

105TH CONGRESS  
1ST SESSION

# S. 216

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1998 through 2002, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. JEFFORDS (for himself, Mr. FRIST, and Mrs. HUTCHISON of Texas) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1998 through 2002, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Individuals with Dis-  
5       abilities Education Act Amendments of 1997”.

6       **SEC. 2. TABLE OF CONTENTS.**

7       The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

## TITLE I—GENERAL PROVISIONS

- Sec. 101. Findings.
- Sec. 102. Definitions.
- Sec. 103. Office of Special Education Programs.
- Sec. 104. Requirements for prescribing regulations.
- Sec. 105. Eligibility for financial assistance.
- Sec. 106. Administrative provisions applicable to discretionary assistance programs.
- Sec. 107. Repeals.
- Sec. 108. Transition rule.
- Sec. 109. Effective date.

## TITLE II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

- Sec. 201. Entitlements and allocations.
  - Sec. 202. State eligibility.
  - Sec. 203. Local educational agency and State agency eligibility.
  - Sec. 204. Evaluations, individualized education programs, and educational placements.
  - Sec. 205. Chapter 1 State agencies.
  - Sec. 206. Procedural safeguards.
  - Sec. 207. Withholding and judicial review.
  - Sec. 208. Administration.
  - Sec. 209. Evaluation and program information.
  - Sec. 210. Preschool grants.
  - Sec. 211. Payments.
  - Sec. 212. Applicability of definitions.
  - Sec. 213. Conforming and technical amendments.
  - Sec. 214. Effective dates.<sup>174</sup>
- TITLE III—SYSTEMS CHANGE
- Sec. 301. Systems change.
  - Sec. 302. Effective date.

## TITLE IV—RESEARCH AND PERSONNEL PREPARATION

- Sec. 401. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated research and personnel preparation.
- Sec. 402. Conforming amendments.
- Sec. 403. Effective date.

## TITLE V—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

- Sec. 501. Improving early intervention, educational, and transitional services and results for children with disabilities through coordinated technical assistance, support, and dissemination of information.
- Sec. 502. Conforming amendments.
- Sec. 503. Effective date.

## TITLE VI—INFANTS AND TODDLERS WITH DISABILITIES

- Sec. 601. Findings and policy.
- Sec. 602. Definitions.
- Sec. 603. General authority.
- Sec. 604. Eligibility.

Sec. 605. Continuing eligibility.  
 Sec. 606. Requirements for statewide system.  
 Sec. 607. Individualized family service plan.  
 Sec. 608. State application and assurances.  
 Sec. 609. Uses of funds.  
 Sec. 610. Procedural safeguards.  
 Sec. 611. State Interagency Coordinating Council.  
 Sec. 612. Conforming amendment.  
 Sec. 613. Allocation of funds.  
 Sec. 614. Federal Interagency Coordinating Council.  
 Sec. 615. Study of definition of developmental delay.  
 Sec. 616. Authorization of appropriations.  
 Sec. 617. Effective date.

### 1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in  
 3 this Act an amendment or repeal is expressed in terms  
 4 of an amendment to, or repeal of, a section or other provi-  
 5 sion, the reference shall be considered to be made to a  
 6 section or other provision of the Individuals with Disabil-  
 7 ities Education Act (20 U.S.C. 1400 et seq.).

## 8 **TITLE I—GENERAL PROVISIONS**

### 9 **SEC. 101. FINDINGS.**

10 Section 601 (20 U.S.C. 1400) is amended to read as  
 11 follows:

#### 12 **“SEC. 601. SHORT TITLE; FINDINGS; PURPOSES.**

13 “(a) SHORT TITLE.—This title may be cited as the  
 14 ‘Individuals with Disabilities Education Act’.

15 “(b) FINDINGS.—With respect to this Act, Congress  
 16 finds the following:

17 “(1)(A) That disability is a natural part of the  
 18 human experience and in no way diminishes the

1 right of individuals to fully participate in all aspects  
2 of American society, including education.

3 “(B) That the right to equal educational oppor-  
4 tunities for all children with disabilities is guaran-  
5 teed by the equal protection clause of the 14th  
6 amendment to the United States Constitution.

7 “(C) That improving educational results for  
8 children with disabilities is an essential element in  
9 ensuring equality of opportunity in all aspects of  
10 society.

11 “(D) That it is in the national interest that stu-  
12 dents with disabilities leave school with the skills  
13 necessary to be included and integrated in the eco-  
14 nomic and social fabric of society and to live  
15 independently.

16 “(2) That prior to the enactment of the Edu-  
17 cation for All Handicapped Children Act of 1975  
18 (Public Law 94–142), 1,000,000 children with dis-  
19 abilities in the United States were excluded entirely  
20 from the public school system, and more than one-  
21 half of all children with disabilities in the United  
22 States did not receive appropriate educational serv-  
23 ices, either because their disabilities were unde-  
24 tected, or because of the lack of adequate services  
25 within the public school system.

1           “(3) That since the enactment of the Education  
2       for All Handicapped Children Act of 1975 (Public  
3       Law 94–142), significant progress has been made in  
4       addressing problems that existed at the time the law  
5       was enacted. Progress has been made in the follow-  
6       ing manner:

7           “(A) Every State now ensures a free ap-  
8       propriate public education to all children with  
9       disabilities within the State between the ages of  
10      3 and 18, and most States extend that provi-  
11      sion of a free appropriate public education  
12      through age 21.

13          “(B) Over 5,000,000 children with disabil-  
14      ities are receiving special education and related  
15      services.

16          “(C) All States now provide early interven-  
17      tion services to infants and toddlers with dis-  
18      abilities from birth through age 2 and to fami-  
19      lies of such infants and toddlers.

20          “(4) That based on 20 years of experience and  
21      research in the education of children with disabil-  
22      ities, there is a general recognition of the following:

23          “(A) The provision of quality education  
24      and services to children with disabilities must

1 be based on an individualized assessment of  
2 each child's unique needs and abilities.

3 “(B) To the maximum extent appropriate,  
4 children with disabilities should be educated  
5 with children who are not disabled and children  
6 with disabilities should be removed from the  
7 regular educational environment only when the  
8 nature and severity of the disability is such that  
9 education in regular classes with the use of sup-  
10 plementary aids and services cannot be achieved  
11 satisfactorily.

12 “(C) Students with disabilities achieve at  
13 significantly higher levels when schools have  
14 high expectations (and establish high goals) for  
15 such students, ensure the access of such stu-  
16 dents to the general curriculum (whenever ap-  
17 propriate), and provide such students with the  
18 necessary services and supports.

19 “(D) That including children with disabil-  
20 ities in State and districtwide assessment sys-  
21 tems is an effective accountability mechanism  
22 and a critical strategy for improving edu-  
23 cational results for such children.

24 “(E) The provisions of this Act should be  
25 aligned with general educational reforms with

1           respect to the improvement of education for all  
2           children, so that children with disabilities have  
3           the opportunity to benefit from such reforms.

4           “(F) Parent participation is a crucial com-  
5           ponent in the education of children with disabil-  
6           ities, and parents should have meaningful op-  
7           portunities, through appropriate training, dis-  
8           semination of information and other supports,  
9           to participate as partners with teachers and  
10          other school staff in assisting their children to  
11          achieve to high standards.

12          “(G) School administrators must have the  
13          resources and skills needed to ensure that  
14          school environments are safe and conducive to  
15          learning.

16          “(5)(A) That State and local educational agen-  
17          cies must be responsive to the increasing racial, eth-  
18          nic, and linguistic diversity that prevails in the Na-  
19          tion’s public schools today.

20          “(B)(i) Greater efforts are needed to prevent  
21          the intensification of problems connected with inap-  
22          propriately identifying and mislabeling children from  
23          minority backgrounds as children with disabilities.

24          “(ii) More minority children continue to be  
25          served in special education than would be expected

1 from the percentage of such children in the general  
2 school population.

3 “(iii) Poor African American students are 2.5  
4 times more likely to be identified by their school as  
5 mentally retarded than are their white counterparts,  
6 and such students are also more likely to be edu-  
7 cated in segregated settings.

8 “(iv) A disproportionate number of such stu-  
9 dents drop out of school, fail to enroll in postsecond-  
10 ary programs, and fail to participate in competitive  
11 long-term employment.

12 “(v) Disproportionality in the identification of  
13 such students as children with disabilities may be  
14 explained in part by the relationship between poverty  
15 and disability, which is well documented. Poor pre-  
16 natal care and nutrition are factors that contribute  
17 to higher rates of disability within minority popu-  
18 lations. However, disproportionality may be due to  
19 misclassification of minority children as disabled and  
20 inappropriate placement of minority children, par-  
21 ticularly in separate settings, which raises civil  
22 rights concerns.

23 “(C) Children with limited English proficiency  
24 continue to be underidentified as needing special  
25 education services than would be expected from the



1 percentage of such children in the general school  
2 population.

3 “(D) Based on 20 years of experience in both  
4 general and special education, there is general rec-  
5 ognition today that the problems associated with en-  
6 suring an appropriate education for children from  
7 diverse backgrounds can be effectively addressed  
8 when the following are done:

9 “(i) The procedures used for referring and  
10 evaluating children with disabilities include ap-  
11 propriate safeguards to prevent the overidenti-  
12 fication or underidentification of minority stu-  
13 dents requiring special education.

14 “(ii) Prereferral intervention strategies are  
15 adopted, as appropriate, especially in elemen-  
16 tary schools.

17 “(iii) Services, supports, and other assist-  
18 ance are provided in a culturally sensitive  
19 manner.

20 “(iv) Greater efforts are made to improve  
21 post-school results among minority students  
22 with disabilities.

23 “(6) That it is in the national interest that the  
24 Federal Government has a role with respect to the  
25 following:

1           “(A) Assisting State and local efforts to  
2           educate children with disabilities in order to im-  
3           prove educational and transitional results for  
4           such children, and to ensure equal protection of  
5           the law.

6           “(B) Assisting States in the provision of  
7           early intervention services.

8           “(C) Promoting the improvement of edu-  
9           cational and transitional services and results for  
10          children with disabilities and early intervention  
11          services for infants and toddlers with disabil-  
12          ities by supporting systems change activities  
13          carried out by the State educational agency, co-  
14          ordinated research and personnel preparation,  
15          coordinated technical assistance, dissemination,  
16          and support, and technology development and  
17          media services.

18          “(c) PURPOSES.—The purposes of this Act are to—

19               “(1)(A) ensure that all children with disabilities  
20               have available to them a free appropriate public edu-  
21               cation that emphasizes special education and related  
22               services designed to meet the unique needs of such  
23               children and enable such children to lead productive,  
24               independent adult lives;

1           “(B) ensure that the rights of children with dis-  
2           abilities and their parents are protected; and

3           “(C) assist States and localities to provide for  
4           the education of all children with disabilities;

5           “(2) assist States in the implementation of a  
6           statewide, comprehensive, coordinated, multidisci-  
7           plinary, interagency system of early intervention  
8           services for infants and toddlers with disabilities and  
9           their families;

10          “(3) promote the improvement of educational  
11          and transitional services and results for children  
12          with disabilities and early intervention services for  
13          infants and toddlers with disabilities by  
14          supporting—

15               “(A) systems change activities carried out  
16               by State educational agencies in partnership  
17               with other interested parties;

18               “(B) coordinated research and personnel  
19               preparation; and

20               “(C) coordinated technical assistance, dis-  
21               semination, and support, and technology devel-  
22               opment and media services; and

1           “(4) assess and promote the effectiveness of ef-  
 2           forts to educate children with disabilities and to pro-  
 3           vide early intervention services for infants and tod-  
 4           dlers with disabilities.”.

5 **SEC. 102. DEFINITIONS.**

6           (a) SECTION HEADING.—Section 602 (20 U.S.C.  
 7 1401) is amended—

8                   (1) by striking the section heading and insert-  
 9           ing the following:

10 **“SEC. 602. DEFINITIONS.”;**

11           and

12                   (2) by striking “SEC. 602.”.

13           (b) TERMS.—Section 602(a) (20 U.S.C. 1401(a)) is  
 14 amended—

15                   (1) in paragraph (1)(A)—

16                           (A) by striking “(1)(A) The term” and all  
 17                   that follows through “children—” and inserting  
 18                   the following:

19                           “(1) CHILD WITH A DISABILITY; CHILD WITH A  
 20                   DISABILITY AGED 3 THROUGH 5; CHILDREN WITH  
 21                   DISABILITIES.—

22                                   “(A) CHILD WITH A DISABILITY.—The  
 23                   term ‘child with a disability’ means a child—”;

24                           (B) in clause (i)—

1 (i) by striking “hearing impairments”  
 2 and inserting “a hearing impairment”;

3 (ii) by striking “speech or language  
 4 impairments, visual impairments” and in-  
 5 serting “a speech or language impairment,  
 6 a visual impairment”;

7 (iii) by striking “orthopedic impair-  
 8 ments” and inserting “an orthopedic im-  
 9 pairment”; and

10 (iv) by striking “other health impair-  
 11 ments, or specific learning disabilities” and  
 12 inserting “other health impairment, or a  
 13 specific learning disability”;

14 (C) in clause (ii), by striking “need” and  
 15 inserting “needs”; and

16 (D) by realigning the margins of clauses  
 17 (i) and (ii) so as to align with clauses (i) and  
 18 (ii) of paragraph (21)(A);  
 19 (2) in paragraph (1)(B)—

20 (A) by striking “(B) The term” and all  
 21 that follows through “include children—” and  
 22 inserting the following:

23 “(B) CHILD WITH A DISABILITY AGED 3  
 24 THROUGH 5.—At the discretion of the State,

1 the term ‘child with a disability’ includes a child  
2 aged 3 through 5—”;

3 (B) in clause (i), by striking “(i) experienc-  
4 ing developmental delays” and inserting “(i)  
5 who is experiencing a developmental delay”;

6 (C) in clause (ii), by striking “need” and  
7 inserting “needs”;

8 (D) by realigning the margin of subpara-  
9 graph (B) so as to align with subparagraph (B)  
10 of paragraph (11); and

11 (E) by realigning the margins of clauses  
12 (i) and (ii) so as to align with clauses (i) and  
13 (ii) of paragraph (21)(A);

14 (3) by inserting after paragraph (1)(B), the fol-  
15 lowing new subparagraph:

16 “(C) CHILDREN WITH DISABILITIES.—The  
17 term ‘children with disabilities’ means more than 1  
18 child with a disability.”;

19 (4) in paragraph (4), by striking “The term”  
20 and inserting “CONSTRUCTION.—The term”;

21 (5) in paragraph (5), by striking “The term”  
22 and inserting “EQUIPMENT.—The term”;

23 (6) by striking paragraph (6) and inserting the  
24 following:

1           “(6) STATE.—The term ‘State’ means each of  
 2           the 50 States, the District of Columbia, the Com-  
 3           monwealth of Puerto Rico, and each of the outlying  
 4           areas.”;

5           (7) in paragraph (7), by striking “The term”  
 6           and inserting “STATE EDUCATIONAL AGENCY.—The  
 7           term”;

8           (8) by striking paragraph (8) and inserting the  
 9           following:

10           “(8) LOCAL EDUCATIONAL AGENCY.—The term  
 11           ‘local educational agency’ means—

12                   “(A) a public board of education or other  
 13                   public authority legally constituted within a  
 14                   State for either administrative control or direc-  
 15                   tion of, or to perform a service function for—

16                           “(i) public elementary or secondary  
 17                           schools in a city, county, township, school  
 18                           district, or other political subdivision of a  
 19                           State; or

20                           “(ii) a combination of school districts  
 21                           or counties as are recognized in a State as  
 22                           an administrative agency for the public ele-  
 23                           mentary or secondary schools of the State;

1 “(B) any other public institution or agency  
 2 having administrative control and direction of a  
 3 public elementary or secondary school; or

4 “(C) an educational service agency, as de-  
 5 fined in paragraph (7).”;

6 (9) in paragraph (9), by striking “The term”  
 7 and inserting “ELEMENTARY SCHOOL.—The term”;  
 8 (10) in paragraph (10), by striking “The term”  
 9 and inserting “SECONDARY SCHOOL.—The term”;  
 10 (11) by striking paragraph (11) and inserting  
 11 the following:

12 “(11) INSTITUTION OF HIGHER EDUCATION.—  
 13 The term ‘institution of higher education’—

14 “(A) has the meaning given to such term  
 15 by section 1201(a) of the Higher Education Act  
 16 of 1965 (20 U.S.C. 1141(a)); and

17 “(B) includes any community college re-  
 18 ceiving funding from the Secretary of the Inte-  
 19 rior under the Tribally Controlled Community  
 20 College Assistance Act of 1978 (25 U.S.C.  
 21 1801 et seq.).”;

22 (12) in paragraph (12), by striking “The term”  
 23 and inserting “NONPROFIT.—The term”;

24 (13) by striking paragraph (13);



1           (14) in paragraph (14), by striking “The term”  
 2           and inserting “SECRETARY.—The term”;

3           (15) by striking paragraph (15) and inserting  
 4           the following:

5           “(15) SPECIFIC LEARNING DISABILITY.—The  
 6           term ‘specific learning disability’—

7           “(A) means a disorder—

8           “(i) in one or more of the basic psy-  
 9           chological processes involved in under-  
 10          standing or in using language, spoken or  
 11          written; and

12          “(ii) that may manifest itself in im-  
 13          perfect ability to listen, think, speak, read,  
 14          write, spell, or do mathematical calcula-  
 15          tions;

16          “(B) includes such conditions as percep-  
 17          tual disabilities, brain injury, minimal brain  
 18          dysfunction, dyslexia, and developmental apha-  
 19          sia; and

20          “(C) does not include a learning problem  
 21          that is primarily the result of visual, hearing, or  
 22          motor disabilities, of mental retardation, of  
 23          emotional disturbance, or of environmental, cul-  
 24          tural, or economic disadvantage.”;

25          (16) in paragraph (16)—

1 (A) by striking “The term” and inserting  
 2 “SPECIAL EDUCATION.—The term”; and

3 (B) by striking “or guardians”;  
 4 (17) in paragraph (17)—

5 (A) by striking “The term” and inserting  
 6 “RELATED SERVICES.—The term”;

7 (B) by striking “speech pathology and  
 8 audiology” and inserting “speech-language pa-  
 9 thology services and audiology services”; and

10 (C) by striking “rehabilitation counseling,”  
 11 and inserting “rehabilitation counseling, ori-  
 12 entation and mobility services,”;

13 (18) in paragraph (18)—

14 (A) by striking “The term” and inserting  
 15 “FREE APPROPRIATE PUBLIC EDUCATION.—  
 16 The term”; and

17 (B) in subparagraph (D), by striking “re-  
 18 quired under section 614(a)(5)” and inserting  
 19 “requirements of subsections (d) through (i) of  
 20 section 614 (as amended by section 204 of the  
 21 Individuals with Disabilities Education Act  
 22 Amendments of 1997)”;

23 (19) by striking paragraph (20) and inserting  
 24 the following:

1           “(20) INDIVIDUALIZED EDUCATION PROGRAM;  
 2           IEP.—The term ‘individualized education program’  
 3           and the term ‘IEP’ mean a written statement for  
 4           each child with a disability that is developed, re-  
 5           viewed, and revised in accordance with subsections  
 6           (d) through (i) of section 614 (as amended by sec-  
 7           tion 204 of the Individuals with Disabilities Edu-  
 8           cation Act Amendments of 1997).”;

9           (20) in paragraph (21)—

10           (A) by striking “The term” and inserting  
 11           “EXCESS COSTS.—The term”;

12           (B) in subparagraph (A)—

13           (i) in clause (i), by striking “this  
 14           part” and inserting “part B”;

15           (ii) in clause (ii), by striking “under  
 16           title I” and inserting “under part A of title  
 17           I”; and

18           (iii) in clause (iii), by striking “title  
 19           VII” and inserting “part A of title VII”;  
 20           and

21           (C) in subparagraph (B), by striking “such  
 22           part, chapter, or title” and inserting “a part re-  
 23           ferred to in subparagraph (A)”;

24           (21) in paragraph (22)—

1 (A) by striking “The term” and inserting  
 2 “NATIVE LANGUAGE.—The term”; and

3 (B) by striking “section 7003(a)(2)” and  
 4 inserting “section 7501(11)”;  
 5 (22) in paragraph (23)—

6 (A) by striking “The term ‘intermediate  
 7 educational unit’ means” and inserting “EDU-  
 8 CATIONAL SERVICE AGENCY.—The term ‘edu-  
 9 cational service agency’ means”; and

10 (B) by striking “local educational agency,”  
 11 and inserting “local educational agency de-  
 12 scribed in subparagraphs (A) and (B) of para-  
 13 graph (19),”;

14 (23) by striking paragraph (24) and inserting  
 15 the following:

16 “(24) INDIAN; INDIAN TRIBE.—

17 “(A) INDIAN.—The term ‘Indian’ means  
 18 an individual who is a member of an Indian  
 19 tribe.

20 “(B) INDIAN TRIBE.—The term ‘Indian  
 21 tribe’ means any Federal or State Indian tribe,  
 22 band, rancheria, pueblo, colony, or community,  
 23 including any Alaska Native village or regional  
 24 village corporation (as defined in or established

1 under the Alaska Native Claims Settlement  
2 Act).”;

3 (24) in paragraph (25), by striking “The term”  
4 and inserting “ASSISTIVE TECHNOLOGY DEVICE.—  
5 The term”;

6 (25) in paragraph (26), by striking “The term”  
7 and inserting “ASSISTIVE TECHNOLOGY SERVICE.—  
8 The term”;

9 (26) by striking paragraph (27) and inserting  
10 the following:

11 “(27) UNSERVED AND UNDERSERVED.—The  
12 terms ‘unserved’ and ‘underserved’, with respect to  
13 populations include populations such as individuals  
14 with disabilities who are from racial and ethnic mi-  
15 nority backgrounds, who are poor individuals, who  
16 are individuals with limited English proficiency, and  
17 who are individuals from underserved geographic  
18 areas, both urban and rural.”;

19 (27) by redesignating paragraphs (1), (4), (5),  
20 (6), (7), (8), (9), (10), (11), (12), (14), (15), (16),  
21 (17), (18), (19), (20), (21), (22), (23), (24), (25),  
22 (26), and (27) as paragraphs (4), (5), (9), (29),  
23 (30), (19), (8), (25), (18), (21), (26), (28), (27),  
24 (24), (11), (33), (15), (10), (20), (7), (14), (1), (2),  
25 and (35), respectively, and transferring each such

1 redesignated paragraph to the appropriate place in  
 2 the section so as to arrange the paragraphs in the  
 3 section in numerical order;

4 (28) by inserting after paragraph (2) (as so re-  
 5 designated by paragraph (27)) the following new  
 6 paragraph:

7 “(3) BEHAVIOR MANAGEMENT PLAN.—The  
 8 term ‘behavior management plan’ means a plan, de-  
 9 veloped by the State educational agency or local edu-  
 10 cational agency, consisting of strategies and services  
 11 to address the behavior of a child with a disability  
 12 and to help the child learn appropriate behavior in  
 13 the school and other community-based educational  
 14 settings.”;

15 (29) by inserting after paragraph (5) (as so re-  
 16 designated by paragraph (27)) the following new  
 17 paragraph:

18 “(6) DISABILITY.—The term ‘disability’, except  
 19 with respect to an infant or toddler with a disability,  
 20 means an impairment or other condition described in  
 21 paragraph (4) (relating to the definition of a child  
 22 with a disability).”;

23 (30) by inserting after paragraph (11) (as so  
 24 redesignated by paragraph (27)) the following new  
 25 paragraphs:

1           “(12) GENERAL EDUCATION CURRICULUM.—

2           The term ‘general education curriculum’ means the  
3           curriculum adopted by the local educational agency  
4           for all children from preschool through secondary  
5           school.”;

6           “(13) INAPPROPRIATELY IDENTIFIED.—The

7           term ‘inappropriately identified’ with respect to pop-  
8           ulation means a population of students from racial  
9           or ethnic minority backgrounds in which students  
10          are overidentified or underidentified as having dis-  
11          abilities.”;

12          (31) by inserting after paragraph (15) (as so  
13          redesignated by paragraph (27)) the following new  
14          paragraphs:

15          “(16) INDIVIDUALIZED FAMILY SERVICE PLAN;

16          IFSP.—The term ‘individualized family service plan’  
17          and the term ‘IFSP’ mean a written plan for provid-  
18          ing early intervention services to each infant and  
19          toddler with a disability that meets the requirements  
20          of section 677(d).

21          “(17) INFANT OR TODDLER WITH A DISABIL-

22          ITY; INFANTS AND TODDLERS WITH DISABILITIES.—

23          The terms ‘infant or toddler with a disability’ and  
24          ‘infants and toddlers with disabilities’ have the  
25          meanings given the terms in section 672.”;

1           (32) by inserting after paragraph (21) (as so  
2           redesignated by paragraph (27)), the following new  
3           paragraphs:

4           “(22) OUTLYING AREAS.—The term ‘outlying  
5           areas’ means the Virgin Islands, Guam, American  
6           Samoa, the Commonwealth of the Northern Mariana  
7           Islands, Republic of the Marshall Islands, Federated  
8           States of Micronesia, and the Republic of Palau.

9           “(23) PARENT.—The term ‘parent’ includes a  
10          legal guardian.”;

11          (33) by inserting after paragraph (30) (as so  
12          redesignated by paragraph (27)) the following new  
13          paragraphs:

14          “(31) SUPPLEMENTARY AIDS AND SERVICES.—  
15          The term ‘supplementary aids and services’ means  
16          aids, services, and other supports that are provided  
17          to enable children with disabilities to be educated  
18          with nondisabled children to the maximum extent  
19          appropriate, in accordance with section 612(a)(5)  
20          (as amended by section 202 of the Individuals with  
21          Disabilities Education Act Amendments of 1997).”;

22          “(32) SYSTEMS CHANGE ACTIVITIES; SYSTEMS  
23          CHANGE OUTCOMES.—

24                 “(A) SYSTEMS CHANGE ACTIVITIES.—The  
25                 term ‘systems change activities’ means efforts



1 to design, implement, and evaluate strategies  
 2 and activities leading to systems change out-  
 3 comes.

4 “(B) SYSTEMS CHANGE OUTCOMES.—The  
 5 term ‘systems change outcomes’ means  
 6 systemwide changes in policies, procedures,  
 7 practices, training, or use of personnel, parents,  
 8 and school-age peers of children with disabilities  
 9 that benefit and improve the early intervention,  
 10 educational, and transitional services and re-  
 11 sults of children with disabilities.”;

12 (34) by inserting after paragraph (33) (as so  
 13 redesignated by paragraph (27)) the following new  
 14 paragraph:

15 “(34) TRANSITIONAL SERVICES.—The term  
 16 ‘transitional services’ includes transition services.”;  
 17 and

18 (35) by striking “(a) As used in this title—”  
 19 and inserting the following:

20 “(a) TERMS.—Except as otherwise provided, the fol-  
 21 lowing terms have the following meanings as used in this  
 22 Act.”.

23 (c) YOUTH WITH A DISABILITY.—Section 602(b) (20  
 24 U.S.C. 1401(b)) is amended to read as follows:

1       “(b) REFERENCES TO ACT OR TITLE.—If a provision  
 2 of this title refers to the term ‘this title’ or ‘this Act’, the  
 3 provision shall be deemed to refer to the Individuals with  
 4 Disabilities Education Act.”.

5       (d) CONFORMING AMENDMENTS.—

6           (1) REFERENCES TO CHILDREN WITH DISABIL-  
 7 ITIES.—

8           (A) TITLE 10.—Section 2164(f)(3) of title  
 9 10, United States Code, is amended—

10               (i) by striking “section 602(a)(1)”

11               and inserting “section 602(a)(4)(C)”; and

12               (ii) by striking “1401(a)(1)” and in-  
 13 serting “1401(a)(4)(C)”.

14           (B) ELEMENTARY AND SECONDARY EDU-  
 15 CATION ACT OF 1965.—Section 14603(2) of the  
 16 Elementary and Secondary Education Act of  
 17 1965 (20 U.S.C. 8923(1)) is amended by strik-  
 18 ing “section 602(a)” and inserting “section  
 19 602(a)(4)(C)”.

20           (C) NATIONAL AND COMMUNITY SERVICE  
 21 ACT OF 1990.—Section 101(21) of the National  
 22 and Community Service Act of 1990 (42 U.S.C.  
 23 12511(21)) is amended—

24               (i) by striking “section 602(a)(1)”

25               and inserting “section 602(a)(4)(C)”; and

1 (ii) by striking “1401(a)(1)” and in-  
 2 serting “1401(a)(4)(C)”.

3 (2) REFERENCE TO TRANSITION SERVICES.—  
 4 Section 563(d)(2) of the Public Health Service Act  
 5 (42 U.S.C. 290ff-2(d)(2)) is amended by striking  
 6 “section 602(a)(19)” and inserting “section  
 7 602(a)(33)”.

8 **SEC. 103. OFFICE OF SPECIAL EDUCATION PROGRAMS.**

9 Section 603 (20 U.S.C. 1402) is amended by adding  
 10 at the end thereof the following new subsection:

11 “(c) Notwithstanding section 1342 of title 31, United  
 12 States Code, the Secretary is authorized to accept vol-  
 13 untary and uncompensated services in furtherance of the  
 14 purposes of this Act.”.

15 **SEC. 104. REQUIREMENTS FOR PRESCRIBING**  
 16 **REGULATIONS.**

17 Section 608(a) (20 U.S.C. 1407(a)) is amended by  
 18 striking “(a) For purposes” and all that follows through  
 19 “days.” and inserting the following: “(a) The Secretary  
 20 shall provide a public comment period of at least 90 days  
 21 on any regulation proposed under part B for which a time  
 22 period for an opportunity for public comment is otherwise  
 23 required.”.

1 **SEC. 105. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

2 Section 609 (20 U.S.C. 1408) is amended to read as  
3 follows:

4 **“SEC. 609. ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

5 “The Secretary may not make a grant under parts  
6 C through E to a State, or to any local educational agency  
7 or other public institution or agency in the State, that re-  
8 lates exclusively to programs, projects, and activities per-  
9 taining to children aged 3 through 5, unless the State is  
10 eligible to receive a grant under section 619 (as amended  
11 by section 210 of the Individuals with Disabilities Edu-  
12 cation Act Amendments of 1997).”.

13 **SEC. 106. ADMINISTRATIVE PROVISIONS APPLICABLE TO**  
14 **DISCRETIONARY ASSISTANCE PROGRAMS.**

15 Section 610 (20 U.S.C. 1409) is amended to read as  
16 follows:

17 **“SEC. 610. ADMINISTRATIVE PROVISIONS FOR DISCRE-**  
18 **TIONARY ASSISTANCE PROGRAMS.**

19 “(a) FINDINGS WITH RESPECT TO ADDRESSING DI-  
20 VERSITY UNDER PARTS D AND E.—With respect to this  
21 section and parts D and E, Congress finds the following:

22 “(1)(A) The Federal Government must be re-  
23 sponsive to the growing needs of an increasingly  
24 more diverse society. A more equitable allocation of  
25 resources is essential for the Federal Government to

1 meet its responsibility to provide an equal edu-  
2 cational opportunity for all individuals.

3 “(B) Recent data indicate that the number of  
4 African American and Hispanic children in schools,  
5 and in special education, continues to rise, and the  
6 number of minority teachers and related services  
7 personnel produced in the colleges and universities  
8 of the United States continues to decrease.

9 “(2) There is a compelling national interest in  
10 aiding institutions of higher education that have his-  
11 torically served students who have been denied ac-  
12 cess to postsecondary education because of race or  
13 national origin and whose participation in the Unit-  
14 ed States system of higher education is in the inter-  
15 est of the United States so that the access to, and  
16 the quality of, postsecondary education are enhanced  
17 for all students.

18 “(3)(A) Historically Black Colleges and Univer-  
19 sities and other institutions of higher education with  
20 substantial minority enrollments have an important  
21 role in the development of a professional workforce  
22 in special education and related services that reflects  
23 the full participation of all members of society by  
24 providing access and high-quality education to low-  
25 income and minority students who will enter the

1 field of special education and other related fields.  
2 Upon completing their education at such colleges  
3 and universities and institutions, many low-income  
4 and minority students become teachers or profes-  
5 sionals in related fields and provide services to chil-  
6 dren with disabilities in inner-city urban and rural  
7 areas that have experienced significant shortages in  
8 qualified personnel.

9 “(B) Recent data indicate that the Historically  
10 Black Colleges and Universities enroll nearly 50 per-  
11 cent of the African American teacher trainees in the  
12 United States. However, during the time period cov-  
13 ered by the data, such colleges and universities re-  
14 ceived only 4 percent of the discretionary funds for  
15 special education and related services personnel  
16 training under this Act.

17 “(b) COMPREHENSIVE PLAN.—

18 “(1) IN GENERAL.—The Secretary shall develop  
19 and implement a comprehensive plan for activities  
20 carried out under parts D and E in order to enhance  
21 the provision of educational, related, and early inter-  
22 vention services to children with disabilities under  
23 parts B and H. Such plan shall include mechanisms

1 to address early intervention, educational, and tran-  
 2 sitional needs identified by States in applications  
 3 submitted for systems change grants under part C.

4 “(2) PARTICIPANTS IN PLAN DEVELOPMENT.—  
 5 In developing the plan described in paragraph (1),  
 6 the Secretary shall involve—

7 “(A) individuals with disabilities;

8 “(B) parents of children with disabilities;

9 “(C) appropriate professionals; and

10 “(D) representatives of State and local  
 11 educational agencies, private schools, institu-  
 12 tions of higher education, other Federal agen-  
 13 cies, the National Council on Disabilities, and  
 14 national organizations with an interest in, and  
 15 expertise in, providing services to children with  
 16 disabilities and their families.

17 The Secretary shall publish the plan in the Federal  
 18 Register for public comment.

19 “(3) DISTRIBUTION OF FUNDS.—In implement-  
 20 ing the plan described in paragraph (1), the Sec-  
 21 retary shall, to the extent appropriate, ensure that  
 22 funds are awarded to recipients under parts D and  
 23 E to carry out activities that benefit, directly or in-  
 24 directly, children with disabilities of all ages.

25 “(c) ELIGIBLE APPLICANTS.—

1           “(1) IN GENERAL.—Except as otherwise pro-  
2       vided in this subsection and parts D and E, the fol-  
3       lowing entities are eligible to apply for a grant, con-  
4       tract, or cooperative agreement under part D or E:

5           “(A) A State educational agency.

6           “(B) A local educational agency.

7           “(C) An institution of higher education.

8           “(D) Any other public agency.

9           “(E) A private nonprofit organization.

10          “(F) An outlying area.

11          “(G) An Indian tribe or tribally controlled  
12       school funded by the Department of the Inte-  
13       rior.

14          “(H) A for-profit organization, if the Sec-  
15       retary determines that such organization is an  
16       appropriate entity to be eligible to apply for a  
17       grant, contract, or cooperative agreement under  
18       part D or E.

19          “(2) SPECIAL RULE.—The Secretary may limit  
20       the entities eligible for an award of a grant, con-  
21       tract, or cooperative agreement to 1 or more cat-  
22       egories of eligible entities described in paragraph  
23       (1). In the case of the award of a grant, contract,



1 or cooperative agreement under section 634, an eligi-  
 2 ble entity shall demonstrate the capacity to conduct  
 3 personnel preparation activities.

4 “(3) USE OF FUNDS BY THE SECRETARY.—

5 “(A) IN GENERAL.—Notwithstanding any  
 6 other provision of law and subject to subpara-  
 7 graph (B), the Secretary may use not more  
 8 than 20 percent of the total funds available  
 9 under parts D and E (other than section 643)  
 10 to carry out, through a grant, contract, or coop-  
 11 erative agreement, a project that consists of, or  
 12 a combination of—

13 “(i) a research or innovation activity  
 14 that meets an objective described in section  
 15 633(a) or a personnel preparation activity  
 16 that meets an objective described in section  
 17 634(a); and

18 “(ii) a technical assistance or informa-  
 19 tion dissemination activity that meets an  
 20 objective described in section 644(a) or a  
 21 technology development, demonstration, or  
 22 utilization activity, or an educational media  
 23 service, that meets an objective described  
 24 in section 645(a);

1 subject to such conditions as the Secretary de-  
2 termines are appropriate to effectively meet the  
3 objectives involved.

4 “(B) SPECIAL RULES.—In carrying out a  
5 project or combination under subparagraph (A),  
6 the Secretary shall use funds made available  
7 under—

8 “(i) section 633 if the project or com-  
9 bination involves a research or innovation  
10 activity;

11 “(ii) section 634 if the project or com-  
12 bination involves a personnel preparation  
13 activity;

14 “(iii) section 644 if the project or  
15 combination involves a technical assistance  
16 or information dissemination activity; and

17 “(iv) section 645 if the project or  
18 combination involves a technology develop-  
19 ment, demonstration, or utilization activ-  
20 ity, or an educational media service.

