed, and demonstrated, to improve and implement early intervention, educational, and transitional services and results for children with disabilities and their families.

20 U.S.C. § 1471 (SEC. 671, previously Sec. 682)  
PARENT TRAINING AND INFORMATION CENTERS.

(a) PROGRAM AUTHORIZED.--

(1) IN GENERAL. --The Secretary may ~~make award~~ grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

(2) DEFINITION OF PARENT ORGANIZATION. --*In this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that--*

(A) has a board of directors--

(i) the majority of whom are parents of children with disabilities ages birth through 26;

(ii) that includes--

(I) individuals working in the fields of special education, related services, and early intervention;  
and

(II) individuals with disabilities; and

(iii) the parent and professional members of which are broadly representative of the population to be served, including low-income parents and parents of limited English proficient children;  
and

(B) has as its mission serving families of children with disabilities who--

(i) are ages birth through 26; and

(ii) have the full range of disabilities described in section 602(3).

[(b) REQUIRED ACTIVITIES.--Each parent training and information center that receives assistance under this section shall--

(1) provide training and information that meets the ~~training and information~~ needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified;

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~~(3, to enable their children with disabilities to--~~

~~(A) meet developmental and functional goals, and challenging academic achievement goals that have been established for all children; and~~

~~(B) be prepared to lead productive independent adult lives, to the maximum extent possible;~~

~~(2) serve the parents of infants, toddlers, and children with the full range of disabilities described in section 602(3);~~

~~(3) ensure that the training and information provided meets the needs of low-income parents and parents of limited English proficient children;~~

[(4) assist parents to--

(A) better understand the nature of their children's disabilities and their educational ~~and~~ developmental, and transitional needs; |

(B) communicate effectively and work collaboratively |with personnel responsible for providing special education, early intervention services, transition services], and related services;

(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

(D) obtain appropriate information about the range ~~of~~, type, and quality of--

(i) options, programs, services, technologies, practices and interventions based on scientifically based research, to the extent practicable; and

(ii) resources available to assist children with disabilities and their families in school and at home;

(E) understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities;

(F) participate in activities at the school level that benefit their children; and

(G) participate in school reform activities;

(5) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process to them;

~~(6) the parents;~~

↓

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~~(2) assist parents to understand in resolving disputes in the availability of, most expeditious and how to effectively use, procedural safeguards under this Act effective way possible, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);~~

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(7) assist parents and students with disabilities to understand their rights and responsibilities under this title, including those under section 615(m) upon the student's reaching the age of majority (as appropriate under State law);

(8) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this title, including the resolution session described in section 615(e);

(9) assist parents in understanding, preparing for, and participating in, the process described in section 615(f)(1)(B);

(10) establish cooperative partnerships with community parent resource centers funded under section 672;

(11) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 685(d)663 and the Institute of Education Sciences, and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities described in section 602(3);- and

~~(7) annually report to the Secretary on--~~

(A) the number and demographics of parents to whom ~~the center~~ provided information and training in the most recently concluded fiscal year; ~~and~~

(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities; and

(C) the number of parents served who have resolved disputes through alternative methods of dispute resolution.

[(c) OPTIONAL ACTIVITIES.--A parent training and information center that receives assistance under this section may--

