

/* The final section of the ECHA follows. */

(2) (A) The Secretary shall base the award of grants under paragraph (1) on information relating to the present and projected need for special education, related services, early intervention, and other personnel to be trained based on identified State, regional, or national shortage, including the need for personnel in the provision of special education to children of limited English proficiency, and the capacity of the institution or agency to train qualified personnel, and other information considered appropriate by the Secretary.

(B) The Secretary shall ensure that grants are only made under paragraph (1) to applicant agencies and institutions that meet State and professionally recognized standards for the preparation of special education and related services personnel unless the grant is for the purpose of assisting the applicant agency or institution to meet such standards, and that include in their applications a detailed description of strategies that will be utilized to recruit and train members of minority groups and persons with disabilities.

(3) Grants under paragraph (1) may be used by institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary. Such institutions shall give priority consideration in the selection of qualified recipients of fellowships and traineeships to individuals from disadvantaged backgrounds, including minorities and individuals with disabilities who are underrepresented in the teaching profession or in the specializations in which they are being trained.

(4) The Secretary in carrying out paragraph (1) may reserve a sum not to exceed 5 percent of the amount available for paragraph (1) in each fiscal year for contracts to prepare personnel in areas where shortages exist when a response to that need has not been adequately addressed by the grant process.

(5) In making grants under subsection (a)(1), the Secretary may determine that a portion of training supported through such grants shall be conducted on an interdisciplinary basis, and shall be designed to assist special educators in properly coordinating service provision with related services personnel. To the extent feasible, training programs funded under subsection (a)(1)(B) and (a)(1)(E) shall require practica to demonstrate the delivery of related services in an array of regular and special education and community settings.

(6) Nothing in this subsection shall be construed to prevent regular education or special education personnel from benefiting or participating in training activities conducted under this subsection on a preservice or inservice basis.

(7) The Secretary, in carrying out paragraph (1), shall make grants to Historically Black Colleges and Universities, and other institutions of higher education whose minority student enrollment is at least 25 percent.

(8) (A) In making grants under paragraph (1), the Secretary may make grants through a separate competition to institutions of higher education, in partnership with local educational agencies and center schools for students who are deaf, to carry out not less than 4 regional model

demonstration training programs on deafness and secondary disabilities.

(B) Such programs shall provide preservice and inservice training to teachers and school administrators, and leadership personnel, in the education of students who are deaf and to related services personnel.

[(9)](8) In making grants under paragraph (1), the Secretary may provide for the training or retraining of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, to meet the communications needs of such individuals.

(b) Grants for educational interpreter training programs. (1) The Secretary may make grants to institutions of higher education, and other appropriate nonprofit agencies or organizations for the establishment or continuation of educational interpreter training programs to train personnel to effectively meet the various communication needs of elementary and secondary students who are deaf or deaf-blind. To the extent feasible, grants shall be geographically dispersed throughout the Nation in urban and rural areas.

(2) The Secretary may make a grant under paragraph (1) only if the applicant for the grant provides an assurance that all interpreters receiving training under the grant will be provided training designed to develop skills necessary for facilitating effective communication for students who are deaf or deaf-blind.

(3) In making grants under paragraph (1), the Secretary may provide for the training or retraining (including short-term and in-service training) of regular education teachers who are involved in providing instruction to individuals who are deaf, but who are not certified as teachers of such individuals, and other personnel who work with such individuals, on the role of educational interpreters.

(c) Development of preservice training programs to prepare regular educators to work with disabled children. The Secretary may make grants to institutions of higher education, State agencies, and other appropriate nonprofit agencies and organizations to develop and demonstrate effective ways for preservice training programs to prepare regular educators to work with children and youth with disabilities and their families; for training teachers to work in community and school settings with school students with disabilities and their families; for inservice and preservice training of personnel to work with infants, toddlers, children, and youth with disabilities and their families; for inservice and preservice training of personnel to work with minority infants, toddlers, children, and youth with disabilities and their families; for preservice and inservice training of special education and related services personnel in the use of assistive and instructional technology to benefit infants, toddlers, children, and youth with disabilities; and for the recruitment and retention of special education, related services, and early intervention personnel. Both preservice and inservice training shall include a component that addresses the coordination among all service providers, including regular educators.

(d) Grants for consortia or partnerships of public and private entities to provide opportunities for career advancement and/or competency-based training.(1) The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and

private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) [20 USC 1409(g)] for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

(A) Establishing a program with colleges and universities to develop creative new programs and coursework options and/or to expand existing programs in the field of special education, related services, or early intervention. Funds may be used to provide release time for faculty and staff for curriculum development, instructional costs, and modest start-up and other program development costs.

(B) Establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, county, and voluntary sector workers who have demonstrated a commitment to working in the above fields and who are enrolled in higher education institution programs relating to these fields.

(C) Supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in the above fields.

(D) Identifying existing public and private agency and labor union personnel policies and benefit programs that may facilitate the ability of workers to take advantage of higher education opportunities such as leave time, tuition reimbursement, etc.

(2) To the extent feasible, projects authorized under paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

(3) The Secretary shall award, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), a cooperative agreement through a separate competition to an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of workers to serve children and youth with disabilities through the use of consortia or partnerships established for the purpose of retaining the existing workforce and providing opportunities for career enhancement.

(4) The Secretary may conduct an evaluation of projects funded under this subsection.

(5) During the period in which an entity is receiving financial assistance under paragraph (1) or (3), the entity may not receive financial assistance under the other paragraph.

(e) Parent training and information programs. (1) The Secretary may make grants through a separate competition to private nonprofit organizations for the purpose of providing training and information to parents of infants, toddlers, children, and youth with disabilities and persons who work with parents to enable such individuals to participate more effectively with professionals in meeting the educational needs of children with disabilities. Such grants shall be designed to

meet the unique training and information needs of parents of infants, toddlers, children, and youth with disabilities living in the area to be served by the grant, particularly those who are members of groups that have been traditionally underrepresented.

(2) In order to receive a grant under paragraph (1) a private nonprofit organization shall:

(A) be governed by a board of directors of which a majority of the members are parents of infants, toddlers, children, and youth with disabilities, particularly minority parents, and that includes members who are professionals, especially minority professionals, in the field of special education, early intervention, and related services, and individuals with disabilities, or, if the nonprofit private organization, does not have such a board, such organization shall have a membership that represents the interests of individuals with disabilities, and shall establish a special governing committee of which a majority of the members are parents of infants, toddlers, children, and youth with disabilities, particularly parents of minority children, and which includes members who are professionals, especially minority professionals, in the field of special education, early intervention, and related services, to operate the training and information program under paragraph (1), and parent and professional membership of these boards or special governing committees shall be broadly representative of minority and other individuals and groups having an interest in special education, early intervention, and related services;

(B) serve the parent of infants, toddlers, children, and youth with the full range of disabling conditions under such grant program, and

(C) demonstrate the capacity and expertise to conduct effectively the training and information activities for which a grant may be made under paragraph (1), and, for purposes of paragraph (1), network with clearinghouses, including those established under section 633 [20 USC 1433] and other organizations and agencies, and network with other established national, State, and local parent groups representing the full range of parents of infants, toddlers, children, and youth with disabilities, especially parents of minority children. Nothing in subparagraph (A) shall be construed to authorize or permit the denial to any person of the due process of law required by the United States Constitution.

