

Pub. L. 110-315, §901(3)(B)(i), substituted “Clerc Center” for “elementary and secondary education programs” in introductory provisions.

Subsec. (b)(4)(C). Pub. L. 110-315, §901(3)(C)(i), realigned margins.

Subsec. (b)(4)(C)(i). Pub. L. 110-315, §901(3)(C)(ii), substituted “(8)” for “(6)”.

Subsec. (b)(4)(C)(vi). Pub. L. 110-315, §901(3)(C)(iii), substituted “(o)” for “(m)”.

Subsec. (b)(5). Pub. L. 110-315, §901(3)(D), added par. (5).

2004—Subsec. (b)(2). Pub. L. 108-446, which directed amendment of “section 104(b)(2) of the Education of the Deaf Act” by substituting “618(a)(1)” for “618(a)(1)(A)” in introductory provisions, was not executed to this section, which is section 104 of the Education of the Deaf Act of 1986. See 2008 Amendment note above.

1998—Subsec. (b)(1). Pub. L. 105-244, §912(1), inserted “and” after semicolon in subpar. (A), substituted a period for “; and” at end of subpar. (B), and struck out subpar. (C) which read as follows: “establish and publish priorities for research, development, and demonstration through a process that allows for public input.”

Subsec. (b)(2). Pub. L. 105-244, §912(2), in introductory provisions, substituted “paragraph (1)(B)” for “paragraph (1)” and “section 618(a)(1)(A)” for “section 618(b)”.

Subsec. (b)(3). Pub. L. 105-244, §912(3), substituted “educational service agency” for “intermediate educational unit”.

Subsec. (b)(4)(A). Pub. L. 105-244, §912(4)(A), substituted “educational service agency” for “intermediate educational unit”.

Subsec. (b)(4)(B). Pub. L. 105-244, §912(4)(B), substituted “educational service agencies” for “intermediate educational units”.

Subsec. (b)(4)(C). Pub. L. 105-244, §912(5), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “provide the child a free appropriate public education in accordance with part B of the Individuals with Disabilities Education Act and procedural safeguards in accordance with the following provisions of section 615 of such Act:

“(i) Subparagraphs (A), (C), (D), and (E) of paragraph (1) of subsection (b), and paragraph (2) of such subsection.

“(ii) Subsection (d), except the portion of paragraph (4) requiring that findings and decisions be transmitted to a State advisory panel.

“(iii) Paragraphs (1) through (3) of subsection (e). Paragraph (3) of such subsection is not applicable to a decision by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child’s parents and to the local educational agency in which the child resides.

“(iv) Subsection (f).”

1993—Pub. L. 103-73, §203(d)(1), substituted “education” for “educational” in section catchline.

Subsec. (a)(1). Pub. L. 103-73, §203(d)(2), in subpar. (A) substituted “deaf or hard” for “deaf and individuals who are hard”, in subpar. (B) inserted “education” after “elementary and secondary” and substituted “non-English-speaking” for “non-English speaking”, and in subpar. (C), in introductory provisions, inserted “education” after “elementary and secondary”, in cl. (i) substituted “students” for “individuals” wherever appearing and “deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,” for “deaf.”, and in cl. (ii) substituted “students” for “individuals” wherever appearing and “deaf from grades nine through twelve, inclusive,” for “deaf.”.

Subsec. (b)(1). Pub. L. 103-73, §203(d)(3), substituted “infants, children, and youth” for “infants and children” in subpar. (A) and a period for the semicolon at end of subpar. (C).

Subsec. (b)(4). Pub. L. 103-73, §203(d)(4), substituted “program” for “programs” in subpar. (A), “the child to

and from that program” for “students to and from those programs” in subpar. (B), and “a decision” for “decisions” in subpar. (C)(iii).

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102-421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

§ 4305. Agreement with Gallaudet University

(a) General authority

The Secretary and Gallaudet University shall establish, and periodically update, an agreement governing the operation and national mission activities, including construction and provision of equipment, of the elementary and secondary education programs at the University. The Secretary or the University shall determine the necessity for the periodic update described in the preceding sentence.

(b) Provisions of agreement

The agreement shall—

(1) provide that Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this chapter and such agreement;

(2) provide that the University will make an annual report, to be part of the report required under section 4354 of this title, to the Secretary on the operations and national mission activities of the elementary and secondary education programs, including such other information as the Secretary may consider necessary;

(3) provide that in the design and construction of any facilities, maximum attention will be given to innovative auditory and visual devices and installations appropriate for the educational functions of such facilities;

(4) provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by Federal funds appropriated for the benefit of the Kendall Demonstration Elementary School or the Model Secondary School for the Deaf will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, commonly referred to as the Davis-Bacon Act; except that the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph,

the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40; and

(5) include such other conditions as the Secretary or the University considers necessary to carry out the purposes of this part.