- (1) ~~may~~ provide information to teachers and other professionals ~~who provide special education and related services to~~ to assist the teachers and professionals in improving results for children with disabilities;
- (2) ~~assist students with disabilities to understand their rights and responsibilities under section 615(m) on reaching the age of majority; and~~
- (3) ~~assist parents of children with disabilities to be informed participants in the development and implementation of the States State improvement plan under subpart 1.~~
- (d) APPLICATION REQUIREMENTS.--Each application for assistance under this section shall identify with specificity the special efforts that the ~~applicant~~ parent organization will undertake--
- (1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; -and
- (2) to work with ~~community-based~~ community based organizations, including community based organizations that work with low-income parents and parents of limited English proficient children.
- (e) DISTRIBUTION OF FUNDS.--
- (1) IN GENERAL.--The Secretary ~~shall~~ shall--
- (A) ~~make at least~~ not less than 1 award to a parent organization in each State, ~~unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval~~ for a parent training and information center that is designated as the statewide parent training and information center; or
- (B) in the case of a large State, make awards to multiple parent training and information centers, but only if the centers demonstrate that coordinated services and supports will occur among the multiple centers.
- (2) SELECTION REQUIREMENT.--The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.
- (f) QUARTERLY REVIEW.--
- (1) REQUIREMENTS.--
- (A) ~~MEETINGS.~~ MEETINGS.--The board of directors ~~or special governing committee~~ of each parent organization that receives an award under this section shall meet ~~at least~~ not less than once in each calendar quarter to review the activities for which the award was made.
- (B) ~~ADVISING BOARD.~~ ADVISING BOARD.--Each ~~special governing committee~~ shall directly advise the ~~organizations governing board~~ of its views and recommendations.
- (2) CONTINUATION AWARD.--When ~~an~~ a parent organization requests a continuation award under this section, the board of directors ~~or special governing committee~~ shall submit to the Secretary a written review of the parent training and information program conducted by the parent organization during the preceding fiscal year.
- (g) DEFINITION OF PARENT ORGANIZATION.--~~As used in this section, the term parent organization means a private nonprofit organization (other than an institution of higher education) that--~~
- (1) ~~has a board of directors--~~
- (A) ~~the majority of whom are parents of children with disabilities;~~
- (B) ~~that includes--~~

- (i) individuals working in the fields of special education, related services, and early intervention; and
  - (ii) individuals with disabilities; and
  - (C) the parent and professional members of which are broadly representative of the population to be served; or
- (2) has—
- (A) a membership that represents the interests of individuals with disabilities and has established a special governing committee that meets the requirements of paragraph (1); and
  - (B) a memorandum of understanding between the special governing committee and the board of directors of the organization that clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

## 20 U.S.C. § 1472 (SEC. 672)

### SEC. ~~672~~ ~~683~~. COMMUNITY PARENT RESOURCE CENTERS.

(a) PROGRAM AUTHORIZED.--

(1) IN GENERAL.--The Secretary may ~~make~~<sup>award</sup> grants to, and enter into contracts and cooperative agreements with, local parent organizations to support community |parent training and information resource| centers that will help ensure that underserved parents of children with disabilities, including ~~low-income~~<sup>low income</sup> parents, parents of ~~children with~~ limited English proficiency<sup>proficient children</sup>, and parents with disabilities, have the training and information ~~they~~<sup>the parents</sup> need to enable ~~them~~<sup>the parents</sup> to participate effectively in helping their children with disabilities--

~~(1A)~~ to meet developmental and functional |goals| and, to the maximum extent possible, those challenging ~~standards~~<sup>academic achievement goals</sup> that have been established for all children; and

~~(2B)~~ to be prepared to lead productive independent adult lives, to the maximum extent possible.

(2) DEFINITION OF LOCAL PARENT ORGANIZATION.--In this section, the term 'local parent organization' means a parent organization, as defined in section 671(a)(2), that--

(A) has a board of directors the majority of whom are parents of children with disabilities ages birth through 26 from the community to be served; and

(B) has as its mission serving parents of children with disabilities who--

(i) are ages birth through 26; and

(ii) have the full range of disabilities described in section 602(3).

