

1 EFFECTIVE DATES; TRANSITION

2 SEC. 3. (a) EFFECTIVE DATES.—(1) Except as pro-
3 vided otherwise in this Act—

4 (A) the amendments made by titles I, II, and
5 IV of this Act to parts A, B, and H of the Individ-
6 uals with Disabilities Education Act (20 U.S.C.
7 1400 et seq.; hereafter in this Act referred to as the
8 “IDEA”) shall take effect on July 1, 1996;

9 (B) the amendments to parts C through G of
10 the IDEA made by section 301 shall take effect on
11 enactment; and

12 (C) the amendments to parts C through G of
13 the IDEA made by section 302 shall take effect on
14 October 1, 1996.

15 (2) Notwithstanding paragraph (1) or any other pro-
16 vision of this Act, each State receiving assistance under
17 parts B or H of the IDEA shall comply with each of the
18 following provisions of the IDEA, as amended by this Act,
19 a soon as possible after July 1, 1996, but by no later than
20 the following dates:

21 (A) By July 1, 1997, each of the following:

22 (i) Section 602(11), relating to the con-
23 tents of individualized education programs
24 (IEPs). In the interim, the State (and local
25 educational agencies and affected State agen-

1 “(b) POLICY.—The Congress declares it to be the pol-
2 icy of the United States that all children with disabilities
3 should have the opportunity to—

4 “(1) meet developmental goals and, to the max-
5 imum extent possible, those challenging standards
6 that have been established for all children; and

7 “(2) be prepared to lead productive, independ-
8 ent, adult lives, to the maximum extent possible.

9 “(c) FINDINGS.—The Congress finds as follows:

10 “(1) Disability is a natural part of the human
11 experience and in no way diminishes the right of in-
12 dividuals to participate in or contribute to society.
13 Improving educational results for children with dis-
14 abilities is an essential element of our national policy
15 of ensuring equality of opportunity, full participa-
16 tion, independent living, and economic self-suffi-
17 ciency for individuals with disabilities.

18 “(2) Before the enactment of Public Law 94-
19 142, the Education for All Handicapped Children
20 Act of 1975—

21 “(A) the special educational needs of chil-
22 dren with disabilities were not being fully met;

23 “(B) more than half of the children with
24 disabilities in the United States did not receive

1 appropriate educational services that would en-
2 able them to have full equality of opportunity;

3 “(C) one million of the children with dis-
4 abilities in the United States were excluded en-
5 tirely from the public school system and did not
6 go through the educational process with their
7 peers;

8 “(D) there were many children with dis-
9 abilities throughout the United States partici-
10 pating in regular school programs whose dis-
11 abilities prevented them from having a success-
12 ful educational experience because their disabil-
13 ities were undetected; and

14 “(E) because of the lack of adequate serv-
15 ices within the public school system, families
16 were often forced to find services outside the
17 public school system, often at great distance
18 from their residence and at their own expense.

19 “(3) Since the enactment of Public Law 94-
20 142, this Act has been successful in ensuring chil-
21 dren with disabilities and their families access to a
22 free and appropriate education and in improving
23 educational results for children with disabilities.

24 “(4) However, the implementation of this Act
25 has been impeded by low expectations, watered-down

1 curriculum, categorical approaches, and an insuffi-
2 cient focus on teaching and learning.

3 “(5) Based on 20 years of research and experi-
4 ence, we have learned that the education of children
5 with disabilities can be made more effective by—

6 “(A) having high expectations for children
7 with disabilities and ensuring their access to the
8 general curriculum to the maximum extent pos-
9 sible;

10 “(B) aligning this Act with other local,
11 State, and Federal school improvement efforts,
12 including the Goals 2000: Educate America
13 Act, the Improving America’s Schools Act of
14 1994, and the School-to-Work Act of 1994, in
15 order to ensure that children with disabilities
16 benefit from those reforms and that special
17 education can become a service for children
18 rather than a place where they are sent;

19 “(C) providing appropriate special edu-
20 cation and related services and aids and sup-
21 ports in the regular classroom, whenever appro-
22 priate;