21 “(d) SPECIAL POPULATIONS.—

22 “(1) APPLICATION REQUIREMENT.—In making  
23 an award of a grant, contract, or cooperative agree-  
24 ment under part D or E, the Secretary shall, as ap-  
25 propriate, require an applicant to demonstrate how

1 the applicant will address the needs of children with  
2 disabilities from unserved, underserved, or inappro-  
3 priately identified populations.

4 “(2) OUTREACH AND TECHNICAL ASSIST-  
5 ANCE.—Notwithstanding any other provision of this  
6 Act, the Secretary—

7 “(A) shall ensure that at least 1 percent of  
8 the total amount of funds appropriated for  
9 parts D and E is used—

10 “(i) for providing outreach and tech-  
11 nical assistance to Historically Black Col-  
12 leges and Universities, and to institutions  
13 of higher education with minority enroll-  
14 ments of at least 25 percent, to promote  
15 the participation of such colleges, univer-  
16 sities, and institutions in activities under  
17 such parts; and

18 “(ii) to enable the Historically Black  
19 Colleges and Universities and the institu-  
20 tions described in clause (i) to assist other  
21 colleges, universities, institutions, and  
22 agencies in improving educational and  
23 transitional results for children with dis-  
24 abilities; and

1           “(B) may reserve funds appropriated  
2           under parts D and E to meet the requirement  
3           of subparagraph (A).

4           “(e) PRIORITIES.—

5           “(1) IN GENERAL.—The Secretary shall ensure  
6           that a grant, contract, or cooperative agreement  
7           awarded under part D or E is awarded only for ac-  
8           tivities that are designed to benefit children with dis-  
9           abilities or their families or the personnel employed  
10          to work with such children or their families or to  
11          benefit other individuals with disabilities whom such  
12          part is intended to benefit.

13          “(2) ELIGIBLE ACTIVITIES.—Subject to para-  
14          graph (1), the Secretary, in making an award of a  
15          grant, contract, or cooperative agreement under part  
16          D or E, may, without conducting rulemaking under  
17          section 553 of title 5, United States Code, limit the  
18          entities eligible for the grant, contract, or coopera-  
19          tive agreement to, or otherwise give priority to, eligi-  
20          ble entities that carry out the following activities:

21               “(A) IN GENERAL.—Activities relating to  
22               personnel preparation, training, research, dis-  
23               semination of information, technical assistance,  
24               technology development, and educational media  
25               services that address 1 or more of the following:

1 “(i) The age ranges of children with  
2 disabilities.

3 “(ii) The types of disabilities of  
4 children.

5 “(iii) The school grades of children  
6 with disabilities.

7 “(iv) The types of educational place-  
8 ments or early intervention environments  
9 of children with disabilities.

10 “(v) The types of services provided to  
11 children with disabilities.

12 “(vi) Content areas such as reading.

13 “(vii) Effective strategies for helping  
14 children with disabilities learn appropriate  
15 behavior in the school and other commu-  
16 nity-based educational settings.

17 “(B) ACTIVITIES RELATED TO SEVERITY  
18 OF DISABILITY.—Activities relating to personnel  
19 preparation, training, research, dissemination of  
20 information, technical assistance, technology de-  
21 velopment, and educational media services that  
22 address the needs of children based on the se-  
23 verity of the disability of the children.

“(C) OTHER RELATED ACTIVITIES.—Activities relating to personnel preparation, training, research, dissemination of information, technical assistance, technology development, and educational media services that address the needs of the following individuals and areas:

“(i) Low-achieving students.

“(ii) Underserved populations.

“(iii) Children from low-income families.

“(iv) Children with limited English proficiency.

“(v) Unserved and underserved areas.

“(vi) Children whose behavior interferes with their learning and socialization.

“(vii) Inappropriately identified populations.

“(D) NATIONAL ACTIVITIES.—Activities relating to personnel preparation, training, research, dissemination of information, technical assistance, technology development, and educational media services that are carried out in particular areas of the country, to ensure broad geographic coverage.

1           “(E) AUTHORIZED ACTIVITIES.—Any ac-  
 2           tivity that is expressly authorized in the appli-  
 3           cable part.

4           “(f) APPLICANT AND RECIPIENT RESPONSIBIL-  
 5 ITIES.—

6           “(1) DEVELOPMENT AND ASSESSMENT OF  
 7           PROJECTS.—The Secretary shall require that an ap-  
 8           plicant for, and a recipient of, a grant, contract, or  
 9           cooperative agreement for a project under part D or  
 10          E—

11           “(A) involve individuals with disabilities or  
 12           parents of individuals with disabilities in plan-  
 13           ning, implementing, and evaluating the project;  
 14           and

15           “(B) where appropriate, determine whether  
 16           the project has any potential for replication and  
 17           adoption by other entities.

18           “(2) ADDITIONAL RESPONSIBILITIES.—The  
 19           Secretary may require a recipient of a grant, con-  
 20           tract, or cooperative agreement under part D or E  
 21           to—

22           “(A) share in the cost of the project of the  
 23           recipient;

1           “(B) prepare the research and evaluation  
 2 findings and products from the project in for-  
 3 mats that are useful for specific audiences, in-  
 4 cluding parents, administrators, teachers, early  
 5 intervention personnel, related services person-  
 6 nel, and individuals with disabilities;

7           “(C) disseminate such findings and prod-  
 8 ucts; and

9           “(D) collaborate with other such recipients  
 10 in carrying out the activities described in sub-  
 11 paragraphs (B) and (C).

12       “(g) APPLICATION MANAGEMENT.—

13       “(1) STANDING PANELS.—

14           “(A) IN GENERAL.—The Secretary shall  
 15 establish and use standing panels of experts  
 16 who are competent, by virtue of their training,  
 17 expertise, or experience, to evaluate applications  
 18 under parts D and E that, individually, request  
 19 more than \$75,000 a year in assistance.

20           “(B) FEDERAL EMPLOYMENT LIMITA-  
 21 TION.—A majority of the individuals on each  
 22 panel described in subparagraph (A) shall be  
 23 individuals who are not employees of the Fed-  
 24 eral Government.



1           “(2) SELECTION AND PARTICIPATION OF PANEL  
2 MEMBERS.—

3           “(A) IN GENERAL.—The Secretary shall  
4 establish criteria to use in the selection of the  
5 panel members. Such criteria shall ensure that  
6 the membership of standing panels includes—

7                   “(i) individuals with knowledge and  
8 expertise on the issues addressed by the  
9 activities authorized by parts D and E;  
10 and

11                   “(ii) to the extent practicable, parents  
12 of children with disabilities, individuals  
13 with disabilities, and persons from diverse  
14 racial, ethnic, and cultural backgrounds.

15           “(B) MEMBERSHIP.—Standing panel  
16 membership shall include, at a minimum—

17                   “(i) individuals who are representa-  
18 tives of institutions of higher education  
19 that plan, develop, and carry out programs  
20 of personnel preparation;

21                   “(ii) individuals who design and carry  
22 out programs of research targeted to the  
23 improvement of special education programs  
24 and services;

1 “(iii) individuals who have recognized  
2 experience, and knowledge, necessary to in-  
3 tegrate and apply research findings to im-  
4 prove educational and transitional results  
5 for children with disabilities;

6 “(iv) individuals who administer pro-  
7 grams at the State or local level in which  
8 children with disabilities participate;

9 “(v) individuals who prepare parents  
10 of children with disabilities to participate  
11 in making decisions about the education of  
12 their children;

13 “(vi) individuals who establish policies  
14 that affect the delivery of services to chil-  
15 dren with disabilities;

16 “(vii) individuals who are parents of  
17 children with disabilities who are benefiting  
18 or have benefited from coordinated re-  
19 search, personnel preparation, and tech-  
20 nical assistance; and

21 “(viii) individuals who are individuals  
22 with disabilities.

23 “(C) TRAINING.—The Secretary shall pro-  
24 vide training to the individuals who are selected

1 as members of the standing panels under this  
2 paragraph.

3 “(D) TERM.—Membership on any such  
4 standing panel shall be for a period of not more  
5 than 3 consecutive years.

6 “(3) SECRETARY’S DISCRETION OVER LIMITED  
7 USE OF DISCRETIONARY FUNDS FOR ADMINISTRA-  
8 TIVE PURPOSES.—

9 “(A) EXPENSES AND FEES OF NON-FED-  
10 ERAL PANEL MEMBERS.—The Secretary may  
11 use funds available under parts D and E to pay  
12 the expenses and fees of the panel members  
13 who are not members of the Federal Govern-  
14 ment.

15 “(B) ADMINISTRATIVE SUPPORT.—The  
16 Secretary may use not more than 1 percent of  
17 the funds available under parts D and E to pay  
18 non-Federal entities for administrative support  
19 related to management of applications submit-  
20 ted under part D or E.

21 “(C) MONITORING.—The Secretary may  
22 use funds available under parts D and E to pay  
23 the expenses of Federal employees to conduct  
24 onsite monitoring of projects receiving

1           \$500,000 or more, for any fiscal year under  
2           part D or E.

3           “(h) PROGRAM EVALUATION.—The Secretary may  
4 use funds appropriated to carry out parts D and E to  
5 evaluate activities carried out under such parts.

6           “(i) RULES OF CONSTRUCTION.—

7           “(1) REFERENCES TO EARLY INTERVENTION  
8 SERVICES.—

9           “(A) CHILD WITH A DISABILITY.—If a  
10 provision of this section or part C, D, or E re-  
11 fers to services for a child with a disability (or  
12 a family member of the child), and the services  
13 include early intervention services or services  
14 provided under part H, the provision shall be  
15 deemed to refer to—

16           “(i) early intervention services or serv-  
17 ices provided under part H, respectively,  
18 for an infant or toddler with a disability  
19 (or a family member of the infant or tod-  
20 dler, as appropriate); and

21           “(ii) the other services referred to in  
22 the provision for a child with a disability  
23 (or a family member of the child, as  
24 appropriate).

“(B) PERSON WITH A RELATIONSHIP TO A CHILD WITH A DISABILITY.—If a provision of this section or part C, D, or E refers to a benefit (such as training or research) for a person (such as a parent or education professional) with a relationship to a child with a disability (or a family member of the child), and the benefit is provided with respect to services that include early intervention services or services provided under part H, the provision shall be deemed to refer to—

“(i) the benefit, provided with respect to early intervention services or services provided under part H, respectively, for a person with a relationship to an infant or toddler with a disability (or a family member of the infant or toddler, as appropriate); and

“(ii) the benefit, provided with respect to the other services referred to in the provision, for a person with a relationship to a child with a disability (or a family member of the child, as appropriate).

“(2) REFERENCES TO EARLY INTERVENTION RESULTS.—

1           “(A) CHILD WITH A DISABILITY.—If a  
 2           provision of this section or part C, D, or E re-  
 3           fers to results for a child with a disability, and  
 4           the results include early intervention results,  
 5           the provision shall be deemed to refer to—

6                   “(i) early intervention results for an  
 7                   infant or toddler with a disability; and

8                   “(ii) the other results referred to in  
 9                   the provision for a child with a disability.

10           “(B) PERSON WITH A RELATIONSHIP TO A  
 11           CHILD WITH A DISABILITY.—If a provision of  
 12           this section or part C, D, or E refers to a bene-  
 13           fit (such as training or research) for a person  
 14           described in paragraph (1)(B)(ii) that is pro-  
 15           vided to achieve results for a child with a dis-  
 16           ability, and the results include early interven-  
 17           tion results, the provision shall be deemed to  
 18           refer to—

19                   “(i) the benefit, provided to achieve  
 20                   early intervention results, for a person with  
 21                   a relationship to an infant or toddler with  
 22                   a disability; and

23                   “(ii) the benefit, provided to achieve  
 24                   other results referred to in the provision,

1                   for a person with a relationship to a child  
2                   with a disability.”.

3 **SEC. 107. REPEALS.**

4           (a) PROVISIONS.—Section 605 (20 U.S.C. 1404) and  
5 section 607 (20 U.S.C. 1406) are repealed.

6           (b) EFFECTIVE DATE.—The amendment made by  
7 subsection (a) shall take effect on the date of enactment  
8 of this Act.

9 **SEC. 108. TRANSITION RULE.**

10          (a) RULE.—The Secretary of Education shall use  
11 funds appropriated under the Individuals with Disabilities  
12 Education Act (20 U.S.C. 1400 et seq.) for fiscal year  
13 1997 to carry out such administrative activities as may  
14 be necessary (including activities described in section 610  
15 of such Act (as amended in section 106)), the evaluation  
16 of applications for financial assistance for fiscal year 1998  
17 under subsection (d)(2) of such section 610 and parts C,  
18 D, and E of such Act (as amended in titles III, IV, and  
19 V), the selection of recipients for such assistance, and the  
20 promulgation of regulations), to ensure the efficient imple-  
21 mentation by October 1, 1997, of—

22                   (1) such parts C, D, and E; and

23                   (2) the provisions of part A of such Act that re-  
24           late to activities carried out under such part C, D,

1 or E, with respect to such activities, and subsection  
 2 (d)(2) of such section 610.

3 (b) CONSTRUCTION.—Nothing in this section or the  
 4 amendments made by section 106 shall be construed to  
 5 grant the Secretary the authority to provide assistance to  
 6 any person, prior to October 1, 1997, to carry out any  
 7 activity under section 610(d)(2) of the Individuals with  
 8 Disabilities Education Act (as amended in section 106)  
 9 or part C, D, or E (as amended in titles III, IV and V)  
 10 of such Act.

11 (c) FISCAL YEAR 1997.—Section 610 of the Individ-  
 12 uals with Disabilities Education Act (as in effect on the  
 13 day before the date of enactment of this Act) shall apply  
 14 with respect to administrative activities related to the pro-  
 15 vision of financial assistance for fiscal year 1997 under  
 16 parts C through G of such Act (as in effect on such date).

17 (d) EFFECTIVE DATE.—This section shall take effect  
 18 on the date of enactment of this Act.

19 **SEC. 109. EFFECTIVE DATE.**

20 Except as provided in section 107, the amendments  
 21 made by this title shall take effect on October 1, 1997.



1 **TITLE II—ASSISTANCE FOR EDU-**  
 2 **CATION OF ALL CHILDREN**  
 3 **WITH DISABILITIES**

4 **SEC. 201. ENTITLEMENTS AND ALLOCATIONS.**

5 (a) WITHIN STATE DISTRIBUTIONS.—Section 611  
 6 (20 U.S.C. 1411) is amended—

7 (1) in the matter immediately following sub-  
 8 section (b)(3)(B), by striking “(c)” and all that fol-  
 9 lows through “(1) Of the funds” and inserting the  
 10 following:

11 “(c)(1) Of the funds”;

12 (2) in the matter immediately following sub-  
 13 section (c)(1) (as amended by paragraph (1)), by  
 14 striking “(2)” and all that follows through “(A)  
 15 From the funds” and inserting the following:

16 “(2)(A) From the funds”; and

17 (3) in subsection (c) (as amended by para-  
 18 graphs (1) and (2))—

19 (A) in paragraph (1)—

20 (i) by realigning the margins of sub-  
 21 paragraphs (A) and (B) so as to align with  
 22 clause (i) of paragraph (4)(A); and

23 (ii) in subparagraph (B)—

24 (I) by striking “paragraph (4)”  
 25 and inserting “subsection (d)(3)”;

1 (II) by striking “and intermedi-  
2 ate educational units”; and

3 (III) by striking “, for use in ac-  
4 cordance with priorities established  
5 under section 612(3)”;

6 (B) in paragraph (2)(A) (as so redesign-  
7 ated by paragraph (2))—

8 (i) by realigning the margins of  
9 clauses (i) and (ii) so as to align with  
10 clause (i) of paragraph (4)(A);

11 (ii) by realigning the margins of sub-  
12 clauses (I) and (II) of clause (ii) so as to  
13 align with subclause (I) of subsection  
14 (d)(2)(A)(i);

15 (iii) in clause (i), by striking “admin-  
16 istrative costs related to carrying out sec-  
17 tions 612 and 613; and” and inserting  
18 “the purposes of administering this part;”;  
19 and

20 (iv) in clause (ii)—

21 (I) in subclause (I), by striking  
22 “in accordance with priorities estab-  
23 lished under section 612(3); and” and  
24 inserting a semicolon;

1 (II) in subclause (II), by striking  
2 the period at the end thereof and in-  
3 serting a semicolon; and

4 (III) by adding at the end thereof  
5 the following:

6 “(III) to establish and implement the me-  
7 diation process required by section 615(e); and

8 “(IV) for activities at the State and local  
9 levels to meet the performance goals established  
10 by the State under section 612(a)(16); and

11 “(iii) may use the remainder—

12 “(I) to develop and implement systems  
13 change activities under part C;

14 “(II) to supplement other funds used to  
15 develop and implement a statewide fully inte-  
16 grated and coordinated services system that  
17 links education, health, social welfare services,  
18 support systems, private entities, and commu-  
19 nity entities in a manner designed to improve  
20 the educational and transitional results for chil-  
21 dren and families (including children with dis-  
22 abilities and their families), but not to exceed 1  
23 percent of the amount received by the State  
24 under this section; or

1 “(III) for other appropriate activities, at  
 2 the discretion of the State educational agency,  
 3 that are consistent with the purposes described  
 4 in paragraphs (1) and (4) of section 601(c).

5 The system described in subclause (II) of clause (iii) shall  
 6 be coordinated with, and to the extent appropriate, sup-  
 7 port the coordinated, services developed by the State  
 8 under part H.”;

9 (C) in paragraph (3), by striking “section  
 10 613(a)(9)” and inserting “section  
 11 612(a)(18)(A) (ii) and (iii)”;

12 (D) by striking paragraph (4).

13 (b) SUBGRANTS.—Section 611(d) (20 U.S.C.  
 14 1411(d)) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “or intermediate edu-  
 17 cational unit”;

18 (B) by striking “or unit”; and

19 (C) by striking “and units”; and

20 (2) by adding at the end thereof the following  
 21 new paragraphs:

22 “(3)(A) A State may elect not to distribute funds to  
 23 any local educational agency under this section or under  
 24 section 619 for any fiscal year if the total amount the local  
 25 educational agency would receive, from the combination

1 of funds under this section and section 619, is less than  
 2 \$7,500.

3 “(B) When a State elects to use its authority under  
 4 subparagraph (A), the State shall use the funds that  
 5 would otherwise be provided to the local educational agen-  
 6 cy to ensure the provision of a free appropriate public edu-  
 7 cation to children with disabilities residing in the area  
 8 served by that agency.

9 “(C) A State’s authority under subparagraph (A)  
 10 does not apply to a State agency that is eligible for a pay-  
 11 ment under paragraph (2) or section 619(g).

12 “(4) If a State educational agency determines that  
 13 a local educational agency is adequately providing a free  
 14 appropriate public education to all children with disabil-  
 15 ities residing in the area served by that agency with State  
 16 and local funds, the State educational agency may reallo-  
 17 cate any portion of the funds under this part that are not  
 18 needed by that local agency to provide a free appropriate  
 19 public education to other local educational agencies in the  
 20 State that are not adequately providing special education  
 21 and related services to all children with disabilities resid-  
 22 ing in the areas such other local educational agencies  
 23 serve.”.

24 (c) OUTLYING AREAS.—Section 611 (20 U.S.C.  
 25 1411) is amended—

1           (1) in the matter immediately following sub-  
 2           section (d), by striking “(e)” and all that follows  
 3           through “effect).” and inserting the following:

4           “(e)(1)(A) The jurisdictions to which this subsection  
 5           applies are the outlying areas as defined in section 602.”;  
 6           and

7           (2) in paragraph (2)—

8                   (A) by striking “such jurisdictions are so”  
 9                   and inserting “such outlying areas are so”;

10                  (B) by striking “such jurisdiction” and in-  
 11                  serting “of the outlying areas”; and

12                  (C) by striking “(2) Each jurisdiction” and  
 13                  inserting “(B) Each of the outlying areas”;

14           (3) in paragraph (3)—

15                   (A) by striking “each jurisdiction” and in-  
 16                   serting “each of the outlying areas”;

17                   (B) by striking “such jurisdiction” and in-  
 18                   serting “each of the outlying areas”; and

19                   (C) by striking “(3) The” and inserting  
 20                   “(2) The”; and

21           (4) by adding at the end thereof the following  
 22           new paragraph:

23           “(3) The provisions of section 501 of Public Law 95–  
 24   134 (48 U.S.C. 1469a), permitting the consolidation of

1 grants to outlying areas, shall not apply to funds such  
2 areas receive under this section.”.

3 (d) SECRETARY OF THE INTERIOR.—Section 611(f)  
4 (20 U.S.C. 1411(f)) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “for these children” and  
7 inserting “for children with disabilities aged 3  
8 through 21, who are enrolled in programs affili-  
9 ated with the BIA”; and

10 (B) by striking “aggregate amounts avail-  
11 able for all States under this section for that  
12 fiscal year” and inserting “amount appro-  
13 priated under subsection (h) for that fiscal  
14 year”;

15 (2) in paragraph (3)—

16 (A) by striking “an application that—”  
17 and inserting “information that—”;

18 (B) by striking subparagraph (A) and in-  
19 serting the following:

20 “(A) demonstrates that the Department of the  
21 Interior meets the appropriate requirements, as de-  
22 termined by the Secretary of Education, of sections  
23 612 (including monitoring and evaluation activities)  
24 and 613;”;

(C) in subparagraph (D), by striking “section 618(b)(1)” and all that follows through “required in section 618(g)” and inserting “section 618”;

(D) in subparagraph (E), by striking “an assurance that, by October 1, 1992, the Secretary of the Interior and the Secretary of Health and Human Services” and all that follows through “memorandum of agreement” and inserting “information that describes the activities undertaken with regard to the memorandum of agreement between the Secretaries of the Interior and of Health and Human Services”; and

(E) in subparagraph (F)—

(i) by striking “its exercise of” and inserting “the Department of Education’s”;

(ii) by striking “of this application” and inserting “related to information submitted to the Secretary of Education under this paragraph”; and

(iii) by striking “its duties” and inserting “the duties of the Department of the Interior”;



1           (3) in the matter immediately following para-  
 2           graph (3)(F), by striking “application.” and insert-  
 3           ing the following: “information. The Secretary of the  
 4           Interior shall submit annually to the Secretary of  
 5           Education a report on the status on the activities  
 6           described in subparagraphs (A) through (F) that the  
 7           Secretary of the Interior is carrying out.”;

8           (4) in paragraph (4)—

9           (A) in subparagraph (A)—

10           (i) by striking “Beginning with” and  
 11           all that follows through “under section  
 12           611(a) for fiscal year 1992,” and inserting  
 13           “With funds appropriated under subsection  
 14           (h),”; and

15           (ii) by striking “aggregate amounts  
 16           available for all States under this section”  
 17           and inserting “amount appropriated under  
 18           subsection (h)”;

19           (B) by striking subparagraph (B) and in-  
 20           serting the following:

21           “(B) The Secretary of the Interior shall distribute the  
 22           total amount of the 0.25 percent under subparagraph (A)  
 23           by allocating to each tribe or tribal organization an  
 24           amount based on the number of children with disabilities,

1 aged 3 through 5, residing on reservations as reported an-  
 2 nually divided by the total of such children served by all  
 3 tribes or tribal organizations.”;

4 (C) in subparagraph (D)—

5 (i) by striking “is encouraged to” and  
 6 inserting “shall”;

7 (ii) by striking “The above entities”  
 8 and inserting “The tribe and tribal organi-  
 9 zation”; and

10 (iii) by striking “diagnosis” and in-  
 11 serting “diagnosis of the children”;

12 (D) in subparagraph (E)—

13 (i) by striking “a biennial report” and  
 14 inserting “an annual report”;

15 (ii) by striking “following the one in  
 16 which” and inserting “following the year in  
 17 which”;

18 (iii) by striking “a biennial basis” and  
 19 inserting “an annual basis”; and

20 (iv) by striking “under this sub-  
 21 section” and inserting “under paragraph  
 22 (3)”; and

23 (E) in subparagraph (F)—

24 (i) by striking “(where appropriate,  
 25 intermediate educational units)”; and

1 (ii) by striking “its divisions and of-  
2 fices” and inserting “any appropriate divi-  
3 sion or office of the Department of the In-  
4 terior”;

5 (5) in paragraph (5)—

6 (A) by striking “January 1, 1992” and in-  
7 serting “June 1, 1997”;

8 (B) by striking “Committee on Education  
9 and Labor” and inserting “Chairman of the  
10 Committee on Economic and Educational Op-  
11 portunities”;

12 (C) by striking “Committee on Labor” and  
13 inserting “Chairman of the Committee on  
14 Labor”;

15 (D) by striking “interested and involved  
16 parties” and inserting “interested and involved  
17 parties, including parents of Indian children  
18 with disabilities”; and

19 (E) by striking “interested parties” and in-  
20 serting “interested agencies, organizations, or  
21 individuals”; and

22 (6) in paragraph (6)—

23 (A) by striking “sections 613(a)(12) of  
24 this Act” and inserting “section 612(a)(20)”;

1 (B) by striking “, within 6 months” and  
 2 all that follows through “Bureau of Indian Af-  
 3 fairs (BIA),”;

4 (C) in subparagraph (A), by striking “chil-  
 5 dren, and youth” and inserting “and children”;

6 (D) in subparagraph (D), by striking  
 7 “and;” and inserting a semicolon;

8 (E) in subparagraph (E), by striking the  
 9 period at the end thereof and inserting “and;”;  
 10 and

11 (F) by adding at the end thereof the fol-  
 12 lowing new subparagraph:

13 “(F) prepare a status report on the educational  
 14 and transitional results for Indian children with dis-  
 15 abilities, to be submitted to the Secretary of the In-  
 16 terior on January 2, 1998.”.

17 (e) REPORTING DATES FOR FUNDING ESTIMATES.—  
 18 Section 611(g) (20 U.S.C. 1411(g)) is amended—

19 (1) in paragraph (1)(C)(i), by striking “and in-  
 20 termediate educational units”; and

21 (2) in paragraph (2)—

22 (A) in subparagraph (A), by striking “or  
 23 intermediate educational unit”; and

24 (B) in subparagraph (B)—

- 1 (i) by striking “and intermediate edu-  
 2 cational units” each place it appears; and  
 3 (ii) by striking “or unit” each place it  
 4 appears.

5 (f) CHILD COUNT.—Section 611(a)(3) is amended by  
 6 striking “December 1” and inserting “the last Friday of  
 7 October or December 1”.

8 **SEC. 202. STATE ELIGIBILITY.**

9 Section 612 (20 U.S.C. 1412) is amended to read as  
 10 follows:

11 **“SEC. 612. STATE ELIGIBILITY.**

12 “(a) IN GENERAL.—A State is eligible for assistance  
 13 under this part for any fiscal year if the State dem-  
 14 onstrates to the satisfaction of the Secretary that the  
 15 State has in effect policies and procedures to ensure that  
 16 the State meets each of the following conditions:

17 “(1) FREE APPROPRIATE PUBLIC EDU-  
 18 CATION.—

19 “(A) IN GENERAL.—A free appropriate  
 20 public education is available to all children with  
 21 disabilities aged 3 through 21 who are residing  
 22 in the State.

23 “(B) APPLICABILITY.—Subparagraph (A)  
 24 does not apply with respect to children aged 3  
 25 through 5 and 18 through 21 in a State to the

1 extent that the application of such subpara-  
 2 graph to such children would be inconsistent  
 3 with State law or practice, or the order of any  
 4 court, respecting the provision of public edu-  
 5 cation to children in such age ranges.

6 “(2) FULL EDUCATIONAL OPPORTUNITY  
 7 GOAL.—The State has established a goal of provid-  
 8 ing full educational opportunity to all children with  
 9 disabilities and a detailed timetable for accomplish-  
 10 ing the goal.

11 “(3) CHILD FIND.—

12 “(A) IN GENERAL.—All children with dis-  
 13 abilities residing in the State are identified, lo-  
 14 cated, and evaluated, regardless of the severity  
 15 of the disability of the children.

16 “(B) CONSTRUCTION.—Nothing in this  
 17 Act requires that children be classified by their  
 18 disability so long as each child who has a dis-  
 19 ability listed in section 602(a)(4)(A)(i) and  
 20 who, by reason of that disability, needs special  
 21 education and related services is regarded as a  
 22 child with a disability under this part.

23 “(4) INDIVIDUALIZED EDUCATION PROGRAM.—  
 24 An individualized education program (or an individ-  
 25 ualized family service plan that meets the content

1 requirements of section 677(d)) is developed, re-  
2 viewed, and revised in accordance with subsections  
3 (d) through (i) of section 614.

4 “(5) LEAST RESTRICTIVE ENVIRONMENT.—

5 “(A) IN GENERAL.—To the maximum ex-  
6 tent appropriate, children with disabilities (in-  
7 cluding children in public or private institutions  
8 or other care facilities) are educated with chil-  
9 dren who are not disabled, and special classes,  
10 separate schooling, or other removal of children  
11 with disabilities from the regular educational  
12 environment occurs only when the nature or se-  
13 verity of a child’s disability is such that edu-  
14 cation in regular classes with the use of special  
15 education and related services and supple-  
16 mentary aids and services cannot be achieved  
17 satisfactorily.

18 “(B) FUNDING.—

19 “(i) IN GENERAL.—If the State uses a  
20 funding mechanism by which the State dis-  
21 tributes State funds on the basis of the  
22 type of setting in which a child is served,  
23 the funding mechanism does not result in  
24 placements that violate the requirements of  
25 subparagraph (A).

1           “(ii) ASSURANCE.—If the State does  
 2           not have policies and procedures to ensure  
 3           compliance with clause (i), the State shall  
 4           provide the Secretary with an assurance  
 5           that the State will revise the funding  
 6           mechanism used by the State as soon as  
 7           feasible to ensure that the funding mecha-  
 8           nism does not result in such placements.

9           “(C) DISPROPORTIONALITY.—

10           “(i) IN GENERAL.—Data are exam-  
 11           ined by the State educational agency to de-  
 12           termine if significant racial dis-  
 13           proportionality is occurring in the identi-  
 14           fication of children as children with disabil-  
 15           ities (including the classification of such  
 16           children according to a particular impair-  
 17           ment described in section 602(a)(4)) or in  
 18           the placement of such children in particu-  
 19           lar types of settings.

20           “(ii) REVIEW AND REVISION OF POLI-  
 21           CIES.—In the case of an occurrence de-  
 22           scribed in clause (i), the placement and



1 evaluation policies, procedures, and prac-  
2 tices are reviewed and, if appropriate, re-  
3 vised, to ensure that such policies, proce-  
4 dures, and practices comply with the re-  
5 quirements of this Act.

6 “(6) PROCEDURAL SAFEGUARDS.—Children  
7 with disabilities and their parents are afforded the  
8 procedural safeguards required by section 615 and  
9 615A.

10 “(7) EVALUATION.—Children with disabilities  
11 are evaluated in accordance with subsections (a)  
12 through (c) of section 614.

13 “(8) CONFIDENTIALITY.—Agencies in the State  
14 comply with section 617(c), relating to the confiden-  
15 tiality of records and information.

16 “(9) TRANSITION FROM PART H TO PRESCHOOL  
17 PROGRAMS.—

18 “(A) IN GENERAL.—Children who are par-  
19 ticipating in early intervention programs under  
20 part H and who will participate in preschool  
21 programs assisted under this part, are provided  
22 an effective transition to such preschool pro-  
23 grams.

24 “(B) TRANSITION PLANNING.—Local edu-  
25 cational agency personnel will participate in

1 transition planning conferences convened by the  
2 designated or established lead agency under  
3 section 678(a)(8)(A)(ii)(II).

4 “(C) INDIVIDUALIZED EDUCATION PRO-  
5 GRAM; INDIVIDUALIZED FAMILY SERVICE  
6 PLAN.—By the third birthday of a child who  
7 participates in the programs described in sub-  
8 paragraph (A), an individualized education pro-  
9 gram or, if consistent with section 614(d)(1)(B)  
10 or 677(d), an individualized family service plan,  
11 has been developed and is being implemented.

12 “(10) CHILDREN IN PRIVATE SCHOOLS.—

13 “(A) CHILDREN PLACED IN PRIVATE  
14 SCHOOLS BY THEIR PARENTS.—To the extent  
15 consistent with the number and location of chil-  
16 dren with disabilities in the State who are en-  
17 rolled by their parents in private elementary  
18 and secondary schools, provision is made for the  
19 participation of such children in the program  
20 assisted or carried out under this part by pro-  
21 viding special education and related services for  
22 such children.

23 “(B) CHILDREN PLACED IN, OR REFERRED  
24 TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

1           “(i) IN GENERAL.—Children with dis-  
2           abilities in private schools and facilities are  
3           provided special education and related  
4           services, in accordance with individualized  
5           education programs, at no cost to their  
6           parents, if such children are placed in, or  
7           referred to, such schools or facilities by the  
8           State or a local educational agency in  
9           order to comply with this part or with any  
10          other law requiring the provision of special  
11          education and related services to all chil-  
12          dren with disabilities in the State.

13          “(ii) STANDARDS.—In all cases de-  
14          scribed in clause (i), children with disabil-  
15          ities are placed in, or referred to, only pri-  
16          vate schools and facilities that meet stand-  
17          ards that apply to State and local edu-  
18          cational agencies, and children with dis-  
19          abilities served in such schools and facili-  
20          ties have all the rights such children would  
21          have if served by such agencies.

22          “(C) PAYMENT FOR EDUCATION OF CHIL-  
23          DREN PLACED IN PRIVATE SCHOOLS WITHOUT  
24          CONSENT OF OR REFERRAL BY THE PUBLIC  
25          AGENCY.—

1           “(i) IN GENERAL.—Subject to sub-  
 2           paragraph (A), this part does not require  
 3           a local educational agency to pay for the  
 4           cost of education, including special edu-  
 5           cation and related services, of a child with  
 6           a disability at a private school or facility if  
 7           that agency made a free appropriate public  
 8           education available to the child and the  
 9           parents elected to place the child in such  
 10          private school or facility.

11          “(ii) LIMITATION ON REIMBURSE-  
 12          MENT FOR SERVICES.—If, as a result of  
 13          mediation described in section 615(e), or  
 14          as a result of a decision rendered under  
 15          the procedural safeguards of section 615,  
 16          the parents of a child with a disability who  
 17          previously received special education and  
 18          related services under the authority of a  
 19          local educational agency enroll their child  
 20          in a private elementary or secondary school  
 21          without the consent of, or a referral by the  
 22          local educational agency, any reimburse-  
 23          ment for the cost of that enrollment that  
 24          the local educational agency may otherwise

1 be required to make to the parents may be  
 2 reduced or denied—

3 “(I) if, 10 business days (includ-  
 4 ing any holidays that occur on a busi-  
 5 ness day) prior to the removal of the  
 6 child from the public school, the par-  
 7 ents do not provide a written state-  
 8 ment rejecting the placement proposed  
 9 by the local educational agency to pro-  
 10 vide a free appropriate public edu-  
 11 cation to the child; or

12 “(II) upon a judicial finding of  
 13 unreasonableness with respect to ac-  
 14 tions taken by the parents.

15 “(11) SEA RESPONSIBLE FOR GENERAL  
 16 SUPERVISION.—

17 “(A) IN GENERAL.—The State educational  
 18 agency is responsible for ensuring the following:

19 “(i) REQUIREMENTS.—The require-  
 20 ments of this part are carried out.

21 “(ii) EDUCATIONAL PROGRAMS.—All  
 22 educational programs for children with dis-  
 23 abilities in the State, including all such  
 24 programs administered by any other State

1           or local agency, are under the general su-  
 2           pervision of the persons in the State edu-  
 3           cational agency who are responsible for  
 4           educational programs for children with dis-  
 5           abilities and meet educational standards of  
 6           the State educational agency.

7           “(B) SPECIAL RULE.—Subparagraph (A)  
 8           shall not be construed as limiting the obliga-  
 9           tions of agencies other than educational agen-  
 10          cies to provide, or pay for some or all of the  
 11          costs of, a free appropriate public education for  
 12          any child with a disability in the State.

13          “(12) OBLIGATIONS RELATED TO AND METH-  
 14          ODS OF ENSURING SERVICES.—

15               “(A) ESTABLISHING RESPONSIBILITY FOR  
 16               SERVICES.—The Chief Executive Officer of the  
 17               State or designee of the Chief Executive Officer  
 18               shall ensure that an interagency agreement or  
 19               other mechanism for interagency coordination is  
 20               in effect between each public agency described  
 21               in subparagraph (B) and the appropriate edu-  
 22               cational agency within the State, in order to en-  
 23               sure that all services described in subparagraph  
 24               (B)(i) that are needed to ensure a free appro-  
 25               priate public education are provided, including

1 the provision of such services during the pend-  
2 ency of any dispute under clause (iii). Such  
3 agreement or mechanism shall include the  
4 following:

5 “(i) AGENCY FINANCIAL RESPON-  
6 SIBILITY.—An identification of, or a meth-  
7 od for defining, the financial responsibility  
8 of each agency for providing all services  
9 described in subparagraph (B)(i) to ensure  
10 a free appropriate public education to chil-  
11 dren with disabilities provided that the fi-  
12 nancial responsibility of each public agency  
13 described in subparagraph (B) including  
14 the State Medicaid agency, and other pub-  
15 lic or private insurers of children with dis-  
16 abilities (if the filing of claims with such  
17 insurers is voluntary on the part of the  
18 parents) shall precede the financial respon-  
19 sibility of the local educational agency (or  
20 the State agency responsible for developing  
21 the child’s IEP).