(b) REQUIRED ACTIVITIES.--Each community |parent training and information resource| center assisted under this section shall--

(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

(2) carry out the activities required of parent training and information centers under paragraphs (2) through ~~(79)~~ of section ~~68271~~|(b);

(3) establish cooperative partnerships with the parent training and information centers funded under section ~~68271~~|- and

(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

~~(c) DEFINITION. --As used in this section, the term local parent organization means a parent organization, as defined in section 682(g), that either--  
(1) has a board of directors the majority of whom are from the community to be served; or  
(2) has--  
(A) as a part of its mission, serving the interests of individuals with disabilities from such community; and  
(B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.~~

## 20 U.S.C. § 1472 (SEC. 672)

### SEC. ~~672~~ ~~683~~. COMMUNITY PARENT RESOURCE CENTERS.

~~(a) PROGRAM AUTHORIZED.--~~

~~(1) [IN GENERAL.--The Secretary may make award] grants to, and enter into contracts and cooperative agreements with, local parent organizations to support community parent training and information resource centers that will help ensure that underserved parents of children with disabilities, including low income low income parents, parents of children with limited English proficiency proficient children, and parents with disabilities, have the training and information ~~they~~ the parents need to enable ~~them~~ the parents to participate effectively in helping their children with disabilities--~~

~~(1A) to meet developmental and functional goals, and, to the maximum extent possible, those challenging standards academic achievement goals that have been established for all children; and~~

~~(2B) to be prepared to lead productive independent adult lives, to the maximum extent possible.~~

~~(2) DEFINITION OF LOCAL PARENT ORGANIZATION.--In this section, the term 'local parent organization' means a parent organization, as defined in section 671(a)(2), that--~~

~~(A) has a board of directors the majority of whom are parents of children with disabilities ages birth through 26 from the community to be served; and~~

~~(B) has as its mission serving parents of children with disabilities who--~~

~~(i) are ages birth through 26; and~~

~~(ii) have the full range of disabilities described in section 602(3).~~

~~[(b) REQUIRED ACTIVITIES.--Each community parent training and information resource center assisted under this section shall--~~

~~(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;~~

~~(2) carry out the activities required of parent training and information centers under paragraphs~~

~~(2) through (79) of section 68271(b);~~

~~(3) establish cooperative partnerships with the parent training and information centers funded under section 68271; and~~

~~(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.~~

~~(c) DEFINITION. --As used in this section, the term local parent organization means a parent organization, as defined in section 682(g), that either--~~

~~(1) has a board of directors the majority of whom are from the community to be served; or~~

~~(2) has--~~

- (A) as a part of its mission, serving the interests of individuals with disabilities from such community; and
- (B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.

**20 U.S.C. § 1473 (SEC. 673)**  
**TECHNICAL ASSISTANCE FOR PARENT TRAINING**  
**AND INFORMATION CENTERS.**

(a) PROGRAM AUTHORIZED.--

(1) IN GENERAL.--The Secretary may, directly or through awards to eligible entities, provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under ~~sections 682 and 683~~ section 671 and community parent resource centers receiving assistance under section 672.

(2) DEFINITION OF ELIGIBLE ENTITY.--*In this section, the term 'eligible entity' has the meaning given the term in section 661(b).* |

(b) AUTHORIZED ACTIVITIES.--The Secretary may provide technical assistance to a parent training and information center or a community parent resource center |under this section in areas such as--

- (1) effective coordination of parent training efforts;
- (2) dissemination of scientifically based research and |information;
- (3) ~~evaluation by the center of itself;~~
- (4) promotion of the use of technology, including assistive technology devices and assistive technology services;
- (5) ~~reaching underserved populations, including parents of low-income and limited English proficient children with disabilities;~~
- (6) ~~including children with disabilities in general education programs;~~
- (7) ~~facilitation of transitions from--~~
  - (A) early intervention services to preschool;
  - (B) preschool to elementary |school;
  - (C) elementary school to secondary school; | and
  - (D) ~~secondary school to postsecondary environments;~~ - and
- (8) ~~promotion of alternative methods of dispute resolution, including mediation.~~

(c) COLLABORATION WITH THE RESOURCE CENTERS.--*Each eligible entity receiving an award under subsection (a) shall develop collaborative agreements with the geographically appropriate regional resource center and, as appropriate, the regional educational laboratory supported under section 174 of the Education Sciences Reform Act of 2002, to further parent and professional collaboration.* |