(3) The board of directors of special governing committee of a private nonprofit organization receiving a grant under paragraph (1) shall meet at least once in each calendar quarter to review the parent training and information activities for which the grant is made, and each such committee shall advise the governing board directly of its views and recommendations.

Whenever a private nonprofit organization requests the renewal of a grant under paragraph (1) for a fiscal year, the board of directors or the special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by that private nonprofit organization during the preceding fiscal year.

(4) The Secretary shall ensure that grants under paragraph (1) will:

(A) be distributed geographically to the greatest extent possible throughout all the States and give priority to grants which involve underserved areas,

(B) be targeted to parents of children with disabilities in both urban and rural areas or on a State

or regional basis,

(C) serve parents of minority children with disabilities (including parents served pursuant to paragraph (10)) representative to the proportion of the minority population in the areas being served, by requiring that applicants for the grants identify with specificity the special efforts that will be undertaken to involve such parents, including efforts to work with community-based and cultural organizations and the specification of supplementary aids, services, and supports that will be made available, and by specifying budgetary items earmarked to accomplish this subparagraph, and

(D) be funded at a sufficient size, scope, and quality to ensure that the program is adequate to serve the parents in the area.

(5) Parent training and information programs assisted under paragraph (1) shall assist parents to:

(A) better understand the nature and needs of the disabling conditions of children,

(B) provide follow up support for educational programs of children with disabilities,

(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals,

(D) participate in educational decisionmaking processes, including the development of the individualized education program for a child with a disability,

(E) obtain appropriate information about the range of options, programs, services, and resources available at the national, State, and local levels to assist infants, toddlers, children, and youth with disabilities and their families, and

(F) understand the provisions for the education of infants, toddlers, children, and youth with disabilities under this Act.

(6) Parent training and information programs may, at a grant recipient's discretion, include State or local educational personnel where such participation will further an objective of the program assisted by the grant.

(7) Each private nonprofit organization operating a program receiving a grant under paragraph (1) shall consult and network with appropriate national, State, regional, and local agencies and organizations, such as protection and advocacy agencies, that serve or assist infants, toddlers, children, and youth with disabilities and their families and are located in the jurisdiction served by the program.

(8) The Secretary shall provide technical assistance, by grant or contract, for establishing, developing, and coordinating parent training and information programs.

(9) After the establishment in each State of a parent training and information center, the Secretary shall provide for the establishment of 3 experimental centers to serve large numbers of

parents of children with disabilities located in high density areas that do not have such centers and 2 such centers to serve large numbers of parents of children with disabilities located in rural area.

(10)(A) In the case of a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the organization, in expending the amounts described in subparagraph (B), shall give priority to providing services under this subsection to parents of children with disabilities aged 0-5.

(B) With respect to a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the amounts described in this subparagraph are any amounts provided in the grant in excess of the amount of an grant under such paragraph provided to the organization for fiscal year 1992.

(11) Effective for fiscal year 1991 and every year thereafter, the Secretary shall obtain data concerning programs and centers assisted under this subsection on:

(A) the number of parents provided information and training by disability category of their children,

(B) the types and modes of information or training provided,

(C) strategies used to reach and serve parents of minority infants, toddlers, children, and youth with disabilities,

(D) the number of parents served as a result of activities described under subparagraph (C),

(E) activities to network with other information clearinghouses and parent groups as required in subsection (c)(2)(C),

(F) the number of agencies and organizations consulted with at the national, State, regional, and local levels, and

(G) the number of parents served under this subsection who are parents of children with disabilities aged 0-5. The Secretary shall include a summary of this information in the annual report to Congress as required in section 618(g) [20 USC 1418(g)].

Section 1432. Grants to state educational agencies and institutions for traineeships

(a) The Secretary shall make a grant of sufficient size and scope to each State educational agency for the purposes described in subsection (c) and, in any State in which the State educational agency does not apply for such a grant, to an institution of higher education within such State for such purposes.

(b) The Secretary may also make a limited number of grants to State educational agencies on a competitive basis for the purposes described in subsection (c). In any fiscal year, the Secretary may not expend for purposes of this subsection an amount that exceeds 10 percent of the amount

expended for purposes of this section in the preceding fiscal year.

(c) Grants made under this section shall be for the purpose of assisting States in establishing and maintaining preservice and inservice programs to prepare special and regular education, related services and early intervention personnel to meet the needs of infants, toddlers, children, and youth with disabilities or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613 and under section 676(b)(8) [20 USC 1413, 1476(b)(8)], and to assist the State in developing and maintaining such systems and conducting personnel recruitment and retention activities.

(d) The Secretary is authorized to provide directly or by grant, contract, or cooperative agreement, technical assistance to State educational agencies on matters pertaining to the effective implementation of section 613(a)(3) [20 USC 1413(a)(3)].

Section 1433. Clearinghouses

(a) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public agencies or private nonprofit organizations or institutions for the establishment of three national clearinghouses: on children and youth with disabilities; on postsecondary education for individuals with disabilities; and on careers in special education, to--

(1) collect, develop, and disseminate information,

(2) provide technical assistance,

(3) conduct coordinated outreach activities,

(4) provide for the coordination and networking with other relevant national, State, and local organizations and information and referral resources,

(5) respond to individuals and organizations seeking information, and

(6) provide for the synthesis of information for its effective utilization by parents, professionals, individuals with disabilities, and other interested parties.

(b) The national clearinghouse for children and youth with disabilities shall:

(1) Collect and disseminate information (including the development of materials) on characteristics of infants, toddlers, children, and youth with disabilities and on programs, legislation, and services relating to their education under this Act and other Federal laws.

(2) Participate in programs and services related to disability issues for providing outreach, technical assistance, collection, and dissemination of information; and promoting networking of individuals with appropriate national, State, and local agencies and organizations.

(3) Establish a coordinated network and conduct outreach activities with relevant Federal, State, and local organizations and other sources for promoting public awareness of disability issues and the availability of information, programs, and services.

(4) Collect, disseminate, and develop information on current and future national, Federal, regional, and State needs for providing information to parents, professionals, individuals with disabilities, and other interested parties relating to the education and related services of individuals with disabilities.