22 “(ii) CONDITIONS, TERMS, AND PRO-  
23 CEDURES OF REIMBURSEMENT.—The con-  
24 ditions, terms, and procedures under which

1 a local educational agency shall be reim-  
2 bursed by other agencies.

3 “(iii) INTERAGENCY DISPUTES.—Pro-  
4 cedures for resolving interagency disputes  
5 (including procedures under which local  
6 educational agencies may initiate proceed-  
7 ings) under the agreement or other mecha-  
8 nism to secure reimbursement from other  
9 agencies or otherwise implement the provi-  
10 sions of the agreement or mechanism.

11 “(iv) COORDINATION OF SERVICES  
12 PROCEDURES.—Policies and procedures for  
13 agencies to determine and identify the  
14 interagency coordination responsibilities of  
15 each agency to promote the coordination  
16 and timely delivery of services described in  
17 subparagraph (A)(i).

18 “(B) OBLIGATION OF PUBLIC AGENCY.—

19 “(i) IN GENERAL.—If any public  
20 agency other than an educational agency is  
21 otherwise obligated under Federal or State  
22 law, or assigned responsibility under State  
23 policy or under subparagraph (A), to pro-  
24 vide or pay for any services that are also  
25 considered as special education or related



1 services (such as, but not limited to, serv-  
 2 ices described in sections 602(a)(1) relat-  
 3 ing to assistive technology devices,  
 4 602(a)(2) relating to assistive technology  
 5 services, 602(a)(24) relating to related  
 6 services, 602(a)(31) relating to supple-  
 7 mentary aids and services, and section  
 8 602(a)(33) relating to transition services)  
 9 that are necessary for ensuring a free ap-  
 10 propriate public education to children with  
 11 disabilities within the State, such public  
 12 agency shall fulfill that obligation or re-  
 13 sponsibility, either directly or through con-  
 14 tract or other arrangement.

15 “(ii) REIMBURSEMENT FOR SERVICES  
 16 BY PUBLIC AGENCY.—In a case in which a  
 17 public agency other than an educational  
 18 agency fails to fulfill the agency’s financial  
 19 responsibility described in subparagraph  
 20 (A)(i) to provide or pay for the special edu-  
 21 cation or related services described in  
 22 clause (i) for children with disabilities and  
 23 the local educational agency (or State  
 24 agency responsible for developing the  
 25 child’s IEP) provides or pays for such

1 services to such children, the local edu-  
2 cational agency (or State agency respon-  
3 sible for developing the child's IEP) may  
4 claim reimbursement from such public  
5 agency for such services. Such public agen-  
6 cy shall reimburse the local educational  
7 agency (or State agency responsible for de-  
8 veloping the child's IEP) pursuant to the  
9 terms of the interagency agreement or  
10 other mechanism in effect under subpara-  
11 graph (A)(i) according to the procedures  
12 established pursuant to subparagraph  
13 (A)(ii).

14 “(C) SPECIAL RULE.—The requirements of  
15 subparagraph (A) may be met through—

16 “(i) State statute or regulation;

17 “(ii) signed agreements between re-  
18 spective agency officials that clearly iden-  
19 tify the responsibilities of each agency re-  
20 lating to the provision of services; or

21 “(iii) other appropriate methods as  
22 determined by the Chief Executive Officer  
23 of the State or designee of the Chief Exec-  
24 utive Officer.

1           “(13) LOCAL EDUCATIONAL AGENCY ELIGI-  
2           BILITY.—The State educational agency will not  
3           make a final determination that a local educational  
4           agency is not eligible for assistance under this part  
5           without first affording the local educational agency  
6           reasonable notice and an opportunity for a hearing.

7           “(14) COMPREHENSIVE SYSTEM OF PERSONNEL  
8           DEVELOPMENT.—The State has in effect, consistent  
9           with the purposes of this Act and with section  
10          676(b)(8), a comprehensive system of personnel de-  
11          velopment that is designed to ensure an adequate  
12          supply of qualified special education and related  
13          services personnel necessary to carry out this part  
14          and that includes the following:

15               “(A) STATEWIDE DATA.—Statewide data  
16               that include the number of personnel providing  
17               special education and related services, and of  
18               that number, the number of individuals with  
19               temporary certification, and the number of  
20               vacancies.

21               “(B) PERSONNEL DEVELOPMENT PLAN.—  
22               A personnel development plan that meets the  
23               following requirements:

24                       “(i) CONSULTATIONS.—The plan is  
25                       developed in consultation with parents of

1 children with disabilities, State and local  
2 educational agencies, institutions of higher  
3 education, and professional associations.

4 “(ii) PERSONNEL.—The plan address-  
5 es or includes the following:

6 “(I) PERSONNEL NEEDS.—The  
7 current and projected needs for spe-  
8 cial education and related services  
9 personnel throughout the State.

10 “(II) SERVICE PREPARATION OF  
11 PERSONNEL.—The plan addresses the  
12 need for the preservice and inservice  
13 preparation of personnel throughout  
14 the State, including regular education,  
15 special education, and related services  
16 personnel, to provide educational and  
17 related services to children with dis-  
18 abilities.

19 “(III) RECRUITMENT.—The plan  
20 includes a system or procedures for  
21 recruiting, preparing, and retaining  
22 qualified personnel, including person-  
23 nel with disabilities and personnel

1 from groups that are underrep-  
2 resented in the field of special edu-  
3 cation and related services.

4 “(IV) INTEGRATION WITH OTHER  
5 PLANS.—The plan is integrated, to  
6 the maximum extent possible, with  
7 other professional development plans  
8 and activities, including plans and ac-  
9 tivities developed or carried out under  
10 other Federal law and State law that  
11 address personnel recruitment and  
12 training.

13 “(iii) REVISION.—The plan is revised  
14 every 3 years.

15 “(15) PERSONNEL STANDARDS.—The State  
16 educational agency has established policies and pro-  
17 cedures relating to the establishment and mainte-  
18 nance of standards to ensure that personnel nec-  
19 essary to carry out the purposes of this part are ap-  
20 propriately and adequately prepared and trained, in-  
21 cluding the following:

22 “(A) STANDARDS.—The establishment and  
23 maintenance of standards that are consistent

1 with any State approved or recognized certifi-  
 2 cation, licensing, registration, or other com-  
 3 parable requirements that apply to the area in  
 4 which such personnel are providing special edu-  
 5 cation or related services.

6 “(B) RETRAINING AND HIRING.—To the  
 7 extent such standards described in subpara-  
 8 graph (A) are not based on the highest require-  
 9 ments in the State applicable to a specific pro-  
 10 fession or discipline, the State is carrying out  
 11 measures to require the retraining or hiring of  
 12 personnel that meet appropriate professional re-  
 13 quirements in the State.

14 “(C) USE OF PARAPROFESSIONALS.—  
 15 Nothing in this Act, including subparagraphs  
 16 (A) and (B), prohibits the use of paraprofes-  
 17 sionals who are appropriately trained and su-  
 18 pervised by qualified personnel (in accordance  
 19 with State law, regulations, or written policy),  
 20 in meeting the requirements of this part.

21 “(16) PERFORMANCE GOALS AND INDICA-  
 22 TORS.—

23 “(A) GOALS.—The State has established  
 24 goals for the performance of children with dis-  
 25 abilities in the State that are consistent with

1 the purposes of section 601(c)(1) and that are  
2 consistent, to the maximum extent appropriate,  
3 with other goals and standards established by  
4 the State.

5 “(B) PERFORMANCE INDICATORS.—The  
6 State has established performance indicators  
7 that the State will use to assess the progress to-  
8 ward achieving the goals described in subpara-  
9 graph (A) and that, at a minimum, address the  
10 performance of children with disabilities on as-  
11 sessments and the dropout rates and gradua-  
12 tion rates of such children.

13 “(C) REPORT.—The State will report every  
14 2 years to the Secretary and the public on the  
15 progress of the State, and of children with dis-  
16 abilities in the State, toward meeting the goals  
17 established under subparagraph (A).

18 “(17) PARTICIPATION IN ASSESSMENTS.—

19 “(A) ASSESSMENTS.—

20 “(i) STATE AND DISTRICTWIDE AS-  
21 SESSMENTS.—Children with disabilities are  
22 included in general State and districtwide  
23 assessment programs, with appropriate ac-  
24 commodations, where necessary.

1                   “(ii) ALTERNATE ASSESSMENTS.—

2                   The State educational agency or local edu-  
3                   cational agency, as appropriate, will de-  
4                   velop guidelines for the participation of  
5                   children with disabilities in alternate as-  
6                   sessments for such children who cannot  
7                   participate in State and districtwide as-  
8                   sessment programs and as soon as feasible,  
9                   but not later than July 1, 1999, will con-  
10                  duct such alternate assessments.

11                  “(B) PUBLIC INFORMATION.—The State  
12                  educational agency shall, as soon as feasible,  
13                  but not later than July 1, 2000, make reports  
14                  to the public, with the same frequency and in  
15                  the same detail as the State makes reports on  
16                  the assessment of nondisabled children, on the  
17                  following information with respect to children  
18                  with disabilities:

19                       “(i) REGULAR ASSESSMENTS.—The  
20                       number of children with disabilities partici-  
21                       pating in regular assessments.

22                       “(ii) ALTERNATE ASSESSMENTS.—  
23                       The number of such children participating  
24                       in alternate assessments.



1           “(iii) PERFORMANCE.—The perform-  
 2           ance of children with disabilities on regular  
 3           assessments and on alternate assessments  
 4           when doing so meets generally accepted  
 5           professional standards and would not re-  
 6           sult in the disclosure of performance re-  
 7           sults identifiable to individual children.

8           “(18) USE OF FUNDS.—

9           “(A) IN GENERAL.—

10           “(i) EXPENDITURES.—Funds paid to  
 11           the State under this part will be expended  
 12           in accordance with all provisions of this  
 13           part.

14           “(ii) NONCOMMINGLING.—The funds  
 15           described in clause (i) will not be commin-  
 16           gled with State funds.

17           “(iii) SUPPLEMENT—NOT SUP-  
 18           PLANT.—Except as provided in subpara-  
 19           graph (B), the funds described in clause (i)  
 20           will be used to supplement State, local, and  
 21           other Federal funds (including funds not  
 22           under the direct control of State or local  
 23           educational agencies) expended for special  
 24           education and related services, and not to  
 25           supplant such funds.

1           “(B) WAIVER.—The Secretary may waive,  
2           in part, the requirements of clause (iii) of sub-  
3           paragraph (A) if the Secretary determines that  
4           the State has provided clear and convincing evi-  
5           dence that all children with disabilities in the  
6           State have available a free appropriate public  
7           education.

8           “(19) PUBLIC PARTICIPATION.—Prior to the  
9           adoption of any policies and procedures needed to  
10          comply with this section (including any amendments  
11          to such policies and procedures), there are public  
12          hearings, adequate notice of the hearings, and an  
13          opportunity for comment available to the general  
14          public, including individuals with disabilities and  
15          parents of children with disabilities. In a case in  
16          which policies and procedures have been developed  
17          by a State educational agency or through a State  
18          legislative hearing and comment process that pro-  
19          vides an opportunity for comment by the general  
20          public prior to the adoption of any policies and pro-  
21          cedures by the State, no further public review or  
22          public comment period is required.

23          “(20) STATE ADVISORY PANEL.—

24                 “(A) IN GENERAL.—The State has an ad-  
25                 visory panel, appointed by the Governor or any

1 other official authorized under State law to  
2 make such appointments, that is representative  
3 of the State population and that is composed of  
4 individuals involved in, or concerned with, the  
5 education of children with disabilities, including  
6 the following:

7 “(i) Parents of children with  
8 disabilities.

9 “(ii) Individuals with disabilities.

10 “(iii) Teachers.

11 “(iv) Representatives of institutions of  
12 higher education that prepare special edu-  
13 cation and related services personnel.

14 “(v) State and local education  
15 officials.

16 “(vi) Administrators of programs for  
17 children with disabilities.

18 “(vii) Representatives of other State  
19 agencies involved in the financing or deliv-  
20 ery of related services to children with  
21 disabilities.

22 “(viii) At least one representative of a  
23 vocational, community, or business organi-  
24 zation concerned with the provision of

1 transition services to children with  
2 disabilities.

3 “(ix) Any other individual, as deter-  
4 mined by the State educational agency.

5 “(B) DUTIES.—The advisory panel shall  
6 carry out the following duties:

7 “(i) Advise the State educational  
8 agency of unmet needs within the State in  
9 the education of children with disabilities.

10 “(ii) Comment publicly on any rules  
11 or regulations proposed by the State re-  
12 garding the following:

13 “(I) The education of children  
14 with disabilities.

15 “(II) The procedures for dis-  
16 tribution of funds received by the  
17 State under this part.

18 “(iii) Advise the State educational  
19 agency with respect to developing evalua-  
20 tions and reporting on data to the Sec-  
21 retary under section 618.

1                   “(iv) Advise the State educational  
2                   agency with respect to developing correc-  
3                   tive action plans to address findings identi-  
4                   fied in Federal monitoring reports under  
5                   this part.

6                   “(v) Advise the State educational  
7                   agency with respect to developing and im-  
8                   plementing policies relating to the coordi-  
9                   nation of services for children with  
10                  disabilities.

11                  “(C) CONSOLIDATION OF PANELS.—Any  
12                  State panel that meets the requirement of sec-  
13                  tion 306 of the Goals 2000: Educate America  
14                  Act (20 U.S.C. 5886), or any committee of  
15                  practitioners created under section 1603(b) of  
16                  the Elementary and Secondary Education Act  
17                  of 1965 (20 U.S.C. 6513(b)), may also serve as  
18                  the State advisory panel under this part if such  
19                  State panel or committee meets the require-  
20                  ments of this part.

21                  “(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF  
22                  SERVICES.—If a State educational agency provides free  
23                  appropriate public education to children with disabilities,  
24                  or provides such children direct services, the State edu-  
25                  cational agency—

1           “(1) shall comply with any additional require-  
 2           ments of section 613(a) as if the State educational  
 3           agency were a local educational agency; and

4           “(2) may use funds that are otherwise available  
 5           to the State educational agency under this part to  
 6           serve such children without regard to section  
 7           613(a)(3)(B) relating to excess costs.

8           “(c) SUBMISSION OF ELIGIBILITY INFORMATION.—

9           “(1) SUBMISSION OF INFORMATION.—Except as  
 10          provided in paragraph (2), a State that wishes to es-  
 11          tablish its eligibility under this section shall submit  
 12          to the Secretary such information as the Secretary  
 13          may reasonably require.

14          “(2) EXISTING INFORMATION ON POLICIES AND  
 15          PROCEDURES.—If a State has on file with the Sec-  
 16          retary policies and procedures that demonstrate that  
 17          the State meets any requirement of this section, in-  
 18          cluding any policies and procedures filed under this  
 19          part as in effect prior to the date of enactment of  
 20          the Individuals with Disabilities Education Act  
 21          Amendments of 1997, the Secretary shall consider  
 22          the State as meeting that requirement.

23          “(3) MODIFICATIONS OF POLICIES AND PROCE-  
 24          DURES.—The Secretary may require a State to sub-  
 25          mit additional eligibility information if the State

1       modifies the policies and procedures that the State  
 2       has filed with the Secretary consistent with para-  
 3       graphs (1) and (2).

4       “(d) SECRETARIAL APPROVAL.—

5               “(1) IN GENERAL.—If the Secretary determines  
 6       that a State is eligible under this section, the Sec-  
 7       retary shall notify the State of the determination.

8               “(2) LIMITATIONS.—The Secretary shall make  
 9       a final determination that a State is not eligible  
 10      under this section only after providing the State—

11                   “(A) reasonable notice; and

12                   “(B) an opportunity for a hearing.

13      “(e) ASSISTANCE UNDER OTHER FEDERAL PRO-  
 14      GRAMS.—Nothing in this Act shall be construed to permit  
 15      a State to reduce medical and other assistance available,  
 16      or to alter eligibility, under titles V and XIX of the Social  
 17      Security Act with respect to the provision of a free appro-  
 18      priate public education for children with disabilities within  
 19      the State.

20      “(f) BYPASS FOR CHILDREN IN PRIVATE  
 21      SCHOOLS.—

22               “(1) IN GENERAL.—If, on the date of enact-  
 23      ment of the Education of the Handicapped Act  
 24      Amendments of 1983, a State educational agency

1 was prohibited by law from providing for the partici-  
 2 pation in special programs of children with disabil-  
 3 ities enrolled in private elementary and secondary  
 4 schools as required by subsection (a)(10)(A), the  
 5 Secretary shall waive such requirement, and shall ar-  
 6 range for the provision of services to such children  
 7 through arrangements that shall be subject to the  
 8 requirements of subsection (a)(10)(A).

9 “(2) FUNDING.—

10 “(A) IN GENERAL.—When the Secretary  
 11 arranges for services pursuant to this sub-  
 12 section, the Secretary, after consultation with  
 13 the appropriate public and private school offi-  
 14 cials, shall pay to the provider of such services  
 15 an amount per child that does not exceed the  
 16 amount determined by dividing—

17 “(i) the total amount received by the  
 18 State under this part; by

19 “(ii) the number of children with dis-  
 20 abilities served by the State in the preced-  
 21 ing year as reported to the Secretary under  
 22 section 618.

23 “(B) WITHHOLDING OF FUNDS.—Pending  
 24 final resolution of any investigation or com-  
 25 plaint that could result in a determination



1 under this subsection that the State is prohib-  
2 ited from complying with subsection (a)(10)(A)  
3 by State law, the Secretary may withhold from  
4 the allocation of the affected State educational  
5 agency the amount the Secretary estimates  
6 would be necessary to pay the cost of such  
7 services.

8 “(C) DETERMINATIONS BY THE SEC-  
9 RETARY.—Any determination by the Secretary  
10 under this subsection shall continue in effect  
11 until the Secretary determines that there will  
12 no longer be any failure or inability on the part  
13 of the State educational agency to meet the re-  
14 quirements of subsection (a)(10)(A).

15 “(3) FINAL ACTION.—

16 “(A) OBJECTIONS.—The Secretary may  
17 not take any final action under this subsection  
18 until the State educational agency affected by  
19 such action has had an opportunity, for at least  
20 45 days after receiving written notice thereof,  
21 to submit written objections and to appear be-  
22 fore the Secretary or the Secretary’s designee  
23 to show cause why such action should not be  
24 taken.

1           “(B) PETITION FOR REVIEW.—If a State  
2           educational agency is dissatisfied with the Sec-  
3           retary’s final action after a proceeding under  
4           subparagraph (A), the State educational agency  
5           may, within 60 days after notice of such action,  
6           file with the United States court of appeals for  
7           the circuit in which such State is located a peti-  
8           tion for review of that action. A copy of the pe-  
9           tition shall be forthwith transmitted by the  
10          clerk of the court to the Secretary. The Sec-  
11          retary thereupon shall file in the court the  
12          record of the proceedings on which the Sec-  
13          retary based the Secretary’s action, as provided  
14          in section 2112 of title 28, United States Code.

15          “(C) FINDINGS.—The findings of fact by  
16          the Secretary, if supported by substantial evi-  
17          dence, shall be conclusive, but the court, for  
18          good cause shown, may remand the case to the  
19          Secretary to take further evidence. The Sec-  
20          retary may thereupon make new or modified  
21          findings of fact and may modify the Secretary’s  
22          previous action, and shall file in the court the  
23          record of the further proceedings. Such new or  
24          modified findings of fact shall likewise be con-  
25          clusive if supported by substantial evidence.

1           “(D) COURT’S ACTION.—Upon the filing of  
 2           a petition under subparagraph (B), the court  
 3           shall have jurisdiction to affirm the action of  
 4           the Secretary or to set it aside, in whole or in  
 5           part. The judgment of the court shall be subject  
 6           to review by the Supreme Court of the United  
 7           States upon certiorari or certification as pro-  
 8           vided in section 1254 of title 28, United States  
 9           Code.”.

10 **SEC. 203. LOCAL EDUCATIONAL AGENCY AND STATE AGEN-**  
 11 **CY ELIGIBILITY.**

12           Section 613 (20 U.S.C. 1413) is amended to read as  
 13 follows:

14 **“SEC. 613. LOCAL EDUCATIONAL AGENCY AND STATE**  
 15 **AGENCY ELIGIBILITY.**

16           “(a) IN GENERAL.—A local educational agency is eli-  
 17 gible for assistance under this part for any fiscal year if  
 18 the local educational agency demonstrates to the satisfac-  
 19 tion of the State educational agency that the local edu-  
 20 cational agency meets each of the following conditions:

21           “(1) CONSISTENCY WITH STATE POLICIES.—

22           The local educational agency, in providing for the

1 education of children with disabilities within the ju-  
2 risdiction of the local educational agency, has in ef-  
3 fect policies, procedures, and programs that are con-  
4 sistent with the State policies and procedures estab-  
5 lished under section 612 with respect to the  
6 following:

7 “(A) The availability of a free appropriate  
8 public education under section 612(a)(1).

9 “(B) The goal of providing full educational  
10 opportunity to all children with disabilities  
11 under section 612(a)(2).

12 “(C) The identification, location, and eval-  
13 uation of children with disabilities under section  
14 612(a)(3).

15 “(D) Individualized education programs  
16 under section 612(a)(4).

17 “(E) Education of children in the least re-  
18 strictive environment under section 612(a)(5).

19 “(F) Procedural safeguards under section  
20 612(a)(6).

21 “(G) Evaluation under section 612(a)(7).

22 “(H) Confidentiality under section  
23 612(a)(8).

1           “(I) Transition of children from early  
2           intervention programs under part H to pre-  
3           school programs under section 612(a)(9).

4           “(J) Children in private schools under sec-  
5           tion 612(a)(10).

6           “(2) COMPREHENSIVE SYSTEM OF PERSONNEL  
7           DEVELOPMENT.—The local educational agency, to  
8           the extent appropriate, contributes to and uses the  
9           State’s comprehensive system of personnel develop-  
10          ment established under section 612(a)(14).

11          “(3) USE OF FUNDS.—Funds provided to the  
12          local educational agency under this part will be ex-  
13          pended or used in the following manner:

14               “(A) EXPENDITURES.—Funds will be ex-  
15               pended in accordance with the applicable provi-  
16               sions of this part.

17               “(B) EXCESS COSTS.—Funds will be used  
18               only to pay the excess costs of providing special  
19               education and related services to children with  
20               disabilities.

21               “(C) SUPPLEMENT—NOT SUPPLANT.—  
22               Funds will be used to supplement State, local,  
23               and other Federal funds and not to supplant  
24               such funds.

“(D) LEVEL OF EXPENDITURES.—Except as provided in subparagraph (E), funds will not be used to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from State or local funds below the level of such expenditures for the preceding fiscal year.

“(E) EXCEPTION.—Notwithstanding the limitation in subparagraph (D), a local educational agency may reduce the level of expenditures for the education of children with disabilities if such reduction is the result of—

“(i) the voluntary departure, by retirement or otherwise, of special education personnel who are paid at or near the top of the agency’s salary scale;

“(ii) decreases in enrollment of children with disabilities;

“(iii) the end of the agency’s obligation, consistent with this part, to provide an exceptionally costly program of special education to a particular child with a disability because the child—

“(I) has left the agency’s jurisdiction;

1 “(II) has reached the age at  
 2 which the agency’s obligation to pro-  
 3 vide a free appropriate public edu-  
 4 cation to the child terminates; or

5 “(III) no longer needs the pro-  
 6 gram; or

7 “(iv) the termination of unusually  
 8 large expenditures for such long-term pur-  
 9 poses as the acquisition of equipment and  
 10 the construction of school facilities.

11 “(4) PERMISSIVE USE OF FUNDS.—Notwith-  
 12 standing paragraph (3)(B) or section  
 13 612(a)(18)(A)(ii) (relating to commingled funds),  
 14 funds provided to the local educational agency under  
 15 this part may be used for the following activities:

16 “(A) SERVICES AND AIDS THAT ALSO BEN-  
 17 EFIT NONDISABLED CHILDREN.—For the costs  
 18 of special education and related services and  
 19 supplementary aids and services provided in a  
 20 regular class to a child with a disability in ac-  
 21 cordance with the individualized education pro-  
 22 gram of the child, even if one or more non-  
 23 disabled children benefit from such services.

24 “(B) SERVICES AND AIDS THAT ALSO BEN-  
 25 EFIT OTHER DISABLED CHILDREN.—For the

costs of special education and related services and supplementary aids and services provided to a child with a disability in accordance with the individualized education program of the child, even if one or more children with disabilities who are protected by section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990 benefit from such services.

“(C) INTEGRATED AND COORDINATED SERVICES SYSTEM.—To develop and implement a fully integrated and coordinated services system in accordance with subsection (f).

“(D) SCHOOL-BASED IMPROVEMENT PLAN.—To design, implement, and evaluate a school-based improvement plan (in accordance with subsection (g)) that is consistent with the purposes described in part C and that is designed to improve educational and transitional results for all children with disabilities and, as appropriate, other children consistent with subparagraphs (A) and (B).

“(b) SUBMISSION OF INFORMATION; PRIOR LOCAL EDUCATIONAL AGENCY APPLICATIONS.—



1           “(1) SUBMISSION OF INFORMATION.—Except as  
2           provided in paragraph (2), a local educational agen-  
3           cy that desires to establish its eligibility under this  
4           section shall submit to the State educational agency  
5           information demonstrating that the local educational  
6           agency meets the requirements of subsection (a).

7           “(2) EXISTING INFORMATION ON POLICIES AND  
8           PROCEDURES.—If a local educational agency has on  
9           file with the State educational agency policies and  
10          procedures that meet any requirement of this sec-  
11          tion, including any policies, procedures, or applica-  
12          tions filed under this part as in effect before the  
13          date of enactment of the Individuals with Disabil-  
14          ities Education Act Amendments of 1997, the State  
15          educational agency may consider the local edu-  
16          cational agency as meeting such requirement.

17          “(3) MODIFICATIONS OF POLICIES AND PROCE-  
18          DURES.—The State educational agency may require  
19          a local educational agency to submit additional eligi-  
20          bility information if the local educational agency  
21          modifies the policies and procedures that the local  
22          educational agency has filed with the State edu-  
23          cational agency consistent with paragraphs (1) and  
24          (2).

25          “(c) STATE EDUCATIONAL AGENCY APPROVAL.—

1 “(1) DETERMINATION.—

2 “(A) IN GENERAL.—If the State edu-  
3 cational agency determines that a local edu-  
4 cational agency or State agency under sub-  
5 section (i) is eligible under this section, the  
6 State educational agency shall notify the agency  
7 of the determination.

8 “(B) LIMITATION ON STATE NOTIFICA-  
9 TION.—A State educational agency may not  
10 give the notice to an agency described under  
11 subparagraph (A) until the Secretary has noti-  
12 fied the State educational agency that the State  
13 is eligible under section 612.

14 “(2) LIMITATION ON FINAL DETERMINATION.—  
15 The State educational agency may not make a final  
16 determination that a local educational agency or  
17 State agency under subsection (i) is not eligible  
18 under this section until after providing the local edu-  
19 cational or State agency—

20 “(A) reasonable notice; and

21 “(B) an opportunity for a hearing.

22 “(d) LOCAL EDUCATIONAL AGENCY AND STATE  
23 AGENCY COMPLIANCE.—

24 “(1) IN GENERAL.—If the State educational  
25 agency, after reasonable notice and an opportunity

1 for a hearing, finds that a local educational agency  
2 or State agency described in subsection (i) that has  
3 been found eligible under this section is not in com-  
4 pliance with any of the eligibility requirements de-  
5 scribed in subsection (a), the State educational agen-  
6 cy shall make no further payments to the local edu-  
7 cational agency or State agency under section 620  
8 until the State educational agency has determined  
9 that the agency is complying with the eligibility re-  
10 quirements described in subsection (a).

11 “(2) NOTIFICATION OF PENDENCY OF AC-  
12 TION.—Section 616(a) with respect to notification of  
13 a pending action shall apply to any agency that re-  
14 ceives a notice from the State educational agency  
15 under this subsection.

16 “(3) ADVERSE DECISIONS.—In carrying out its  
17 responsibilities under paragraph (1), the State edu-  
18 cational agency shall consider any decision made in  
19 a hearing held under section 615 that is adverse to  
20 the local educational agency or State agency involved  
21 in that decision.

22 “(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

23 “(1) IN GENERAL.—A local educational agency  
24 may join with another local educational agency to  
25 meet the eligibility requirements of this section if the

1 State educational agency determines that the local  
2 educational agency would be ineligible under this  
3 section because the local educational agency—

4 “(A) would not be able to establish and  
5 maintain programs of sufficient size and scope  
6 to effectively meet the needs of children with  
7 disabilities; or

8 “(B) does not qualify for the minimum  
9 grant under section 611(d)(3)(A), if the State  
10 elects to use its authority under such section.

11 “(2) REQUIREMENTS.—

12 “(A) FUNDING.—If a local educational  
13 agency joins with another local educational  
14 agency to meet the eligibility requirements  
15 under paragraph (1), the total amount of funds  
16 made available to the affected local educational  
17 agencies shall equal the sum of the payments  
18 that each such local educational agency would  
19 have received under section 611(c) if such local  
20 agencies were eligible for such payments.

21 “(B) POLICIES AND PROCEDURES AND AD-  
22 MINISTRATION OF PROGRAMS.—Local edu-  
23 cational agencies that establish joint eligibility  
24 under this subsection shall—

1 “(i) adopt policies and procedures  
2 that are consistent with the State’s policies  
3 and procedures under section 612(a); and

4 “(ii) be jointly responsible for imple-  
5 menting programs receiving assistance  
6 under this part.

7 “(C) EDUCATIONAL SERVICE AGENCY.—

8 “(i) IN GENERAL.—If an educational  
9 service agency is required by State law to  
10 carry out this part, the joint responsibil-  
11 ities given to local educational agencies  
12 under subparagraph (B)(ii) shall—

13 “(I) not apply to the administra-  
14 tion and disbursement of any pay-  
15 ments received by that service agency;  
16 and

17 “(II) be carried out only by that  
18 service agency.

19 “(ii) SPECIAL RULE.—Nothing in this  
20 subsection relieves an educational service  
21 agency of its responsibility to provide for  
22 the education of children with disabilities  
23 in the least restrictive environment, as re-  
24 quired by section 612(a)(5) and subsection  
25 (a)(1)(E).

1 “(f) COORDINATED SERVICES SYSTEM.—

2 “(1) IN GENERAL.—A local educational agency  
3 may use not more than 5 percent of the amount the  
4 agency receives under this part for any fiscal year,  
5 in combination with other funds (which shall include  
6 funds other than education funds), to develop and  
7 implement a fully integrated and coordinated service  
8 system that links education, health, social welfare  
9 services, support systems, private entities, and other  
10 community entities in a manner designed to improve  
11 educational and transitional results for all children  
12 and their families, including all children with disabili-  
13 ties and their families.

14 “(2) PERMISSIBLE ACTIVITIES.—Activities that  
15 a local educational agency may carry out under this  
16 subsection include—

17 “(A) improving the effectiveness and effi-  
18 ciency of service delivery, including developing  
19 strategies that promote accountability for the  
20 educational and transitional results;

21 “(B) service coordination and case man-  
22 agement that facilitate the linkage of individ-  
23 ualized education programs under this part and  
24 individualized family service plans under part H  
25 with individualized service plans under other

1 Federal and State programs, such as title I of  
 2 the Rehabilitation Act of 1973 (vocational reha-  
 3 bilitation), title XIX of the Social Security Act  
 4 (Medicaid), and title XVI of the Social Security  
 5 Act (Supplemental Security Income);

6 “(C) developing and implementing inter-  
 7 agency financing strategies for the provision of  
 8 education, health, mental health, and social  
 9 services, including transition services and relat-  
 10 ed services under this Act; and

11 “(D) interagency personnel development  
 12 for the persons involved in the delivery of co-  
 13 ordinated services.

14 “(3) LIMITATION ON USE OF FUNDS.—If a  
 15 local educational agency is carrying out a coordi-  
 16 nated services project under title XI of the Elemen-  
 17 tary and Secondary Education Act of 1965 and a  
 18 coordinated services project under this part in the  
 19 same schools, the local educational agency shall use  
 20 funds under this subsection in accordance with that  
 21 title.

22 “(g) SCHOOL-BASED IMPROVEMENT PLAN.—

23 “(1) IN GENERAL.—Each local educational  
 24 agency may, in accordance with paragraph (2), use  
 25 funds made available under this part to permit a

1 public school within the jurisdiction of the local edu-  
2 cational agency to design, implement, and evaluate  
3 a school-based improvement plan that is consistent  
4 with the purposes described in part C and that is  
5 designed to improve educational and transitional re-  
6 sults for all children with disabilities and, as appro-  
7 priate, for other children consistent with subsection  
8 (a)(4) (A) and (B) in such public school.

9 “(2) AUTHORITY.—

10 “(A) IN GENERAL.—A State educational  
11 agency may grant authority to a local edu-  
12 cational agency to permit a public school de-  
13 scribed in paragraph (1) (through a school-  
14 based standing panel established under para-  
15 graph (4)(B)) to design, implement, and evalu-  
16 ate a school-based improvement plan described  
17 in paragraph (1) for a period not to exceed 3  
18 years.

19 “(B) RESPONSIBILITY OF LOCAL EDU-  
20 CATIONAL AGENCY.—If a State educational  
21 agency grants the authority described in sub-  
22 paragraph (A), a local educational agency that  
23 is granted such authority shall have the sole re-  
24 sponsibility of oversight of all activities relating  
25 to the design, implementation, and evaluation of



1           any school-based improvement plan that a pub-  
 2           lic school is permitted to design under this sub-  
 3           section.

4           “(3) PLAN REQUIREMENTS.—A school-based  
 5           improvement plan described in paragraph (1) shall—

6                   “(A) be designed to be consistent with the  
 7                   purposes described in part C and to improve  
 8                   educational and transitional results for all chil-  
 9                   dren with disabilities and, as appropriate, for  
 10                  other children consistent with subsection (a)(4)  
 11                  (A) and (B), who attend the school for which  
 12                  the plan is designed and implemented;

13                   “(B) be designed, evaluated, and, as ap-  
 14                   propriate, implemented by a school-based stand-  
 15                   ing panel established in accordance with para-  
 16                   graph (4)(B);

17                   “(C) include goals and measurable indica-  
 18                   tors to assess the progress of the public school  
 19                   in meeting such goals; and

20                   “(D) ensure that all children with disabil-  
 21                   ities receive the same level of services described  
 22                   in the individualized education programs of  
 23                   such children.

24           “(4) RESPONSIBILITIES OF THE LOCAL EDU-  
 25           CATIONAL AGENCY.—A local educational agency that

1 is granted authority under paragraph (2) to permit  
2 a public school to design, implement, and evaluate a  
3 school-based improvement plan shall—

4 “(A) select each school under the jurisdic-  
5 tion of such agency that is eligible to design,  
6 implement, and evaluate such a plan;

7 “(B) require each school selected under  
8 subparagraph (A), in accordance with criteria  
9 established by such local educational agency  
10 under subparagraph (C), to establish a school-  
11 based standing panel to carry out the duties de-  
12 scribed in paragraph (3)(B);

13 “(C) establish—

14 “(i) criteria that shall be used by such  
15 local educational agency in the selection of  
16 an eligible school under subparagraph (A);

17 “(ii) criteria that shall be used by a  
18 public school selected under subparagraph  
19 (A) in the establishment of a school-based  
20 standing panel to carry out the duties de-  
21 scribed in paragraph (3)(B) and that shall  
22 ensure that the membership of such panel  
23 reflects the diversity of the community in  
24 which the public school is located and in-  
25 cludes, at a minimum—

1                   “(I) parents of children with dis-  
2                   abilities who attend such public  
3                   school, including parents of children  
4                   with disabilities from unserved and  
5                   underserved populations, as appro-  
6                   priate;

7                   “(II) special education and gen-  
8                   eral education teachers of such public  
9                   school;

10                  “(III) special education and gen-  
11                  eral education administrators, or the  
12                  designee of such administrators, of  
13                  such public school; and

14                  “(IV) related services providers  
15                  who are responsible for providing  
16                  services to the children with disabil-  
17                  ities who attend such public school;  
18                  and

19                  “(iii) criteria that shall be used by  
20                  such local educational agency with respect  
21                  to the distribution of funds under this part  
22                  to carry out this subsection;

23                  “(D) disseminate the criteria established  
24                  under subparagraph (C) to local school district  
25                  personnel and local parent organizations within

1           the jurisdiction of such local educational  
2           agency;

3           “(E) require a public school that desires to  
4           design, implement, and evaluate a school-based  
5           improvement plan to submit an application at  
6           such time, in such manner, and accompanied by  
7           such information as such local educational  
8           agency shall reasonably require; and

9           “(F) establish procedures for approval by  
10          such local educational agency of a school-based  
11          improvement plan designed under this sub-  
12          section.