**20 U.S.C. § 1474 (SEC. 674)**  
**[SEC. 687674]. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND**  
**UTILIZATION; AND MEDIA SERVICES; AND INSTRUCTIONAL MATERIALS].**  
(a) PROGRAM AUTHORIZED.--

(1) IN GENERAL.--The Secretary ~~shall competitively make, on a competitive basis, shall award~~ grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

(2) DEFINITION OF ELIGIBLE ENTITY.--*In this section, the term 'eligible entity' has the meaning given the term in section 661(b).*

~~[(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION; AUTHORIZED ACTIVITIES USE].~~--

(1) IN GENERAL.--In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and ~~utilization~~use of technology.

(2) AUTHORIZED ACTIVITIES.--~~Activities that~~The following activities may be carried out under this subsection ~~include activities such as the following:~~

~~(A) Conducting research and development activities on the use of innovative and emerging technologies for children with disabilities.~~

~~(B) Promoting on and promoting~~ the demonstration and use of innovative ~~and,~~ emerging, ~~and universally designed~~ technologies for children with disabilities, ~~by improving and expanding~~ the transfer of technology from research and development to practice.

~~(C) Providing technical assistance to recipients of other assistance under this section, concerning the development of accessible, effective, and usable products.~~

~~(D) Communicating information on available technology and the uses of such technology to assist children with disabilities.~~

~~(E) Supporting the implementation of research programs on captioning or video description.~~

~~(F)~~ Supporting research, development, and dissemination of technology with ~~universal design~~universal design features, so that the technology is accessible to the broadest range of individuals with disabilities without further modification or adaptation.

~~(G)~~ Demonstrating the use of ~~publicly funded telecommunications~~ systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

(D) Supporting the use of Internet-based communications for students with cognitive disabilities in order to maximize their academic and functional skills.

~~[(c) EDUCATIONAL MEDIA SERVICES; AUTHORIZED ACTIVITIES.]~~--

(1) IN GENERAL.--In carrying out this section, the Secretary shall support--

~~(1A)~~ educational media activities that are designed to be of educational value in the classroom setting to children with disabilities;

~~(2B)~~ providing video description, open captioning, or closed captioning ~~of,~~ that is appropriate for use in the classroom setting, of--

(i) television programs, ~~videos,~~ or educational materials through;

(ii) videos;

(iii) other materials, including programs and materials associated with new and emerging technologies, such as CDs, DVDs, video streaming, and other forms of multimedia; or

(iv) news (but only until September 30, 2001; ~~and after fiscal year 2001, providing video description, open captioning, or closed captioning of educational, news, and informational television, videos, or materials;~~

~~(3) distributing captioned and described videos or educational materials~~2006);

(C) distributing materials described in subparagraphs (A) and (B) through such mechanisms as a loan service; and

(4D) providing free educational materials, including textbooks, in accessible media for visually impaired and ~~print disabled~~ print disabled students in elementary, ~~secondary, postsecondary, and graduate schools~~;

~~(5) providing cultural experiences through appropriate nonprofit organizations, such as the National Theater of the Deaf, that--~~

~~(A) enrich the lives of deaf and hard-of-hearing children and adults;~~

~~(B) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or~~

~~(C) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences; and~~

~~(6) compiling and analyzing appropriate data relating to the activities schools and secondary schools.~~

(2) LIMITATION.--The video description, open captioning, or closed captioning described in paragraphs (1) through ~~(5)~~ paragraph (1)(B) shall be provided only when the description or captioning has not been previously provided by the producer or distributor, or has not been fully funded by other sources.