(5) Provide technical assistance to national, Federal, regional, State and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families.

(6) In carrying out the activities in this subsection, the clearinghouse will include strategies to disseminate information to underrepresented groups such as those with limited English proficiency.

(c) The national clearinghouse on postsecondary education for individuals with disabilities shall:

(1) Collect and disseminate information nationally on characteristics of individuals entering and participating in education and training programs after high school; legislation affecting such individuals and such programs; policies, procedures, and support services, as well as adaptations, and other resources available or recommended to facilitate the education of individuals with disabilities; available programs and services that include, or can be adapted to include, individuals with disabilities; and sources of financial aid for the education and training of individuals with disabilities.

(2) Identify areas of need for additional information.

(3) Develop new materials (in both print and nonprint form), especially by synthesizing information from a variety of fields affecting disability issues and the education, rehabilitation, and retraining of individuals with disabilities.

(4) Develop a coordinated network of professionals, related organizations and associations, mass media, other clearinghouses, and governmental agencies at the Federal, regional, State, and local level for the purposes of disseminating information and promoting awareness of issues relevant to the education of individuals with disabilities after high school and referring individuals who request information to local resources.

(5) Respond to requests from individuals with disabilities, their parents, and professionals who work with them, for information that will enable them to make appropriate decisions about postsecondary education and training.

(d) The national clearinghouse designed to encourage students to seek careers and professional personnel to seek employment in the various fields relating to the education of children and youth with disabilities shall:

- (1) Collect and disseminate information on current and future national, regional, and State needs for special education and related services personnel.
 - (2) Disseminate information to high school counselors and others concerning current career opportunities in special education, location of programs, and various forms of financial assistance (such as scholarships, stipends, and allowances).
 - (3) Identify training programs available around the country.
 - (4) Establish a network among local and State educational agencies and institutions of higher education concerning the supply of graduates and available openings.
 - (5) Provide technical assistance to institutions seeking to meet State and professionally recognized standards.
- (e)
- (1) In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give priority consideration to any applicant with demonstrated, proven effectiveness (at the national level) in performing the functions established in this section; and with the ability to conduct such projects, communicate with intended consumers of information, and maintain the necessary communication with national, regional, State, and local agencies and organizations.
 - (2) In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall give priority consideration to any applicant with demonstrated, proven effectiveness (at the national level) in providing informational services to minorities and minority organizations.
- (f)
- (1) Beginning in fiscal year 1991, and for each year thereafter, the Secretary shall obtain information on each project assisted under this section, including:
 - (A) the number of individuals served by disability category, as appropriate, including parents, professionals, students, and individuals with disabilities;
 - (B) a description of responses utilized;
 - (C) a listing of new products developed and disseminated; and
 - (D) a description of strategies and activities utilized for outreach to urban and rural areas with populations of minorities and underrepresented groups.
 - (2) A summary of the data required by this subsection shall be included in the annual report to Congress required under section 618 [20 USC 1418].

Section 1434. Reports to the Secretary

(a) Not more than sixty days after the end of any fiscal year, each recipient of a grant or contract under this part during such fiscal year shall prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include:

(1) the number of individuals trained under the grant or contract, by category of training and level of training;

(2) the number of individuals trained under the grant or contract receiving degrees and certification, by category and level of training; and

(3) information described in section 631(d)(11) [20 USC 1431(d)(11)] and section 633(f)(1) [20 USC 1433(f)(1)], as applicable.

(b) A summary of the data required by this section shall be included in the annual report of the Secretary under section 618 of this Act [20 USC 1418].

Section 1435. Authorization of appropriations

(a)

(1) There are authorized to be appropriated to carry out this part [20 USC 1431 et seq.] (other than sections 631(a)(7), 631(d), and 633 [20 USC 1431(a)(7), (d), 1433]) \$94,725,000 for fiscal year 1991, \$103,255,000 for fiscal year 1992, \$113,580,000 for fiscal year 1993, and \$123,760,000 for fiscal year 1994.

(2) There are authorized to be appropriated to carry out section 631(a)(7) [20 USC 1431(a)(7)] \$19,250,000 for fiscal year 1991, \$21,175,000 for fiscal year 1992, \$23,292,500 for fiscal year 1993, and \$25,621,750 for fiscal year 1994.

(3) There are authorized to be appropriated to carry out section 631(d) [20 USC 1431(d)] \$11,000,000 for fiscal year 1991, \$15,100,000 for fiscal year 1992, \$16,300,000 for fiscal year 1993, and \$17,600,000 for fiscal year 1994.

(4) There are authorized to be appropriated to carry out section 633 [20 USC 1433] \$2,900,000 for fiscal year 1991, \$2,465,000 for fiscal year 1992, \$2,710,000 for fiscal year 1993, and \$2,960,000 for fiscal year 1994.

(b) Personnel training for careers in special education and early intervention. Of the funds appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall reserve not less than 65 per centum for activities described in subparagraphs (A) through (E) of section 631(a)(1) [20 USC 1431(a)(1)].

(c) [Deleted]

RESEARCH IN EDUCATION OF INDIVIDUALS WITH DISABILITIES

Section 1441. Research and related activities

(a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, other public agencies and nonprofit private organizations for the purpose of advancing and improving the knowledge base and improving the practice of professionals, parents, and others providing early intervention, special education, and related services, including professionals who work with children and youth with disabilities in regular education environments, to provide such children effective instruction and enable them to successfully learn. The activities supported under this section shall support innovation, development, exchange, and use of such advancements in knowledge and practice designed to contribute to the improvement of instruction and learning of infants, toddlers, children, and youth with disabilities. In carrying out this section, the Secretary may support a wide range of research and related activities designed to:

(1) advance knowledge regarding the provision of instruction and other interventions to infants, toddlers, children, and youth with disabilities including:

(A) the organization, synthesis, and interpretation of current knowledge and the identification of knowledge gaps;

(B) the identification of knowledge and skill competencies needed by personnel providing special education, related services, and early intervention services;

(C) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of interventions and instruction;

(D) the evaluation of approaches and interventions;

(E) the development of instructional strategies, techniques, and activities;

(F) the improvement of curricula and instructional tools such as textbooks, media, materials, and technology;

(G) the development of assessment techniques, instruments (including tests, inventories, and scales), and strategies for measurement of progress and the identification, location, and evaluation of infants, toddlers, children, and youth with disabilities for the purpose of determining eligibility, program planning, and placement for special education, related services, and early intervention services. Particular attention should be given to the development of alternative assessment procedures and processes for minority individuals and those with limited English proficiency;

(H) the testing of research findings in practice settings to determine the application, usability, effectiveness, and generalizability of such research findings;

(I) the improvement of knowledge regarding families, minorities, limited English proficiency, and disabling conditions; and

(J) the identification of environmental, organizational, resource, and other conditions necessary for effective professional practice; and

(2) advance the use of knowledge by personnel providing special education, related services, and early intervention services including:

(A) the improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning in preservice, inservice, and continuing education;

(B) the organization, integration, and presentation of knowledge so that such knowledge can be incorporated and imparted in personnel preparation, continuing education programs, and other relevant training and communication vehicles; and

(C) the expansion and improvement of networks that exchange knowledge and practice information.