23 “(D) promoting noncategorical approaches
24 that focus on individual strengths and needs
25 rather than labels;

1 “(E) ensuring that families have meaning-
2 ful opportunities to participate in the education
3 of their children at school and at home;

4 “(F) supporting high-quality, intensive
5 professional development for all personnel who
6 work with children with disabilities in order to
7 ensure that they have the skills and knowledge
8 necessary to enable them to—

9 “(i) meet developmental goals and, to
10 the maximum extent possible, those chal-
11 lenging standards that have been estab-
12 lished for all children; and

13 “(ii) be prepared to lead productive,
14 independent, adult lives, to the maximum
15 extent possible;

16 “(G) providing incentives for whole-school
17 approaches and early intervention to reduce the
18 need to label children as disabled in order to
19 address their learning needs; and

20 “(H) focusing resources on teaching and
21 learning while reducing paperwork and require-
22 ments that do not assist in improving edu-
23 cational results.

24 “(6) While States and local educational agen-
25 cies are responsible for providing an education for

1 all children with disabilities, it is in the national in-
2 terest that the Federal Government have a role in
3 assisting State and local efforts to educate children
4 with disabilities in order to improve results for those
5 children and to ensure equal protection of the law.

6 “(d) PURPOSES.—The purposes of this Act are to—

7 “(1) ensure that all children with disabilities
8 have available to them a free appropriate public edu-
9 cation that emphasizes special education and related
10 services designed to meet their unique needs and
11 prepare them for employment and independent liv-
12 ing;

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

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

17 “(4) assess, and ensure the effectiveness of, ef-
18 forts to educate children with disabilities.”.

19 DEFINITIONS

20 SEC. 102. Section 602 of the IDEA is amended—

21 (1) by striking out subsection (b);

22 (2) by striking out the subsection designation
23 “(a)”;

24 (3) by striking out “As used in this title” and
25 inserting in lieu thereof “Except as otherwise pro-

1 vided, the following terms have the following mean-
2 ings as used in this Act.”;

3 (4) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) CHILD WITH A DISABILITY.—(A) The term
6 ‘child with a disability’ means a child—

7 “(i) who has a physical or mental impairment;
8 and

9 “(ii) who, by reason of that impairment, needs
10 special education and related services.

11 “(B) The term ‘physical or mental impairment’
12 means—

13 “(i) mental retardation;

14 “(ii) a hearing impairment, including deafness;

15 “(iii) a speech or language impairment;

16 “(iv) a visual impairment, including blindness;

17 “(v) an emotional disturbance;

18 “(vi) an orthopedic impairment;

19 “(vii) autism;

20 “(viii) traumatic brain injury;

21 “(ix) other health impairments; or

22 “(x) a specific learning disability, as defined in
23 paragraph (23).

24 “(C) Nothing in this paragraph requires that children
25 be classified by their impairment provided that each child

1 with an impairment listed in subparagraph (B) who, by
2 reason of that impairment, needs special education and
3 related services, is regarded as a child with a disability
4 under subparagraph (A).

5 “(D) At a State’s discretion, the term ‘child with a
6 disability’ also includes a child aged three, four, or five—

7 “(i) who is experiencing a developmental delay,
8 as defined by the State and as measured by appro-
9 priate diagnostic instruments and procedures, in one
10 or more of the following areas:

11 “(I) physical development;

12 “(II) cognitive development;

13 “(III) communication development;

14 “(IV) social or emotional development; or

15 “(V) adaptive development; and

16 “(ii) who, by reason of that developmental
17 delay, needs special education and related services.”;

18 (5) by amending paragraph (6) to read as fol-
19 lows:

20 “(6) STATE.—The term ‘State’ means each of the 50
21 States, the District of Columbia, the Commonwealth of
22 Puerto Rico, and each of the outlying areas.”;

23 (6) by amending paragraph (8) to read as fol-
24 lows:

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

3 “(A) a public board of education or other public
4 authority legally constituted within a State for either
5 administrative control or direction of, or to perform
6 a service function for, public elementary or second-
7 ary schools in a city, county, township, school dis-
8 trict, or other political subdivision of a State, or for
9 a combination of school districts or counties as are
10 recognized in a State as an administrative agency
11 for its public elementary or secondary schools;