13          “(5) LIMITATION.—A school-based improve-  
14          ment plan described in paragraph (1) may be sub-  
15          mitted to a local educational agency for approval  
16          only if a consensus with respect to any matter relat-  
17          ing to the design, implementation, or evaluation of  
18          the goals of such plan is reached by the school-based  
19          standing panel that designed such plan.

20          “(6) ADDITIONAL REQUIREMENTS.—

21                 “(A) PARENTAL INVOLVEMENT.—In carry-  
22                 ing out the requirements of this subsection, a  
23                 local educational agency shall ensure that the  
24                 parents of children with disabilities are involved

1 in the design, evaluation, and, where appro-  
2 priate, implementation of school-based improve-  
3 ment plans in accordance with this subsection.

4 “(B) PLAN APPROVAL.—A local edu-  
5 cational agency may approve a school-based im-  
6 provement plan of a public school within the ju-  
7 risdiction of such agency for a period of 3  
8 years, if—

9 “(i) the approval is consistent with  
10 the policies, procedures, and practices es-  
11 tablished by such local educational agency  
12 and in accordance with this subsection;  
13 and

14 “(ii) a majority of parents of children  
15 who are members of the school-based  
16 standing panel, and a majority of other  
17 members of the school-based standing  
18 panel, that designed such plan agree in  
19 writing to such plan.

20 “(7) EXTENSION OF PLAN.—If a public school  
21 within the jurisdiction of a local educational agency  
22 meets the applicable requirements and criteria de-  
23 scribed in paragraphs (3) and (4) at the expiration  
24 of the 3-year approval period described in paragraph

1       (6)(B), such agency may approve a school-based im-  
 2       provement plan of such school for an additional 3-  
 3       year period.

4       “(h) DIRECT SERVICES BY THE STATE EDU-  
 5       CATIONAL AGENCY.—

6               “(1) IN GENERAL.—A State educational agency  
 7       shall use the payments that would otherwise have  
 8       been available to a local educational agency or to a  
 9       State agency described in subsection (i) to provide  
 10      special education and related services directly to  
 11      children with disabilities residing in the area served  
 12      by that local agency, or for whom that State agency  
 13      is responsible, if the State educational agency deter-  
 14      mines that—

15               “(A) the local educational agency or the  
 16      State agency—

17               “(i) has not provided the information  
 18              needed to establish the eligibility of the  
 19              local educational agency or the State agen-  
 20              cy under this section; or

21               “(ii) is unable or unwilling to estab-  
 22              lish and maintain programs of free appro-  
 23              priate public education that meet the re-  
 24              quirements of subsection (a); or

25               “(B) the local educational agency—

1                   “(i) is unable or unwilling to be con-  
2                   solidated with other local educational agen-  
3                   cies in order to establish and maintain  
4                   such programs; or

5                   “(ii) has one or more children with  
6                   disabilities who can best be served by a re-  
7                   gional or State program or service delivery  
8                   system designed to meet the needs of such  
9                   children.

10               “(2) METHOD OF PROVISION OF SERVICES.—

11       The State educational agency may provide special  
12       education and related services under paragraph (1)  
13       in such manner and at such locations (including re-  
14       gional or State centers) as the State educational  
15       agency considers appropriate, so long as the edu-  
16       cation and services are provided in accordance with  
17       this part.

18       “(i) STATE AGENCY ELIGIBILITY.—Any State agency  
19       that received funds for fiscal year 1994 under subpart 2  
20       of part D of chapter 1 of title I of the Elementary and  
21       Secondary Education Act of 1965 (as such subpart was  
22       in effect on the day preceding the date of enactment of  
23       the Improving America’s Schools Act of 1994) and desires  
24       to receive a subgrant for any fiscal year under section

1 611(c) or 619(g) shall demonstrate to the satisfaction of  
 2 the State educational agency that—

3 “(1) all children with disabilities who are par-  
 4 ticipating in programs and projects funded under  
 5 this part receive a free appropriate public education,  
 6 and that the children and their parents are provided  
 7 all the rights and procedural safeguards described in  
 8 this part; and

9 “(2) the State agency meets such other condi-  
 10 tions of this section as the Secretary finds  
 11 appropriate.”.

12 **SEC. 204. EVALUATIONS, INDIVIDUALIZED EDUCATION**  
 13 **PROGRAMS, AND EDUCATIONAL PLACE-**  
 14 **MENTS.**

15 Section 614 (20 U.S.C. 1414) is amended to read as  
 16 follows:

17 **“SEC. 614. EVALUATIONS, INDIVIDUALIZED EDUCATION**  
 18 **PROGRAMS, AND EDUCATIONAL PLACE-**  
 19 **MENTS.**

20 “(a) IN GENERAL.—

21 “(1) INITIAL EVALUATIONS.—

22 “(A) IN GENERAL.—A local educational  
 23 agency shall conduct a comprehensive initial  
 24 evaluation, in accordance with this paragraph  
 25 and subsections (b) and (c), before the initial



1 provision of special education and related serv-  
2 ices to a child with a disability.

3 “(B) PROCEDURES.—An initial evaluation  
4 shall include procedures to—

5 “(i) determine whether a child is a  
6 child with a disability as defined in section  
7 602(a)(4); and

8 “(ii) determine the educational needs  
9 of the child.

10 “(C) PARENTAL CONSENT.—

11 “(i) IN GENERAL.—A local edu-  
12 cational agency proposing to conduct an  
13 initial evaluation to determine if a child  
14 qualifies as a child with a disability as de-  
15 fined in section 602(a)(4) shall, prior to  
16 such evaluation, obtain informed consent  
17 from the parents of the child.

18 “(ii) REFUSAL.—If the parents of  
19 such child refuse to consent to an evalua-  
20 tion described in clause (i), a local edu-  
21 cational agency may, but shall not be re-  
22 quired to, continue to pursue the evalua-  
23 tion through the mediation procedures  
24 under section 615(e) and due process pro-  
25 cedures under section 615(f).

1 “(2) REEVALUATIONS.—

2 “(A) IN GENERAL.—A local educational  
3 agency shall ensure that a reevaluation of each  
4 child with a disability is conducted—

5 “(i) whenever the child’s parents or  
6 teacher, other school personnel, or other  
7 appropriate individuals, request the re-  
8 evaluation; or

9 “(ii) at a natural transition point for  
10 the child.

11 “(B) DEFINITION.—For the purpose of  
12 subparagraph (A), the term ‘natural transition  
13 point’ means the period that is close in time to  
14 the transition of a child with a disability—

15 “(i) from preschool to elementary  
16 grades;

17 “(ii) from elementary grades to mid-  
18 dle or junior high school grades (except  
19 that for a transition that will not occur for  
20 a period of 5 years or more, the natural  
21 transition point shall be at least every 3  
22 years);

23 “(iii) from middle or junior high  
24 school grades to high school grades; and

1 “(iv) from high school grades to  
2 postschool activities.

3 “(C) CONDUCT OF REEVALUATION.—Each  
4 reevaluation shall be conducted in accordance  
5 with subsections (b) and (c).

6 “(b) EVALUATION PROCEDURES.—

7 “(1) IN GENERAL.—The local educational agen-  
8 cy shall provide notice to the parents of a child with  
9 a disability, in accordance with subsections (b)(3),  
10 (b)(4), and (c) of section 615, that describes any  
11 evaluation procedures the local educational agency  
12 proposes to conduct.

13 “(2) METHOD OF EVALUATION.—In conducting  
14 the evaluation, the local educational agency shall—

15 “(A) use—

16 “(i) a variety of assessment tools and  
17 strategies to gather relevant functional and  
18 developmental information (including eval-  
19 uations and information provided by the  
20 child’s parents) that may assist in deter-  
21 mining whether the child is a child with a  
22 disability; and

23 “(ii) the content of the individualized  
24 education program of the child, including  
25 information related to enabling the child to

1 participate and achieve in the general edu-  
 2 cation curriculum or, for a child who is in  
 3 preschool, in developmentally appropriate  
 4 activities; and

5 “(B) not use any single procedure as the  
 6 sole criterion for determining—

7 “(i) whether a child is a child with a  
 8 disability; or

9 “(ii) an appropriate educational pro-  
 10 gram for the child.

11 “(3) EVALUATION TESTS AND MATERIALS.—

12 Each local educational agency shall ensure that—

13 “(A) tests and other evaluation materials  
 14 used to assess a child under this section are—

15 “(i) selected and administered so as  
 16 not to be racially or culturally discrimina-  
 17 tory;

18 “(ii) provided and administered in the  
 19 native language of the child or other mode  
 20 of communication unless it is clearly not  
 21 feasible to do so; and

22 “(iii) consistent with generally accept-  
 23 ed professional standards for assessments;  
 24 and

1                   “(B) any standardized tests that are given  
2                   to the child—

3                   “(i) have been validated for the spe-  
4                   cific purpose for which the tests are used;

5                   “(ii) are administered by trained per-  
6                   sonnel; and

7                   “(iii) are administered in accordance  
8                   with any instructions provided by the pro-  
9                   ducer of the tests.

10                  “(4) SPECIAL RULE ON TESTS.—Tests shall  
11                  provide relevant information that directly assists  
12                  persons involved in providing services to a child with  
13                  a disability in determining the educational needs of  
14                  the child, including information with respect to in-  
15                  structional strategies and content that should be re-  
16                  flected in the individualized education program of  
17                  such child.

18                  “(c) ADDITIONAL REQUIREMENTS FOR EVALUA-  
19                  TIONS AND REEVALUATIONS.—

20                  “(1) REVIEW OF EXISTING EVALUATION  
21                  DATA.—As part of an initial evaluation (if appro-  
22                  priate) and as part of any reevaluation under this  
23                  section, the following tasks shall be carried out:

1           “(A) A review of existing evaluation data  
2           on the child, including evaluations and informa-  
3           tion provided by the parents of the child, and  
4           current classroom-based assessments and  
5           observation.

6           “(B) On the basis of the review, the pro-  
7           fessional judgment of appropriate individuals,  
8           and the input from the parents of the child, an  
9           identification of what additional data, if any,  
10          are needed to determine—

11           “(i) whether the child has a particular  
12           category of disability, as described in sec-  
13           tion 602(a)(4)(A)(i), or, in the case of a  
14           reevaluation of a child, whether the child  
15           continues to have such a disability;

16           “(ii) the present levels of performance  
17           and educational needs of the child;

18           “(iii) whether the child needs special  
19           education and related services, or in the  
20           case of a reevaluation of a child, whether  
21           the child continues to need special edu-  
22           cation and related services; and

23           “(iv) whether any additions or modi-  
24           fications to the special education and relat-  
25           ed services are needed to enable the child

1 to meet the measurable annual objectives  
2 set out in the individualized education pro-  
3 gram of the child and to participate, as ap-  
4 propriate, in the general education  
5 curriculum.

6 “(2) SOURCE OF DATA.—The local educational  
7 agency shall administer such tests and other evalua-  
8 tion materials as may be needed to produce the data  
9 identified under paragraph (1)(B).

10 “(3) ADDITIONAL DATA.—If it is determined by  
11 appropriate individuals based on their professional  
12 judgment that no additional data are needed to de-  
13 termine a factor described in clause (i), (ii), (iii), or  
14 (iv) of paragraph (1)(B), the local educational  
15 agency—

16 “(A) shall notify the parents of the child  
17 of—

18 “(i) the results of the determination  
19 of the individuals and the reasons for the  
20 determination; and

21 “(ii) the right of the parents to re-  
22 quest that additional data be obtained for  
23 use in making a determination with respect  
24 to a factor; and

1           “(B) is not required to obtain the addi-  
 2           tional data described in clause (ii) of subpara-  
 3           graph (A) unless requested by the parents.

4           “(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

5           “(1) IEP TO BE IN EFFECT AT THE BEGINNING  
 6           OF EACH SCHOOL YEAR.—

7           “(A) IN GENERAL.—At the beginning of  
 8           each school year, each local educational agency  
 9           shall have in effect an individualized education  
 10          program for each child with a disability.

11          “(B) IEP FOR A CHILD AGED 3 THROUGH  
 12          5.—In the case of a child with a disability aged  
 13          3 through 5 (or, at the discretion of the State  
 14          educational agency, a 2-year-old child with dis-  
 15          abilities who will turn age 3 during the school  
 16          year), an IFSP that contains the material de-  
 17          scribed in section 677(d) and that is developed  
 18          in accordance with this section may serve as the  
 19          IEP of the child if using the plan as the IEP  
 20          is—

21                 “(i) consistent with State policy; and

22                 “(ii) agreed to by the agency and the  
 23                 parents of the child.

24          “(2) IEP TEAM.—The IEP of each child shall  
 25          be developed in a meeting by a team (hereafter in



1       this section referred to as the ‘IEP team’), composed  
2       of—

3               “(A) a representative of the local edu-  
4               cational agency who is qualified to provide, or  
5               supervise the provision of, specially designed in-  
6               struction to meet the unique needs of children  
7               with disabilities, and who is knowledgeable  
8               about the general education curriculum;

9               “(B) at least one special education pro-  
10              vider who is knowledgeable about the disability  
11              of the child, such as, if appropriate, the special  
12              education teacher of the child;

13              “(C) to the extent appropriate, at least one  
14              regular education teacher who knows the child  
15              or is familiar with the curriculum of the child,  
16              if the child is, or may be, participating in the  
17              regular education environment;

18              “(D) the parents of the child;

19              “(E) when appropriate, the child;

20              “(F) an individual who is capable of inter-  
21              preting the instructional implications of evalua-  
22              tion results; and

23              “(G) at the discretion of the parents or the  
24              agency, other individuals, such as related serv-  
25              ices personnel, who have special expertise or

1 special knowledge regarding the child’s abilities  
2 and disability.

3 The team member described in subparagraph (F)  
4 may be an existing team member described in sub-  
5 paragraphs (A) through (C), if the existing team  
6 member is qualified to interpret the results described  
7 in subparagraph (F).

8 “(3) DEVELOPMENT OF THE IEP.—

9 “(A) IN GENERAL.—In developing each  
10 child’s IEP, the IEP team shall consider—

11 “(i) the strengths of the child and the  
12 concerns of the parents for enhancing the  
13 education of their child; and

14 “(ii) the results of the initial evalua-  
15 tion or most recent reevaluation of the  
16 child.

17 “(B) CONSIDERATION OF SPECIAL FAC-  
18 TORS.—In the case of a child whose behavior  
19 impedes the learning of the child or that of oth-  
20 ers, the IEP team, as appropriate, shall con-  
21 sider strategies, including behavior management  
22 plans, to address that behavior.

23 “(e) CONTENT OF IEP.—

24 “(1) IN GENERAL.—The IEP of each child with  
25 a disability shall include the following:

1           “(A) PRESENT LEVELS OF EDUCATIONAL  
2 PERFORMANCE.—A statement of the present  
3 levels of educational performance of the child,  
4 including how the disability of the child affects  
5 the progress of the child in the general edu-  
6 cation curriculum (or, for a preschool child, as  
7 appropriate, how the disability of the child af-  
8 fects the progress of the child in developmen-  
9 tally appropriate activities related to transition  
10 to kindergarten and elementary school).

11           “(B) MEASURABLE ANNUAL OBJEC-  
12 TIVES.—A statement of measurable annual ob-  
13 jectives related to meeting each of the edu-  
14 cational needs of the child that result from the  
15 disability of the child, including objectives relat-  
16 ed to enabling the child to progress in the gen-  
17 eral education curriculum at the educationally  
18 appropriate level for the child.

19           “(C) SPECIAL EDUCATION AND RELATED  
20 SERVICES.—A statement of the special edu-  
21 cation and related services and supplementary  
22 aids and services to be provided to the child and  
23 any program modifications necessary for the  
24 child to attain the annual objectives, to progress

1 in the general education curriculum, to partici-  
 2 pate in extracurricular and nonacademic activi-  
 3 ties and other educational activities, and to be  
 4 educated and participate with other children  
 5 with disabilities and nondisabled children in the  
 6 activities described in this subparagraph.

7 “(D) EXTENT OF PARTICIPATION WITH  
 8 NONDISABLED CHILDREN.—A statement of the  
 9 extent to which the child will participate with  
 10 nondisabled children in the regular class and in  
 11 the activities described in subparagraph (C).

12 “(E) PARTICIPATION IN GENERAL ASSESS-  
 13 MENTS.—

14 “(i) MODIFICATIONS.—A statement of  
 15 any modifications in the administration of  
 16 State or districtwide assessments that are  
 17 needed in order for the child to participate  
 18 in the assessments.

19 “(ii) NONPARTICIPATION.—If a child  
 20 will not participate in a particular State or  
 21 districtwide assessment (or part of such  
 22 assessment), a statement of why the as-  
 23 sessment is not appropriate for the child  
 24 and how the child will be assessed.

1           “(F) PROJECTED DATES, FREQUENCY,  
2           AND DURATION OF SERVICES.—The projected  
3           date for the beginning of the services and pro-  
4           gram modifications described in subparagraph  
5           (C), and the anticipated frequency and duration  
6           of such services and modifications.

7           “(G) INFORMATION ABOUT THE CHILD’S  
8           PROGRESS.—A statement of how the progress  
9           of the child toward the measurable annual ob-  
10          jectives will be measured through benchmarks  
11          or other measurable indicators of progress, and  
12          how the parents of the child will be regularly in-  
13          formed of the child’s progress, in accordance  
14          with subsection (f).

15          “(2) ADDITIONAL IEP REQUIREMENTS FOR A  
16          CHILD WITH A DISABILITY WHO IS OF SECONDARY  
17          SCHOOL AGE.—

18               “(A) IN GENERAL.—The IEP for each stu-  
19               dent who is a child with a disability and who  
20               is of secondary school age (hereafter in this sec-  
21               tion referred to as the ‘student’) shall include  
22               additional information related to transition  
23               services and the transfer of rights at the age of  
24               majority, as described in subparagraphs (B)  
25               through (D).

“(B) ADDRESSING THE STUDENT’S TRANSITION NEEDS.—For a student aged 14 through 21 (or younger than age 14 if determined appropriate by the IEP team), the transition services needs of the student shall be considered and, as appropriate, addressed under the applicable components of the student’s IEP described in paragraph (1) relating to present levels of educational performance, measurable annual objectives, special education and related services, and other applicable components.

“(C) STATEMENT OF TRANSITION SERVICES AND SUPPORTS.—

“(i) IN GENERAL.—In meeting the requirements of subparagraph (B), the IEP team shall give consideration to the student’s participation in the general education curriculum (such as participation in advanced-placement courses or a vocational education or school-to-work program, or independent living skills training, which lead to successful transition from secondary school to postschool adult environments).

1                   “(ii) TRANSITION SERVICES STATE-  
 2                   MENT.—Beginning no later than age 16,  
 3                   the student’s IEP shall include a state-  
 4                   ment of needed transition services as de-  
 5                   fined in section 602(33) including, where  
 6                   appropriate, a statement of the interagency  
 7                   responsibilities and needed linkages among  
 8                   agencies to ensure delivery of services be-  
 9                   fore the student leaves the school setting.

10                  “(D) TRANSFER OF RIGHTS AT THE AGE  
 11                  OF MAJORITY.—Beginning at least 1 year be-  
 12                  fore the student reaches the age of majority  
 13                  under State law, the IEP shall include a state-  
 14                  ment about the rights under this Act, if any,  
 15                  that will transfer to the student on reaching the  
 16                  age of majority under section 615(j).

17                  “(f) REPORTING EACH CHILD’S PROGRESS TOWARD  
 18                  OBJECTIVES.—The local educational agency shall ensure  
 19                  that—

20                       “(1) the parents of each child with a disability  
 21                       are informed of the progress of the child, toward the  
 22                       measurable annual objectives, and the extent to  
 23                       which such progress is sufficient to enable the child  
 24                       to achieve the objectives by the end of the school  
 25                       year; and

1           “(2) in implementing the requirement in para-  
 2           graph (1), the parents are informed (by periodic re-  
 3           port cards or other appropriate means) at least as  
 4           often as parents of nondisabled children are in-  
 5           formed of the progress of their nondisabled children.

6           “(g) REVIEW AND REVISION OF IEP.—The local edu-  
 7           cational agency shall ensure that the IEP team for each  
 8           child—

9           “(1) reviews the child’s IEP periodically, but  
 10          not less than annually, to determine whether the an-  
 11          nual objectives for the child are being achieved; and

12          “(2) revises the IEP, as appropriate.

13          “(h) FAILURE TO MEET TRANSITION OBJEC-  
 14          TIVES.—If an entity (other than the local educational  
 15          agency) involved in planning or providing transition serv-  
 16          ices to a child with a disability fails to provide the transi-  
 17          tion services described in the IEP in accordance with sub-  
 18          section (e)(2)(A), the local educational agency shall recon-  
 19          vene the IEP team to identify alternative strategies to  
 20          meet the transition objectives for the student set forth in  
 21          the IEP.

22          “(i) CONSTRUCTION CLAUSE.—Nothing in this sec-  
 23          tion shall be construed to require the IEP team to include  
 24          information under one component of a child’s IEP that



1 is already contained under another component of such  
2 IEP.

3 “(j) PLACEMENTS.—Each local educational agency  
4 shall ensure that the parents of each child with a disability  
5 are members of any group that makes decisions on the  
6 educational placement of their child.”.

7 **SEC. 205. CHAPTER 1 STATE AGENCIES.**

8 Section 614A (20 U.S.C. 1414a) is repealed.

9 **SEC. 206. PROCEDURAL SAFEGUARDS.**

10 (a) PROCEDURES.—Section 615(a) (20 U.S.C.  
11 1415(a)) is amended—

12 (1) by striking “Any State educational agency,  
13 any local educational agency, and any intermediate  
14 educational unit which” and inserting “Any State  
15 educational agency or local educational agency  
16 that”;

17 (2) by striking “subsection (b) through sub-  
18 section (e) of”;

19 (3) by striking “or guardians”; and

20 (4) by striking “and units”.

21 (b) TYPES OF PROCEDURES.—Section 615(b) (20  
22 U.S.C. 1415(b)) is amended—

23 (1) by striking paragraph (2);

24 (2) in paragraph (1)—

1 (A) in subparagraph (A), by striking “(A)  
 2 an opportunity for the parents or guardian”  
 3 and inserting “(1) an opportunity for the  
 4 parents”;

5 (B) in subparagraph (B)—

6 (i) by striking “(B) procedures” and  
 7 inserting “(2) procedures”;

8 (ii) by striking “or guardian” each  
 9 place it appears; and

10 (iii) by striking “local educational  
 11 agency, or intermediate educational unit”  
 12 and inserting “the local educational agen-  
 13 cy, or any other agency that is”;

14 (C) in subparagraph (C)—

15 (i) by striking “(C) written prior no-  
 16 tice to the parents or guardian of the child  
 17 whenever such agency or unit” and insert-  
 18 ing “(3) written prior notice in accordance  
 19 with subsection (c) to the parents of the  
 20 child whenever such agency”;

21 (ii) in clause (i), by striking “(i) pro-  
 22 poses” and inserting “(A) proposes”; and

23 (iii) in clause (ii), by striking “(ii) re-  
 24 fuses” and inserting “(B) refuses”;

1 (D) by striking subparagraph (D) and in-  
 2 serting the following:

3 “(4) procedures designed to ensure that the no-  
 4 tice required by paragraph (3) is provided in the na-  
 5 tive language of the parents or other mode of com-  
 6 munication used by the parents, unless it clearly is  
 7 not feasible to do so;”;

8 (E) in subparagraph (E), by striking “(E)  
 9 an opportunity” and inserting “(6) an oppor-  
 10 tunity”; and

11 (F) by inserting after paragraph (4) (as so  
 12 redesignated by subparagraph (D)) the follow-  
 13 ing new paragraph:

14 “(5) an opportunity for mediation in accordance  
 15 with subsection (e); and”; and

16 (3) by striking “(b)(1) The” and inserting “(b)  
 17 The”.

18 (c) OTHER PROVISIONS OF SECTION 615.—Section  
 19 615 (20 U.S.C. 1415) is amended—

20 (1) in subsection (c)—

21 (A) by striking “paragraph (2) of sub-  
 22 section (b)” and inserting “subsection (f)”; and

23 (B) by striking “or an intermediate edu-  
 24 cational unit”;

1           (2) in subsection (d), by striking “subsections  
2       (b) and (c)” and inserting “subsections (f) and (g)”;  
3           (3) in subsection (e)—

4           (A) in paragraph (1), by striking “para-  
5       graph (2) of subsection (b)” and inserting  
6       “subsection (f)”;

7           (B) in paragraph (2), by striking “decision  
8       made under subsection (b)” and inserting “de-  
9       cision made under subsection (f)”;

10          (C) by striking “subsection (c)” each place  
11       it appears and inserting “subsection (g)”;

12          (D) in paragraph (3)—

13           (i) by striking “(3)(A) Except as pro-  
14       vided in subparagraph (B),” and inserting  
15       “(3) Except as provided in subsections (c)  
16       and (d) of section 615A,”;

17           (ii) by striking subparagraph (B); and

18           (iii) by striking “or guardian” each  
19       place it appears;

20          (E) in paragraph (4)—

21           (i) in subparagraph (A), by striking  
22       “this subsection” and inserting “this sub-  
23       section and section 615A”;

24           (ii) in subparagraph (B)—

1 (I) by striking “this subsection”  
 2 and inserting “this subsection and  
 3 section 615A”; and

4 (II) by striking “or guardian”;  
 5 (iii) in subparagraph (C)—

6 (I) by striking “For the purpose  
 7 of this subsection, fees” and inserting  
 8 “Fees”; and

9 (II) by striking “under this sub-  
 10 section” each place it appears and in-  
 11 serting “under this subsection and  
 12 section 615A”;

13 (iv) in subparagraph (D)—

14 (I) by striking “No award of at-  
 15 torneys’ fees and related costs may be  
 16 made” and inserting “Except as pro-  
 17 vided in subparagraph (E), attorneys’  
 18 fees may not be awarded and related  
 19 costs may not be reimbursed”;

20 (II) by striking “under this sub-  
 21 section” and inserting “under this  
 22 subsection and section 615A”; and

23 (III) by striking “or guardian”  
 24 each place it appears;

25 (v) in subparagraph (E)—

1 (I) by striking “Notwithstanding  
 2 the provisions of subparagraph (D)”  
 3 and inserting “Notwithstanding sub-  
 4 paragraph (D)”; and

5 (II) by striking “or guardian”;  
 6 (vi) in subparagraph (F)—

7 (I) by striking “(F) Whenever”  
 8 and inserting “(F) Except as provided  
 9 in subparagraph (G), whenever”; and  
 10 (II) by striking “or guardian”;  
 11 and

12 (vii) by adding at the end thereof the  
 13 following new subparagraphs:

14 “(H) For the purpose of this section, the amount of  
 15 any award of attorneys’ fees to a prevailing party under  
 16 this section shall be determined in accordance with the law  
 17 established by the Supreme Court in *Hensley v.*  
 18 *Eckerhart*, 461 U.S. 424 (1983).

19 “(I) For the purpose of this section, an IEP meeting  
 20 shall not, in and of itself, be deemed to be a proceeding  
 21 triggering the awarding of attorneys’ fees.”;

22 (4) in subsection (f), by striking “subsections  
 23 (b)(2) and (c)” and inserting “subsections (f) and  
 24 (g)”;

1           (5) by redesignating subsections (c) through (e)  
2           as subsections (g) through (i), respectively;

3           (6) by redesignating subsection (f) as sub-  
4           section (k);

5           (7) by inserting after subsection (b) the follow-  
6           ing new subsections:

7           “(c)(1) The notice required by subsection (b)(3) with  
8           respect to the proposal or refusal to initiate or change the  
9           identification, evaluation, or educational placement of a  
10          child described in such subsection or the provision of a  
11          free appropriate public education to such child shall—

12           “(A) include—

13                   “(i) a description of the action proposed or  
14                   refused by the agency;

15                   “(ii) an explanation of why the agency pro-  
16                   poses or refuses to take the action; and

17                   “(iii) a description of any other options  
18                   that the agency considered and the reasons why  
19                   the options were not chosen;

20           “(B) describe each evaluation procedure, test,  
21           record, or report that the agency used as a basis for  
22           the proposed or refused action;

23           “(C) describe any other factors that are rel-  
24           evant to the proposal or refusal of the agency;

1           “(D) include a full explanation of the proce-  
 2           dural safeguards available under this section and  
 3           section 615A, and under the regulations of the Sec-  
 4           retary, relating to independent educational evalua-  
 5           tions, notice, parental consent, mediation, and the  
 6           placement of the child during the pendency of due  
 7           process proceedings;

8           “(E) include at least a brief summary of the  
 9           procedural safeguards under this section and section  
 10          615A relating to due process hearings, State-level  
 11          appeals (if applicable in that State), civil actions,  
 12          and attorneys’ fees and a brief summary of the pro-  
 13          visions of section 612(a)(10)(C) relating to reim-  
 14          bursement of parents for unilateral placement of  
 15          their children in private schools at public expense;

16          “(F) include a statement that the agency will  
 17          provide a full explanation of—

18                 “(i) the procedural safeguards available to  
 19                 parents under this section and section 615A,  
 20                 and under the regulations of the Secretary, re-  
 21                 lating to—

22                         “(I) access to educational records,  
 23                         whenever requested by the parents; and

24                         “(II) the hearings, appeals, actions,  
 25                         and fees described in subparagraph (E),



1           whenever the parents request such expla-  
2           nation or file a complaint under subsection  
3           (b)(6); and

4           “(ii) the provisions of section  
5           612(a)(10)(C) relating to reimbursement of  
6           parents for unilateral placement of their chil-  
7           dren in private schools at public expense, when-  
8           ever requested by the parents; and

9           “(G) include the name, address, and telephone  
10          number of the Parent Information and Training  
11          Center in the State and other resources in the State  
12          that will assist a parent to understand the protec-  
13          tions and opportunities under this part.

14          “(2) Each State educational agency and each local  
15          educational agency that receives assistance under this part  
16          shall provide the explanation described in paragraph  
17          (1)(F) in the cases described in such paragraph.

18          “(d)(1) The parents of a child with a disability or  
19          a suspected disability shall provide to the local educational  
20          agency written notice of their intention to file a complaint  
21          (other than a request for an expedited due process hearing  
22          under section 615A) under subsection (b)(6) regarding the  
23          identification, evaluation, or educational placement of the  
24          child or the provision of a free appropriate public edu-  
25          cation to the child, 10 business days (including holidays

1 that occur on a business day) prior to the date of the filing  
2 of the complaint if—

3 “(A) the parents have new information regard-  
4 ing the identification, evaluation, or educational  
5 placement of the child or the provision of a free ap-  
6 propriate public education to the child; or

7 “(B) the parents are initiating a complaint  
8 about the identification, evaluation, or educational  
9 placement of the child or the provision of a free ap-  
10 propriate public education to the child and the par-  
11 ents have signed the most recent IEP of the child  
12 that is currently being implemented.

13 “(2) Prior to filing a complaint, if the parents have  
14 new information regarding the identification, evaluation,  
15 or educational placement of the child or the provision of  
16 a free appropriate public education to the child, the par-  
17 ents shall provide the information to the local educational  
18 agency along with the notice of their intent to file a  
19 complaint.

20 “(3) If the parents were duly informed by the local  
21 educational agency with respect to their obligation to file  
22 a notice of intention to file a complaint under this sub-  
23 section and the parents fail to provide such notice, a court,  
24 in its discretion, may reduce an award of attorneys’ fees  
25 and reimbursement of related costs if within 10 business

1 days (including holidays that occur on a business day)  
2 after filing a request for an administrative due process  
3 hearing under section 615(f), the matter relating to the  
4 complaint is resolved in a manner that is satisfactory to  
5 all parties.

6 “(e)(1) Each State educational agency shall ensure  
7 that procedures are established and implemented to allow  
8 parties to disputes involving matters described in sub-  
9 section (b)(6) to resolve such disputes through mediation.

10 “(2)(A) The procedures described in paragraph (1)  
11 shall ensure—

12 “(i) that whenever a hearing is requested on  
13 any matter in dispute under subsection (b)(6), the  
14 parents are offered an opportunity for mediation to  
15 resolve the dispute;

16 “(ii) that mediation—

17 “(I) is voluntary on the part of the parents  
18 and may be waived by the parents at any time  
19 during such process;

20 “(II) is not used to deny a parent the right  
21 of a, or delay access by a parent to, due process  
22 hearings under subsection (f) or to deny the  
23 parents any other rights afforded under this  
24 part; and

1           “(III) is conducted by a qualified and im-  
2           partial mediator who is not an employee of a  
3           local educational agency or State agency de-  
4           scribed in section 613(i) that is involved in the  
5           education or care of the child or who is not a  
6           person having a personal or professional conflict  
7           of interest;

8           “(iii) that mediators are appointed from the list  
9           described in subparagraph (B)(i);

10          “(iv) that whenever a mediator is not selected  
11          on a random basis, both the parents and the local  
12          educational agency are involved in selecting the me-  
13          diator and are in agreement with the individual who  
14          is selected;

15          “(v) that each session in the mediation process  
16          shall be scheduled in a timely manner and shall be  
17          held in a location that is convenient and accessible  
18          to the parties to the dispute;

19          “(vi) that no statements made by either party  
20          during the mediation under this subsection shall be  
21          offered or used as evidence in any hearing, review of  
22          a hearing decision, or civil action under this section;  
23          and

1           “(vii) that an agreement reached by the parties  
2           to the dispute in the mediation process shall be set  
3           forth in a written mediation agreement.

4           “(B)(i) Each State educational agency shall compile  
5           and maintain a list of individuals who are—

6           “(I) trained in mediation; and

7           “(II) knowledgeable about the educational  
8           needs of children with disabilities and applicable  
9           statutes and regulations relating to the educational  
10          rights of such children, including the requirements  
11          of this part and the regulations of the Secretary  
12          under this part.

13          “(ii) The State educational agency shall ensure that  
14          mediation will be provided to parents at no cost.

15          “(3) If a State has on file with the Secretary docu-  
16          mentation that the State has an established mediation  
17          process that is comparable to the mediation process de-  
18          scribed in this subsection, the mediation process of the  
19          State shall be considered to be in compliance with this  
20          subsection. Not later than 4 years after the date of enact-  
21          ment of the Individuals with Disabilities Education Act  
22          Amendments of 1997, such State shall establish a medi-  
23          ation process program that complies with the require-  
24          ments of this subsection.

1       “(4) Nothing in this part shall prohibit employees or  
 2 former employees of a State educational agency from serv-  
 3 ing as mediators in resolving disputes about any matter  
 4 described in subsection (b)(6), unless the dispute directly  
 5 involves such agency.

6       “(f) Whenever a complaint has been received under  
 7 subsection (b)(6), the parents shall have an opportunity  
 8 for an impartial due process hearing that shall be con-  
 9 ducted by the State educational agency or by the local edu-  
 10 cational agency, as determined by State law or by the  
 11 State educational agency. No hearing conducted pursuant  
 12 to the requirements of this subsection shall be conducted  
 13 by an employee of such agency involved in the education  
 14 or care of the child.”; and

15               (8) by inserting after subsection (i) (as so re-  
 16 designated by paragraph (5)) the following new sub-  
 17 section:

18       “(j)(1) Subject to the provisions of paragraph (2),  
 19 any State that receives funds under this part may provide  
 20 that, when a student with a disability reaches the age of  
 21 majority under State law—

22               “(A) the local educational agency shall provide  
 23 any notice required by this section to both the indi-  
 24 vidual and the parents;

1           “(B) all other rights accorded to parents under  
2           this part transfer to the child; and

3           “(C) the local educational agency shall notify  
4           the individual and the parents of the transfer of  
5           rights.

6           “(2) If, under State law, a student described in para-  
7   graph (1) is determined to not have the ability to provide  
8   informed consent with respect to the educational program  
9   of the student, the State shall have in effect procedures  
10   for appointing the parent or other individual to represent  
11   the educational interests of the student throughout the  
12   student’s eligibility under this part.”.

13           (d) ALTERNATE PROCEDURAL SAFEGUARDS.—

14           (1) IN GENERAL.—Part B (20 U.S.C. 1411 et  
15           seq.) is amended by inserting after section 615 the  
16           following new section:

17   **“SEC. 615A. ALTERNATE PROCEDURAL SAFEGUARDS.**

18           “(a) SHORT-TERM DISCIPLINARY ACTIONS (UP TO  
19   10 SCHOOL DAYS).—If a child with a disability engages  
20   in behavior that is a violation of the rules or code of con-  
21   duct of the local educational agency, and if the rules or  
22   code of conduct of the agency also applies to children with-  
23   out disabilities who engage in the behavior, agency person-  
24   nel with the authority to do so, may—

1           “(1) utilize disciplinary measures such as deten-  
 2           tion, timeouts, increased supervision, and restriction  
 3           of privileges or extracurricular activities, provided  
 4           that any disciplinary measures that are inconsistent  
 5           with the child’s IEP shall be for no more than 10  
 6           school days; or

7           “(2) suspend the child for no more than 10  
 8           school days.

