

(6) provide an assurance that the State educational agency will provide technical assistance to entities that provide services to infants and toddlers with disabilities to improve the quality of professional development available to meet the needs of personnel serving such children;

(7) describe how the State educational agency will recruit and retain teachers who meet the qualifications described in section 1412(a)(14)(C) of this title and other qualified personnel in geographic areas of greatest need;

(8) describe the steps the State educational agency will take to ensure that poor and minority children are not taught at higher rates by teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title; and

(9) describe how the State educational agency will assess, on a regular basis, the extent to which the strategies implemented under this part have been effective in meeting the performance goals described in section 1412(a)(15) of this title.

(c) Peer review

(1) In general

The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under section 1451(c)(1) of this title.

(2) Composition of panel

A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

(3) Payment of fees and expenses of certain members

The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of panel members who are not employees of the Federal Government.

(d) Reporting procedures

Each State educational agency that receives a grant under this part shall submit annual performance reports to the Secretary. The reports shall—

(1) describe the progress of the State educational agency in implementing its plan;

(2) analyze the effectiveness of the State educational agency's activities under this part and of the State educational agency's strategies for meeting its goals under section 1412(a)(15) of this title; and

(3) identify changes in the strategies used by the State educational agency and described in subsection (b)(4), if any, to improve the State educational agency's performance.

(Pub. L. 91-230, title VI, § 653, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2768; amended Pub. L. 114-95, title IX, §§ 9214(d)(3), 9215(ss)(7), Dec. 10, 2015, 129 Stat. 2165, 2183.)

Editorial Notes

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to

chapter 70 (§ 6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (a)(2)(C), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§ 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Higher Education Act of 1965, referred to in subsec. (a)(2)(C), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§ 1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

PRIOR PROVISIONS

A prior section 1453, Pub. L. 91-230, title VI, § 653, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 125, related to grant applications, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1453, Pub. L. 91-230, title VI, § 653, Apr. 13, 1970, 84 Stat. 187; Pub. L. 94-142, § 6(b), Nov. 29, 1975, 89 Stat. 795; Pub. L. 99-386, title II, § 204, Aug. 22, 1986, 100 Stat. 823, related to establishment and operation of centers on educational media and materials for handicapped, prior to repeal by Pub. L. 99-457, title III, § 316, Oct. 8, 1986, 100 Stat. 1171.

AMENDMENTS

2015—Subsec. (b)(3). Pub. L. 114-95, § 9215(ss)(7), substituted “and 2101(d),” for “and 2112.”

Subsec. (b)(7). Pub. L. 114-95, § 9214(d)(3)(A), substituted “teachers who meet the qualifications described in section 1412(a)(14)(C) of this title” for “highly qualified teachers”.

Subsec. (b)(8). Pub. L. 114-95, § 9214(d)(3)(B), substituted “teachers who do not meet the qualifications described in section 1412(a)(14)(C) of this title” for “teachers who are not highly qualified”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 1454. Use of funds

(a) Professional development activities

A State educational agency that receives a grant under this part shall use the grant funds to support activities in accordance with the State's plan described in section 1453 of this title, including 1 or more of the following:

(1) Carrying out programs that provide support to both special education and regular education teachers of children with disabilities and principals, such as programs that—

(A) provide teacher mentoring, team teaching, reduced class schedules and case loads, and intensive professional development;

(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State academic achievement standards and with the requirements for professional development, as defined in section 7801 of this title; and

(C) encourage collaborative and consultative models of providing early intervention, special education, and related services.

(2) Encouraging and supporting the training of special education and regular education teachers and administrators to effectively use and integrate technology—

(A) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability;

(B) to enhance learning by children with disabilities; and

(C) to effectively communicate with parents.