(b) In carrying out subsection (a), the Secretary shall consider the special education, related services, or early intervention and research experience of applicants.

(c) The Secretary shall publish proposed priorities under this part in the Federal Register not later than 12 months preceding the fiscal year for which they are being announced, and shall allow a period of 60 days for public comments and suggestions. The Secretary shall, after analyzing and considering the public comments, publish final priorities in the Federal Register not later than 90 days after the close of the comment period.

(d) The Secretary shall provide an index (including the title of each project and the name and address of the funded organization) of all projects conducted under this part in the prior fiscal year in the annual report described under section 618 [20 USC 1418].

(e) The Secretary shall:

(1) coordinate the priorities established under subsection (b) with research priorities established by the National Institute for Disability and Rehabilitation Research and other appropriate agencies conducting research pertaining to the education of individuals with disabilities; and

(2) provide information concerning priorities established under subsection (b) to the National Council on Disability and to the Bureau of Indian Affairs Advisory Committee for Exceptional Children.

(f)

(1) The Secretary shall make grants or enter into contracts or cooperative agreements for the

establishment of a center or centers designed to organize, synthesize, and disseminate current knowledge relating to children with attention deficit disorder with respect to the following:

- (A) Assessment techniques, instruments, and strategies used for identification, location, evaluation and for measurement of progress.
- (B) Knowledge and skill competencies needed by professionals providing special and regular education and related services.
- (C) Environmental, organizational, resource, and other conditions necessary for effective professional practice.
- (D) Developmental and learning characteristics.
- (E) Instructional strategies, techniques, and activities.
- (F) Curricula and instructional tools such as textbooks, media, materials, and technology.
- (G) Strategies, techniques, and activities related to involvement of families.

(2) In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary shall give priority consideration to applicants with:

- (A) demonstrated knowledge concerning the disorder;
- (B) proven effectiveness in performing the functions established in this subsection; and
- (C) the ability to:
 - (i) conduct such projects;
 - (ii) communicate with intended consumers of information; and
 - (iii) maintain the necessary communication with national, regional, State, and local agencies.

(g)

(1) The Secretary shall make grants, or enter into contracts or cooperative agreements, for the establishment of model demonstration programs, of which some will be school-based models, that provide the services of an ombudsman to assist in resolving problems that are barriers to appropriate educational, related services, or other services for children and youth with disabilities.

(2) Programs under paragraph (1) shall provide or identify personnel to assist children and youth with disabilities, their parents or guardians, special and regular education teachers, State and local education administrators, and related services personnel to resolve problems in a timely manner through dispute mediation and other methods, notwithstanding due process procedures,

in order to further the delivery of appropriate education and related services. Participation in this program does not preclude or delay due process under part B of this Act [20 USC 1411 et seq.].

(3) Ombudsman services for programs under paragraph (1) shall be provided by social workers, parent advocates, psychologists, and persons with similar qualifications designated by the Secretary.

(h) (1) The Secretary may make grants to institutions of higher education, in partnership with other appropriate agencies and organizations such as local educational agencies and center schools for students who are deaf, to:

(A) conduct research in the unique needs of children and youth, including minority children and youth, with disabilities;

(B) develop and evaluate specialized instructional methods, materials, curricula, and technologies for use with such children and youth; and

(C) develop and evaluate assessment techniques, instruments, and strategies used to identify, evaluate, and measure the progress of such children and youth.

(2) Each grantee under this subsection shall provide for the meaningful involvement in its project of parents and family members and adult role models.

Section 1442. Research and demonstration projects in physical education and recreation for children with disabilities

The Secretary is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for children with disabilities, including therapeutic recreation, and to conduct research, surveys, or demonstrations relating to physical education or recreation for children with disabilities, including therapeutic recreation.

Section 1444. Authorization of appropriations

For purposes of carrying out this part [20 USC 1441 et seq.], there are authorized to be appropriated \$21,100,000 for fiscal year 1990, \$24,650,000 for fiscal year 1991, \$27,400,000 for fiscal year 1992, \$30,200,000 for fiscal year 1993, and \$33,200,000 for fiscal year 1994.

Section INSTRUCTIONAL MEDIA FOR INDIVIDUALS WITH DISABILITIES

Section 1451. Congressional statement of purposes

The purposes of this part [20 USC 1451 et seq.] are to promote:

(1) the general welfare of deaf and hard of hearing individuals by:

(A) bringing to such individuals understanding and appreciation of those films and television programs that play such an important part in the general and cultural advancement of hearing individuals;

(B) providing through these films and television programs enriched educational and cultural experiences through which deaf and hard of hearing individuals can be brought into better touch with the realities of their environment; and

(C) providing a wholesome and rewarding experience that deaf and hard of hearing individuals may share together; and

(2) the educational advancement of individuals with disabilities by:

(A) carrying on research in the use of educational media for individuals with disabilities;

(B) producing and distributing educational media for the use of individuals with disabilities, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of individuals with disabilities;

(C) training individuals in the use of educational media for the instruction of individuals with disabilities; and

(D) utilizing educational media to help eliminate illiteracy among individuals with disabilities; and

(3) the general welfare of visually impaired individuals by:

(A) bringing to such individuals an understanding and appreciation of textbooks, films, television programs, video material, and other educational publications and materials that play such an important part in the general and cultural advancement of visually unimpaired individuals; and

(B) ensuring access to television programming and other video materials.

Section 1452. Captioned films, television, descriptive video, and educational media for handicapped individuals [individuals with disabilities]

(a) Establishment of loan service. The Secretary shall establish a loan service of captioned films, descriptive video, and educational media for the purpose of making such materials available, in accordance with regulations, in the United States for nonprofit purposes to individuals with disabilities, parents of individuals with disabilities, and other individuals directly involved in activities for the advancement of the handicapped [disabled], including for the purpose of addressing problems of illiteracy among individuals with disabilities.