9           “(b) LONG-TERM DISCIPLINARY ACTIONS; MANI-  
 10          FESTATION DETERMINATION.—

11           “(1) CHANGE OF PLACEMENT.—If a child with  
 12           a disability engages in any of the behaviors de-  
 13           scribed in subsection (c)(1)(A) involving dangerous  
 14           weapons, drugs, or behavior resulting in serious bod-  
 15           ily injury or engages in ongoing serious disruptive  
 16           behavior as described in subsection (d)(1)(A), the  
 17           child may be placed in an interim alternative edu-  
 18           cational setting, in accordance with the provisions of  
 19           subsections (c) and (d), regardless of whether or not  
 20           the behavior is a manifestation of the disability of  
 21           the child.

22           “(2) DISCIPLINARY MEASURES APPLICABLE TO  
 23           ALL CHILDREN.—



1           “(A) IN GENERAL.—Subject to the limita-  
2           tion described in subparagraph (B), a local edu-  
3           cational agency may, consistent with section  
4           615(b), use long-term disciplinary measures  
5           (for more than 10 school days) to address the  
6           behavior of a child with a disability that is a  
7           violation of the rules or code of conduct of the  
8           agency, if the behavior was not a manifestation  
9           of the disability of the child, and if the rules or  
10          code of conduct also applies to children without  
11          disabilities who engage in the same behavior.

12          “(B) PROVISION OF EDUCATIONAL SERV-  
13          ICES.—In the case of a child with a disability  
14          who engages in behavior that violates the rules  
15          or code of conduct of the local educational  
16          agency, the child shall continue to receive edu-  
17          cational services, consistent with the provision  
18          of a free appropriate public education, unless  
19          the child was determined to be involved with  
20          dangerous weapons or drugs, as described in  
21          subsection (c)(1)(A), the behavior of the child  
22          was not a manifestation of the disability of the  
23          child, and the policy of the agency is to cease  
24          educational services to any child determined to  
25          be involved with such weapons or drugs.

1           “(3) MANIFESTATION DETERMINATION.—Be-  
2       fore subjecting a child with a disability to the same  
3       long-term disciplinary measures (including the ceas-  
4       ing of educational services as described in subpara-  
5       graph (B)) that apply to children without disabili-  
6       ties, the child’s IEP team shall determine, in ac-  
7       cordance with the standards and considerations in  
8       paragraphs (4) and (5), whether the behavior of the  
9       child was a manifestation of the disability of the  
10      child.

11           “(4) STANDARDS.—In making the determina-  
12      tion described in paragraph (3), the child’s IEP  
13      team shall determine whether, in the context in  
14      which the behavior occurred, the disability of the  
15      child—

16           “(A) impaired the ability of the child to  
17      understand the impact and consequences of  
18      such behavior; or

19           “(B) impaired the ability of the child to  
20      control the behavior at issue.

21           “(5) CONSIDERATIONS.—In determining wheth-  
22      er the standards in paragraph (4) are met, the  
23      child’s IEP team shall consider relevant information

1       pertinent to the behavior at issue and the determina-  
 2       tion to be made pursuant to paragraph (3),  
 3       including—

4               “(A) the context in which the behavior oc-  
 5               curred and whether the child exhibited similar  
 6               behavior in the past;

7               “(B) evaluation and diagnostic results, in-  
 8               cluding such results or other relevant informa-  
 9               tion supplied by the parents of the child;

10              “(C) the appropriateness of the child’s  
 11              IEP and placement; and

12              “(D) the extent to which the child’s IEP—

13                      “(i) has been implemented; and

14                      “(ii) includes the provision of special  
 15                      education and related services, and the use  
 16                      of supplementary aids and services, strate-  
 17                      gies and interventions, and behavior man-  
 18                      agement techniques.

19              “(6) PROCEEDINGS.—

20              “(A) EXPEDITED DUE PROCESS HEAR-  
 21              ING.—If the parents of the child do not agree  
 22              with the determination described in paragraph  
 23              (3), the parents may request that a due process  
 24              hearing under section 615(b)(2) be conducted  
 25              on an expedited basis.

1           “(B) PENDENCY.—During the pendency of  
 2           any actions or proceedings to resolve a dis-  
 3           agreement by the parents, the child shall con-  
 4           tinue to receive educational services, consistent  
 5           with the provision of a free appropriate public  
 6           education to the child.

7           “(c) CONDITIONS THAT APPLY WHEN DANGEROUS  
 8           WEAPONS, DRUGS, OR SERIOUS BODILY INJURY ARE  
 9           INVOLVED.—

10           “(1) PROGRAM MODIFICATIONS.—

11           “(A) SETTING.—If a child with a disabil-  
 12           ity, on school premises or at a school-sponsored  
 13           event under the jurisdiction of a local edu-  
 14           cational agency—

15           “(i) has a dangerous weapon in the  
 16           child’s possession;

17           “(ii) engages in the illegal use, posses-  
 18           sion, or distribution of drugs; or

19           “(iii) engages in behavior that results  
 20           in serious bodily injury, or is substantially  
 21           likely to result in such injury,

22           the child may be placed in an interim alter-  
 23           native educational setting, regardless of whether  
 24           or not the behavior is a manifestation of the

1           disability of the child, if the conditions in sub-  
2           paragraph (B) are met.

3           “(B)   ROLE   OF   PRINCIPAL   AND   IEP  
4           TEAM.—The child described in subparagraph  
5           (A) may be removed to an interim alternative  
6           educational setting, if—

7                   “(i) the principal, after consultation  
8                   with individuals who witnessed the child  
9                   exhibit any of the behaviors described in  
10                  subparagraph (A) and individuals who  
11                  have knowledge of the disability of the  
12                  child (including the chairperson of the  
13                  child’s IEP team and the agency’s director  
14                  of special education or the designees of the  
15                  chairperson and director), determines, in  
16                  writing, that the child engaged in a behav-  
17                  ior described in subparagraph (A) and that  
18                  the disciplinary code of the local edu-  
19                  cational agency is to be applied; and

20                   “(ii) the child’s IEP team assesses the  
21                   child, and identifies modifications in the  
22                   IEP of the child that are consistent with  
23                   the provision of a free appropriate public  
24                   education to the child, which may include

1 placement of the child in an interim alter-  
 2 native educational setting.

3 “(C) TIME LINES.—

4 “(i) DETERMINATION BY PRIN-  
 5 CIPAL.—The determination by the prin-  
 6 cipal described in subparagraph (B)(i)  
 7 shall be made as soon as possible, but not  
 8 later than 10 school days after the date on  
 9 which the behavior described in subpara-  
 10 graph (A) became known to the principal.

11 “(ii) PLACEMENT DECISION.—

12 “(I) PRELIMINARY DECISION.—  
 13 Within the 10-day period described in  
 14 clause (i), the child’s IEP team shall  
 15 make a preliminary decision regarding  
 16 placement of the child, which may in-  
 17 clude placement of the child in an in-  
 18 terim alternative educational setting.

19 “(II) FINAL DECISION.—A final  
 20 placement decision by the child’s IEP  
 21 team, which may include placement of  
 22 the child in an interim alternative  
 23 educational setting, shall, to the maxi-  
 24 mum extent feasible, be made within

1 the 10-day period described in clause  
2 (i).

3 “(iii) PLACEMENT LIMITATION.—In  
4 no case shall placement of the child in an  
5 interim alternative educational setting pur-  
6 suant to this subsection be made more  
7 than 20 school days after the date on  
8 which the behavior described in subpara-  
9 graph (A) became known to the principal.

10 “(D) STATUS OF CHILD IF TIME LINES  
11 ARE NOT MET.—If the determination of the  
12 principal (described in subparagraph (B)(i))  
13 and the actions of the child’s IEP team (de-  
14 scribed in subparagraph (B)(ii)) do not occur  
15 within the time period referred to in subpara-  
16 graph (C), the educational placement of the  
17 child shall be the educational placement de-  
18 scribed in the child’s current IEP, unless the  
19 parents of the child and the agency agree  
20 otherwise.

21 “(2) INFORMATION TO BE CONSIDERED BY IEP  
22 TEAM IN DETERMINING CHILD’S PLACEMENT.—In  
23 determining an appropriate placement for a child  
24 who engaged in any behavior described in paragraph  
25 (1)(A), the child’s IEP team shall—

1           “(A) include an individual (who may be an  
2 existing member of the child’s IEP team) who  
3 is qualified to assess the relationship between  
4 the disability of the child, the behavior of the  
5 child, and the context in which the behavior  
6 occurred;

7           “(B) at a minimum, consider—

8               “(i) the information described in sub-  
9 section (b)(5);

10               “(ii) information based on observation  
11 by a person knowledgeable about the child  
12 and the disability of the child, including, to  
13 the extent possible, observation in the envi-  
14 ronment in which the behavior occurred;  
15 and

16               “(iii) if available, voluntary state-  
17 ments from the parents of the child, and  
18 from any individual who was injured (and  
19 if the individual injured is a child, the indi-  
20 vidual’s parents); and

21           “(C) make necessary modifications in the  
22 child’s IEP related to the provision of special  
23 education and related services, the use of sup-  
24plementary aids and services, and strategies  
25 and interventions (including the use of behavior



1 management plans) that are likely to contribute  
 2 to the elimination of the recurrence of the be-  
 3 havior at issue by the child.

4 “(3) DISAGREEMENT BETWEEN AGENCY AND  
 5 PARENTS REGARDING DANGEROUS WEAPONS,  
 6 DRUGS, OR SERIOUS BODILY INJURY.—

7 “(A) DUE PROCESS HEARING.—If the par-  
 8 ents of a child disagree with a determination  
 9 made by the principal under paragraph  
 10 (1)(B)(i) or the action of the IEP team under  
 11 paragraph (1)(B)(ii) to place the child in an in-  
 12 terim alternative educational setting or the rec-  
 13 ommendations of the child’s IEP team regard-  
 14 ing the provision of a free appropriate public  
 15 education pursuant to paragraph (1)(B)(ii) the  
 16 parents may request that a due process hearing  
 17 under section 615(b)(2) be conducted on an ex-  
 18 pedited basis.

19 “(B) CONSIDERATIONS.—In making a de-  
 20 termination regarding such a disagreement, the  
 21 hearing officer shall consider, at a minimum—

22 “(i) the determination of the principal  
 23 described in paragraph (1)(B)(i);

1                   “(ii) information considered by the  
2                   child’s IEP team under paragraphs  
3                   (1)(B)(ii) and (2); and

4                   “(iii) whether the child’s IEP team  
5                   met its responsibilities under paragraph  
6                   (4), if appropriate.

7                   “(C) PLACEMENT DURING DISPUTE.—Dur-  
8                   ing the pendency of any actions or proceedings  
9                   to resolve a disagreement described in subpara-  
10                  graph (A), the child shall remain in the interim  
11                  alternative educational setting, unless the par-  
12                  ents and the State or local educational agency  
13                  agree otherwise.

14                  “(4) REVIEW OF CHILD’S PLACEMENT IN IN-  
15                  TERIM ALTERNATIVE EDUCATIONAL SETTING.—Not  
16                  later than 35 school days after the placement in an  
17                  interim alternative educational setting of a child who  
18                  engaged in any behavior described in paragraph  
19                  (1)(A) (or earlier, if specified in the child’s IEP),  
20                  the child’s IEP team shall—

21                         “(A) review the progress of the child in the  
22                         interim alternative educational setting;

23                         “(B) determine an appropriate educational  
24                         placement based on a revised IEP, if appro-  
25                         priate; and

1           “(C) secure the placement of the child in  
 2           the appropriate educational placement, consist-  
 3           ent with the provisions of this part, for the re-  
 4           mainder of the school year or for the beginning  
 5           of the next school year, whichever is  
 6           appropriate.

7           “(d) CONDITIONS THAT APPLY WHEN SERIOUS DIS-  
 8           RUPTIVE BEHAVIOR IS INVOLVED.—

9           “(1) PLACEMENT IN INTERIM ALTERNATIVE  
 10          EDUCATIONAL SETTING.—

11           “(A) REMOVAL OF A CHILD TO AN IN-  
 12          TERIM ALTERNATIVE EDUCATIONAL SETTING.—

13          If a child with a disability, on school premises,  
 14          engages in ongoing serious disruptive behavior  
 15          that significantly impairs the education of the  
 16          child or the education of other children and the  
 17          ability of the teacher of the child to teach, the  
 18          child may be placed in an interim alternative  
 19          educational setting, if the conditions in sub-  
 20          paragraph (B) are met.

21           “(B) ROLE OF PRINCIPAL AND IEP  
 22          TEAM.—

23           “(i) IN GENERAL.—A child described  
 24           in subparagraph (A) may be removed to an  
 25           interim alternative educational setting if,

1 consistent with the requirements of para-  
2 graph (2)(B)(i) and subparagraphs (A)  
3 and (B) of paragraph (3)—

4 “(I) the principal, after consulta-  
5 tion with individuals who have knowl-  
6 edge of the disability of the child (in-  
7 cluding the chairperson of the child’s  
8 IEP team, the agency’s director of  
9 special education or the designees of  
10 the chairperson and director, and the  
11 teacher most knowledgeable about the  
12 child), determines in writing that the  
13 continued presence of the child in the  
14 child’s current educational placement  
15 would significantly impair the edu-  
16 cation of the child or the classmates  
17 of the child and the ability of the  
18 teacher of the child to teach; and

19 “(II) the child’s IEP team devel-  
20 ops a placement in an interim alter-  
21 native educational setting, consistent  
22 with the provision of a free appro-  
23 priate public education to the child.

1                   “(ii) CONSTRUCTION CLAUSE.—A  
 2 child shall not be determined to be seri-  
 3 ously disruptive on the basis of unreason-  
 4 able considerations, such as—

5                   “(I) myths or stereotypes about  
 6 disability;

7                   “(II) a lack of understanding of  
 8 the nature of the disability or the ef-  
 9 fect of the disability on behavior;

10                  “(III) a disruption caused by de-  
 11 vices, accommodations, auxiliary aids  
 12 or services used by a child with a dis-  
 13 ability; or

14                  “(IV) behavior that has not been  
 15 addressed by special education and re-  
 16 lated services as provided by para-  
 17 graph (3)(B).

18                  “(C) TIMELINE FOR ACTION.—

19                  “(i) IN GENERAL.—If a child de-  
 20 scribed in subparagraph (A) was subjected  
 21 to short-term disciplinary measures lasting  
 22 for any period up to 10 school days as de-  
 23 scribed in subsection (a), the determination  
 24 of the principal under subparagraph  
 25 (B)(i)(I) and the actions of the IEP team

1 under subparagraph (B)(i)(II) shall occur  
2 within that 10-day period.

3 “(ii) STATUS OF CHILD IF TIME LINE  
4 IS NOT MET.—If the determination of the  
5 principal under subparagraph (B)(i)(I) and  
6 the actions of the IEP team described in  
7 subparagraph (B)(i)(II) do not occur with-  
8 in the 10-school-day time period described  
9 in clause (i), the educational placement of  
10 the child shall be the placement described  
11 in the child’s current IEP, unless the par-  
12 ents of the child and the agency agree oth-  
13 erwise.

14 “(2) DISAGREEMENT BETWEEN AGENCY AND  
15 PARENTS WHEN SERIOUS DISRUPTIVE BEHAVIOR IS  
16 INVOLVED.—

17 “(A) HEARING OFFICER DETERMINA-  
18 TION.—If the parents of the child disagree with  
19 the determination made by the principal under  
20 paragraph (1)(B)(i)(I) or the action of the IEP  
21 team described under paragraph (1)(B)(i)(II), a  
22 hearing officer shall make a determination  
23 whether the removal of the child to an interim  
24 alternative educational setting was justified by  
25 the serious disruptive behavior of the child. The

1 determination of the hearing officer shall be  
2 made not later than 10 school days after the  
3 child's parents communicate to the principal the  
4 parent's disagreement with the determination of  
5 the principal or the action of the IEP team. If  
6 exceptional circumstances exist, such as the un-  
7 availability of a hearing officer, the determina-  
8 tion of the hearing officer shall be made not  
9 later than 20 school days after the child's par-  
10 ents communicate to the principal such dis-  
11 agreement. A hearing officer may grant addi-  
12 tional extensions of time for a hearing deter-  
13 mination if the school district and parents agree  
14 otherwise.

15 “(B) LIMITATIONS.—

16 “(i) CONSIDERATION OF RECORD ON  
17 THE CHILD.—In making a determination  
18 on whether removal of a child with a dis-  
19 ability to an interim alternative educational  
20 setting is justified, the principal and the  
21 IEP team (and, in situations involving a  
22 disagreement, the hearing officer) shall  
23 consider the record described in paragraph  
24 (3).

1                   “(ii) FAILURE TO MAKE A DETER-  
2                   MINATION.—If the determination of the  
3                   hearing officer is not made within the time  
4                   period described in subparagraph (A), the  
5                   educational placement of the child shall be  
6                   the placement described in the prior IEP  
7                   of the child, unless the parents of the child  
8                   and the agency agree otherwise.

9                   “(C) DUE PROCESS HEARING; PEND-  
10                  ENCY.—If either the parents of the child or the  
11                  local educational agency disagrees with the de-  
12                  termination of the hearing officer and requests  
13                  a due process hearing pursuant to section  
14                  615(b)(2), then the educational placement of  
15                  the child shall be the placement determined by  
16                  the hearing officer during the pendency of any  
17                  actions or proceedings, unless the parents and  
18                  the agency agree otherwise.

19                  “(3) SPECIAL RECORD FOR A CHILD WITH A  
20                  DISABILITY WHO IS SERIOUSLY DISRUPTIVE.—In  
21                  order for the principal and the IEP team or a hear-  
22                  ing officer to determine under this subsection that a  
23                  child with a disability is engaging in ongoing serious  
24                  disruptive behavior that significantly impairs the



1 education of the child or the education of other chil-  
2 dren and the ability of the teacher of the child to  
3 teach, the following information must have been  
4 documented:

5 “(A) CUMULATIVE RECORD OF BEHAV-  
6 IOR.—A cumulative record over an extended pe-  
7 riod of time describing frequent behaviors ex-  
8 hibited by the child that prevent the child, the  
9 classmates of the child, or the teacher of the  
10 child from engaging in the activities that would  
11 have occurred in the absence of serious disrup-  
12 tive behavior of the child.

13 “(B) DOCUMENTED EVIDENCE OF EF-  
14 FORTS TO ADDRESS THE BEHAVIOR.—Docu-  
15 mented evidence of efforts to address the behav-  
16 ior of the child, including—

17 “(i) the reconvening of the child’s  
18 IEP team to consider the appropriateness  
19 of the child’s IEP;

20 “(ii) the provision of special education  
21 and related services;

22 “(iii) the use of supplemental services  
23 and strategies (including the use of behav-  
24 ior management plans) that have been im-  
25 plemented over a reasonable period of time

1 and have failed to address the needs of the  
2 child in a manner that would enable the  
3 child to remain in the current educational  
4 placement of the child without significantly  
5 impairing the education of the child or the  
6 classmates of the child and the ability of  
7 the teacher of the child to teach; and

8 “(iv) the training made available to  
9 the child’s classroom teachers.

10 “(4) INFORMATION TO BE CONSIDERED BY IEP  
11 TEAM WHEN SERIOUS DISRUPTIVE BEHAVIOR IS IN-  
12 VOLVED.—In determining an appropriate placement  
13 for a child with a disability who engaged in a serious  
14 disruptive behavior described in paragraph (1)(A),  
15 the child’s IEP team shall consider the information  
16 about the child required in subsection (c)(2)(B), and  
17 make necessary modifications in the child’s IEP, as  
18 described in subsection (c)(2)(C).

19 “(5) REVIEW OF PROGRESS OF THE CHILD.—  
20 The child’s IEP team shall review the progress of  
21 the child, in accordance with the procedures and  
22 time lines in subsection (c)(4).

23 “(e) DEFINITIONS; CONSTRUCTION.—

24 “(1) DANGEROUS WEAPON.—For the purpose  
25 of this section, the term ‘dangerous weapon’ means

1 a weapon, device, instrument, material or substance,  
2 animate or inanimate, that is used for or is readily  
3 capable of causing death or serious bodily injury.

4 “(2) DRUG.—For the purpose of this section,  
5 the term ‘drug’ means a drug or other substance  
6 identified under schedules I, II, III, IV, and V in  
7 section 202(c) of the Controlled Substances Act (21  
8 U.S.C. 812(c)).

9 “(3) ILLEGAL USE OF DRUGS.—For the pur-  
10 pose of this section, the term ‘illegal use of drugs’  
11 shall not be construed to include the use of a drug  
12 taken under the supervision of a licensed health care  
13 professional, or other uses authorized by the Con-  
14 trolled Substances Act or other provisions of Federal  
15 law.

16 “(4) SERIOUS BODILY INJURY.—For the pur-  
17 pose of this section, the term ‘serious bodily injury’  
18 means injury that involves a substantial risk of  
19 death, extreme physical pain, an obvious or pro-  
20 tracted disfigurement, or a protracted loss or im-  
21 pairment of a bodily member, organ, or mental fac-  
22 ulty that is the result of a physical or sexual assault  
23 that also may have significantly endangered emo-  
24 tional health or safety.

1       “(f) TIMING AND EFFECT OF ASSERTION OF A  
2 CHILD’S DISABILITY.—

3               “(1) PROTECTION STATUS OF A CHILD NOT  
4 YET FOUND ELIGIBLE FOR SPECIAL EDUCATION AND  
5 RELATED SERVICES.—A child who has not been de-  
6 termined to be eligible for special education and re-  
7 lated services under this part and who engages in  
8 behavior that is a violation of the rules or code of  
9 conduct of the local educational agency, including a  
10 child who engages in any of the behaviors described  
11 in subsections (c) and (d), may assert the protec-  
12 tions authorized under this part, if the local edu-  
13 cational agency had knowledge that the child was a  
14 child with a disability before the behavior that  
15 precipitated the disciplinary action occurred.

16               “(2) BASIS OF AN AGENCY’S KNOWLEDGE OF A  
17 CHILD’S DISABILITY.—If the parents of a child de-  
18 scribed in paragraph (1) expressed concern, in writ-  
19 ing, if practicable, to appropriate educational agency  
20 personnel about the need of the child for special edu-  
21 cation and related services or the behavior of the  
22 child which would demonstrate the need for such  
23 services, or the teacher of the child or other person-  
24 nel expressed concern about the behavior of the child  
25 which would demonstrate the need for such services

1 or the needs of the child to the agency's director of  
2 special education or other agency staff or the par-  
3 ents, then such agency shall be deemed to have  
4 knowledge of a disability of a child. A request by the  
5 parents under this paragraph may include but not  
6 be limited to a parental request for an evaluation  
7 of their child to determine the eligibility of the child  
8 for special education and related services.

9 “(3) CONDITIONS THAT APPLY WHEN AN AGEN-  
10 CY HAD NO KNOWLEDGE OF A DISABILITY OF A  
11 CHILD.—

12 “(A) IN GENERAL.—Subject to the re-  
13 quirement of subparagraph (B), if a local edu-  
14 cational agency does not have knowledge of a  
15 disability of a child as described in paragraph  
16 (2) prior to taking disciplinary measures  
17 against the child, the child may be subjected to  
18 the same disciplinary measures as children  
19 without disabilities, who engaged in comparable  
20 behaviors.

21 “(B) LIMITATIONS.—If a request is made  
22 for evaluation of a child during the time period  
23 in which the child is subjected to disciplinary  
24 measures under subparagraph (A), the evalua-  
25 tion shall be conducted in an expedited manner.

1           If the child is determined to be a child with a  
 2           disability, taking into consideration information  
 3           from the evaluation conducted by the agency  
 4           and information provided by the parents, such  
 5           agency shall provide special education and relat-  
 6           ed services in accordance with the provisions of  
 7           this part. Pending the results of the evaluation,  
 8           the placement of the child shall be the place-  
 9           ment determined by the school authorities.

10       “(g) REFERRAL TO AND ACTIONS BY LAW ENFORCE-  
 11       MENT AND JUDICIAL AUTHORITIES.—Nothing in this part  
 12       shall be construed to prohibit an agency from reporting  
 13       a crime committed by a child with a disability to appro-  
 14       priate authorities or to prevent State law enforcement and  
 15       judicial authorities from exercising their responsibilities  
 16       with regard to the application of Federal and State law  
 17       to crimes committed by a child with a disability.

18       “(h) DEFINITIONS.—

19           “(1) IN GENERAL.—Except as provided in para-  
 20       graph (2), the definitions used in section 602 (as in  
 21       effect on the day before the date of enactment of the  
 22       Individuals with Disabilities Education Act Amend-  
 23       ments of 1997) shall apply to this section.

24           “(2) EXCEPTION.—The terms ‘behavior man-  
 25       agement plan’, ‘child with a disability’, ‘educational

1 service agency’, ‘local educational agency’, ‘parent’,  
 2 and ‘supplementary aids and services’ shall have the  
 3 meanings given such terms in section 602 (as  
 4 amended by section 102 of the Individuals with Dis-  
 5 abilities Education Act Amendments of 1997).”.

6 (2) REPEAL.—Section 615A(h), as added by  
 7 paragraph (1), shall be repealed effective January 1,  
 8 1998.

9 **SEC. 207. WITHHOLDING AND JUDICIAL REVIEW.**

10 Section 616 (20 U.S.C. 1416) is amended to read as  
 11 follows:

12 **“SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.**

13 “(a) WITHHOLDING.—

14 “(1) IN GENERAL.—Whenever the Secretary,  
 15 after reasonable notice and an opportunity for a  
 16 hearing is provided to the State educational agency  
 17 involved (and to any local educational agency or  
 18 State agency affected by any failure described in  
 19 subparagraph (B)), finds—

20 “(A) that there has been a failure by the  
 21 State to comply substantially with any provision  
 22 of this part; or

1           “(B) that there is a failure to comply with  
2           any condition of a local educational agency’s eli-  
3           gibility or State agency’s eligibility under this  
4           part,

5           the Secretary shall, after notifying the State edu-  
6           cational agency, withhold any further payments to  
7           the State under this part.

8           “(2) LIMITATIONS.—If the Secretary withholds  
9           further payments under paragraph (1), the Sec-  
10          retary may determine that such withholding will be  
11          limited to programs or projects, or portions thereof,  
12          affected by the failure, or that the State educational  
13          agency shall not make further payments under this  
14          part to specified local educational agencies or State  
15          agencies affected by the failure. Until the Secretary  
16          is satisfied that there is no longer any failure to  
17          comply with the provisions of this part, as specified  
18          in subparagraph (A) or (B) of paragraph (1), no  
19          further payments shall be made to the State under  
20          this part or payments by the State educational agen-  
21          cy under this part shall be limited to local edu-  
22          cational agencies or State agencies whose actions did  
23          not cause or were not involved in the failure, as the  
24          case may be. Any State educational agency, local  
25          educational agency, or State agency in receipt of a



1 notice pursuant to paragraph (1) shall, by means of  
2 a public notice, take such measures as may be nec-  
3 essary to bring the pendency of an action pursuant  
4 to this subsection to the attention of the public with-  
5 in the jurisdiction of such agency.

6 “(b) APPEALS OF ELIGIBILITY DETERMINATIONS.—

7 “(1) PETITION.—If any State is dissatisfied  
8 with the Secretary’s final action with respect to the  
9 eligibility of such State under section 612, such  
10 State may, within 60 days after notice of such ac-  
11 tion, file with the United States court of appeals for  
12 the circuit in which such State is located a petition  
13 for review of that action. A copy of the petition shall  
14 be forthwith transmitted by the clerk of the court to  
15 the Secretary. The Secretary thereupon shall file in  
16 the court the record of the proceedings upon which  
17 the Secretary’s action was based, as provided in sec-  
18 tion 2112 of title 28, United States Code.

19 “(2) FINDINGS.—The findings of fact by the  
20 Secretary, if supported by substantial evidence, shall  
21 be conclusive, but the court, for good cause shown,  
22 may remand the case to the Secretary to take fur-  
23 ther evidence. The Secretary on remand of the case  
24 may make new or modified findings of fact, may  
25 modify the previous action of the Secretary, and

1 shall file in the court the record of the further pro-  
 2 ceedings. Such new or modified findings of fact shall  
 3 be conclusive if supported by substantial evidence.

4 “(3) COURT’S JUDGMENT.—Upon the filing of  
 5 the petition under paragraph (1), the court shall  
 6 have jurisdiction to affirm the action of the Sec-  
 7 retary or to set such action aside, in whole or in  
 8 part. The judgment of the court shall be subject to  
 9 review by the Supreme Court of the United States  
 10 upon certiorari or certification as provided in section  
 11 1254 of title 28, United States Code.”.

12 **SEC. 208. ADMINISTRATION.**

13 Section 617 (20 U.S.C. 1417) is amended to read as  
 14 follows:

15 **“SEC. 617. ADMINISTRATION.**

16 “(a) SECRETARY’S RESPONSIBILITIES.—In carrying  
 17 out this part, the Secretary shall—

18 “(1) cooperate with, and (directly or through  
 19 grant or contract) provide the technical assistance  
 20 necessary to, the State in matters relating to—

21 “(A) the education of children with disabil-  
 22 ities; and

23 “(B) carrying out the requirements of this  
 24 part;

1           “(2) provide short-term training programs and  
2       institutes; and

3           “(3) disseminate information about, and other-  
4       wise promote, the education of all children with dis-  
5       abilities within the States.

6       “(b) RULES AND REGULATIONS.—Not later than  
7       January 1, 1977, the Secretary in carrying out the provi-  
8       sions of this part shall issue, amend, and revoke such rules  
9       and regulations as may be necessary. No other less formal  
10      method of implementing such provisions is authorized.

11      “(c) CONFIDENTIALITY.—The Secretary shall take  
12      appropriate action, in accordance with the provisions of  
13      section 444 of the General Education Provisions Act (20  
14      U.S.C. 1232g), to ensure the protection of the confiden-  
15      tiality of any personally identifiable data, information, and  
16      records collected or maintained by the Secretary and by  
17      State and local educational agencies pursuant to the provi-  
18      sions of this part.

19      “(d) PERSONNEL.—The Secretary is authorized to  
20      hire qualified personnel necessary to conduct data collec-  
21      tion and evaluation activities authorized by section 618,  
22      without regard to the provisions of title 5, United States  
23      Code, relating to appointments in the competitive service  
24      and without regard to chapter 51 and subchapter III of

1 chapter 53 of such title relating to classification and gen-  
2 eral schedule pay rates except that no more than 20 such  
3 personnel shall be employed at any one time.

4 “(e) POLICY LETTERS AND STATEMENTS.—The Sec-  
5 retary may not, through policy letters or other statements,  
6 establish a rule that is required for compliance with and  
7 eligibility under this part without following the require-  
8 ments of section 553 of title 5, United States Code.

9 “(f) INTERPRETATIONS BY THE DEPARTMENT OF  
10 EDUCATION.—

11 “(1) IN GENERAL.—The Secretary shall, on a  
12 quarterly basis, publish in the Federal Register, and  
13 widely disseminate to interested entities through var-  
14 ious additional forms of communication, a list of  
15 correspondence from the Department of Education  
16 received by persons during the previous quarter that  
17 describes the interpretations of the Department of  
18 Education of this part or the regulations imple-  
19 mented pursuant to this part.

20 “(2) ADDITIONAL INFORMATION.—For each  
21 item of correspondence published in a list under  
22 paragraph (1), the Secretary shall identify the topic  
23 addressed by the correspondence and shall include  
24 such other summary information as the Secretary  
25 determines appropriate.”.

1 **SEC. 209. EVALUATION AND PROGRAM INFORMATION.**

2 Section 618 (20 U.S.C. 1418) is amended to read as  
3 follows:

4 **“SEC. 618. EVALUATION AND PROGRAM INFORMATION.**

5 “(a) PROGRAM INFORMATION.—Each State that re-  
6 ceives assistance under this part, and the Secretary of the  
7 Interior, shall provide data each year to the Secretary—

8 “(1)(A) on—

9 “(i) the number of children with disabil-  
10 ities who are receiving a free appropriate public  
11 education;

12 “(ii) the number of children with disabil-  
13 ities who are receiving early intervention serv-  
14 ices;

15 “(iii) the number of children with disabil-  
16 ities who are participating in regular education;

17 “(iv) the number of children with disabil-  
18 ities who are in separate classes, separate  
19 schools or facilities, or public or private residen-  
20 tial facilities;

21 “(v) the number of children with disabil-  
22 ities who, for each year of age from 14 through  
23 21, stopped receiving special education and re-  
24 lated services because of program completion or  
25 for other reasons; and

1           “(vi) the number of children with disabil-  
 2           ities who, from birth through age 2, stopped re-  
 3           ceiving early intervention services because of  
 4           program completion or for other reasons; and

5           “(B) on the number of infants and toddlers who  
 6           are at risk of having substantial developmental  
 7           delays (as described in section 672) and who are re-  
 8           ceiving early intervention services under part H; and

9           “(2) on any other information as may be re-  
 10          quired by the Secretary.

11          “(b) STUDIES AND EVALUATIONS, AND NATIONAL  
 12          ASSESSMENTS.—

13               “(1) IN GENERAL.—The Secretary shall assess  
 14               the progress in the implementation of this Act  
 15               through the studies, evaluations, and assessments  
 16               described in paragraphs (2) and (3).

17               “(2) STUDIES AND EVALUATIONS.—In carrying  
 18               out the requirement of paragraph (1), the Secretary  
 19               shall, directly or through grants, contracts, or coop-  
 20               erative agreements, conduct studies and evaluations  
 21               necessary to—

22                       “(A) assess, through quantitative and  
 23                       qualitative data and reporting modes, the effec-  
 24                       tiveness of State and local efforts to—

1 “(i) provide a free appropriate public  
2 education to children with disabilities; and

3 “(ii) provide early intervention serv-  
4 ices to infants and toddlers with disabil-  
5 ities and infants and toddlers at risk for  
6 developmental delay;

7 “(B) analyze measurable impact, outcomes,  
8 and results achieved by the State educational  
9 agencies and local educational agencies through  
10 the systems change activities of such agencies  
11 to reform policies, procedures, and practices de-  
12 signed to improve the educational and transi-  
13 tional services and results for children with  
14 disabilities;

15 “(C) analyze the State and local needs for  
16 professional development, parent training, and  
17 other appropriate activities regarding discipli-  
18 nary actions involving children with disabilities;  
19 and

20 “(D) assess the educational and transi-  
21 tional services and results for children with dis-  
22 abilities from unserved and underserved popu-  
23 lations, including—

24 “(i) data on—

1 “(I) the number of children from  
 2 unserved and underserved populations  
 3 who are referred for special education  
 4 evaluation;

5 “(II) the number of children  
 6 from unserved and underserved popu-  
 7 lations who are receiving special edu-  
 8 cation and related services; and

9 “(III) the number of children  
 10 from unserved and underserved popu-  
 11 lations who graduated from secondary  
 12 and postsecondary education pro-  
 13 grams; and

14 “(ii) the performance of children with  
 15 disabilities from unserved and underserved  
 16 populations on State assessments and  
 17 other performance indicators established  
 18 for all students.

19 “(3) NATIONAL STUDIES, ASSESSMENTS, AND  
 20 EVALUATIONS.—The Secretary shall, directly or  
 21 through grants, contracts, or cooperative agree-  
 22 ments, conduct studies, assessments, and evaluations  
 23 (using nationally representative samples) that shall  
 24 measure the educational and transitional services  
 25 and results of children with disabilities under this



1 Act. Such studies, assessments, and evaluations shall  
2 include—

3 “(A) the conduct of a 5-year longitudinal  
4 study or studies (utilizing both quantitative and  
5 qualitative data and reporting modes)—

6 “(i) that examine the educational and  
7 transitional services and results for chil-  
8 dren with disabilities aged 3 through 17,  
9 who are receiving special education and re-  
10 lated services under this Act, using a na-  
11 tional, representative sample of distinct  
12 age cohorts and disability categories;

13 “(ii) that identify and reports on the  
14 placement of children with disabilities by  
15 disability category; and

16 “(iii) that examine the educational re-  
17 sults, postsecondary placement, and em-  
18 ployment status of individuals with disabil-  
19 ities, aged 18 through 21, who are receiv-  
20 ing or have received special education and  
21 related services under this Act; and

22 “(B) the annual collection of data (begin-  
23 ning on October 1, 1998 and every fiscal year  
24 thereafter) on the number of children with dis-  
25 abilities suspended, expelled, and subject to

1           other disciplinary actions (such as change in  
2           placement), including data disaggregated by  
3           age, sex, race, socioeconomic status, disability  
4           category, and category of behavior subject to  
5           disciplinary action.

6       The Secretary shall ensure that the activities de-  
7       scribed in clauses (i) through (iii) of subparagraph  
8       (A) are not duplicated by any entity selected  
9       through a grant, contract, or cooperative agreement  
10      under paragraph (2).

11      “(c) TRACKING AND REPORTING REQUIREMENTS.—

12           “(1) POST-SCHOOL OUTCOME TRACKING.—The  
13      Secretary shall, directly or through contracts, con-  
14      duct a study on the post-school outcomes for chil-  
15      dren with disabilities who have been expelled from  
16      school, and shall develop a procedure for State edu-  
17      cational agencies to monitor the status of the chil-  
18      dren, based on categories developed by the Sec-  
19      retary, including the monitoring of the status of  
20      such children through followup information regard-  
21      ing the employment status of the children, the re-  
22      turn of the children to school, the graduation of the  
23      children, high school equivalency examinations taken  
24      by the children, and residential incarceration of the  
25      children.