(d) APPLICATIONS.--

(1) IN GENERAL.--Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under ~~this section~~ subsection (b) or (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

~~(e) 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 1998 through 2002..~~

(2) SPECIAL RULE.--For the purpose of an application for an award to carry out activities described in subsection (c)(1)(D), such eligible entity shall--

(A) be a national, nonprofit entity with a proven track record of meeting the needs of students with print disabilities through services described in subsection (c)(1)(D);

(B) have the capacity to produce, maintain, and distribute in a timely fashion, up-to-date textbooks in digital audio formats to qualified students; and

(C) have a demonstrated ability to significantly leverage Federal funds through other public and private contributions, as well as through the expansive use of volunteers.

(e) NATIONAL INSTRUCTIONAL MATERIALS ACCESS CENTER.--

(1) IN GENERAL.--The Secretary shall establish and support, through the American Printing House for the Blind, a center to be known as the 'National Instructional Materials Access Center' not later than 1 year after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004.

(2) DUTIES.--The duties of the National Instructional Materials Access Center are the following:

(A) To receive and maintain a catalog of print instructional materials prepared in the National Instructional Materials Accessibility Standard, as established by the Secretary, made available to

such center by the textbook publishing industry, State educational agencies, and local educational agencies.

(B) To provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the National Instructional Materials Access Center may prescribe.

(C) To develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials provided under sections 612(a)(23) and 613(a)(6).

(3) DEFINITIONS.--In this subsection:

(A) BLIND OR OTHER PERSONS WITH PRINT DISABILITIES.--The term 'blind or other persons with print disabilities' means children served under this Act and who may qualify in accordance with the Act entitled 'An Act to provide books for the adult blind', approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats.

(B) NATIONAL INSTRUCTIONAL MATERIALS ACCESSIBILITY STANDARD.--The term 'National Instructional Materials Accessibility Standard' means the 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, United States Code.

(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 Act.

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

#### 20 U.S.C. § 1475 (SEC. 675)

#### SEC. 675. AUTHORIZATION OF APPROPRIATIONS.

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

|

## Subpart 4--General Provisions

### 20 U.S.C. § 1481 (SEC. 681) COMPREHENSIVE PLAN FOR SUBPARTS 2 AND 3.

#### (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 subparts 2 and 3 in order to enhance the provision of early intervention services, educational services, related services, and transitional services to children with disabilities under parts B and C. To the extent practicable, the plan shall be coordinated with the plan developed pursuant to section 178(c) of the Education Sciences Reform Act of 2002 and shall include mechanisms to address early intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State personnel development grants under subpart 1 and for grants under subparts 2 and 3.

(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 subparts 2 and 3 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 subparts 2 and 3, including an initial report not later than 12 months after the date of enactment of the Individuals with Disabilities Education Improvement Act of 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 subparts 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 subpart 2 or 3, 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 title, the Secretary shall reserve not less than 2 percent of the total amount of funds appropriated to carry out subparts 2 and 3 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 subpart.

(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 subpart.

(d) PRIORITIES.--The Secretary, in making an award of a grant, contract, or cooperative agreement under subpart 2 or 3, may, without regard to the rulemaking procedures under section 553 of title 5, United States Code, 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 VIII of the Elementary and Secondary Education Act of 1965;

(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 subpart 2 or 3.

(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 subpart 2 or 3 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 619(b).

**20 U.S.C. § 1482 (Sec. 682)**  
**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 subpart 2 or 3--*

*(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 subpart 2 or 3 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 subpart 2 or 3 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 subpart 2 or 3 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 subpart 2 or 3 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 subpart 2 or 3 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 subpart 2 or 3 to pay non-Federal entities for administrative support related to management of applications submitted under subpart 2 or 3, respectively.

(c) PROGRAM EVALUATION.--The Secretary may use funds made available to carry out subpart 2 or 3 to evaluate activities carried out under subpart 2 or 3, 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 subparts 2 and 3 to address the following needs:

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

(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 subparts 2 and 3, and part E of the Education Sciences Reform Act of 2002 for any fiscal year is less than \$130,000,000, the amounts listed in paragraph (1) shall be ratably reduced for the fiscal year."