(b) Authority. The Secretary is authorized to:

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary for the administration of this part [20 USC 1451 et seq.];

(3) provide, by grant or contract, for the captioning for deaf and hard of hearing individuals and video description for the visually impaired, of films, television programs, and video materials;

(4) provide, by grant or contract, for the distribution of captioned and video-described films, video materials, and other educational media and equipment through State schools for handicapped individuals [individuals with disabilities], public libraries, and such other agencies or entities as the Secretary may deem appropriate to serve as local or regional centers for such distribution;

(5) provide, by grant or contract, for the conduct of research in the use of educational and training films and other educational media for the handicapped [disabled], for the production and distribution of educational and training films and other educational media for individuals with disabilities and the training of individuals in the use of such films and media, including the payment to those individuals of such stipends (including allowances for travel and other expenses of such individuals and their dependents) as "the Secretary" may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies;

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations; and

(8) provide by grant or contract for educational media and materials for the deaf and hard of hearing individuals.

(c) National Theatre of the Deaf. The Secretary may make grants to or enter into contracts or cooperative agreements with the National Theatre of the Deaf, Inc. and other appropriate non-profit organizations for the purpose of providing cultural experiences to:

(1) enrich the lives of deaf and hard of hearing children and adults,

(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard of hearing individuals, and

(3) promote the integration of hearing and deaf and hard of hearing individuals through shared cultural, educational, and social experiences.

(d) Providing textbooks and other educational materials to blind and print-handicapped students.

(1) The Secretary is authorized to make a grant or enter into a contract for the purpose of

providing current, free textbooks and other educational publications and materials to blind and other print-handicapped students in elementary, secondary, postsecondary, and graduate schools and other institutions of higher education through the medium of transcribed tapes and cassettes.

(2) For the purpose of this subsection, the term "print- handicapped" refers to any individual who is blind or severely visually impaired, or who, by reason of a physical or perceptual disability, is unable to read printed material unassisted.

Section 1454. Authorization of appropriations

For the purpose of carrying out section 652 [20 USC 1452] there are authorized to be appropriated \$20,010,000 for fiscal year 1991, \$22,010,000 for fiscal year 1992, \$24,200,000 for fiscal year 1993, and \$26,600,000 for fiscal year 1994.

TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES

1461. Financial assistance

(a) The Secretary may make grants or enter into contracts or cooperative agreements with institutions of higher education, State and local educational agencies, or other appropriate agencies and organizations for the purpose of advancing the use of new technology, media, and materials in the education of students with disabilities and the provision of related services and early intervention services to infants and toddlers with disabilities. In carrying out this section, the Secretary may fund projects or centers for the purposes of:

(1) determining how technology, assistive technology, media, and materials are being used in the education of individuals with disabilities and how they can be used most effectively, efficiently, and appropriately,

(2) designing and adapting technology, assistive technology, media, and materials to improve the education of handicapped students [students with disabilities],

(3) assisting the public and private sectors in the development and marketing of technology, assistive technology, media, and materials for the education of individuals with disabilities,

(4) disseminating information on the availability and use of technology, assistive technology, media, and materials for the education of individuals with disabilities, where appropriate, to entities described in section 610(g) [20 USC 1410(g)],

(5) increasing access to and use of assistive technology devices and assistive technology services in the education of infants, toddlers, children, and youth with disabilities, and other activities authorized under the Technology-Related Assistance for Individuals With Disabilities Act of 1988, as such Act relates to the education of students with disabilities, and

(6) examining how these purposes can address the problem of illiteracy among individuals with

disabilities.

(b) (1) With respect to new technology, media, and materials utilized with funds under this part to improve the education of students with disabilities, the Secretary shall make efforts to ensure that such instructional materials are closed captioned.

(2) The Secretary may not award a grant, contract, or cooperative agreement under paragraphs (1) through (4) of subsection (a) unless the applicant for such assistance agrees that activities carried out with the assistance will be coordinated, as appropriate, with the State entity receiving funds under title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 [29 USC 2211 et seq.]

Section 1462. Authorization of appropriations

For the purpose of carrying out this part [20 USC 1461, 1462], there are authorized to be appropriated \$11,900,000 for fiscal year 1991, \$12,860,000 for fiscal year 1992, \$13,890,000 for fiscal year 1993, and \$15,000,000 for fiscal year 1994.

Section 1471. Findings and policy

(a) Findings. The Congress finds that there is an urgent and substantial need:

(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay,

(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age,

(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independent living in society,

(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities, and

(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

(b) Policy. It is therefore the policy of the United States to provide financial assistance to States:

(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for infants and toddlers with disabilities and their families,

(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage), and

(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families.

Section 1472. Definitions

As used in this part [20 USC 1471 et seq.]:

(1) The term "infants and toddlers with disabilities" means individuals from birth to age 2, inclusive, who need early intervention services because they:

(A) are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: cognitive development, physical development, language and speech development (hereafter in this part [20 USC 1471 et seq.] referred to as "communication development"), psychosocial development (hereafter in this part [20 USC 1471 et seq.] referred to as "social or emotional development"), or self- help skills (hereafter in this part [20 USC 1471 et seq.] referred to as "adaptive development"), or

(B) have a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. Such term may also include, at a State's discretion, individuals from birth to age 2, inclusive, who are at risk of having substantial developmental delays if early intervention services are not provided.

(2) The term "early intervention services" are developmental services which:

(A) are provided under public supervision,

(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees,

(C) are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas:

(i) physical development,

(ii) cognitive development,

(iii) communication,

(iv) social or emotional development, or

(v) adaptive development,

(D) meet the standards of the State, including the requirements of this part [20 USC 1471 et seq.],

(E) include:

(i) family training, counseling, and home visits,

(ii) special instruction,

(iii) speech pathology and audiology,

(iv) occupational therapy,

(v) physical therapy,

(vi) psychological services,

(vii) case management services (hereafter in this part [20 USC 1471 et seq.] referred to as "service coordination services"),

(viii) medical services only for diagnostic or evaluation purposes,

(ix) early identification, screening, and assessment services,

(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services,

(xi) social work services,

(xii) vision services,

(xiii) assistance technology devices and assistive technology services, and

(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive early intervention services,

(F) are provided by qualified personnel, including:

(i) (ii) speech and language pathologists and audiologists,

(iii) occupational therapists,

(iv) physical therapists,

- (v) psychologists,
- (vi) social workers,
- (vii) nurses,
- (viii) nutritionists,
- (ix) family therapists,
- (x) orientation and mobility specialists, and
- (xi) pediatricians and other physicians,

(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and

(H) are provided in conformity with an individualized family service plan adopted in accordance with section 677 [20 USC 1477].

(3) The term "developmental delay" has the meaning given such term by a State under section 676(b)(1) [20 USC 1476(b)(1)].

(4) The term "Council" means the State Interagency Coordinating Council established under section 682 [20 USC 1482].