1           “(2) COLLECTION AND TRACKING.—Each State  
 2           educational agency shall bear the costs of collecting  
 3           and reporting any information requested by the Sec-  
 4           retary regarding the students described in paragraph  
 5           (1) including, information on—

6                   “(A) the number and nature of disciplinary  
 7                   actions against children expelled under section  
 8                   615A; and

9                   “(B) post-school outcomes collected under  
 10                  the procedure developed under paragraph (1).

11           “(3) REPORTS BY THE SECRETARY.—The Sec-  
 12           retary shall collect the information described in  
 13           paragraph (2) and shall—

14                   “(A) not later than 2 years after the date  
 15                   of enactment of the Individuals with Disabilities  
 16                   Education Act Amendments of 1997, prepare  
 17                   and submit an interim report concerning the in-  
 18                   formation to the Committee on Labor and  
 19                   Human Resources of the Senate and the Com-  
 20                   mittee on Economic and Educational Opportu-  
 21                   nities of the House of Representatives; and

22                   “(B) not later than 4 years after the date  
 23                   of enactment of the Individuals with Disabilities  
 24                   Education Act Amendments of 1997, prepare

1           and submit a final report concerning the infor-  
2           mation to the Committee on Labor and Human  
3           Resources of the Senate and the Committee on  
4           Economic and Educational Opportunities of the  
5           House of Representatives.

6           “(d) ANNUAL REPORT.—Not later than 120 days  
7 after the expiration of each fiscal year, the Secretary shall  
8 prepare and submit to Congress a report that includes—

9           “(1) an analysis and summary of the data re-  
10          ported by the States and the Secretary of the Inte-  
11          rior under subsection (a);

12          “(2) the results of activities conducted under  
13          subsection (b);

14          “(3) the findings and determinations resulting  
15          from reviews of States with respect to the implemen-  
16          tation of this Act; and

17          “(4) recommendations with respect to the im-  
18          plementation of this Act to improve the educational  
19          and transitional services and results for children  
20          with disabilities and their families.

21          “(e) ADDITIONAL SOURCES OF INFORMATION.—The  
22 Secretary may collect and use information collected from  
23 various sources for reporting to Congress, including the  
24 collection and use of State evaluations and available re-  
25 search studies, in carrying out this section.

1       “(f) RESERVATION FOR STUDIES AND EVALUA-  
 2 TIONS.—Notwithstanding any provision of this Act, the  
 3 Secretary may reserve, in addition to any funds appro-  
 4 priated under this section, up to one-half of one percent  
 5 of the amount appropriated under this part and part H  
 6 for each fiscal year to carry out the purposes of this  
 7 section.

8       “(g) AUTHORIZATION OF APPROPRIATIONS.—For  
 9 purposes of carrying out this section, there are authorized  
 10 to be appropriated \$4,100,000 for fiscal year 1998 and  
 11 such sums as may be necessary for succeeding fiscal  
 12 years.”.

13 **SEC. 210. PRESCHOOL GRANTS.**

14       Section 619 (20 U.S.C. 1419) is amended to read as  
 15 follows:

16 **“SEC. 619. PRESCHOOL GRANTS.**

17       “(a) PURPOSE OF GRANTS.—The Secretary shall  
 18 make grants to States and the outlying areas to assist in  
 19 the provision of special education and related services, in  
 20 accordance with this part—

21               “(1) to children with disabilities aged 3 through  
 22       5; and

23               “(2) at the discretion of the State, to 2-year-old  
 24       children with disabilities who will turn age 3 during  
 25       the school year.

1       “(b) ELIGIBILITY.—A State or outlying area is eligi-  
2 ble for a grant under this section if the State or outlying  
3 area—

4           “(1) has established its eligibility under section  
5 612; and

6           “(2) makes a free appropriate public education  
7 available to all children with disabilities, aged 3  
8 through 5, residing in the jurisdiction of the State  
9 or the outlying area.

10       “(c) ALLOCATIONS.—Of the funds made available  
11 under this section, the Secretary shall allocate to each eli-  
12 gible State and each outlying area, the State’s or outlying  
13 area’s pro rata share of the available funds based upon  
14 the count of the State on the number of children with dis-  
15 abilities, aged 3 through 5, consistent with section  
16 611(a)(3). The amount of any grant to any State or outly-  
17 ing area under this section for any fiscal year may not  
18 exceed \$1,500 for each child with a disability in such State  
19 or outlying area, aged 3 through 5.

20       “(d) STATE-LEVEL ACTIVITIES.—

21           “(1) IN GENERAL.—A State may retain not  
22 more than 25 percent of the amount of the grant  
23 that the State receives under this section for admin-  
24 istration and other State-level activities in accord-  
25 ance with subsections (e) and (f).

1           “(2) INAPPLICABILITY OF CERTAIN REQUIRE-  
2           MENTS.—A State may use the funds that the State  
3           retains under paragraph (1) without regard to—

4                   “(A) the prohibition on commingling of  
5                   funds under section 612(a)(18)(A)(ii); and

6                   “(B) the prohibition on supplanting other  
7                   funds under section 612(a)(18)(A)(iii).

8           “(e) STATE ADMINISTRATION.—

9                   “(1) IN GENERAL.—Each State and outlying  
10           area may use not more than 5 percent of the  
11           amount of the grant that the State and outlying  
12           area receive under this section for any fiscal year for  
13           the purpose of administering this part, including the  
14           coordination of activities under this part with, and  
15           providing technical assistance to, other programs  
16           that provide services to children with disabilities.

17                   “(2) ADMINISTRATION OF PART H.—Funds de-  
18           scribed in paragraph (1) may also be used for the  
19           administration of part H, if the State educational  
20           agency is the lead agency for the State under that  
21           part.

22           “(f) OTHER STATE-LEVEL ACTIVITIES.—A State  
23           shall use any funds that the State retains under subsection  
24           (d) and does not use for administration under subsection  
25           (e)—

1           “(1) for support services (including establishing  
2           and implementing the mediation process required by  
3           section 615(e)), which may benefit children with dis-  
4           abilities younger than age 3 and older than age 5 as  
5           long as such services also benefit children with dis-  
6           abilities aged 3 through 5;

7           “(2) for direct services for children eligible for  
8           services under this section;

9           “(3) for activities at the State and local levels  
10          to meet the performance goals established by the  
11          State under section 612(a)(16);

12          “(4) to supplement other funds used to develop  
13          and implement a fully integrated and coordinated  
14          statewide system that links education, health, social  
15          welfare services, support systems, and other commu-  
16          nity entities, in a manner designed to improve the  
17          educational and transitional results for all children  
18          and their families (including children with disabil-  
19          ities and their families), but not to exceed 1 percent  
20          of the amount received by the State under this sec-  
21          tion; or

22          “(5) for other activities at the discretion of the  
23          State educational agency that are consistent with  
24          the purpose of this part.



1       “(g) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
2 CIES AND STATE AGENCIES.—

3           “(1) REQUIREMENT TO MAKE SUBGRANTS.—A  
4 State that receives a grant under this section for  
5 any fiscal year shall distribute at least 75 percent of  
6 the grant funds to local educational agencies in the  
7 State that have established eligibility under section  
8 613, and to State agencies that received funds for  
9 fiscal year 1994 under subpart 2 of part D of chap-  
10 ter 1 of title I of the Elementary and Secondary  
11 Education Act of 1965 (as such subpart was in ef-  
12 fect on the day preceding the date of enactment of  
13 the Improving America’s Schools Act of 1994) and  
14 that have established their eligibility under section  
15 613.

16           “(2) METHODS OF DISTRIBUTION.—From the  
17 amount of funds available to local educational agen-  
18 cies or State agencies in any State under this sec-  
19 tion, each local educational agency shall be entitled  
20 to the pro rata share of the available funds based on  
21 the aggregate number of children with disabilities  
22 aged 3 through 5 who received special education and  
23 related services as determined under section 611.

1       “(h) PART H INAPPLICABILITY.—Part H does not  
2 apply to any child with a disability receiving a free appro-  
3 priate public education, in accordance with this part, with  
4 funds received under this section.

5       “(i) OUTLYING AREAS.—The provisions of section  
6 501 of Public Law 95–134 (48 U.S.C. 1469a), permitting  
7 the consolidation of grants to outlying areas, shall not  
8 apply to funds received by such areas under this section.

9       “(j) DEFINITION OF STATE.—For the purpose of this  
10 section, the term ‘State’ means each of the 50 States, the  
11 District of Columbia, and the Commonwealth of Puerto  
12 Rico.

13       “(k) AUTHORIZATION OF APPROPRIATIONS.—For the  
14 purpose of carrying out this section, there are authorized  
15 to be appropriated such sums as may be necessary.”.

16 **SEC. 211. PAYMENTS.**

17       Section 620 (20 U.S.C. 1420) is amended to read as  
18 follows:

19 **“SEC. 620. PAYMENTS.**

20       “(a) PAYMENTS TO STATES.—The Secretary shall  
21 make payments to each State that has demonstrated the  
22 eligibility of the State under section 612, in amounts that  
23 the Secretary determines under sections 611 and 619.

1       “(b) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES  
 2 AND STATE AGENCIES.—Any State educational agency re-  
 3 ceiving payments under this section shall distribute pay-  
 4 ments to local educational agencies (and to State agencies  
 5 that received funds for fiscal year 1994 under subpart 2  
 6 of part D of chapter 1 of title I of the Elementary and  
 7 Secondary Education Act of 1965 (as such subpart was  
 8 in effect on the day preceding the date of enactment of  
 9 the Improving America’s Schools Act of 1994)) in the  
 10 State that the State educational agency has determined  
 11 are eligible under section 613, in amounts determined  
 12 under sections 611 and 619.”.

13 **SEC. 212. APPLICABILITY OF DEFINITIONS.**

14       (a) AMENDMENT.—Part B (20 U.S.C. 1411 et seq.)  
 15 is amended by adding at the end thereof the following new  
 16 section:

17 **“SEC. 620A. APPLICABILITY OF DEFINITIONS.**

18       “The definitions used in section 602 (as in effect on  
 19 the day before the date of enactment of the Individuals  
 20 with Disabilities Education Act Amendments of 1997)  
 21 shall apply to this part, except as provided in section 615A  
 22 and section 618.

23       (b) REPEAL.—Section 620A, as added by subsection  
 24 (a), shall be repealed effective January 1, 1998.

1 (c) EFFECTIVE DATE.—The amendment made by  
 2 subsection (a) shall take effect on October 1, 1997.

3 **SEC. 213. CONFORMING AND TECHNICAL AMENDMENTS.**

4 (a) SETTLEMENTS AND ALLOCATIONS.—Section 611  
 5 (20 U.S.C. 1411) is amended—

6 (1) by striking “SEC. 611. (a)” and all that fol-  
 7 lows through “(1) Except as” and inserting the  
 8 following:

9 “SEC. 611. (a)(1) Except as”; and

10 (2) in subsection (a) (amended by paragraph  
 11 (1))—

12 (A) in paragraph (1)—

13 (i) by realigning the margins of sub-  
 14 paragraphs (A) and (B) so as to align with  
 15 subparagraphs (A) and (B) of subsection  
 16 (b)(1); and

17 (ii) by realigning the margins of  
 18 clauses (i) and (ii) of subparagraph (A) so  
 19 as to align with subclauses (I) and (II) of  
 20 subsection (d)(2)(A)(i); and

21 (B) by realigning the margins of para-  
 22 graph (2) so as to align with paragraph (3).

23 (b) ADVISORY PANELS.—Section 615(h) (20 U.S.C.  
 24 1415(h)), as so redesignated by section 206(c)(5), is

1 amended by striking “section 613(a)(12)” and inserting  
 2 “section 612(a)(20)”.

3 (c) PROCEDURAL SAFEGUARDS.—Section 615A, as  
 4 added by section 206(d)(1), is amended—

5 (1) in subsection (b)(6), by striking  
 6 “615(b)(2)” and inserting “615(f)”;

7 (2) in subsection (c)(3)(A), by striking  
 8 “615(b)(2)” and inserting “615(f)”;

9 (3) in subsection (d)(2)(C), by striking  
 10 “615(b)(2)” and inserting “615(f)”.

11 (d) REFERENCES TO EVALUATION AND PROGRAM IN-  
 12 FORMATION.—

13 (1) ADMINISTRATIVE PROVISIONS.—Section 610  
 14 (20 U.S.C. 1409) is amended—

15 (A) in subsection (a), by striking “section  
 16 618 and”;

17 (B) in subsection (d), by striking “under  
 18 section 618 and”;

19 (C) by striking subsection (e); and

20 (D) in subsection (f), by striking “, as well  
 21 as” and all that follows through “under section  
 22 618”.

23 (2) ADMINISTRATION.—Section 617(d) (20  
 24 U.S.C. 1417(d)) is amended by striking “subsections  
 25 (b), (c) and (d) of”.

1           (3) REGIONAL RESOURCE AND FEDERAL CEN-  
 2           TERS.—Section 621(c) (20 U.S.C. 1421(c)) is  
 3           amended by striking “Each regional” and inserting  
 4           “Except as otherwise required by the Secretary,  
 5           each regional”.

6           (4) SECONDARY EDUCATION AND TRANSI-  
 7           TIONAL SERVICES FOR YOUTH WITH DISABIL-  
 8           ITIES.—Section 626(f)(3)(D) (20 U.S.C.  
 9           1425(f)(3)(D)) is amended by striking “section  
 10          618(g)” and inserting “section 618”.

11          (5) GRANTS FOR PERSONNEL TRAINING.—Sec-  
 12          tion 631(e)(11) (20 U.S.C. 1431(e)(11)) is amended  
 13          in the second sentence by striking “section 618(g)”  
 14          and inserting “section 618”.

15 **SEC. 214. EFFECTIVE DATES.**

16          (a) IN GENERAL.—Except as otherwise provided in  
 17          this title and in subsections (b) and (c), the amendments  
 18          made by this title shall take effect on January 1, 1998.

19          (b) PROCEDURAL SAFEGUARDS.—

20               (1) SECTION 615.—The amendments made by  
 21               subsection (c)(3)(D) (i) and (ii) of section 206 shall  
 22               take effect on July 1, 1997.

23               (2) SECTION 615A.—

1 (A) IN GENERAL.—The amendment made  
 2 by section 206(d)(1) shall take effect on July 1,  
 3 1997.

4 (B) CHANGING SECTION 615(b)(2) REF-  
 5 ERENCES.—The amendment made by section  
 6 213(c) shall take effect on January 1, 1998.

7 (3) CONFORMING AMENDMENT.—

8 (A) IN GENERAL.—Section 314(a) of the  
 9 Improving America's Schools Act of 1994 (20  
 10 U.S.C. 1415 note) is amended by striking para-  
 11 graph (2).

12 (B) EFFECTIVE DATE.—The amendment  
 13 made by subparagraph (A) shall take effect on  
 14 July 1, 1997.

15 (c) EVALUATION AND PROGRAM INFORMATION.—

16 (1) IN GENERAL.—The amendment made by  
 17 section 209 shall take effect on October 1, 1997.

18 (2) SECRETARY OF THE INTERIOR'S COMPLI-  
 19 ANCE.—The amendment made by section  
 20 201(d)(2)(C) shall take effect on the date of enact-  
 21 ment of this Act.

22 (3) CONFORMING AMENDMENTS.—The amend-  
 23 ment made by section 213(d) shall take effect on the  
 24 date of enactment of this Act.

25 (d) TRANSITION RULE.—

1           (1) IN GENERAL.—Subject to paragraph (2), a  
 2       State that is eligible for assistance under part B (as  
 3       such part was in effect on the day before the date  
 4       of enactment of this Act) may begin carrying out the  
 5       provisions of part B (as amended by this title) prior  
 6       to January 1, 1998.

7           (2) NOTIFICATION AND APPROVAL.—A State  
 8       that desires to carry out any provision of part B (as  
 9       amended by this title) under paragraph (1) shall no-  
 10      tify the Secretary of Education of which provision of  
 11      such part the State desires to carry out. In accord-  
 12      ance with the procedure established by the Secretary  
 13      of Education, the Secretary of Education shall notify  
 14      the State—

15                (A) of whether the State may carry out a  
 16                provision of such part; and

17                (B) of any applicable procedure that the  
 18                State shall comply with for the purposes of car-  
 19                rying out such provision.

## 20       **TITLE III—SYSTEMS CHANGE**

### 21       **SEC. 301. SYSTEMS CHANGE.**

22       Part C (20 U.S.C. 1421 et seq.) is amended to read  
 23       as follows:



1 **“PART C—PROMOTING SYSTEMS CHANGE TO IM-**  
2 **PROVE EDUCATIONAL AND TRANSITIONAL**  
3 **SERVICES AND RESULTS FOR CHILDREN**  
4 **WITH DISABILITIES**

5 **“SEC. 621. FINDINGS AND PURPOSE.**

6 “(a) FINDINGS.—Congress finds the following:

7 “(1) States are responding with some success to  
8 multiple pressures to improve educational and tran-  
9 sitional services and results for children with disabil-  
10 ities in response to growing demands imposed by  
11 ever-changing factors, such as demographics, social  
12 policies, and labor and economic markets.

13 “(2) In order for States to address such de-  
14 mands and to facilitate lasting systems change that  
15 is of benefit to all students, including children with  
16 disabilities, States must involve local educational  
17 agencies, individuals with disabilities and their fami-  
18 lies, and other interested individuals and organiza-  
19 tions in planning and implementation activities that  
20 affect education.

21 “(3) Targeted Federal financial resources are  
22 needed to support planning, needs assessment, im-  
23 plementation, and evaluation of better ways to ad-  
24 dress the needs of children with disabilities into the  
25 next century.

1           “(4) State educational agencies, in partnership  
2           with local educational agencies and other individuals  
3           and organizations, are in the best position to iden-  
4           tify and design ways to meet emerging and expand-  
5           ing demands to improve education for children with  
6           disabilities and to address their special needs.

7           “(5) Research, demonstration, and practice over  
8           the past 20 years in special education and related  
9           disciplines have built a foundation of knowledge on  
10          which State and local systems change activities can  
11          now be based.

12          “(6) Such research, demonstration, and practice  
13          in special education and related disciplines have  
14          demonstrated that an effective educational system  
15          now and in the future must—

16               “(A) maintain high academic standards  
17               and clear performance goals for children with  
18               disabilities, consistent with the standards and  
19               expectations for all students in the educational  
20               system, and provide for appropriate and effec-  
21               tive strategies and methods to ensure that stu-  
22               dents who are children with disabilities have  
23               maximum opportunities to achieve such stand-  
24               ards and goals;

1           “(B) create a system that fully addresses  
2           the needs of all students, including students  
3           who are children with disabilities, by linking  
4           and coordinating the requirements of parts B  
5           and H with other systemic reform initiatives;

6           “(C) clearly define, in measurable terms,  
7           the school and postschool results that children  
8           with disabilities will achieve through their par-  
9           ticipation in general and special education  
10          programs;

11          “(D) promote service integration, and the  
12          coordination of State and local education, so-  
13          cial, health, and mental health supports, and  
14          other interagency supports, in addressing the  
15          full range of student needs, particularly the  
16          needs of students who are children with disabil-  
17          ities and have significant and multiple disabil-  
18          ities;

19          “(E) ensure that children with disabilities  
20          are provided assistance and support in making  
21          transitions as described in clauses (i) through  
22          (iii) of section 614(a)(2)(B);

23          “(F) promote comprehensive programs of  
24          professional development to ensure that the per-  
25          sons responsible for the education or such a

1 transition of children with disabilities possess  
 2 the skills and knowledge necessary to address  
 3 the educational and related needs of the chil-  
 4 dren;

5 “(G) create school-based disciplinary strat-  
 6 egies that will be used to reduce or eliminate  
 7 the need to use suspension and expulsion as  
 8 disciplinary options for children with disabil-  
 9 ities;

10 “(H) establish placement-neutral funding  
 11 formulas and cost-effective strategies for serv-  
 12 ing children with disabilities in special edu-  
 13 cation and general education; and

14 “(I) involve individuals with disabilities  
 15 and parents of children with disabilities in plan-  
 16 ning, implementing, and evaluating educational  
 17 system innovations and reforms.

18 “(b) PURPOSE.—The purpose of this part is to assist  
 19 and provide incentives to State educational agencies,  
 20 working in partnership with local educational agencies,  
 21 and other interested individuals, agencies, and organiza-  
 22 tions, described in section 623(a), to carry out systems  
 23 change activities that will improve policies, procedures,  
 24 and practices, and training, and the use of personnel, par-  
 25 ents, and school-age peers of children with disabilities that

1 will contribute to improved early intervention, educational  
 2 and transitional services and results for children with dis-  
 3 abilities in demonstrable and measurable ways.

4 **“SEC. 622. GRANTS TO STATE EDUCATIONAL AGENCIES.**

5 “(a) GRANT AWARD.—

6 “(1) IN GENERAL.—The Secretary shall award  
 7 grants, on a competitive basis, to State educational  
 8 agencies, working in partnership with local edu-  
 9 cational agencies and other individuals and organiza-  
 10 tions described in section 623(a), to support systems  
 11 change activities that benefit, in demonstrable and  
 12 measurable ways, children with disabilities.

13 “(2) ACTIVITIES BENEFITING MULTIPLE  
 14 STATES.—To pursue systems change activities that  
 15 benefit children with disabilities and their families in  
 16 more than 1 State, recipients of such grants may  
 17 collaborate in carrying out projects under this part  
 18 through such activities as joint arrangements with 1  
 19 or more institutions of higher education, sharing of  
 20 project staff, and joint use of consultants.

21 “(b) TYPES OF GRANTS.—

22 “(1) IN GENERAL.—In awarding grants under  
 23 subsection (a), the Secretary may award either a  
 24 planning grant or an implementation grant to a  
 25 State educational agency applying for funds under

1       this part that forms a partnership described in sec-  
2       tion 623(a) that applies for funds under this part.

3               “(2) PLANNING GRANTS.—

4                       “(A) APPLICATION.—An applicant may  
5       apply under section 623(b) for a planning grant  
6       to develop systems change activities.

7                       “(B) DURATION.—A planning grant re-  
8       ferred to in paragraph (1) shall be awarded for  
9       a period of 1 year.

10                      “(C) RENEWAL OF 1-YEAR GRANTS.—A  
11       grant that has been awarded for a 1-year period  
12       in accordance with subparagraph (B) may be  
13       renewed for an additional 1-year period.

14               “(3) IMPLEMENTATION GRANTS.—

15                      “(A) APPLICATION.—An applicant may  
16       apply under section 623(c) for an implementa-  
17       tion grant to carry out systems change activi-  
18       ties.

19                      “(B) DURATION.—An implementation  
20       grant referred to in paragraph (1) shall be  
21       awarded for a period of not to exceed 5 years.

22               “(c) AMOUNT OF AWARDS.—

23                      “(1) CONSIDERATIONS.—In determining the  
24       amount of any award under this part for a State  
25       educational agency, the Secretary may consider such

1 factors as the Secretary finds appropriate, which  
 2 may include the size of the school-age population of  
 3 the State in which the State educational agency is  
 4 located.

5 “(2) LIMITATION AMOUNT.—Notwithstanding  
 6 paragraph (1) and except as provided in subsection  
 7 (d)(2) and section 624—

8 “(A) the annual amount of each planning  
 9 grant referred to in subsection (b)(1) shall not  
 10 exceed—

11 “(i) \$100,000 for any State edu-  
 12 cational agency in a State; or

13 “(ii) \$10,000 for any State edu-  
 14 cational agency in an outlying area; and

15 “(B) the annual amount of each implemen-  
 16 tation grant referred to in subsection (b)(1)  
 17 shall be not less than—

18 “(i) \$450,000 for any State edu-  
 19 cational agency in a State; or

20 “(ii) \$40,000 for any State edu-  
 21 cational agency in an outlying area.

22 “(d) LIMITATIONS AND EXCEPTIONS.—

23 “(1) LIMITATION.—Except as provided in para-  
 24 graph (2), no State educational agency may receive

1 more than 1 award under this part for any fiscal  
2 year.

3 “(2) EXCEPTIONS.—In addition to applying for  
4 an individual implementation grant, State edu-  
5 cational agencies may submit a joint application  
6 under section 623 for an implementation grant re-  
7 ferred to in subsection (b)(1) with other State edu-  
8 cational agencies to address systemic problems on a  
9 regional or national basis. Any State educational  
10 agency that is involved in the joint submission of  
11 an application under this paragraph shall, prior to  
12 making an application under section 623, form with-  
13 in the State in which the State educational agency  
14 is located a partnership as described in section  
15 623(a). In determining the amount of any award for  
16 such a grant, the Secretary may set aside the mone-  
17 tary limitations described in subsection (c).

18 **“SEC. 623. APPLICATION.**

19 “(a) IN GENERAL.—In order to be considered for a  
20 planning grant or an implementation grant under this  
21 part, a State educational agency shall establish a partner-  
22 ship among members (referred to in this part as the ‘part-  
23 nership’) consisting of local educational agencies, and



1 other individuals and organizations involved in, or con-  
2 cerned with, the education of children with disabilities,  
3 including—

4           “(1) parents of children with disabilities;

5           “(2) individuals with disabilities;

6           “(3) teachers and related services providers;

7           “(4) representatives of institutions of higher  
8 education;

9           “(5) representatives of other State agencies in-  
10 volved in the financing or delivery of special edu-  
11 cation and related services to children with disabil-  
12 ities and early intervention services to infants and  
13 toddlers with disabilities;

14           “(6) representatives of vocational, community,  
15 postsecondary, and business organizations concerned  
16 with the provision of transitional services to children  
17 with disabilities; and

18           “(7) other individuals as deemed appropriate by  
19 the State educational agency.

20       “(b) PLANNING GRANTS.—In order to be considered  
21 for a planning grant under this part, a State educational  
22 agency, in partnership with the local educational agencies,  
23 and other individuals, and organizations described in sub-  
24 section (a), shall prepare and submit an application to the  
25 Secretary that—

1           “(1) describes the planning activities for which  
2 assistance is sought;

3           “(2) describes proposed changes in practices,  
4 procedures, policies, training, or uses of personnel;

5           “(3) describes a partnership agreement that—

6               “(A) specifies the nature and extent of the  
7 partnership, and the respective roles of each  
8 member of the partnership; and

9               “(B) shall be in effect for the period of the  
10 grant; and

11           “(4) includes such other information and assur-  
12 ances as the Secretary may reasonably require.

13           “(c) IMPLEMENTATION GRANTS.—In order to be con-  
14 sidered for an implementation grant under this part, a  
15 State educational agency, in partnership with local edu-  
16 cational agencies, and other individuals and organizations  
17 described in subsection (a), shall prepare and submit an  
18 application to the Secretary that—

19           “(1) describes the critical aspects of practices,  
20 procedures, policies, and organizational structures  
21 that will be changed in order to improve educational  
22 and transitional results for children with disabilities,  
23 based on syntheses and analysis of available infor-  
24 mation, such as—

1           “(A) information on the performance of  
2           children with disabilities on State assessments  
3           and other performance indicators established  
4           for all children, such as dropout rates and grad-  
5           uation rates;

6           “(B) information on State and local needs  
7           for professional development for personnel to  
8           serve children with disabilities; and

9           “(C) information provided to the State  
10          educational agency by the Secretary;

11          “(2) identifies the goals and objectives for the  
12          systems change activities to be carried out under the  
13          grant and how the goals and objectives relate to the  
14          goals established by the State under section  
15          612(a)(16) (as amended by section 202 of the Indi-  
16          viduals with Disabilities Education Act Amendments  
17          of 1997);

18          “(3) describes how grant funds will be used in  
19          undertaking the systems change activities, and the  
20          amount and nature of funds from other sources that  
21          will be committed to the systems change activities;

22          “(4) describes the performance indicators that  
23          will be adopted or used to measure progress made  
24          toward the goals of the systems change activities

1       and toward improved educational and transitional  
2       results for children with disabilities;

3           “(5) describes the approach that will be taken,  
4       on an annual basis, to disseminate information on  
5       the progress measured under paragraph (4) to inter-  
6       ested members of the State partnership and to the  
7       Secretary;

8           “(6) describes a partnership agreement speci-  
9       fied in subsection (b)(3); and

10          “(7) includes such other information and assur-  
11       ances as the Secretary may reasonably require.

12          “(d) ADEQUATE PROGRESS.—The Secretary may ter-  
13       minate a grant to a State educational agency under this  
14       part, or require amendments to an approved application  
15       of a State educational agency, if the Secretary determines  
16       that the State educational agency is not making adequate  
17       progress toward the goals of the systems change activities  
18       of the State educational agency under this part.

19       **“SEC. 624. INCENTIVES.**

20          “Notwithstanding section 622(c)(2), the Secretary  
21       may provide additional funds for systems change activi-  
22       ties, if the Secretary approved an application under this  
23       part relating to the activities and—

24           “(1) the application, in addition to meeting the  
25       minimal application requirements, includes evidence

1 of a significant and substantial level of collaboration  
2 among agencies, organizations, and individuals who  
3 have an interest in the quality of educational serv-  
4 ices and opportunities for children with disabilities;

5 “(2) the activities described in the application  
6 are connected with prereferral programs and other  
7 programs designed to prevent the educational failure  
8 of children (particularly children who are members  
9 of unserved, underserved, or inappropriately identi-  
10 fied populations and who are from minority back-  
11 grounds and from geographic areas with significant  
12 need) so that the children experience a high level of  
13 success in their educational experience; and

14 “(3) the application demonstrates, in addition  
15 to meeting the minimal application requirements, an  
16 ongoing effort to assess and address the needs of  
17 children with disabilities and ensure the full partici-  
18 pation of such children in statewide or districtwide  
19 general education systems change activities.

20 **“SEC. 625. AUTHORIZATION OF APPROPRIATIONS.**

21 “For the purpose of carrying out this part, there are  
22 authorized to be appropriated \$30,000,000 for fiscal year  
23 1998 and such sums as may be necessary for each of fiscal  
24 years 1999 through 2002.”.

1 **SEC. 302. EFFECTIVE DATE.**

2       The amendments made by this title shall take effect  
3 on October 1, 1997.

4       **TITLE IV—RESEARCH AND**  
5       **PERSONNEL PREPARATION**

6 **SEC. 401. IMPROVING EARLY INTERVENTION, EDU-**  
7       **CATIONAL, AND TRANSITIONAL SERVICES**  
8       **AND RESULTS FOR CHILDREN WITH DISABIL-**  
9       **ITIES THROUGH COORDINATED RESEARCH**  
10      **AND PERSONNEL PREPARATION.**

11      Part D (20 U.S.C. 1431 et seq.) is amended to read  
12 as follows:

13 **“PART D—IMPROVING EARLY INTERVENTION,**  
14      **EDUCATIONAL, AND TRANSITIONAL SERV-**  
15      **ICES AND RESULTS FOR CHILDREN WITH**  
16      **DISABILITIES THROUGH COORDINATED RE-**  
17      **SEARCH AND PERSONNEL PREPARATION**

18 **“SEC. 631. FINDINGS AND PURPOSE.**

19      “(a) FINDINGS.—Congress finds the following:

20          “(1) The Federal Government has an ongoing  
21 obligation to support programs, projects, and activi-  
22 ties that contribute to positive results for children  
23 with disabilities, enabling the children—

1           “(A) to meet their early intervention, edu-  
2           cational, and transitional goals and, to the max-  
3           imum extent possible, educational standards  
4           that have been established for all children; and

5           “(B) to acquire the skills that will em-  
6           power the children with disabilities to lead pro-  
7           ductive and independent adult lives.

8           “(2)(A) As a result of more than 20 years of  
9           Federal support for research, demonstration  
10          projects, and personnel preparation, there is an im-  
11          portant knowledge base for improving results for  
12          children with disabilities.

13          “(B) Such knowledge should be used by States  
14          and local educational agencies to design and imple-  
15          ment state-of-the-art educational systems that con-  
16          sider the needs of, and include, children with disabil-  
17          ities, especially in environments in which the chil-  
18          dren can learn along with their peers and achieve re-  
19          sults measured by the same standards as the results  
20          of their peers.

21          “(3)(A) Continued Federal support is essential  
22          for the development and maintenance of a coordi-  
23          nated and high-quality program of research, dem-  
24          onstration projects, dissemination of information,  
25          and personnel preparation.

1 “(B) Such support—

2 “(i) enables State educational agen-  
3 cies and local educational agencies to im-  
4 prove their educational systems and results  
5 for children with disabilities;

6 “(ii) enables State and local agencies  
7 to improve early intervention services and  
8 results for infants and toddlers with dis-  
9 abilities and their families; and

10 “(iii) enhances the opportunities for  
11 general and special education personnel,  
12 related services personnel, parents, and  
13 paraprofessionals to participate in  
14 preservice and inservice training, to col-  
15 laborate, and to improve results for chil-  
16 dren with disabilities and their families.

17 “(4) The Federal Government plays a critical  
18 role in facilitating the availability of an adequate  
19 number of highly qualified personnel—

20 “(A) to serve effectively the over 5,000,000  
21 children with disabilities;

22 “(B) to assume leadership positions in ad-  
23 ministrative and direct service capacities related  
24 to teacher training and research concerning the



1 provision of early intervention services, special  
2 education, and related services; and

3 “(C) to work with children with low-incidence disabilities and their families.

5 “(5) The Federal Government performs the role  
6 described in paragraph (4)—

7 “(A) by supporting models of personnel development that reflect successful practice, including strategies for recruiting, preparing, and  
9 retaining personnel;

11 “(B) by promoting the coordination and  
12 integration of—

13 “(i) personnel development activities  
14 for teachers of children with disabilities;  
15 and

16 “(ii) other personnel development activities supported under Federal law, including this part;

18 “(C) by supporting the development and  
20 dissemination of information about teaching  
21 standards; and

22 “(D) by promoting the coordination and  
23 integration of personnel development activities  
24 through linkage with systems change activities  
25 within States and nationally.

1       “(b) PURPOSE.—The purpose of this part is to pro-  
 2       vide Federal funding for coordinated research, demonstra-  
 3       tion projects, outreach, and personnel preparation activi-  
 4       ties that—

5               “(1) are described in section 633 or 634;

6               “(2) are linked with, and positively affect, sys-  
 7       tems change outcomes; and

8               “(3) improve early intervention, educational,  
 9       and transitional results for children with disabilities.

10   **“SEC. 632. DEFINITION.**

11       “As used in this part:

12               “(1) DEVELOPMENTAL DELAY.—The term ‘de-  
 13       velopmental delay’ has the meaning given such term  
 14       by a State under section 676(b)(1).

15               “(2) EARLY INTERVENTION SERVICES.—The  
 16       term ‘early intervention services’ has the meaning  
 17       given the term in section 672.

18   **“SEC. 633. RESEARCH AND INNOVATION TO IMPROVE SERV-  
 19                               ICES AND RESULTS FOR CHILDREN WITH DIS-  
 20                               ABILITIES.**

21       “(a) IN GENERAL.—The Secretary may competitively  
 22       make grants to, or enter into contracts or cooperative  
 23       agreements with, eligible entities to produce and advance  
 24       the use of knowledge to—

1           “(1)(A) improve services provided under this  
2    Act, including the practices of professionals and oth-  
3    ers involved in providing such services to children  
4    with disabilities; and

5           “(B) improve early intervention, educational,  
6    and transitional services and results, for children  
7    with disabilities;

8           “(2) address the special needs of infants and  
9    toddlers with disabilities, including such infants and  
10   toddlers who are at risk of having substantial devel-  
11   opmental delays if early intervention services are not  
12   provided;

13          “(3) address the specific problems of overidenti-  
14   fication and underidentification of children with dis-  
15   abilities to the same extent as other problems facing  
16   children with disabilities;

17          “(4) prevent children with emotional and behav-  
18   ioral problems from developing emotional disturb-  
19   ances that require the provision of special education  
20   and related services; and

21          “(5) improve secondary and postsecondary edu-  
22   cation and educational results for children with dis-  
23   abilities.

