

- (3) improving positive outcomes for children with disabilities;
 - (4) promoting collaboration between IEP Team members; and
 - (5) ensuring satisfaction of family members.
- (Pub. L. 91-230, title VI, § 609, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2661.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1408, Pub. L. 91-230, title VI, § 609, as added Pub. L. 99-457, title II, § 202, Oct. 8, 1986, 100 Stat. 1158, related to eligibility for financial assistance, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

§ 1409. Freely associated States

The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall continue to be eligible for competitive grants administered by the Secretary under this chapter to the extent that such grants continue to be available to States and local educational agencies under this chapter.

(Pub. L. 91-230, title VI, § 610, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2662.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1409, Pub. L. 91-230, title VI, § 610, as added Pub. L. 101-476, title I, § 104, Oct. 30, 1990, 104 Stat. 1106, provided administrative provisions applicable to former subchapters III to VII of this chapter and former section 1418 of this title, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

SUBCHAPTER II—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

§ 1411. Authorization; allotment; use of funds; authorization of appropriations

(a) Grants to States

(1) Purpose of grants

The Secretary shall make grants to States, outlying areas, and freely associated States, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this subchapter.

(2) Maximum amount

The maximum amount of the grant a State may receive under this section—

(A) for fiscal years 2005 and 2006 is—

(i) the number of children with disabilities in the State who are receiving special education and related services—

(I) aged 3 through 5 if the State is eligible for a grant under section 1419 of this title; and

(II) aged 6 through 21; multiplied by

(ii) 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and

(B) for fiscal year 2007 and subsequent fiscal years is—

(i) the number of children with disabilities in the 2004-2005 school year in the State who received special education and related services—

(I) aged 3 through 5 if the State is eligible for a grant under section 1419 of this title; and

(II) aged 6 through 21; multiplied by

(ii) 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; adjusted by

(iii) the rate of annual change in the sum of—

(I) 85 percent of such State's population described in subsection (d)(3)(A)(i)(II); and

(II) 15 percent of such State's population described in subsection (d)(3)(A)(i)(III).

(b) Outlying areas and freely associated States; Secretary of the Interior

(1) Outlying areas and freely associated States (A) Funds reserved

From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used as follows:

(i) To provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21.

(ii)(I) To provide each freely associated State a grant so that no freely associated State receives a lesser share of the total funds reserved for the freely associated State than the freely associated State received of those funds for fiscal year 2023.

(II) Each freely associated State shall establish its eligibility under this subparagraph consistent with the requirements for a State under section 1412 of this title.

(III) The funds provided to each freely associated State under this subchapter may be used to provide, to each infant or toddler with a disability (as defined in section 1432 of this title), either a free appropriate public education, consistent with section 1412 of this title, or early intervention services consistent with subchapter III, notwithstanding the application and eligibility requirements of sections 1431(2), 1435, and 1437 of this title.

(B) Special rule

The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the outlying areas or the freely associated States under this section.

(C) Definition

In this paragraph, the term “freely associated States” means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) Secretary of the Interior

From the amount appropriated for any fiscal year under subsection (i), the Secretary shall