Section 1473. General authority

The Secretary shall, in accordance with this part [20 USC 1471 et seq.], make grants to States (from their allocations under section 684 [20 USC 1484]) to assist each State to develop a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

Section 1474. General eligibility

In order to be eligible for a grant under section 673 [20 USC 1473] for any fiscal year, a State shall demonstrate to the Secretary (in its application under section 678 [20 USC 1478]) that the State has established a State Interagency Coordinating Council which meets the requirements of section 682 [20 USC 1482].

Section 1475. Continuing eligibility

(a) First two years. In order to be eligible for a grant under section 673 [20 USC 1473] for the first or second year of a State's participation under this part [20 USC 1471 et seq.], a State shall include in its application under section 678 [20 USC 1478] for that year an assurance that funds

received under section 673 [20 USC 1473] shall be used to assist the State to plan, develop, and implement the statewide system required by section 676 [20 USC 1476].

(b) Third and fourth year. (1) In order to be eligible for a grant under section 673 [20 USC 1473] for the third or fourth year of a State's participation under this part [20 USC 1471 et seq.], a State shall include in its application under section 678 [20 USC 1478] for that year information and assurances demonstrating to the satisfaction of the Secretary that:

(A) the State has adopted a policy which incorporates all of the components of a statewide system in accordance with section 676 [20 USC 1476] or obtained a waiver from the Secretary under paragraph (2),

(B) funds shall be used to plan, develop, and implement the statewide system required by section 676 [20 USC 1476], and

(C) such statewide system will be in effect no later than the beginning of the fourth year of the State's participation under section 673 [20 USC 1473], except that in order to comply with section 676(b)(4) [20 USC 1476(b)(4)], a State need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services.

(2) Notwithstanding paragraph (1), the Secretary may permit a State to continue to receive assistance under section 673 [20 USC 1473] during such third year even if the State has not adopted the policy required by paragraph (1)(A) before receiving assistance if the State demonstrates in its application:

(A) that the State has made a good faith effort to adopt such a policy,

(B) the reasons why it was unable to meet the timeline and the steps remaining before such a policy will be adopted, and

(C) an assurance that the policy will be adopted and go into effect before the fourth year of such assistance.

(c) Fifth and succeeding years. In order to be eligible for a grant under section 673 [20 USC 1473] for a fifth and any succeeding year of a State's participation under this part [20 USC 1471 et seq.], a State shall include in its application under section 678 [20 USC 1478] for that year information and assurances demonstrating to the satisfaction of the Secretary that the State has in effect the statewide system required by section 676 [20 USC 1476] and a description of services to be provided under section 676(b)(2) [20 USC 1476(b)(2)].

(d) Exception. Notwithstanding subsections (a) and (b), a State which has in effect a State law, enacted before September 1, 1986, that requires the provision of free appropriate public education to children with disabilities from birth through age 2, inclusive, shall be eligible for a grant under section 673 [20 USC 1473] for the first through fourth years of a State's participation under this part [20 USC 1471 et seq.].

(e) Differential funding for fourth or fifth year. (1) In general. Notwithstanding any other

provision of this part [20 USC 1471 et seq.], a State shall be eligible for a grant under section 673 [20 USC 1473] for fiscal years 1990, 1991, or 1992 if:

(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State's third or fourth year of participation under this part [20 USC 1471 et seq.] and

(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including:

(i) information demonstrating to the Secretary's satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

(2) Approval of request. (A) First year. The Secretary shall approve a State's request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

(B) Second year. The Secretary shall approve a State's request for a second year of extended participation under this subsection if State:

(i) meets the requirements of paragraph (1); and

(ii) demonstrates to the Secretary's satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

(3) Duration. The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

(4) Payment. (A) Fiscal year 1990. Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall receive a payment under this part [20 USC 1471 et seq.] in an amount equal to such State's payment under this part [20 USC 1471 et seq.] for fiscal year 1989.

(B) Fiscal year 1991 or 1992. Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part [20 USC 1471 et seq.] for such fiscal years in an amount equal to the payment such State would have received under this part [20 USC 1471 et seq.] for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

(C) Minimum payment for fiscal year 1991 or 1992 for certain states. Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part [20 USC 1471 et seq.] of

not less than \$500,000. For purposes of the preceding sentence, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

/* This type of section makes it easier to get votes from Senators from smaller population states.

*

(5) Reallotment.

(A) Fiscal year 1990. The amount by which allotment computed under section 684 [20 USC 1484] for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d) [20 USC 1484(d)], any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallotted, notwithstanding the percentage limitations set forth in sections 684(a) and (b) [20 USC 1484(a), (b)], among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year bears to the amount of all States' allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year.

(B) Fiscal year 1991 or 1992. The amount by which a State's allotment computed under section 684 [20 USC 1484] for any State for fiscal years 1991 or 1992 exceeds the amount that that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallotted, notwithstanding the percentage limitations set forth in section 684(a) and (b) [20 USC 1484(a), (b)]:

(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year, except that no such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 [20 USC 1484] for the previous fiscal year;

(ii) second, if funds remain, among those States that have:

(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

(II) qualified for extended participation under this subsection; and

(III) not received a reallotment payment under clause (i), in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallotment payment that is larger than the payment such State would otherwise have received under section 684 [20 USC 1484] for such

year; and

(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallocation payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 [20 USC 1484] as modified by this subsection in such fiscal year.

(6) Definitions. For the purpose of this subsection, the term "State", except as provided in paragraph (4)(C), means:

(A) each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(B) each of the jurisdictions listed in section 684(a) [20 USC 1484(a)]; and

(C) the Department of the Interior.

Section 1476. Requirements for statewide system

(a) In general. A statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention services to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities on reservations, shall include the minimum components under subsection (b).

(b) Minimum components. The statewide system required by subsection (a) shall include, at a minimum:

(1) a definition of the term "developmentally delayed" that will be used by the State in carrying out programs under this part [20 USC 1471 et seq.],

(2) timetables for ensuring that appropriate early intervention services will be available to all infants and toddlers with disabilities, including Indian infants and toddlers with disabilities on reservations, in the State before the beginning of the fifth year of a State's participation under this part [20 USC 1471 et seq.],

(3) a timely, comprehensive, multidisciplinary evaluation of the functioning of each infant and toddler with a disability in the State and the needs of the families to appropriately assist in the development of the infant or toddler with a disability,

(4) for each infant and toddler with a disability in the State, an individualized family service plan in accordance with section 677 [20 USC 1477], including service coordination services in accordance with such service plan,

(5) a comprehensive child find system, consistent with part B of this Act [20 USC 1411 et seq.], including a system for making referrals to service providers that includes timelines and provides

for participation by primary referral sources,

(6) a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency to all primary referral sources of information materials for parents on the availability of early intervention services, and procedures for determining the extent to which primary referral sources, especially hospitals and physicians, disseminate information on the availability of early intervention services to parents of infants with disabilities,

(7) a central directory which includes early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State,

(8) a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 613(a)(3) [20 USC 1413(a)(3)] and that may include:

(A) implementing innovative strategies and activities for the recruitment and retention of early intervention service providers,

(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part [20 USC 1471 et seq.],

(C) training personnel to work in rural areas, and

(D) training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part [20 USC 1471 et seq.] to a preschool program under section 619 of part B [20 USC 1419].