24          “(b) NEW KNOWLEDGE PRODUCTION; AUTHORIZED  
25   ACTIVITIES.—In carrying out this section, the Secretary

1 may support any activities that are consistent with the ob-  
2 jectives described in subsection (a), including activities  
3 that—

4 “(1) expand understanding of the relationships  
5 between learning characteristics of children with dis-  
6 abilities and the diverse ethnic, cultural, linguistic,  
7 social, and economic backgrounds of children with  
8 disabilities and their families;

9 “(2) develop or identify innovative, effective,  
10 and efficient curricula designs, instructional ap-  
11 proaches, and strategies, and develop or identify  
12 positive academic and social learning opportunities,  
13 that—

14 “(A) enable children with disabilities to  
15 make effective transitions described in section  
16 643(d)(2)(E) or transitions between educational  
17 settings; and

18 “(B) improve educational and transitional  
19 results for children with disabilities at all levels  
20 of the educational system in which the activities  
21 are carried out and, in particular, that improve  
22 the progress of the children, as measured by  
23 performance expectations within the general  
24 education curriculum involved;

1           “(3) advance the design of assessment tools and  
2           procedures that will accurately and efficiently deter-  
3           mine the special instructional, learning, and behav-  
4           ioral needs of children with disabilities, especially  
5           within the context of general education;

6           “(4) study and promote improved alignment  
7           and compatibility of general and special education  
8           reforms concerned with curricular and instructional  
9           reform, evaluation and accountability of such re-  
10          forms, and administrative procedures;

11          “(5) advance the design, development, and inte-  
12          gration of technology, assistive technology devices,  
13          media, and materials, to improve early intervention,  
14          educational, and transitional services and results, for  
15          children with disabilities; and

16          “(6) improve designs, processes, and results, of  
17          personnel preparation for personnel who provide  
18          services to children with disabilities through the ac-  
19          quisition of information on, and implementation of,  
20          research-based practices.

21          “(c) INTEGRATION OF RESEARCH AND PRACTICE;  
22          AUTHORIZED ACTIVITIES.—In carrying out this section,  
23          the Secretary may support any activities that are consist-  
24          ent with the objectives described in subsection (a), includ-  
25          ing activities that—

1           “(1) demonstrate and apply research-based  
2 findings to facilitate systemic changes in policy, pro-  
3 cedure, practice, and the training and use of person-  
4 nel, related to the provision of services to children  
5 with disabilities;

6           “(2) promote and demonstrate the coordination  
7 of early intervention and educational services for  
8 children with disabilities with services provided by  
9 health, rehabilitation, and social service agencies;

10           “(3) identify solutions that overcome systemic  
11 barriers to the effective and efficient delivery of  
12 early intervention, educational, and transitional serv-  
13 ices to children with disabilities;

14           “(4) enable professionals, parents of children  
15 with disabilities, and other persons to learn about  
16 and implement the findings of research, and success-  
17 ful practices developed in model demonstration  
18 projects, relating to the provision of services to chil-  
19 dren with disabilities; and

20           “(5) conduct outreach, and disseminate infor-  
21 mation, relating to successful approaches to over-  
22 coming systemic barriers to the effective and effi-  
23 cient delivery of early intervention, educational, and  
24 transitional services to personnel who provide serv-  
25 ices to children with disabilities.

1       “(d) IMPROVING THE USE OF PROFESSIONAL  
2 KNOWLEDGE; AUTHORIZED ACTIVITIES.—In carrying out  
3 this section, the Secretary may support any activities that  
4 are consistent with the objectives described in subsection  
5 (a), including activities that—

6           “(1) synthesize professional knowledge bases  
7 that utilize rigorous methodologies and that relate to  
8 the provision of services to children with disabilities;

9           “(2) analyze such professional knowledge bases  
10 to advance an understanding of the relationships,  
11 and the effectiveness of practices, relating to the  
12 provision of services to children with disabilities; and

13          “(3) present such professional knowledge bases  
14 in a clear and meaningful manner to affected per-  
15 sons at all levels of the service systems that serve  
16 children with disabilities and their families.

17       “(e) APPLICATIONS.—Any eligible entity that wishes  
18 to receive a grant, or enter into a contract or cooperative  
19 agreement, under this section shall submit an application  
20 to the Secretary at such time, in such a manner, and con-  
21 taining such information as the Secretary may require.

22       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section  
24 \$63,000,000 for fiscal year 1998, and such sums as may  
25 be necessary for each of fiscal years 1999 through 2002.

1 **“SEC. 634. PERSONNEL PREPARATION TO IMPROVE SERV-**  
2 **ICES AND RESULTS FOR CHILDREN WITH DIS-**  
3 **ABILITIES.**

4 “(a) IN GENERAL.—

5 “(1) SUPPORT.—The Secretary may competi-  
6 tively make grants to, or enter into contracts or co-  
7 operative agreements with, eligible entities and con-  
8 sortia of eligible entities, to help address State-iden-  
9 tified needs for qualified personnel and to ensure  
10 that the personnel have the skills and knowledge re-  
11 flecting successful practices determined through re-  
12 search and practice that are needed to serve children  
13 with disabilities.

14 “(2) PROJECTS.—In carrying out this section,  
15 the Secretary may support—

16 “(A) projects that address the need for  
17 personnel to serve children with high-incidence  
18 disabilities or children with low-incidence dis-  
19 abilities;

20 “(B) projects that address the need for  
21 leadership personnel;

22 “(C) special projects that have broad appli-  
23 cability in addressing the personnel needs de-  
24 scribed in paragraph (1); and

25 “(D) projects that improve the skills of  
26 personnel who serve children with disabilities



1           who engage in or are likely to engage in behav-  
2           ior subject to disciplinary action.

3           “(b) HIGH-INCIDENCE DISABILITIES; AUTHORIZED  
4 ACTIVITIES.—In carrying out this section, the Secretary  
5 may support any activities for children with high-incidence  
6 disabilities that are consistent with the objectives de-  
7 scribed in subsection (a), including activities that—

8           “(1) provide teachers, and related services per-  
9           sonnel, from various disciplines with interdisciplinary  
10          training and training regarding innovative instruc-  
11          tional methods for children with disabilities, espe-  
12          cially methods that meet the diverse needs of indi-  
13          vidual children with disabilities and enable the chil-  
14          dren to be successful, as measured by performance  
15          expectations within the general education curriculum  
16          involved;

17          “(2) prepare personnel in the use of strategies,  
18          techniques, methods, and practices that meet the  
19          needs, for early intervention, educational, and transi-  
20          tional services, of children with disabilities who are  
21          members of unserved, underserved, or inappropri-  
22          ately identified populations;

1           “(3) develop career-ladder opportunities for  
2       paraprofessionals to receive training as special edu-  
3       cation teachers and related services personnel, in-  
4       cluding interdisciplinary training to enable the  
5       teachers and personnel to improve early intervention,  
6       educational, and transitional results for children  
7       with disabilities;

8           “(4) enhance the ability of trainees, teachers,  
9       and others to acquire and use strategies, including  
10      behavior management plans, to address the conduct  
11      of children with disabilities that impedes learning by  
12      such children and learning by other students in the  
13      classroom involved;

14          “(5) recruit and retain new, highly qualified  
15      teachers and related services personnel, especially  
16      from groups that are unserved and underserved pop-  
17      ulations in the teaching profession and from individ-  
18      uals from rural or urban settings, to provide services  
19      to children with disabilities;

20          “(6) enhance the preparation of individuals who  
21      are teachers, early intervention services personnel,  
22      related services personnel, or paraprofessionals, by  
23      providing such individuals with interdisciplinary  
24      training to develop the collaborative skills needed to

1 appropriately teach children with disabilities, par-  
2 ticularly in accordance with a general education cur-  
3 riculum; and

4 “(7) support universities, and institutions of  
5 higher education, with minority enrollments of at  
6 least 25 percent for the purpose of preparing per-  
7 sonnel to work with children with disabilities who  
8 are members of unserved, underserved, or inappro-  
9 priately identified populations.

10 “(c) LEADERSHIP PREPARATION; AUTHORIZED AC-  
11 TIVITIES.—In carrying out this section the Secretary may  
12 support any leadership preparation activities that are con-  
13 sistent with the objectives described in subsection (a), in-  
14 cluding activities that—

15 “(1) prepare personnel at the advanced grad-  
16 uate, doctoral, and postdoctoral levels of training to  
17 administer, enhance, or provide services for children  
18 with disabilities, with emphasis on preparation of  
19 personnel who are involved with, or will be involved  
20 with, efforts to address the needs of children with  
21 disabilities who are members of unserved, under-  
22 served, or inappropriately identified populations,  
23 children with low-incidence disabilities, and children  
24 from rural or urban areas;

1           “(2) provide interdisciplinary training for per-  
 2           sonnel from various disciplines, including teacher  
 3           preparation faculty, administrators, researchers, su-  
 4           pervisors, and other persons, affecting the early  
 5           intervention, educational, and transitional services of  
 6           children with disabilities;

7           “(3) prepare professionals at the doctoral and  
 8           postdoctoral levels at institutions of higher education  
 9           that are working toward integrating professional de-  
 10          velopment of general education, special education,  
 11          and other disciplines; and

12          “(4) prepare professionals at the doctoral and  
 13          postdoctoral levels at institutions of higher education  
 14          that are successfully recruiting and preparing—

15               “(A) individuals with disabilities; and

16               “(B) individuals from groups that are  
 17               underrepresented in education leadership posi-  
 18               tions.

19          “(d) LOW-INCIDENCE DISABILITIES; AUTHORIZED  
 20          ACTIVITIES.—In carrying out this section, the Secretary  
 21          may support any activities for children with low-incidence  
 22          disabilities that are consistent with the objectives de-  
 23          scribed in subsection (a), including—

24               “(1) preparing persons who—

1           “(A) have prior training in educational and  
2           other related service fields; and

3           “(B) are studying to obtain certificates or  
4           licensure that will enable the persons to assist  
5           children with disabilities to achieve the objec-  
6           tives set out in their individualized education  
7           programs described in section 614 or to assist  
8           infants and toddlers with disabilities to achieve  
9           the outcomes described in their individualized  
10          family service plans described in section 677;

11          “(2) providing personnel from various dis-  
12          ciplines with interdisciplinary training that will con-  
13          tribute to improvement in early intervention, edu-  
14          cational, and transitional results for children with  
15          disabilities;

16          “(3) preparing personnel in the innovative uses  
17          and application of technology to enhance through  
18          early intervention, educational, and transitional serv-  
19          ices, learning by children with disabilities;

20          “(4) preparing personnel to provide early inter-  
21          vention services or special education services to chil-  
22          dren with disabilities, including preparation through  
23          the provision of scholarships with necessary stipends  
24          and allowances; and

1           “(5) ensuring that all entities and consortia  
2           who receive assistance under this section to prepare  
3           personnel to provide services to visually impaired or  
4           blind children, will prepare the personnel to teach  
5           and use braille in the provision of services to such  
6           children.

7           “(e) PROJECTS OF NATIONAL SIGNIFICANCE; AU-  
8           THORIZED ACTIVITIES.—In carrying out this section, the  
9           Secretary may support any activities that are consistent  
10          with the objectives described in subsection (a), including  
11          activities that—

12           “(1) develop and demonstrate effective and effi-  
13           cient practices for preparing personnel to provide  
14           services to children with disabilities, including prac-  
15           tices that address needs identified through systems  
16           change activities funded under part C;

17           “(2) demonstrate the application of significant  
18           knowledge derived from research and other sources  
19           in the development of programs to prepare personnel  
20           to provide services to children with disabilities;

21           “(3) demonstrate models for the preparation of  
22           special education and general education personnel,  
23           to enable the personnel—

24           “(A) to acquire the collaboration skills nec-  
25           essary to assist children with disabilities; and

1           “(B) to achieve results that meet challeng-  
 2           ing standards of performance expectations, par-  
 3           ticularly performance expectations within the  
 4           general education curriculum involved;

5           “(4) demonstrate models that—

6           “(A) provide interdisciplinary training to  
 7           individuals within collaborative teams of special  
 8           education and general education personnel, re-  
 9           lated services personnel, and family members of  
 10          children with disabilities; and

11          “(B) enhance the educational experience of  
 12          children with disabilities;

13          “(5) demonstrate models that reduce shortages  
 14          of teachers, and personnel from other relevant dis-  
 15          ciplines, who serve children with disabilities through  
 16          reciprocity arrangements, between States, that are  
 17          related to licensure and certification;

18          “(6) develop, evaluate, and disseminate model  
 19          teaching standards for persons working with chil-  
 20          dren with disabilities; and

21          “(7) promote the transferability, across State  
 22          and local jurisdictions, of licensure and certification  
 23          of teachers and administrators working with such  
 24          children.

25          “(f) APPLICATIONS.—

1           “(1) IN GENERAL.—Any eligible entity or con-  
 2           sortium that wishes to receive a grant, or enter into  
 3           a contract or cooperative agreement, under this sec-  
 4           tion shall submit an application to the Secretary at  
 5           such time, in such manner, and containing such in-  
 6           formation as the Secretary may require.

7           “(2) IDENTIFIED STATE NEEDS.—Any such ap-  
 8           plication shall include information demonstrating to  
 9           the satisfaction of the Secretary that the activities  
 10          described in the application will address needs iden-  
 11          tified by the State the applicant proposes to serve.

12          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
 13          are authorized to be appropriated \$81,000,000 to carry  
 14          out this section for fiscal year 1998, and such sums as  
 15          may be necessary for each of fiscal years 1999 through  
 16          2002.”.

17   **SEC. 402. CONFORMING AMENDMENTS.**

18          (a) HIGHER EDUCATION ACT OF 1965.—

19               (1) Section 409A(2) of the Higher Education  
 20          Act of 1965 (20 U.S.C. 1070a–51(2)) is amended by  
 21          striking “refer students with disabilities and their  
 22          families to the postsecondary clearinghouse that is  
 23          authorized under section 633(c) of the Individuals  
 24          with Disabilities Education Act” and inserting  
 25          “refer students with disabilities and their families to



1 the activities addressing information preparation and  
2 dissemination needs relating to postsecondary serv-  
3 ices that are authorized under section 644(e)(4) of  
4 the Individuals with Disabilities Education Act”.

5 (2) The third sentence of section 483(d) of the  
6 Higher Education Act of 1965 (20 U.S.C. 1090(d))  
7 is amended by striking “refer such students to the  
8 national clearinghouse on postsecondary education  
9 that is authorized under section 633(c) of the Indi-  
10 viduals with Disabilities Education Act” and insert-  
11 ing “refer such students to the activities addressing  
12 information preparation and dissemination needs re-  
13 lating to postsecondary services that are authorized  
14 under section 644(e)(4) of the Individuals with Dis-  
15 abilities Education Act”.

16 (b) GOALS 2000: EDUCATE AMERICA ACT.—Section  
17 402(a)(2)(H) of the Goals 2000: Educate America Act (20  
18 U.S.C. 5912(a)(2)(H)) is amended by striking clause (ii)  
19 and inserting the following:

20 “(ii) parent training and information  
21 centers and community parent training  
22 and information programs authorized  
23 under subsections (b) and (c), respectively,  
24 of section 643 of the Individuals with Dis-  
25 abilities Education Act;”.

1 (c) REHABILITATION ACT OF 1973.—

2 (1) Section 105(b)(1)(A)(ii) of the Rehabilita-  
3 tion Act of 1973 (29 U.S.C. 725(b)(1)(A)(ii)) is  
4 amended by striking “a parent training and infor-  
5 mation center established pursuant to section  
6 631(e)(1) of the Individuals with Disabilities Edu-  
7 cation Act (20 U.S.C. 1431(e)(1))” and inserting “a  
8 parent training and information center or commu-  
9 nity parent training and information program au-  
10 thorized under subsection (b) or (c), respectively, of  
11 section 643 of the Individuals with Disabilities Edu-  
12 cation Act”.

13 (2) Paragraphs (4)(A)(i) and (6) of section  
14 803(c) of the Rehabilitation Act of 1973 (29 U.S.C.  
15 797b(c)) are amended by striking “parent training  
16 and information centers established under section  
17 631 of the Individuals with Disabilities Education  
18 Act (20 U.S.C. 1431)” and inserting “parent train-  
19 ing and information centers and community parent  
20 training and information programs authorized under  
21 subsections (b) and (c), respectively, of section 643  
22 of the Individuals with Disabilities Education Act”.

23 **SEC. 403. EFFECTIVE DATE.**

24 The amendments made by this title shall take effect  
25 on October 1, 1997.

1 **TITLE V—TECHNICAL ASSIST-**  
 2 **ANCE, SUPPORT, AND DIS-**  
 3 **SEMINATION OF INFORMA-**  
 4 **TION**

5 **SEC. 501. IMPROVING EARLY INTERVENTION, EDU-**  
 6 **CATIONAL, AND TRANSITIONAL SERVICES**  
 7 **AND RESULTS FOR CHILDREN WITH DISABIL-**  
 8 **ITIES THROUGH COORDINATED TECHNICAL**  
 9 **ASSISTANCE, SUPPORT, AND DISSEMINATION**  
 10 **OF INFORMATION.**

11 The Act (29 U.S.C. 1400 et seq.) is amended—

12 (1) by striking parts E, F, and G; and

13 (2) by inserting the following:

14 **“PART E—IMPROVING EARLY INTERVENTION,**  
 15 **EDUCATIONAL, AND TRANSITIONAL SERV-**  
 16 **ICES AND RESULTS FOR CHILDREN WITH**  
 17 **DISABILITIES THROUGH COORDINATED**  
 18 **TECHNICAL ASSISTANCE, SUPPORT, AND**  
 19 **DISSEMINATION OF INFORMATION**

20 **“SEC. 641. FINDINGS AND PURPOSES.**

21 **“(a) IN GENERAL.—**Congress finds that—

22 **“(1)** national technical assistance, support, and  
 23 dissemination activities are necessary to ensure that  
 24 the provisions of parts B and H are fully imple-  
 25 mented and achieve early intervention, educational,

1       and transitional results for children with disabilities  
2       and their families;

3           “(2) parents, teachers, administrators, and re-  
4       lated services personnel need technical assistance  
5       and information in a timely, coordinated, and acces-  
6       sible manner in order to improve early intervention,  
7       educational, and transitional services and results, at  
8       the State and local levels for children with disabil-  
9       ities and their families;

10          “(3) parent training and information activities  
11       have taken on increased importance in efforts to as-  
12       sist parents of a child with a disability in dealing  
13       with the multiple pressures of rearing such a child  
14       and are of particular importance in—

15           “(A)(i) ensuring the involvement of such  
16       parents in planning and decisionmaking with  
17       respect to early intervention, educational, and  
18       transitional services; and

19           “(ii) achieving early intervention, edu-  
20       cational, and transitional results for children  
21       with disabilities;

22           “(B) providing such parents information  
23       on their rights and protections under this Act

1 to ensure improved early intervention, edu-  
2 cational, and transitional results for children  
3 with disabilities;

4 “(C) assisting such parents in the develop-  
5 ment of skills to participate effectively in the  
6 education and development of their children and  
7 in the transitions described in section  
8 643(d)(2)(E); and

9 “(D) supporting the roles of such parents  
10 as participants within partnerships seeking to  
11 improve early intervention, educational, and  
12 transitional services and results, for children  
13 with disabilities and their families;

14 “(4) providers of parent training and informa-  
15 tion activities need to ensure that such parents who  
16 have limited access to services and supports, due to  
17 economic, cultural, or linguistic barriers, are pro-  
18 vided with access to appropriate parent training and  
19 information activities;

20 “(5) parents of children with disabilities need  
21 information that helps the parents to understand the  
22 rights and responsibilities of their children under  
23 part B;

24 “(6) the provision of coordinated technical as-  
25 sistance and dissemination of information to State

1 and local agencies, institutions of higher education,  
2 and other providers of services to children with dis-  
3 abilities are essential in—

4 “(A) supporting the process of achieving  
5 systems change outcomes;

6 “(B) supporting actions in areas of priority  
7 specific to the improvement of early interven-  
8 tion, educational, and transitional results for  
9 children with disabilities;

10 “(C) conveying information and assistance  
11 that are—

12 “(i) based on current research (as of  
13 the date the information and assistance  
14 are conveyed);

15 “(ii) accessible and meaningful for use  
16 in supporting systems change activities of  
17 State and local partnerships; and

18 “(iii) linked directly to improving  
19 early intervention, educational, and transi-  
20 tional services and results, for children  
21 with disabilities and their families; and

22 “(D) organizing systems and information  
23 networks for such information, based on mod-  
24 ern technology related to—

1 “(i) storing and gaining access to in-  
2 formation; and

3 “(ii) distributing information in a sys-  
4 tematic manner to parents, students, pro-  
5 fessionals, and policymakers;

6 “(7) Federal support for carrying out tech-  
7 nology research, technology development, and edu-  
8 cational media services and activities has resulted in  
9 major innovations that have significantly improved  
10 early intervention, educational, and transitional serv-  
11 ices and results, for children with disabilities and  
12 their families; and

13 “(8) such Federal support is needed to—

14 “(A) stimulate the development of soft-  
15 ware, interactive learning tools, and devices to  
16 address early intervention, educational, and  
17 transitional results for children with disabilities  
18 who have certain disabilities;

19 “(B) make information available on tech-  
20 nology research, technology development, and  
21 educational media services and activities to in-  
22 dividuals involved in the provision of early  
23 intervention, educational, and transitional serv-  
24 ices to children with disabilities;

1           “(C) promote the integration of technology  
 2           into curricula to improve early intervention,  
 3           educational, and transitional results for children  
 4           with disabilities;

5           “(D) provide incentives for the develop-  
 6           ment of technology and media devices and tools  
 7           that are not readily found or available because  
 8           of the small size of potential markets;

9           “(E) make resources available to pay for  
 10          such devices and tools and educational media  
 11          services and activities;

12          “(F) promote the training of personnel  
 13          to—

14               “(i) provide such devices, tools, serv-  
 15               ices, and activities in a competent manner;  
 16               and

17               “(ii) assist children with disabilities  
 18               and their families in using such devices,  
 19               tools, services, and activities; and

20          “(G) coordinate the provision of such de-  
 21          vices, tools, services, and activities—

22               “(i) among State human services pro-  
 23               grams; and

24               “(ii) between such programs and pri-  
 25               vate agencies.



1       “(b) PURPOSES.—The purposes of this part are to  
2 provide funding to ensure that—

3           “(1) children with disabilities, and their par-  
4 ents, receive training and information on their rights  
5 and protections under this Act, in order to develop  
6 the skills necessary to effectively participate in plan-  
7 ning and decisionmaking relating to early interven-  
8 tion, educational, and transitional services and in  
9 systems change activities;

10          “(2) parents, teachers, administrators, early  
11 intervention personnel, related services personnel,  
12 and transition personnel receive coordinated and ac-  
13 cessible technical assistance and information to as-  
14 sist such persons through systems change activities  
15 and other efforts, to improve early intervention, edu-  
16 cational, and transitional services and results, for  
17 children with disabilities and their families;

18          “(3) appropriate technology and media are re-  
19 searched, developed, demonstrated, and made avail-  
20 able in timely and accessible formats to parents,  
21 teachers, and all types of personnel providing serv-  
22 ices to children with disabilities to support their

1 roles as partners in the improvement and implemen-  
 2 tation of early intervention, educational, and transi-  
 3 tional services and results, for children with disabil-  
 4 ities and their families;

5 “(4) children with disabilities understand (on  
 6 reaching the age of majority specified under appro-  
 7 priate State law) their rights and responsibilities  
 8 under part B, if the State provides for the transfer  
 9 of parental rights under section 615(j) (as amended  
 10 by section 206(c)(8) of the Individuals with Disabil-  
 11 ities Education Act Amendments of 1997); and

12 “(5) the general welfare of deaf and hard-of-  
 13 hearing individuals is promoted by—

14 “(A) bringing to such individuals under-  
 15 standing and appreciation of the films and tele-  
 16 vision programs that play an important part in  
 17 the general and cultural advancement of hear-  
 18 ing individuals;

19 “(B) providing, through the films and tele-  
 20 vision programs, enriched educational and cul-  
 21 tural experiences through which deaf and hard-  
 22 of-hearing individuals can better understand the  
 23 realities of their environment; and

1                   “(C) providing wholesome and rewarding  
2                   experiences that deaf and hard-of-hearing indi-  
3                   viduals may share.

4   **“SEC. 642. DEFINITIONS.**

5       “As used in this part:

6           “(1) EARLY INTERVENTION SERVICES.—The  
7           term ‘early intervention services’ has the meaning  
8           given the term in section 632.

9           “(2) INDIVIDUAL WITH A DISABILITY; INDIVID-  
10          UALS WITH DISABILITIES.—The terms ‘individual  
11          with a disability’ and ‘individuals with disabilities’  
12          have the meanings given the terms in section 3 of  
13          the Technology-Related Assistance for Individuals  
14          With Disabilities Act of 1988 (29 U.S.C. 2202).

15          “(3) PARTNERSHIP.—The term ‘partnership’  
16          means a partnership described in section 623(a).

17   **“SEC. 643. PARENT TRAINING AND INFORMATION.**

18       “(a) IN GENERAL.—

19           “(1) GRANTS.—

20               “(A) AUTHORITY.—The Secretary may  
21               competitively make grants to, or enter into con-  
22               tracts or cooperative agreements with, private,  
23               nonprofit organizations for the purpose of pro-  
24               viding parent training and information activities  
25               for parents of children with disabilities, and

1 persons who work with such parents, to enable  
2 the parents and persons to participate in, and  
3 conduct advocacy for, effective ways, including  
4 mediation, to meet the needs of and improve  
5 early intervention, educational, and transitional  
6 results for children with disabilities.

7 “(B) CENTERS AND PROGRAMS.—Such ac-  
8 tivities may be provided—

9 “(i) by an organization that operates  
10 or intends, if funded, to operate a parent  
11 training and information center described  
12 in subsection (b); and

13 “(ii) by a parent organization that op-  
14 erates or intends, if funded, to operate a  
15 community parent training and informa-  
16 tion program described in subsection (c)  
17 that is designed specifically to build the ca-  
18 pacity of persons who work with parents of  
19 children with disabilities who are members  
20 of unserved, underserved, or inappropri-  
21 ately identified populations, to demonstrate  
22 and assist in the replication of models for  
23 such activities, and to provide such activi-  
24 ties to address the needs of such parents.

1           “(C) PROPOSAL.—The Secretary shall  
 2           make such a grant to, or enter into such a con-  
 3           tract or cooperative agreement with, an organi-  
 4           zation that proposes activities that are designed  
 5           to meet the unique training and information  
 6           needs, as determined by needs assessment data,  
 7           of parents of children with disabilities who are  
 8           living in the area to be served under the grant,  
 9           contract, or cooperative agreement, particularly  
 10          parents of children with disabilities who are  
 11          members of unserved or underserved popu-  
 12          lations.

13          “(2) ELIGIBLE ORGANIZATIONS; MEMBERSHIP  
 14          AND GOVERNANCE.—To be eligible to apply to re-  
 15          ceive a grant, or enter into a contract or cooperative  
 16          agreement, under this section, an organization—

17                 “(A) shall be governed by a board of direc-  
 18                 tors that—

19                         “(i) represents a coalition, of which a  
 20                         majority of the members are parents of  
 21                         children with disabilities, particularly par-  
 22                         ents of children with disabilities who are  
 23                         members of unserved, underserved, or in-  
 24                         appropriately identified populations; and

25                         “(ii) includes—

1                   “(I) professionals in fields related  
2                   to the provision of early intervention  
3                   services, special education, and related  
4                   services; and

5                   “(II) individuals with disabilities;  
6                   or

7                   “(B) shall have a membership that rep-  
8                   resents the interests of individuals with disabil-  
9                   ities, and shall establish a special governing  
10                  committee—

11                  “(i) of which a majority of the mem-  
12                  bers are parents of infants and toddlers  
13                  with disabilities or of children with disabil-  
14                  ities;

15                  “(ii) that includes—

16                         “(I) professionals in fields related  
17                         to the provision of early intervention  
18                         services, special education, and related  
19                         services; and

20                         “(II) individuals with disabilities;  
21                         and

22                         “(iii) of which the parent and profes-  
23                         sional members are broadly representative  
24                         of the population to be served by the orga-  
25                         nization.

1           “(3) ELIGIBLE ORGANIZATIONS; CAPACITY AND  
2           EXPERTISE.—To be eligible to receive a grant, or  
3           enter into a contract or cooperative agreement,  
4           under this section, an organization shall demonstrate  
5           the capacity and expertise necessary—

6                   “(A) to conduct the parent training and  
7                   information activities described in paragraph  
8                   (1); and

9                   “(B) to work with partnerships carrying  
10                  out State systems change activities under part  
11                  C, seeking to improve early intervention, edu-  
12                  cational, and transitional services and results,  
13                  for children with disabilities.

14           “(b) PARENT TRAINING AND INFORMATION CEN-  
15           TERS; AUTHORIZED ACTIVITIES.—Each organization that  
16           receives a grant, or enters into a contract or cooperative  
17           agreement, under subsection (a) to operate a parent train-  
18           ing and information center shall—

19                   “(1) provide parent training and information  
20                   activities that meet the training and information  
21                   needs of all parents of children with disabilities liv-  
22                   ing in the area to be served under the grant, con-  
23                   tract, or cooperative agreement, particularly parents  
24                   of children with disabilities who are members of  
25                   unserved or underserved populations;

1           “(2) serve the parents of children with disabil-  
2           ities who, collectively, have the full range of disabil-  
3           ities;

4           “(3) assist the parents of children with disabil-  
5           ities in better understanding the nature of the dis-  
6           abilities of their children and the needs of their chil-  
7           dren to obtain improved early intervention, edu-  
8           cational, and transitional services and results;

9           “(4) assist such parents in communicating ef-  
10          fectively with early intervention services personnel,  
11          general and special education personnel, administra-  
12          tors, and other relevant persons;

13          “(5) assist such parents in participating in deci-  
14          sionmaking processes, including the development of  
15          individualized education programs under part B and  
16          individualized family service plans under part H, for  
17          children with disabilities;

18          “(6) assist such parents in obtaining appro-  
19          priate information about the range of options, pro-  
20          grams, supports, and resources available at national,  
21          State, and local levels to assist children with disabil-  
22          ities and their families;

23          “(7) assist such parents in understanding the  
24          provisions of this Act relating to the education of,



1 and provision of early intervention services for, chil-  
2 dren with disabilities;

3 “(8) assist such parents in participating as in-  
4 formed participants in State systems change activi-  
5 ties, especially systems change activities funded  
6 under part C;

7 “(9) ensure that parents of children who are  
8 members of inappropriately identified populations,  
9 and who are being referred for or are receiving spe-  
10 cial education services, are informed about problems  
11 connected with inappropriately identifying such chil-  
12 dren as described in section 602(a)(13);

13 “(10) assist children with disabilities, particu-  
14 larly such children who are members of unserved or  
15 underserved populations, in understanding their  
16 rights and responsibilities under this Act on reach-  
17 ing the age of majority for the State in which such  
18 a child resides, if the State provides for the transfer  
19 of parental rights under section 615(j) (as amended  
20 by section 206(c)(8) of the Individuals with Disabil-  
21 ities Education Act Amendments of 1997) to the  
22 children;

23 “(11) report to the Secretary on—

1           “(A) the number of such parents for whom  
2           the organization provided parent training and  
3           information activities; and

4           “(B) the effectiveness of strategies used to  
5           reach and serve such parents, including low-in-  
6           come parents from urban areas, low-income  
7           parents from rural areas, parents with limited-  
8           English proficiency who have children with dis-  
9           abilities, and parents with disabilities;

10          “(12) establish cooperative relationships with  
11          all other entities operating parent training and infor-  
12          mation centers, including community parent training  
13          and information programs described in subsection  
14          (c), in the State in which the organization is operat-  
15          ing a parent training and information center; and

16          “(13) consult and establish networks with ap-  
17          propriate national, regional, and local agencies and  
18          organizations, such as protection and advocacy agen-  
19          cies, within the geographic area served by the orga-  
20          nization, that serve or assist children with disabil-  
21          ities and their families.

22          “(c) COMMUNITY PARENT TRAINING AND INFORMA-  
23          TION PROGRAMS; AUTHORIZED ACTIVITIES.—

1           “(1) IN GENERAL.—Each parent organization  
2           that receives a grant, or enters into a contract or co-  
3           operative agreement, under subsection (a) to carry  
4           out a community parent training and information  
5           program shall build the capacity, demonstrate and  
6           assist in the replication of the models, and provide  
7           the activities described in subsection (a)(1)(B)(ii).

8           “(2) PARENTS ASSISTED.—Each such parent  
9           organization shall build such capacity, demonstrate  
10          and assist in the replication of such models, and  
11          provide such activities, in a manner that will help  
12          ensure that parents of children with disabilities who  
13          are members of unserved or underserved populations  
14          participate in parent training and information activi-  
15          ties.

16          “(3) OBJECTIVES.—The services described in  
17          paragraph (1) shall result in new capacity, dem-  
18          onstrated and replicated models, and training and  
19          information activities, needed to enable the parents  
20          described in paragraph (2) to participate effectively  
21          in helping their children with disabilities and to  
22          serve as informed participants in partnerships within  
23          their State, leading to improved early intervention,  
24          educational, and transitional services and results, for  
25          all children with disabilities and their families.

1           “(4) COMMUNITY TRAINING AND INFORMATION  
2       ACTIVITIES.—Such services shall—

3           “(A) include capacity building, demonstra-  
4       tion and replication of models, and the provi-  
5       sion of training and information activities, that  
6       meet the needs of parents of children with dis-  
7       abilities who are members of unserved or under-  
8       served populations;

9           “(B) include activities carried out through  
10      cooperative relationships with the parent train-  
11      ing and information centers;

12          “(C) include accommodations and strate-  
13      gies to meet the specific needs of families who  
14      experience significant isolation from available  
15      sources of information and support;

16          “(D) demonstrate, utilize, and document  
17      the use and effectiveness of, model approaches  
18      to address the multiple needs of children with  
19      disabilities who are members of unserved or un-  
20      derserved populations; and

21          “(E) ensure that parents of children who  
22      are members of inappropriately identified popu-  
23      lations, and who are being referred for or are

1 receiving special education services, are in-  
2 formed about problems connected with inappro-  
3 priately identifying such children as described  
4 in section 602(a)(13).

5 “(5) REPORT.—Each parent organization that  
6 receives a grant, or enters into a contract or cooper-  
7 ative agreement, under subsection (a) to operate a  
8 community parent training and information program  
9 shall report to the Secretary on—

10 “(A) the number of parents of children  
11 with disabilities who are members of unserved  
12 or underserved populations for whom the orga-  
13 nization provided parent training and informa-  
14 tion activities;

15 “(B) the effectiveness and impact of strat-  
16 egies used to reach and serve such parents; and

17 “(C) the impact of the increased capacity  
18 described in subsection (a)(1)(B)(ii) on the pro-  
19 vision of parent training and information activi-  
20 ties and on improved early intervention, edu-  
21 cational, and transitional results for such chil-  
22 dren.

23 “(d) TECHNICAL ASSISTANCE; AUTHORIZED ACTIVI-  
24 TIES.—The Secretary may provide technical assistance to  
25 organizations to—

1           “(1) carry out parent training and information  
2       activities by—

3           “(A) coordinating parent training efforts;  
4       and

5           “(B) providing or helping to disseminate  
6       information to centers funded under this part;  
7       and

8           “(2) develop, coordinate, and disseminate infor-  
9       mation on the following parent training and infor-  
10      mation activities:

11           “(A) Assisting the centers in evaluating  
12      their activities under this part.

13           “(B) Promoting the use of technology by  
14      the centers to make information available.

15           “(C) Reaching parents of children with  
16      disabilities who are members of unserved or un-  
17      derserved populations.

18           “(D) Including children with disabilities in  
19      general education programs.

20           “(E)(i) Supporting the transition of chil-  
21      dren with disabilities from—

22           “(I) early intervention services to pre-  
23      school;

24           “(II) preschool to elementary school;  
25      and

1                   “(III) secondary school to postsecond-  
2                   ary school and employment.

3                   “(ii) Promoting mediation and alternative  
4                   methods of dispute resolution for children with  
5                   disabilities.

6                   “(F) Assisting parent training and infor-  
7                   mation centers in becoming effective partners in  
8                   State systems change activities, leading to im-  
9                   proved early intervention, educational, and  
10                  transitional results for children with disabilities.

11               “(e) APPLICATIONS.—Any eligible entity that wishes  
12               to receive a grant, or enter into a contract or cooperative  
13               agreement, under this section shall submit an application  
14               to the Secretary at such time, in such manner, and con-  
15               taining such information as the Secretary may require.

16               “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
17               are authorized to be appropriated to carry out this section  
18               \$13,600,000 for fiscal year 1998, and such sums as may  
19               be necessary for each of fiscal years 1999 through 2002.

20               **“SEC. 644. COORDINATED TECHNICAL ASSISTANCE AND**  
21               **DISSEMINATION.**

22               “(a) IN GENERAL.—The Secretary may, directly or  
23               by competitively making grants and entering into con-  
24               tracts and cooperative agreements with eligible entities,

1 provide technical assistance and information through insti-  
2 tutes, resource centers, clearinghouses, and programs that  
3 support States and local entities in building capacity to  
4 improve early intervention, educational, and transitional  
5 services and results, for children with disabilities and their  
6 families, and address systems change goals and priorities.