(Pub. L. 99-371, title I, §105, as added Pub. L. 102-421, title I, §113, Oct. 16, 1992, 106 Stat. 2154; amended Pub. L. 103-73, title II, §203(e), Aug. 11, 1993, 107 Stat. 734; Pub. L. 105-244, title IX, §913, Oct. 7, 1998, 112 Stat. 1830; Pub. L. 110-315, title IX, §902, Aug. 14, 2008, 122 Stat. 3451.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b)(4), is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-315 substituted “subchapter IV of chapter 31 of title 40, commonly referred to as the Davis-Bacon Act” for “the Act of March 3, 1931 (40 U.S.C. 276a—276a-5) commonly referred to as the Davis-Bacon Act” and “section 3145 of title 40” for “section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)”.

1998—Subsec. (a). Pub. L. 105-244 substituted “and periodically update, an” for “within 1 year after October 16, 1992, a new” and “The Secretary or the University shall determine the necessity for the periodic update described in the preceding sentence.” for “The Secretary and the University shall periodically update the agreement as determined to be necessary by the Secretary or the University.”

1993—Subsec. (b)(2). Pub. L. 103-73, §203(e)(1), substituted “will” for “shall”.

Subsec. (b)(4). Pub. L. 103-73, §203(e)(2), substituted “Elementary School or the Model” for “Elementary School and the Model” and “except that the Secretary” for “and the Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1992, see section 161 of Pub. L. 102-421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

§§ 4311 to 4322. Repealed. Pub. L. 102-421, title I, § 101(a)(1), Oct. 16, 1992, 106 Stat. 2151

Section 4311, Pub. L. 99-371, title I, §111, Aug. 4, 1986, 100 Stat. 783; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, which comprised former part B of this subchapter, related to authority of Gallaudet University to maintain and operate the Kendall Demonstration Elementary School.

Sections 4321 and 4322 comprised former part C of this subchapter.

Section 4321, Pub. L. 99-371, title I, §121, Aug. 4, 1986, 100 Stat. 783; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142, related to authority of Gallaudet University to maintain and operate a model secondary school for the deaf.

Section 4322, Pub. L. 99-371, title I, §122, Aug. 4, 1986, 100 Stat. 784, authorized continuation of agreement with Gallaudet University for model secondary school.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1992, see section 161 of Pub. L. 102-421, set out as an Effective Date of 1992 Amendment note under section 4301 of this title.

PART B—NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Editorial Notes

PRIOR PROVISIONS

A prior part B of subchapter I of this chapter, consisted of section 4311 of this title, prior to repeal by Pub. L. 102-421, title I, §§101(a)(1), Oct. 16, 1992, 106 Stat. 2151.

§ 4331. Authority

For the purpose of providing a residential facility for postsecondary technical training and education for individuals who are deaf in order to prepare them for successful employment, the institution of higher education with which the Secretary has an agreement under this part is authorized to operate and maintain a National Technical Institute for the Deaf.

(Pub. L. 99-371, title I, §111, formerly title II, §201, Aug. 4, 1986, 100 Stat. 784; renumbered title I, §111, Pub. L. 102-421, title I, §101(b)(3), (4), Oct. 16, 1992, 106 Stat. 2151; Pub. L. 103-73, title II, §203(f), Aug. 11, 1993, 107 Stat. 734.)

Editorial Notes

PRIOR PROVISIONS

A prior section 111 of Pub. L. 99-371, title I, Aug. 4, 1986, 100 Stat. 783, as amended, authorized Gallaudet University to operate Kendall Demonstration Elementary School and was classified to section 4311 of this title, prior to repeal by Pub. L. 102-421.

Provisions similar to this section were contained in section 681 of this title prior to repeal by Pub. L. 99-371.

AMENDMENTS

1993—Pub. L. 103-73 substituted “part” for “subchapter”.

§ 4332. Agreement for National Technical Institute for the Deaf

(a) General authority

(1) The Secretary is authorized to establish or continue an agreement with an institution of higher education for the establishment and operation, including construction and equipment, of a National Technical Institute for the Deaf.

(2) The Secretary and the institution of higher education with which the Secretary has an agreement under this section—

(A) shall periodically assess the need for modification of the agreement; and

(B) shall periodically update the agreement as determined necessary by the Secretary or the institution.

(b) Provisions of agreement

The agreement shall—

(1) provide that Federal funds appropriated for the benefit of NTID will be used only for the purposes for which appropriated and in accordance with the applicable provisions of this chapter and the agreement made pursuant thereto;