

§25(b), Oct. 7, 1991, 105 Stat. 607, related to general authority of Secretary to make grants to States for development of system to provide early intervention services for infants and toddlers with disabilities and their families, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

§ 1474. Technology development, demonstration, and utilization; media services; and instructional materials

(a) Program authorized

(1) In general

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

(2) Definition of eligible entity

In this section, the term “eligible entity” has the meaning given the term in section 1461(b) of this title.

(b) Technology development, demonstration, and use

(1) In general

In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and use of technology.

(2) Authorized activities

The following activities may be carried out under this subsection:

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

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

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

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

(c) Educational media services

(1) In general

In carrying out this section, the Secretary shall support—

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

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

(i) television programs;

(ii) videos;

(iii) other materials, including programs and materials associated with new and

emerging technologies, such as CDs, DVDs, video streaming, and other forms of multimedia; or

(iv) news (but only until September 30, 2006);

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

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

(2) Limitation

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

(d) Applications

(1) In general

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

(2) Special rule

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

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

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

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

(e) National Instructional Materials Access Center

(1) In general

The Secretary shall establish and support, through the American Printing House for the Blind, a center to be known as the “National Instructional Materials Access Center” not later than 1 year after December 3, 2004.

(2) Duties

The duties of the National Instructional Materials Access Center are the following:

(A) To receive and maintain a catalog of print instructional materials prepared in the National Instructional Materials Accessibility Standard, as established by the Secretary, made available to such center by the textbook publishing industry, State educational agencies, and local educational agencies.

(B) To provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or

other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the National Instructional Materials Access Center may prescribe.

(C) To develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials provided under sections 1412(a)(23) and 1413(a)(6) of this title.

(3) Definitions

In this subsection:

(A) Blind or other persons with print disabilities

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

(B) National Instructional Materials Accessibility Standard

The term “National Instructional Materials Accessibility Standard” means the standard established by the Secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

(C) Print instructional materials

The term “print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by students in the classroom.

(D) Specialized formats

The term “specialized formats” has the meaning given the term in section 121(d)(3) of title 17.

(4) Applicability

This subsection shall apply to print instructional materials published after the date on which the final rule establishing the National Instructional Materials Accessibility Standard was published in the Federal Register.

(5) Liability of the Secretary

Nothing in this subsection shall be construed to establish a private right of action against the Secretary for failure to provide instructional materials directly, or for failure by the National Instructional Materials Access Center to perform the duties of such center, or to otherwise authorize a private right of action related to the performance by such center, including through the application of the rights of children and parents established under this chapter.

(6) Inapplicability

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

(Pub. L. 91-230, title VI, § 674, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2792.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(3)(A), (5), was in the original “this Act” and was translated as reading “this title”, meaning title VI of Pub. L. 91-230, which enacted this chapter, to reflect the probable intent of Congress.

“An Act to provide books for the adult blind”, approved March 3, 1931, referred to in subsec. (e)(3)(A), is act Mar. 3, 1931, ch. 400, 46 Stat. 1487, which is classified generally to sections 135a and 135b of Title 2, The Congress. For complete classification of this Act to the Code, see Tables.

Section 121(d) of title 17, referred to in subsec. (e)(3)(D), was amended by Pub. L. 115-261, § 2(a)(1)(D), Oct. 9, 2018, 132 Stat. 3667, and no longer defines the term “specialized formats”.

PRIOR PROVISIONS

A prior section 1474, Pub. L. 91-230, title VI, § 674, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 143, related to studies and evaluations, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1474, Pub. L. 91-230, title VI, § 674, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1147, related to general eligibility, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

§ 1475. 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, § 675, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2795.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 1475 to 1480 were repealed by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

Section 1475, Pub. L. 91-230, title VI, § 675, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, § 108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, § 10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§ 19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to continuing eligibility.

Section 1476, Pub. L. 91-230, title VI, § 676, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, § 108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, § 10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§ 19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to the minimum components for a statewide system providing early intervention services to infants and toddlers with disabilities and their families.

Section 1477, Pub. L. 91-230, title VI, § 677, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1149; amended Pub. L. 100-630, title I, § 108(f), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(174)-(176), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 14, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to the individualized family service plan.

Section 1478, Pub. L. 91-230, title VI, § 678, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1150; amended Pub. L. 100-630, title I, § 108(g), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, § 901(b)(177), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 15, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to contents of State application, statement of assurances, and approval process.