7 “(b) SYSTEMIC TECHNICAL ASSISTANCE; AUTHOR-  
8 IZED ACTIVITIES.—In carrying out this section, the Sec-  
9 retary may carry out or support any technical assistance  
10 activities that are consistent with the objectives described  
11 in subsection (a), including activities that—

12 “(1) assist States, local educational agencies,  
13 and other members of partnerships with the process  
14 of planning systemic changes that will promote im-  
15 proved early intervention, educational, and transi-  
16 tional results for children with disabilities;

17 “(2) promote change through a multistate or  
18 regional framework that benefits States, local edu-  
19 cational agencies, and other members of partner-  
20 ships, that are in the process of achieving systems  
21 change outcomes;

22 “(3) increase the depth and utility of informa-  
23 tion in ongoing and emerging areas of priority need  
24 identified by States, local educational agencies, and



1 other members of partnerships, that are in the proc-  
2 ess of achieving systems change outcomes; and

3 “(4) develop long-term working relationships  
4 with States, local educational agencies, and other  
5 members of partnerships, by—

6 “(A) developing familiarity with the prac-  
7 tices, procedures, and policies of the States,  
8 agencies, and other members;

9 “(B) providing services that are based on  
10 the needs and concerns identified by the mem-  
11 bers of the partnerships, rather than on exter-  
12 nally imposed criteria or topics;

13 “(C) focusing on accountability of the  
14 States, agencies, and other members for im-  
15 proved early intervention, educational, and  
16 transitional results for children with disabilities;  
17 and

18 “(D) coordinating activities with clearing-  
19 houses to disseminate information and data on  
20 needs and results of children with disabilities.

21 “(c) INTERORGANIZATIONAL TECHNICAL ASSIST-  
22 ANCE; AUTHORIZED ACTIVITIES.—In carrying out this  
23 section, the Secretary may carry out or support any activi-  
24 ties that are consistent with the objectives described in

1 subsection (a), including activities for States, local edu-  
2 cational agencies, and other members of partnerships,  
3 that—

4 “(1) focus on major requirements of this Act as  
5 determined by the Secretary, in which interorganiza-  
6 tional issues are present and are perceived to be bar-  
7 riers to systemic change and to improved early inter-  
8 vention, educational, and transitional results for  
9 children with disabilities;

10 “(2) facilitate interorganizational collaboration  
11 at Federal, State, and local levels in order to achieve  
12 such change and such improved results; and

13 “(3) consist of extensive collaboration with non-  
14 education entities (such as entities that provide serv-  
15 ices for infants and toddlers with disabilities, early  
16 intervention services, mental health services, health  
17 services, and vocational rehabilitation services) in  
18 order to facilitate systems change outcomes and the  
19 improvement of early intervention, educational, and  
20 transitional results for children with disabilities.

21 “(d) SPECIALIZED TECHNICAL ASSISTANCE; AU-  
22 THORIZED ACTIVITIES.—In carrying out this section, the  
23 Secretary may carry out or support any activities that are  
24 consistent with the objectives described in subsection (a),  
25 including activities that—

1           “(1) focus on specific areas of high priority  
2       need that—

3           “(A) are identified by States, local edu-  
4       cational agencies, and other members of part-  
5       nerships;

6           “(B) require the development of new  
7       knowledge, or the analysis and synthesis of sub-  
8       stantial bodies of information not readily avail-  
9       able to the States, agencies, and other mem-  
10      bers; and

11          “(C) will contribute significantly to the im-  
12      provement of early intervention, educational,  
13      and transitional services and results, for chil-  
14      dren with disabilities and their families;

15          “(2) focus on needs and issues that are specific  
16      to a population of children with disabilities, such as  
17      the provision of single State and multi-State tech-  
18      nical assistance and inservice training to—

19          “(A) schools and agencies serving deaf-  
20      blind children and their families; and

21          “(B) programs and agencies serving other  
22      groups of children with low-incidence disabilities  
23      and their families; and

24          “(3) address the postsecondary education needs  
25      of individuals who are deaf or hard of hearing

1 through the operation of 4 model regional center  
2 programs.

3 “(e) NATIONAL INFORMATION DISSEMINATION AND  
4 REFERRAL; AUTHORIZED ACTIVITIES.—In carrying out  
5 this section, the Secretary may carry out or support infor-  
6 mation dissemination and referral activities that are con-  
7 sistent with the objectives described in subsection (a), in-  
8 cluding activities that address national needs for the prep-  
9 aration and dissemination of information relating to elimi-  
10 nating barriers to systems change outcomes and improving  
11 early intervention, educational, and transitional results for  
12 children with disabilities, including information relating  
13 to—

14 “(1) infants and toddlers with disabilities and  
15 their families, and children with disabilities (includ-  
16 ing youth with disabilities) and their families;

17 “(2) the provision of services and supports to  
18 deaf-blind children;

19 “(3) the provision of services to blind and print-  
20 disabled children;

21 “(4) the provision of postsecondary services to  
22 individuals with disabilities; and

23 “(5) the need for and use of personnel to pro-  
24 vide services to children with disabilities.

1       “(f) NATIONAL TECHNICAL ASSISTANCE AND DIS-  
2 SEMINATION COORDINATION ACTIVITIES; AUTHORIZED  
3 ACTIVITIES.—In carrying out this section, the Secretary  
4 may carry out or support any activities that are consistent  
5 with the objectives described in subsection (a), including  
6 activities that—

7               “(1) link and coordinate activities of—

8                       “(A) all information and technical assist-  
9                       ance programs funded under this Act; and

10                      “(B) other programs that support systems  
11                      change outcomes, including programs that in-  
12                      volve early intervention, educational, or transi-  
13                      tional services;

14               “(2) coordinate national information on issues  
15       that—

16                      “(A) are of critical interest to State edu-  
17                      cational agencies and local educational agencies,  
18                      other agency personnel, parents of children with  
19                      disabilities, and individuals with disabilities;  
20                      and

21                      “(B) include issues relating to—

22                               “(i) educational reform and systemic  
23                               change within States;

24                               “(ii) interorganizational collaboration  
25                               and service provision;

1                   “(iii) personnel recruitment, retention,  
2                   and preparation;

3                   “(iv) services for populations of chil-  
4                   dren with low-incidence disabilities, includ-  
5                   ing deaf-blind children, and targeted age  
6                   groupings;

7                   “(v) promoting schools that are safe  
8                   and conducive to learning; and

9                   “(vi) early intervention services and  
10                  results;

11               “(3) provide information on organizing systems  
12               and information networks, concerning information  
13               retrieval and dissemination; and

14               “(4) provide information concerning the value  
15               and effectiveness of technical assistance and dissemi-  
16               nation activities and their impact on improved early  
17               intervention, educational, and transitional services  
18               and results, for children with disabilities and their  
19               families.

20               “(g) APPLICATIONS.—An eligible entity that wishes  
21               to receive a grant, or enter into a contract or cooperative  
22               agreement, under this section shall submit an application  
23               to the Secretary at such time, in such manner, and con-  
24               taining such information as the Secretary may require.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 \$36,434,000 for fiscal year 1998, and such sums as may  
 4 be necessary for each of fiscal years 1999 through 2002.

5 **“SEC. 645. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**  
 6 **AND UTILIZATION, AND MEDIA SERVICES.**

7 “(a) IN GENERAL.—The Secretary may competitively  
 8 make grants to, and enter into contracts and cooperative  
 9 agreements with, eligible entities and consortia of eligible  
 10 entities, to support activities described in subsections (b)  
 11 and (c).

12 “(b) TECHNOLOGY DEVELOPMENT, DEMONSTRATION AND UTILIZATION;  
 13 AUTHORIZED ACTIVITIES.—In  
 14 carrying out this section, the Secretary may support ac-  
 15 tivities that consist of—

16 “(1) conducting research and development ac-  
 17 tivities on the use of innovative and emerging tech-  
 18 nologies for children with disabilities;

19 “(2) promoting the demonstration and use of  
 20 innovative and emerging technologies for children  
 21 with disabilities by improving and expanding the  
 22 transfer of technology from research and develop-  
 23 ment to practice;

24 “(3) providing technical assistance, to recipients  
 25 of other assistance under this section, concerning the

1 development of accessible, effective, and usable prod-  
2 ucts;

3 “(4) communicating information on available  
4 technology and the uses of such technology to assist  
5 children with disabilities;

6 “(5) supporting the implementation of research  
7 programs on captioning or video description;

8 “(6) supporting research, development, and dis-  
9 semination of technology with universal design fea-  
10 tures, so that the technology is accessible to individ-  
11 uals with disabilities without further modification or  
12 adaptation; and

13 “(7) demonstrating the use of publicly funded  
14 telecommunications systems to provide parents and  
15 teachers with information and training concerning  
16 early diagnosis of, intervention for, and effective  
17 teaching strategies for young children with reading  
18 disabilities.

19 “(c) EDUCATIONAL MEDIA SERVICES; AUTHORIZED  
20 ACTIVITIES.—In carrying out this section, the Secretary  
21 may support activities that consist of—

22 “(1) carrying out educational media activities  
23 that are designed to be of educational value to chil-  
24 dren with disabilities;



1           “(2) providing video description, open caption-  
2           ing, or closed captioning of television programs, vid-  
3           eos, or educational materials;

4           “(3) distributing captioned and described videos  
5           or educational materials;

6           “(4) providing, through the national education  
7           library for the blind and print-disabled, recorded  
8           free educational materials, including textbooks, for  
9           visually impaired and print-disabled students in ele-  
10          mentary, secondary, postsecondary, and graduate  
11          schools;

12          “(5) providing, through the National Theater of  
13          the Deaf and other appropriate nonprofit organiza-  
14          tions, cultural experiences—

15               “(A) enriching the lives of deaf and hard-  
16               of-hearing children and adults;

17               “(B) increasing public awareness and un-  
18               derstanding of deafness and of the autistic and  
19               intellectual achievements of deaf and hard-of-  
20               hearing persons; and

21               “(C) promoting the integration of hearing,  
22               deaf, and hard-of-hearing persons through  
23               shared cultural, educational, and social experi-  
24               ences; and

1           “(6) compiling and evaluating appropriate data  
2           relating to the activities described in paragraphs (1)  
3           through (5).

4           “(d) APPLICATIONS.—Any eligible entity that wishes  
5           to receive a grant, or enter into a contract or cooperative  
6           agreement, under this section shall submit an application  
7           to the Secretary at such time, in such manner, and con-  
8           taining such information as the Secretary may require.

9           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
10          are authorized to be appropriated to carry out this section  
11          \$30,000,000 for fiscal year 1998, and such sums as may  
12          be necessary for each of fiscal years 1999 through 2002.”.

13       **SEC. 502. CONFORMING AMENDMENTS.**

14          (a) INDIVIDUALS WITH DISABILITIES EDUCATION  
15          ACT.—Section 715 (20 U.S.C. 1491n) is amended by  
16          striking “nothing in parts A through H of this title” and  
17          inserting “no provision of this title, other than a provision  
18          of this part,”.

19          (b) DEVELOPMENTAL DISABILITIES ASSISTANCE  
20          AND BILL OF RIGHTS ACT.—Section 124(c)(4)(F)(ii) of  
21          the Developmental Disabilities Assistance and Bill of  
22          Rights Act (42 U.S.C. 6024(c)(4)(F)(ii)) is amended by  
23          striking “parent training and information centers under  
24          part D” and inserting “parent training and information

1 centers, and community parent training and information  
 2 programs, assisted under part E”.

3 **SEC. 503. EFFECTIVE DATE.**

4 The amendments made by this title shall take effect  
 5 on October 1, 1997.

6 **TITLE VI—INFANTS AND**  
 7 **TODDLERS WITH DISABILITIES**

8 **SEC. 601. FINDINGS AND POLICY.**

9 Section 671(b) (20 U.S.C. 1471(b)) is amended—

10 (1) in paragraph (1), by striking “program of”  
 11 and inserting “system that provides”;

12 (2) at the end of paragraph (2), by striking  
 13 “and”;

14 (3) in paragraph (3), by striking the period and  
 15 inserting “, and”; and

16 (4) by adding at the end the following:

17 “(4) to encourage States to expand opportuni-  
 18 ties for children from birth through age 2 who are  
 19 at risk of having substantial developmental delays if  
 20 early intervention services are not provided to the  
 21 children.”.

22 **SEC. 602. DEFINITIONS.**

23 (a) **INFANT OR TODDLER WITH A DISABILITY.**—Sec-  
 24 tion 672(1) (20 U.S.C. 1472(1)) is amended—

1           (1) by striking “(1)” and inserting “(4) IN-  
2           FANT OR TODDLER WITH A DISABILITY.—”;

3           (2) in the matter preceding subparagraph (A)—

4                 (A) by striking “The term ‘infants and  
5           toddlers with disabilities’ means individuals”  
6           and inserting “The term ‘infant or toddler with  
7           a disability’ means a child”; and

8                 (B) by striking “birth to age 2, inclusive,  
9           who need early intervention services because  
10          they” and inserting “birth through age 2 who  
11          needs early intervention services because the  
12          child”;

13          (3) in subparagraph (A), by striking “are expe-  
14          riencing developmental delays” and inserting “is ex-  
15          periencing a developmental delay”;

16          (4) in subparagraph (B)—

17                 (A) by striking “have” and inserting  
18                 “has”; and

19                 (B) by striking “which” and inserting  
20                 “that”; and

21          (5) by striking the second sentence and insert-  
22          ing the following: “Such term may also include, at  
23          the discretion of a State, a child from birth through  
24          age 2 who is at risk of having a substantial devel-  
25          opmental delay if early intervention services are not

1 provided (referred to individually in this part as an  
 2 ‘at risk infant or toddler’ and collectively in this part  
 3 as ‘at risk infants and toddlers’).”.

4 (b) HEADINGS.—Section 672 (20 U.S.C. 1472) is  
 5 amended—

6 (1) by striking all that precedes paragraph (4)  
 7 (as redesignated in subsection (a)(1)) and inserting  
 8 the following:

9 **“SEC. 672. DEFINITIONS.**

10 “As used in this part:”;

11 (2) in paragraph (2), by striking “(2)” and in-  
 12 serting “(3) EARLY INTERVENTION SERVICES.—”;

13 (3) in paragraph (3), by striking “(3)” and in-  
 14 serting “(2) DEVELOPMENTAL DELAY.—”;

15 (4) in paragraph (4), by striking “(4)” and in-  
 16 serting “(1) COUNCIL.—”;

17 (5) by moving paragraph (2) (as redesignated  
 18 in paragraph (3)) to the end of the section;

19 (6) by moving paragraph (3) (as redesignated  
 20 in paragraph (2)) to the end of the section; and

21 (7) by moving paragraph (4) (as redesignated  
 22 in subsection (a)(1)) to the end of the section.

23 (c) INFANTS AND TODDLERS WITH DISABILITIES.—  
 24 Section 672 (20 U.S.C. 1472) is amended by adding at  
 25 the end the following:

1           “(5) INFANTS AND TODDLERS WITH DISABIL-  
 2           ITIES.—The term ‘infants and toddlers with disabil-  
 3           ities’ means more than 1 infant or toddler with a  
 4           disability.”.

5 **SEC. 603. GENERAL AUTHORITY.**

6           Section 673 (20 U.S.C. 1473) is amended by striking  
 7           “develop” and inserting “implement”.

8 **SEC. 604. ELIGIBILITY.**

9           Section 674 (20 U.S.C. 1474) is amended—

10           (1) by striking the heading and inserting the  
 11           following:

12                                   “ELIGIBILITY”;

13           and

14           (2) by striking “State has established” and all  
 15           that follows and inserting “State has in effect the  
 16           statewide system that is required by section 676.”.

17 **SEC. 605. CONTINUING ELIGIBILITY.**

18           Section 675 (20 U.S.C. 1475) is repealed.

19 **SEC. 606. REQUIREMENTS FOR STATEWIDE SYSTEM.**

20           (a) IN GENERAL.—Section 676(a) (20 U.S.C.  
 21 1476(a)) is amended—

22           (1) by striking “statewide system of” and in-  
 23           serting “statewide,”; and

24           (2) by striking “programs providing” and in-  
 25           serting “system that provides”.

1 (b) MINIMUM COMPONENTS.—Section 676(b) (20  
2 U.S.C. 1476(b) is amended—

3 (1) in paragraph (1), by striking “developmen-  
4 tally delayed” and inserting “developmental delay”;

5 (2) by striking paragraph (2) and inserting the  
6 following:

7 “(2) a State policy that is in effect and that en-  
8 sures that appropriate early intervention services are  
9 available to all infants and toddlers with disabilities  
10 (including Indian infants and toddlers with disabil-  
11 ities on reservations) in the State and their fami-  
12 lies,”;

13 (3) in paragraph (6), by striking “infants with”  
14 and inserting “infants and toddlers with”;

15 (4) in paragraph (8)—

16 (A) in the matter preceding subparagraph  
17 (A), by striking “613(a)(3)” and inserting  
18 “612(a)(14) (as amended by section 202 of the  
19 Individuals with Disabilities Education Act  
20 Amendments of 1997)”;

21 (B) in subparagraph (C), by inserting after  
22 “rural areas” the following: “and inner-city  
23 areas”; and

24 (C) in subparagraph (D), by striking “a  
25 preschool program under section 619 of part

1           B.” and inserting “preschool or other appro-  
2           prium services,”;

3           (5) at the end of paragraph (13), by striking  
4           “and”;

5           (6) in paragraph (14), by striking “on the num-  
6           bers of infants” and all that follows and inserting  
7           “that is requested by the Secretary under section  
8           618 and that relates to this part, and”; and

9           (7) by adding at the end the following:

10          “(15) a Council that meets the requirements of  
11          section 682.”.

12          (c) USE OF PARAPROFESSIONALS.—Section 676 (20  
13          U.S.C. 1476) is amended by adding at the end the follow-  
14          ing:

15          “(c) USE OF PARAPROFESSIONALS.—Nothing in this  
16          Act, including subsection (b), prohibits the use of para-  
17          professionals who are appropriately trained and supervised  
18          by qualified personnel (in accordance with State law, regu-  
19          lations, or written policy), in meeting the requirements of  
20          this part.”.

21          **SEC. 607. INDIVIDUALIZED FAMILY SERVICE PLAN.**

22          Section 677 (20 U.S.C. 1477) is amended—

23               (1) in subsection (a)(3), by striking “parent or  
24               guardian” and inserting “parents of the infant or  
25               toddler”;



1 (2) in subsection (d)(8)—

2 (A) by striking “supporting” and inserting  
3 “to support”; and

4 (B) by striking “services provided” and all  
5 that follows and inserting “preschool or other  
6 appropriate services.”; and

7 (3) in subsection (e), by striking “or guardian”  
8 each place it appears.

9 **SEC. 608. STATE APPLICATION AND ASSURANCES.**

10 (a) APPLICATION.—Section 678(a) (20 U.S.C.  
11 1478(a)) is amended—

12 (1) in paragraph (3), by striking the comma at  
13 the end and inserting the following: “, including—

14 “(A) information demonstrating to the sat-  
15 isfaction of the Secretary that the State has in  
16 effect a statewide system required by section  
17 676, and

18 “(B) a description of services to be pro-  
19 vided to infants and toddlers with disabilities  
20 and their families under this part,”;

21 (2) by striking paragraph (4) and inserting the  
22 following:

23 “(4) a statement regarding whether the State  
24 will serve at risk infants and toddlers as infants and  
25 toddlers with disabilities,”;

1           (3) in paragraph (6), by striking “part” and all  
2           that follows and inserting “part,”; and

3           (4) by striking paragraph (8) and inserting the  
4           following:

5           “(8) a description of the policies and procedures  
6           to be used—

7                   “(A) to ensure a smooth transition for  
8                   children who are infants and toddlers with dis-  
9                   abilities receiving early intervention services  
10                  under this part to preschool or other appro-  
11                  priate services, including a description of—

12                           “(i) how the family of such a child  
13                           will be included in the transition plans re-  
14                           quired by subparagraph (C), and

15                           “(ii) how the lead agency designated  
16                           or established under section 676(b)(9)  
17                           will—

18                                   “(I) notify the local educational  
19                                   agency for the area in which such a  
20                                   child resides that the child will shortly  
21                                   reach the age for eligibility for pre-  
22                                   school services under part B, as deter-  
23                                   mined in accordance with State law,

24                                   “(II) in the case of such a child  
25                                   who may be eligible for such preschool

1 services, with the approval of the fam-  
2 ily of the child, convene a conference  
3 among the lead agency, the family,  
4 and the local educational agency not  
5 later than 90 days (and at the discre-  
6 tion of all such parties, earlier, but  
7 not earlier than 6 months) before the  
8 child is eligible for the preschool serv-  
9 ices, to discuss any such services that  
10 the child may receive, and

11 “(III) in the case of such a child  
12 who may not be eligible for such pre-  
13 school services, with the approval of  
14 the family, make reasonable efforts to  
15 convene a conference among the lead  
16 agency, the family, and providers of  
17 other appropriate services for children  
18 who are not eligible for preschool serv-  
19 ices under part B, to discuss the ap-  
20 propriate services that the child may  
21 receive,

22 “(B) to review the program options for the  
23 child for the period beginning on the third  
24 birthday of the child and ending on the last day

1 of the school year in which such birthday oc-  
2 curs, and

3 “(C) to establish a transition plan for the  
4 child, and”.

5 (b) STATEMENT OF ASSURANCES.—Section  
6 678(b)(7) (20 U.S.C. 1478(b)(7)) is amended—

7 (1) by striking “beginning in fiscal year 1992,”;  
8 and

9 (2) by striking “and rural” and inserting  
10 “rural, and inner-city”.

11 **SEC. 609. USES OF FUNDS.**

12 Section 679 (20 U.S.C. 1479) is amended—

13 (1) in the matter preceding paragraph (1), by  
14 striking “plan, develop, and”;

15 (2) at the end of paragraph (2), by striking  
16 “and”;

17 (3) in paragraph (3), by striking the period and  
18 inserting “, and”; and

19 (4) by adding at the end the following:

20 “(4) in any State that does not provide services  
21 for at risk infants and toddlers under section  
22 676(a), to strengthen the statewide system by initi-  
23 ating, expanding, or improving collaborative efforts

1 related to at risk infants and toddlers, including es-  
 2 tablishing linkages with appropriate public, and pri-  
 3 vate, community-based organizations, services, and  
 4 personnel, for the purposes of—

5 “(A) identifying and evaluating at risk in-  
 6 fants and toddlers,

7 “(B) making referrals of the infants and  
 8 toddlers identified and evaluated under sub-  
 9 paragraph (A), and

10 “(C) conducting periodic followup on each  
 11 such referral to determine if the status of the  
 12 infant or toddler involved has changed with re-  
 13 spect to the eligibility of the infant or toddler  
 14 under this part.”.

15 **SEC. 610. PROCEDURAL SAFEGUARDS.**

16 (a) SECTION HEADING.—Section 680 (20 U.S.C.  
 17 1480) is amended by striking the matter preceding “The  
 18 procedural” and inserting the following:

19 **“SEC. 680. PROCEDURAL SAFEGUARDS.**

20 “(a) MINIMUM PROCEDURES.—”.

21 (b) PROCEDURES.—Section 680(a) (20 U.S.C.  
 22 1480(a)) (as designated in subsection (a)) is amended—

1           (1) in the matter preceding paragraph (1), by  
 2           striking “The” and all that follows through “follow-  
 3           ing:” and inserting “To meet the requirement of sec-  
 4           tion 676(b)(12), each State, in providing a statewide  
 5           system under this part, shall, through State statute,  
 6           regulation, or other written policy, provide at a mini-  
 7           mum for the following:”;

8           (2) in the second sentence of paragraph (1), by  
 9           striking “, which action may be brought”;

10          (3) in paragraph (2), by striking “or guard-  
 11          ians”;

12          (4) in paragraph (3), by striking “or guardian”;

13          (5) in paragraph (4), by striking “or a guard-  
 14          ian”;

15          (6) in paragraph (5), by striking “or guardian”  
 16          each place it appears;

17          (7) in paragraph (6), by striking “or guardian”;

18          (8) in paragraph (7)—

19                (A) by striking “or guardian”; and

20                (B) by striking “or guardian’s”;

21          (9) in paragraph (8)—

22                (A) by striking “or guardian”; and

23                (B) by striking the following:

24                “(8) During” and inserting the following:

1       “(b) SERVICES DURING PENDENCY OF PROCEED-  
 2 INGS.—The procedural safeguards required to be included  
 3 in a statewide system under section 676(b)(12) shall also  
 4 include a measure to ensure that during”; and

5           (10) by inserting after paragraph (7) the fol-  
 6 lowing:

7           “(8) The right to use mediation in accordance  
 8 with section 615(e) (as amended by section  
 9 206(c)(7) of the Individuals with Disabilities Edu-  
 10 cation Act Amendments of 1997), except that—

11           “(A) a reference in such section to the  
 12 State educational agency shall be considered to  
 13 refer to the lead agency of the State designated  
 14 or established under section 676(b)(9), and

15           “(B) a reference in such section to a public  
 16 agency shall be considered to refer to a local  
 17 services provider or the lead agency, as the case  
 18 may be.”.

19 **SEC. 611. STATE INTERAGENCY COORDINATING COUNCIL.**

20       (a) COMPOSITION.—Section 682(b)(1) (20 U.S.C.  
 21 1482(b)(1)) is amended—

22           (1) in subparagraph (E)—

23           (A) by striking “At least one member shall  
 24 be” and inserting “There shall be at least one  
 25 member”;

1 (B) by striking “families and” and insert-  
 2 ing the following: “families, and from any other  
 3 State agency involved in the provision of serv-  
 4 ices to at risk infants and toddlers, and each  
 5 such member”; and

6 (C) by striking “such agencies” and insert-  
 7 ing “the appropriate agency”; and

8 (2) by adding after subparagraph (G) the fol-  
 9 lowing:

10 “(H) At least one member shall be a represent-  
 11 ative from a Head Start agency or Head Start pro-  
 12 gram in the State.

13 “(I) At least one member shall be a representa-  
 14 tive from the State agency responsible for child  
 15 care.”.

16 (b) FUNCTIONS OF COUNCIL.—Section 682(e) (20  
 17 U.S.C. 1482(e)) is amended—

18 (1) in paragraph (1)(C), by striking “services  
 19 provided” and all that follows and inserting “pre-  
 20 school or other appropriate services, and”;

21 (2) in paragraph (2), by striking “children”  
 22 and all that follows and inserting “children from  
 23 birth through age 5.”; and

24 (3) by inserting after paragraph (2) the follow-  
 25 ing:



1       “(3) The Council may advise appropriate agencies in  
 2 the State with respect to the integration of services for  
 3 infants and toddlers with disabilities (including at risk in-  
 4 fants and toddlers) and their families, regardless of wheth-  
 5 er at risk infants and toddlers are eligible for early inter-  
 6 vention services in the State.”.

7       (c) EXISTING COUNCILS.—Section 682 (20 U.S.C.  
 8 1482) is amended by striking subsection (g).

9       **SEC. 612. CONFORMING AMENDMENT.**

10       Section 683(3) (20 U.S.C. 1483(3)) is amended by  
 11 striking “intermediate educational agencies” and inserting  
 12 “educational service agencies”.

13       **SEC. 613. ALLOCATION OF FUNDS.**

14       (a) RESERVATION.—Section 684(a) (20 U.S.C.  
 15 1484(a)) is amended—

16               (1) by striking “(a)” and inserting “(a)(1)”;

17               (2) by inserting after “reserve” the following:  
 18               “not more than”; and

19               (3) by adding at the end the following:

20               “(2) The provisions of section 501 of Public Law 95–  
 21 134 (48 U.S.C. 1469a) (relating to permitting the consoli-  
 22 dation of grants to insular areas referred to in such sec-  
 23 tion) shall not apply to funds the areas receive under this  
 24 part.”.

1 (b) TRIBES.—Section 684(b) (20 U.S.C. 1484(b)) is  
2 amended—

3 (1) in paragraph (2)—

4 (A) by striking “The Secretary” and all  
5 that follows through “tribal organization shall  
6 receive an amount based” and inserting “For  
7 each fiscal year, the Secretary of the Interior  
8 shall distribute the entire amount of a payment  
9 received under paragraph (1) by providing to  
10 each such tribe or tribal organization an  
11 amount based”;

12 (B) by striking “the reservation” and in-  
13 serting “the reservation involved”; and

14 (C) by striking “all tribes” and inserting  
15 “all such tribes”; and

16 (2) in paragraph (4)—

17 (A) in the first sentence, by striking “chil-  
18 dren aged 0–2, inclusive,” and inserting “chil-  
19 dren from birth through age 2”; and

20 (B) in the third sentence, by striking  
21 “public or private nonprofit organizations” and  
22 inserting “public or private nonprofit agencies  
23 or organizations”.

1       (c) FEDERAL INTERAGENCY COORDINATING COUN-  
2 CIL AND PANEL OF EXPERTS.—Section 684 (20 U.S.C.  
3 1484) is amended—

4           (1) by redesignating subsections (c) and (d) as  
5 subsections (e) and (f), respectively; and

6           (2) by inserting after subsection (b) the follow-  
7 ing:

8       “(c) The Secretary shall reserve not more than  
9 0.0005 of the amount appropriated under section 687 for  
10 any fiscal year for the operation of the Federal Inter-  
11 agency Coordinating Council established under section  
12 685, other than activities of the panel of experts carried  
13 out under section 686.

14       “(d) The Secretary may reserve up to \$100,000 for  
15 the expenses of the panel of experts established under sec-  
16 tion 686.”.

17       (d) REMAINDER.—Section 684 (20 U.S.C. 1484) is  
18 amended in subsection (e) (as redesignated in subsection  
19 (c)(1))—

20           (1) in paragraph (1)—

21               (A) by striking “(3), (4), and (5)” and in-  
22 serting “(2), (3), and (4)”; and

1 (B) by striking “(a) and (b)” and inserting  
 2 “(a) through (d) and section 618(f) (as amend-  
 3 ed by section 209 of the Individuals with Dis-  
 4 abilities Education Act Amendments of 1997)”;  
 5 (2) by striking paragraph (2);  
 6 (3) by redesignating paragraphs (3) through  
 7 (6) as paragraphs (2) through (5), respectively;  
 8 (4) in paragraph (2) (as redesignated in para-  
 9 graph (3))—

10 (A) in the text preceding subparagraph  
 11 (A), by striking “paragraphs (4) and (5)” and  
 12 inserting “paragraphs (3) and (4)”;

13 (B) in subparagraph (A), by striking “, ex-  
 14 cluding” and all that follows and inserting “;  
 15 or”;

16 (5) in paragraph (3) (as redesignated in para-  
 17 graph (3)), in subparagraph (A), by striking “(5)”  
 18 and inserting “(4)”;

19 (6) in paragraph (5) (as redesignated in para-  
 20 graph (3))—

21 (A) in the text preceding subparagraph  
 22 (A), by striking “paragraph (1)” and inserting  
 23 “this subsection”;

1 (B) in subparagraph (A), by striking “chil-  
 2 dren from birth to age 2, inclusive,” and insert-  
 3 ing “children from birth through age 2;”; and

4 (C) in subparagraph (B), by striking “does  
 5 not include” and all that follows and inserting  
 6 “means each of the several States, the District  
 7 of Columbia, and the Commonwealth of Puerto  
 8 Rico.”.

9 (e) REALLOTMENT.—Section 684 (20 U.S.C. 1484)  
 10 is amended in subsection (f) (as redesignated in subsection  
 11 (c)(1)) by striking “(c)(1)” and inserting “(e)(1)”.

12 **SEC. 614. FEDERAL INTERAGENCY COORDINATING COUN-**  
 13 **CIL.**

14 (a) ESTABLISHMENT AND PURPOSE.—Section  
 15 685(a)(1)(A) (20 U.S.C. 1484a(a)(1)(A)) is amended by  
 16 striking “relating to early intervention” and all that fol-  
 17 lows and inserting “across Federal, State, and local agen-  
 18 cies, relating to—

19 “(i) early intervention services for in-  
 20 fants and toddlers with disabilities (includ-  
 21 ing at risk infants and toddlers) and their  
 22 families; and

23 “(ii) preschool or other appropriate  
 24 services for children with disabilities;”.

1 (b) COMPOSITION.—Section 685(b) (20 U.S.C.  
2 1484a(b)) is amended—

3 (1) in paragraph (2), by inserting before the  
4 semicolon the following: “and a representative of the  
5 Office of Educational Research and Improvement”;

6 (2) in paragraph (15), by inserting after “a  
7 representative of” the following: “the Children’s Bu-  
8 reau, and a representative of the Head Start Bu-  
9 reau, of”;

10 (3) in paragraph (16), by striking “Alcohol,  
11 Drug Abuse and Mental Health Administration” and  
12 inserting “Substance Abuse and Mental Health  
13 Services Administration”;

14 (4) in paragraph (17), by striking “Aids” and  
15 inserting “AIDS”; and

16 (5) in paragraph (18)—

17 (A) by striking “at least 3”; and

18 (B) by inserting after “12 or under” the  
19 following: “(which parents shall constitute at  
20 least 20 percent of the members of the Coun-  
21 cil)”.

22 (c) FUNCTIONS OF THE COUNCIL.—Section  
23 685(d)(1) (20 U.S.C. 1484a(d)(1)) is amended by striking  
24 “Secretary in the performance” and all that follows and  
25 inserting “Secretary of Education, Secretary of Health

1 and Human Services, Secretary of Defense, Secretary of  
 2 the Interior, Secretary of Agriculture, and Commissioner  
 3 of Social Security in the performance of their responsibil-  
 4 ities related to serving children from birth through age  
 5 5 who are eligible for services under this part or under  
 6 part B;”.

7 (d) FEDERAL ADVISORY COMMITTEE ACT INAP-  
 8 PLICABLE.—Section 685 (20 U.S.C. 1484a) is amended  
 9 by adding at the end the following:

10 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The  
 11 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
 12 apply to the establishment or operation of the Council.”.

13 **SEC. 615. STUDY OF DEFINITION OF DEVELOPMENTAL**  
 14 **DELAY.**

15 Part H (20 U.S.C. 1471 et seq.) is amended—

16 (1) by striking section 686; and

17 (2) by adding at the end the following:

18 **“SEC. 686. STUDY OF DEFINITION OF DEVELOPMENTAL**  
 19 **DELAY.**

20 “(a) PANEL OF EXPERTS.—

21 “(1) IN GENERAL.—Not later than 3 months  
 22 after the date of enactment of the Individuals with  
 23 Disabilities Education Act Amendments of 1997, the

1 Federal Interagency Coordinating Council estab-  
2 lished under section 685 shall convene a panel of ex-  
3 perts to develop recommendations to the Secretary  
4 for a model definition of the term ‘developmental  
5 delay’, to assist States in implementing section  
6 676(b)(1).

7 “(2) MEMBERS.—The panel shall include recog-  
8 nized experts in—

9 “(A) health and child development, whose  
10 work includes—

11 “(i) the evaluation and assessment of  
12 infants and toddlers with disabilities;

13 “(ii) the study of congenital or  
14 perinatal disorders in children; or

15 “(iii) the measurement of developmen-  
16 tal milestones in infants and toddlers;

17 “(B) the administration of disability pro-  
18 grams for young children; and

19 “(C) other fields that the Secretary finds  
20 to be appropriate.

21 “(3) OTHER MEMBERSHIP REQUIREMENTS.—

22 The panel shall—

23 “(A) have no more than 12 members; and

24 “(B) include at least 1 parent of a child  
25 with a disability who is younger than age 6.



1       “(b) DUTIES.—In developing the recommendations  
2 referred to in subsection (a)(1), the panel shall—

3               “(1) review the definition of infants and tod-  
4 dlers with disabilities specified in section 672(4);

5               “(2) conduct an analysis of the criteria that are  
6 used by States under this part to determine whether  
7 an individual has a developmental delay or a diag-  
8 nosed physical or mental condition, for purposes of  
9 ascertaining whether the individual is an infant or  
10 toddler with a disability; and

11              “(3) consider the appropriateness of defining  
12 the term ‘developmental delay’ to include the com-  
13 bination of a multiplicity of factors that, when taken  
14 together, have a high probability of resulting in de-  
15 velopmental delay (as specified in the remainder of  
16 the definition) if early intervention services are not  
17 provided.

18       “(c) PANEL RECOMMENDATIONS.—The panel shall  
19 prepare and submit to the Secretary a report containing  
20 the recommendations developed under subsection (a) not  
21 later than 9 months after the date of enactment of the  
22 Individuals with Disabilities Education Act Amendments  
23 of 1997.

24       “(d) MODEL DEFINITION.—After receiving the rec-  
25 ommendations, the Secretary shall—

1           “(1) publish the recommendations in the Fed-  
2       eral Register;

3           “(2) give interested parties an opportunity to  
4       submit written comments on the recommendations;  
5       and

6           “(3) disseminate a model definition based on  
7       the recommendations, along with a summary of com-  
8       ments received.

9       “(e) FEDERAL ADVISORY COMMITTEE ACT INAP-  
10   PLICABLE.—The Federal Advisory Committee Act (5  
11   U.S.C. App.) shall not apply to the establishment or oper-  
12   ation of the panel.”.

13   **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

14       Part H (20 U.S.C. 1471 et seq.) (as amended in sec-  
15   tion 615) is further amended by adding at the end the  
16   following:

17   **“SEC. 687. AUTHORIZATION OF APPROPRIATIONS.**

18       “‘There are authorized to be appropriated to carry out  
19   this part such sums as may be necessary for each of the  
20   fiscal years 1998 through 2002.’”.

21   **SEC. 617. EFFECTIVE DATE.**

22       This title, and the amendments made by this title,  
23   shall take effect on October 1, 1997.