(9) a single line of responsibility in a lead agency designated or established by the Governor for carrying out:

(A) the general administration and supervision of programs and activities receiving assistance under section 673 [20 USC 1473], and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673 [20 USC 1473], to ensure that the State complies with this part [20 USC 1471 et seq.],

(B) the identification and coordination of all available resources within the State from Federal, State, local and private sources,

(C) the assignment of financial responsibility in accordance with section 678(a)(2) [20 USC 1478(a)(2)] to the appropriate agencies,

(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families in a timely manner pending the resolution of any disputes

among public agencies or service providers,

(E) the resolution of intra- and interagency disputes, and

(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination,

(10) a policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part [20 USC 1471 et seq.], including the contents of the application used and the conditions of the contract or other arrangements,

(11) a procedure for securing timely reimbursement of funds used under this part [20 USC 1471 et seq.], in accordance with section 681(a) [20 USC 1481(a)],

(12) procedural safeguards with respect to programs under this part [20 USC 1471 et seq.] as required by section 680 [20 USC 1480].

(13) policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part [20 USC 1471 et seq.] are appropriately and adequately prepared and trained, including:

(A) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services, and

(B) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State, and

(14) a system for compiling data on the numbers of infants and toddlers with disabilities and their families in the State in need of appropriate early intervention services (which may be based on a sampling of data), the numbers of such infants and toddlers and their families served, the types of services provided (which may be based on a sampling of data), and other information required by the Secretary.

Section 1477. Individualized family service plan

/* Important for educators and parents to review the specific steps required to be taken. */

(a) Assessment and program development. Each infant or toddler with a disability and the infant's or toddler's family shall receive:

(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs,

(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler with a disability, and

(3) a written individualized family service plan developed by a multidisciplinary team, including the parent or guardian, as required by subsection (d).

(b) Periodic review. The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

(c) Promptness after assessment. The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parent's consent, early intervention services may commence prior to the completion of such assessment.

(d) Content of plan. The individualized family service plan shall be in writing and contain:

(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on acceptable objective criteria,

(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability,

(3) a statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines [timeliness] used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary.

(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and the method of delivering services,

(5) a statement of the natural environments in which early intervention services shall appropriately be provided,

(6) the projected dates for initiation of services and the anticipated duration of such services,

(7) the name of the case manager (hereafter in this part [20 USC 1471 et seq.] referred to as the "service coordinator") from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part [20 USC 1471 et seq.]) who will be responsible for the implementation of the plan and coordination with other agencies and persons, and

(8) the steps to be taken supporting the transition of the toddler with a disability to services

provided under part B of this Act [20 USC 1411 et seq.] to the extent such services are considered appropriate.

(e) Parental consent. The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.

Section 1478. State application and assurances

(a) Application. Any State desiring to receive a grant under section 673 [20 USC 1473] for any year shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require by regulation. Such an application shall contain:

(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 673 [20 USC 1473],

(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,

(3) information demonstrating eligibility of the State under section 674 [20 USC 1474],

(4) the information or assurances required to demonstrate eligibility of the State for the particular year of participation under section 675 [20 USC 1475],

(5)(A) information demonstrating that the State has provided (i) public hearings, (ii) adequate notice of such hearings, and (iii) an opportunity for comment to the general public before the submission of such application and before the adoption by the State of the policies described in such application, and (B) a summary of the public comments and the State's responses,

(6) a description of the uses for which funds will be expended in accordance with this part and, for the fifth and succeeding fiscal years a description of the services to be provided,

(7) a description of the procedure used to ensure an equitable distribution of resources made available under this part among all geographic areas within the State,

(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under part B [20 USC 1411 et seq.], including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides and convene, with the approval of the family, a conference between the lead agency, the family, and such agency or unit at least 90 days before such child is eligible for the preschool program under part B [20 USC 1411 et seq.] in accordance with State law, and to review the

child's program options, for the period commencing on the day a child turns 3 running through the remainder of the school year, and to establish a transition plan, and

(9) such other information and assurances as the Secretary may reasonably require by regulation.

(b) Statement of assurances. Any State desiring to receive a grant under section 673 [20 USC 1473] shall file with the Secretary a statement at such time and in such manner as the Secretary may reasonably require by regulation. Such statement shall:

(1) assure that funds paid to the State under section 673 [20 USC 1473] will be expended in accordance with this part,

(2) contain assurances that the State will comply with the requirements of section 681 [20 USC 1481],

(3) provide satisfactory assurance that the control of funds provided under section 673 [20 USC 1473], and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property,

(4) provide for (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part, and (B) keeping such records and affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part,

(5) provide satisfactory assurance that Federal funds made available under section 673 [20 USC 1473] (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant such State and local funds,

(6) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under section 673 [20 USC 1473] to the State,

(7) beginning in fiscal year 1992, provide satisfactory assurances that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part and to ensure that such families have access to culturally competent services within their local areas, and

(8) such other information and assurances as the Secretary may reasonably require by regulation.

(c) Approval of application and assurances required. No State may receive a grant under section 673 [20 USC 1473] unless the Secretary has approved the application and statement of assurances of that State. The Secretary shall not disapprove such an application or statement of assurances unless the Secretary determines, after notice and opportunity for a hearing, that the application or statement of assurances fails to comply with the requirements of this section.

Section 1479. Uses of funds

In addition to using funds provided under section 673 [20 USC 1473] to plan, develop, and implement the statewide system required by section 676 [20 USC 1476], a State may use such funds:

- (1) for direct services for infants and toddlers with disabilities and their families that are not otherwise provided from other public or private sources,
- (2) to expand and improve on services for infants and toddlers with disabilities and their families that are otherwise available, and
- (3) to provide a free appropriate public education, in accordance with part B [20 USC 1411 et seq.], to children with disabilities from their third birthday to the beginning of the following school year.

Section 1480. Procedural safeguards

The procedural safeguards required to be included in a statewide system under section 676(b)(12) [20 USC 1476(b)(12)] shall provide, at a minimum, the following:

- (1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.
- (2) The right to confidentiality of personally identifiable information, including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.
- (3) The right of the parents or guardian to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part [20 USC 1471 et seq].
- (4) The opportunity for parents or a guardian to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.
- (5) Procedures to protect the rights of the infant or toddler with a disability whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency

providing services) to act as a surrogate for the parents or guardian.