(3) Providing professional development activities that—

(A) improve the knowledge of special education and regular education teachers concerning—

(i) the academic and developmental or functional needs of students with disabilities; or

(ii) effective instructional strategies, methods, and skills, and the use of State academic content standards and student academic achievement and functional standards, and State assessments, to improve teaching practices and student academic achievement;

(B) improve the knowledge of special education and regular education teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices, and that—

(i) provide training in how to teach and address the needs of children with different learning styles and children who are limited English proficient;

(ii) involve collaborative groups of teachers, administrators, and, in appropriate cases, related services personnel;

(iii) provide training in methods of—
(I) positive behavioral interventions and supports to improve student behavior in the classroom;

(II) scientifically based reading instruction, including early literacy instruction;

(III) early and appropriate interventions to identify and help children with disabilities;

(IV) effective instruction for children with low incidence disabilities;

(V) successful transitioning to postsecondary opportunities; and

(VI) using classroom-based techniques to assist children prior to referral for special education;

(iv) provide training to enable personnel to work with and involve parents in their child's education, including parents of low income and limited English proficient children with disabilities;

(v) provide training for special education personnel and regular education personnel in planning, developing, and implementing effective and appropriate IEPs; and

(vi) provide training to meet the needs of students with significant health, mobility, or behavioral needs prior to serving such students;

(C) train administrators, principals, and other relevant school personnel in conducting effective IEP meetings; and

(D) train early intervention, preschool, and related services providers, and other relevant school personnel, in conducting effective individualized family service plan (IFSP) meetings.

(4) Developing and implementing initiatives to promote the recruitment and retention of special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title, particularly initiatives that have been proven effective in recruiting and retaining teachers, including programs that provide—

(A) teacher mentoring from exemplary special education teachers, principals, or superintendents;

(B) induction and support for special education teachers during their first 3 years of employment as teachers; or

(C) incentives, including financial incentives, to retain special education teachers who have a record of success in helping students with disabilities.

(5) Carrying out programs and activities that are designed to improve the quality of personnel who serve children with disabilities, such as—

(A) innovative professional development programs (which may be provided through partnerships that include institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, which professional development shall be consistent with the definition of professional development in section 7801 of this title; and

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

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

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

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

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

(b) Other activities

A State educational agency that receives a grant under this part shall use the grant funds to support activities in accordance with the State's plan described in section 1453 of this title, including 1 or more of the following:

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

(A) special education and regular education teachers have—

- (i) the training and information necessary to address the full range of needs of children with disabilities across disability categories; and
- (ii) the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

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

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

(2) Programs that establish, expand, or improve alternative routes for State certification of special education teachers for individuals with a baccalaureate or master's degree who meet the qualifications described in section 1412(a)(14)(C) of this title, including mid-career professionals from other occupations, paraprofessionals, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective special education teachers.

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

(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title.

(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.].

(6) Funding projects to promote reciprocity of teacher certification or licensing between or among States for special education teachers, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

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

(8) Developing, or assisting local educational agencies in developing, merit based performance systems, and strategies that provide dif-

ferential and bonus pay for special education teachers.

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

(10) When applicable, coordinating with, and expanding centers established under, section 6613(c)(18) of this title (as such section was in effect on the day before December 10, 2015) to benefit special education teachers.

(c) Contracts and subgrants

A State educational agency that receives a grant under this part—

(1) shall award contracts or subgrants to local educational agencies, institutions of higher education, parent training and information centers, or community parent resource centers, as appropriate, to carry out its State plan under this part; and

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

(d) Use of funds for professional development

A State educational agency that receives a grant under this part shall use—

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

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

(e) Grants to outlying areas

Public Law 95-134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this part.

(Pub. L. 91-230, title VI, § 654, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2770; amended Pub. L. 114-95, title IX, §§ 9214(d)(4)(A), (B), 9215(ss)(8), Dec. 10, 2015, 129 Stat. 2165, 2183.)

Editorial Notes

REFERENCES IN TEXT

Section 7801 of this title, referred to in subsec. (a)(1)(B), was in the original "section 8101 of such Act", which was translated as meaning section 8101 of the Elementary and Secondary Education Act of 1965, to reflect the probable intent of Congress.