(6) Written prior notice to the parents or guardian of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the infant or toddler with a disability.

(7) Procedures designed to assure that the notice required by paragraph (6) fully informs the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

(8) During the pendency of any proceeding or action involving a complaint, unless the State agency and the parents or guardian otherwise agree, the child shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

Section 1481

(a) Nonsubstitution. Funds provided under section 673 [20 USC 1473] may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this part [20 USC 1471 et seq.], except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion, funds provided under section 673 [20 USC 1473] may be used to pay the provider of services pending reimbursement from the agency which has ultimate responsibility for the payment.

(b) Reduction of other benefits. Nothing in this part [20 USC 1471 et seq.] shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act [42 USC 701 et seq.] (relating to maternal and child health) or title XIX of the Social Security Act [42 USC 1396 et seq.] (relating to medicaid for infants or toddlers with disabilities) within the State.

Section 1482. State interagency coordinating council

(a) Establishment. (1) Any State which desires to receive financial assistance under section 673 [20 USC 1473] shall establish a State Interagency Coordinating Council composed of at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678 [20 USC 1478].

(2) The Council shall be appointed by the Governor. In making appointments to the Council, the Governor shall ensure that the membership of the Council reasonably represents the population of the State.

(3) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the lead agency designated under section 676(b)(9) [20 USC 1476(b)

(9)] may not serve as the chairperson of the Council.

(b) Composition. (1) The Council shall be composed as follows:

(A) At least 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

(B) At least 20 percent of the members shall be public or private providers of early intervention services.

(C) At least one member shall be from the State legislature.

(D) At least one member shall be involved in personnel preparation.

(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infant and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

(G) At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

(2) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.

(c) Meetings. The Council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(d) Management authority. Subject to the approval of the Governor, the Council may prepare and approve a budget using funds under this part [20 USC 1471 et seq.] to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part [20 USC 1471 et seq.]

(e) Functions of Council. (1) The Council shall:

(A) advise and assist the lead agency designated or established under section 676(b)(9) [20 USC 1476(b)(9)] in the performance of the responsibilities set out in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements,

(B) advise and assist the lead agency in the preparation of applications and amendments thereto,

(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under Part B [20 USC 1411 et seq.], to the extent such services are appropriate, and

(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.

(f) Conflict of interest.No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

(g) Use of existing councils.To the extent that a State has established a Council before September 1, 1986, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with this section. Within 4 years after the date the State accepts funds under section 673 [20 USC 1473], such State shall establish a council that complies in full with this section.

Section 1483. Federal administration

Sections 616, 617, and 620 [20 USC 1416, 1417, 1420] shall, to the extent not inconsistent with this part [20 USC 1471 et seq.], apply to the program authorized by this part [20 USC 1471 et seq.], except that:

(1) any reference to a State educational agency shall be deemed to be a reference to the State agency established or designated under section 676(b)(9) [20 USC 1476(b)(9)],

(2) any reference to the education of children with disabilities and the education of all children with disabilities and the provision of free public education to all children with disabilities shall be deemed to be a reference to the provision of services to infants and toddlers with disabilities in accordance with this part [20 USC 1471 et seq.], and

(3) any reference to local educational agencies and intermediate educational agencies shall be deemed to be a reference to local service providers under this part [20 USC 1471 et seq.].

Section 1484. Allocation of funds

(a) Territories and insular possessions. From the sums appropriated to carry out this part [20 USC 1471 et seq.] for any fiscal year, the Secretary may reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

(b) (1) The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act [25 USC 450b]) or consortium of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part [20 USC 1471 et seq.] for that fiscal year.

(2) The Secretary of the Interior shall distribute the total amount of the 1.25 percent under paragraph (1) in the following manner:

(A) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978[25 USC 2008], divided by the total number of such students in all BIA operated or funded schools.

(B) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes or tribal organizations.

(3) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as are needed to determine the amounts to be allocated under paragraph (2).

(4) The funds received by a tribe or tribal organization shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children aged 0-2, inclusive, and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. These activities may be carried out directly or through contracts or cooperative agreements with BIA, local educational agencies, and other public or private nonprofit organizations. The tribe and tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

(5) To be eligible to receive a grant pursuant to paragraph (2), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D) of this Act [20 USC 1411(f)(3)(D)]. The Secretary of Education may require any additional information from the Secretary of the Interior.

(6) None of the funds under this subsection can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

(c) States. (1) For each of the fiscal years 1987 through 1994 from the funds remaining after the reservation and payments under subsections (a) and (b), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States, except that no State shall receive less than 0.5 percent of such remainder, or \$500,000, whichever is greater.

(2) For the purpose of paragraph (1):

(A) the terms "infants" and "toddlers" mean children from birth to age 2, inclusive, and

(B) the term "State" does not include the jurisdictions described in subsection (a).

(d) Election by State not to receive allotment. If any State elects not to receive its allotment under subsection (c)(1), the Secretary shall reallocate, among the remaining States, amounts from such State in accordance with such subsection.

Section 1484a. Federal Interagency Coordinating Council

(a) Establishment and purpose.

(1) In general. The Secretary shall establish a Federal Interagency Coordinating Council in order to:

(A) minimize duplication programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State, and local agencies;

(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

(C) coordinate the provision of Federal technical assistance and support activities to States;

(D) identify gaps in Federal agency programs and services; and

(E) identify barriers to Federal interagency cooperation.

(2) Appointments. The council established under paragraph (1) (hereafter in this section referred to as the "Council") and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

(b) Composition. The Council shall be composed of:

(1) a representative of the Office of Special Education Programs;

(2) a representative of the National Institute on Disability and Rehabilitation Research;

(3) a representative of the Maternal and Child Health Services Block Grant Program;

(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

(5) a representative of the Health Care Financing Administration;

(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

(7) a representative of the Social Security Administration;

(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

(9) a representative of the National Institute of Mental Health;

(10) a representative of the National Institute of Child Health and Human Development;

(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

(12) a representative of the Indian Health Service;

(13) a representative of the Surgeon General;

(14) a representative of the Department of Defense;

(15) a representative of the Administration for Children and Families;

(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration [Substance Abuse and Mental Health Services Administration];

(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public

Health Service;

(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

(21) other persons appointed by the Secretary.

(c) Meetings. The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(d) Functions of the Council. The Council shall:

(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part [20 USC 1471 et seq.];

(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

(3) identify strategies to address issues described in paragraph (2);

(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

(6) facilitate activities in support of States' interagency coordination efforts.

(e) Conflict of interest. No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.