The Higher Education Act of 1965, referred to in subsec. (b)(5), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title II of the Act is classified generally to subchapter II (§ 1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

Section 6613(c)(18) of this title (as such section was in effect on the day before December 10, 2015), referred to in subsec. (b)(10), means section 6613(c)(18) of this title prior to repeal by Pub. L. 114-95, title II, § 2002, Dec. 10, 2015, 129 Stat. 1913. Section 2002 of Pub. L. 114-95 enacted a new section 6613 of this title.

Public Law 95-134, referred to in subsec. (e), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159. Provisions relating to consolidation of grants to the outlying areas are con-

tained in section 501 of Pub. L. 95-134 which is classified to section 1469a of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

A prior section 1454, Pub. L. 91-230, title VI, §654, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 128, related to use of funds, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1454, Pub. L. 91-230, title VI, §653, formerly §654, Apr. 13, 1970, 84 Stat. 187; Pub. L. 93-380, title VI, §620(2), Aug. 21, 1974, 88 Stat. 585; Pub. L. 95-49, §6, June 17, 1977, 91 Stat. 231; Pub. L. 98-199, §13, Dec. 2, 1983, 97 Stat. 1374; renumbered §653 and amended Pub. L. 99-457, title III, §316, Oct. 8, 1986, 100 Stat. 1171; Pub. L. 101-476, title VI, §603, Oct. 30, 1990, 104 Stat. 1140, authorized appropriations, prior to repeal by Pub. L. 105-17, title II, §203(c), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1997.

AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114-95, §9215(ss)(8)(A)(i), substituted “challenging State academic achievement standards and with the requirements for professional development, as defined in section 7801 of this title” for “challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 7801 of this title”.

Subsec. (a)(4). Pub. L. 114-95, §9214(d)(4)(A), substituted “special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title, particularly initiatives that have been proven effective in recruiting and retaining teachers” for “highly qualified special education teachers, particularly initiatives that have been proven effective in recruiting and retaining highly qualified teachers” in introductory provisions.

Subsec. (a)(5)(A). Pub. L. 114-95, §9215(ss)(8)(A)(ii), made technical amendment to reference in original act which appears in text as reference to section 7801 of this title.

Subsec. (b)(2). Pub. L. 114-95, §9214(d)(4)(B)(i), substituted “certification of special education teachers for individuals with a baccalaureate or master’s degree who meet the qualifications described in section 1412(a)(14)(C) of this title” for “certification of special education teachers for highly qualified individuals with a baccalaureate or master’s degree”.

Subsec. (b)(4). Pub. L. 114-95, §9214(d)(4)(B)(ii), substituted “special education teachers who meet the qualifications described in section 1412(a)(14)(C) of this title” for “highly qualified special education teachers”.

Subsec. (b)(10). Pub. L. 114-95, §9215(ss)(8)(B), inserted “(as such section was in effect on the day before December 10, 2015)” after “of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 1455. Authorization of appropriations

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

(Pub. L. 91-230, title VI, §655, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2774.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1455, Pub. L. 91-230, title VI, §655, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 129, set out minimum State grant amounts, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

A prior section 1456, Pub. L. 91-230, title VI, §656, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 129, which authorized appropriations, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

PART B—PERSONNEL PREPARATION, TECHNICAL ASSISTANCE, MODEL DEMONSTRATION PROJECTS, AND DISSEMINATION OF INFORMATION

§ 1461. Purpose; definition of eligible entity

(a) Purpose

The purpose of this part is—

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

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

(b) Definition of eligible entity

(1) In general

In this part, the term “eligible entity” means—

- (A) a State educational agency;
- (B) a local educational agency;
- (C) a public charter school that is a local educational agency under State law;
- (D) an institution of higher education;
- (E) a public agency not described in subparagraphs (A) through (D);
- (F) a private nonprofit organization;
- (G) an outlying area;
- (H) an Indian tribe or a tribal organization (as defined under section 5304 of title 25); or
- (I) a for-profit organization, if the Secretary finds it appropriate in light of the purposes of a particular competition for a grant, contract, or cooperative agreement under this part.

(2) Special rule

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

(Pub. L. 91-230, title VI, §661, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2774.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1461, Pub. L. 91-230, title VI, §661, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 130, related to administrative provisions, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.