12 “(B) any other public institution or agency hav-
13 ing administrative control and direction of a public
14 elementary or secondary school; or

15 “(C) an intermediate educational unit, as de-
16 fined in paragraph (13).”;

17 (7) by amending paragraph (11) to read as fol-
18 lows:

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

21 “(A) has the meaning given that term in sec-
22 tion 1201(a) of the Higher Education Act of 1965;
23 and

24 “(B) also includes any community college re-
25 ceiving funding from the Secretary of the Interior

1 under the Tribally Controlled Community College
2 Assistance Act of 1978.”;

3 (8) by striking out paragraph (13);

4 (9) in paragraph (15)—

5 (A) by designating the sentences therein as
6 subparagraphs (A), (B), and (C);

7 (B) in subparagraph (A) as so designated,
8 by striking out “The term ‘children with spe-
9 cific learning disabilities’ means those children
10 who have” and inserting in lieu thereof “The
11 term ‘specific learning disability’ means”;

12 (C) in subparagraph (B), as designated by
13 subparagraph (A), by striking out “Such dis-
14 orders include” and inserting in lieu thereof
15 “The term includes”; and

16 (D) in subparagraph (C), as designated by
17 subparagraph (A) by striking out “Such term
18 does not include children who have learning
19 problems which are” and inserting in lieu there-
20 of “The term does not include a learning prob-
21 lem that is”;

22 (10) in paragraph (16), by striking out “or
23 guardians”;

1 (11) in paragraph (17), by inserting “orienta-
2 tion and mobility services,” after “rehabilitation
3 counseling.”;

4 (12) in paragraph (18), by striking out “section
5 614(a)(5)” and inserting in lieu thereof “section
6 614(d)”;

7 (13) by amending paragraph (20) to read as
8 follows:

9 “(20) INDIVIDUALIZED EDUCATION PROGRAM.—The
10 term ‘individualized education program’ means a written
11 statement for each child with a disability that is developed,
12 reviewed, and revised in accordance with section 614(d)
13 and that includes—

14 “(A) a statement of the child’s present levels of
15 educational performance, including—

16 “(i) how the child’s impairment affects the
17 child’s participation and progress in the general
18 curriculum; or

19 “(ii) for preschool children, as appropriate,
20 how the impairment affects the child’s access to
21 developmentally appropriate activities;

22 “(B) a statement of measurable annual objec-
23 tives related to—

1 “(i) meeting the child’s needs that result
2 from the child’s impairment, to enable the child
3 to participate in the general curriculum; and

4 “(ii) meeting each of the child’s other edu-
5 cational needs, if any, that result from the
6 child’s impairment;

7 “(C)(i) a statement of the special education and
8 related services and supplementary aids and services
9 to be provided to the child and any program modi-
10 fications necessary for the child to—

11 “(I) attain the annual objectives; and

12 “(II) participate in the general curriculum
13 and in extracurricular and other nonacademic
14 activities;

15 “(ii) a justification of the extent, if any, to
16 which the child will not be educated with non-
17 disabled children; and

18 (iii) a justification of the extent, if any, to
19 which the child will not participate in extracurricular
20 and other nonacademic activities with nondisabled
21 children;

22 “(D)(i) a statement of any modifications in the
23 administration of State or districtwide assessments
24 that are needed in order for the child to participate
25 in the assessment; and

1 “(ii) if the IEP team established under section
2 614(d)(2) determines that the child will not partici-
3 pate in a particular State or districtwide assessment
4 (or part of such an assessment), a statement of—

5 “(I) why that assessment is not appro-
6 priate for the child; and

7 “(II) how the child will be assessed;

8 “(E) the projected date for the beginning of the
9 services and modifications described in subparagraph
10 (C), and the anticipated frequency and duration of
11 those services and modifications;

12 “(F) in order to ensure that each student com-
13 pletes secondary school prepared for employment or
14 postsecondary education and independent living, and
15 understands their rights under this Act on attaining
16 the age or majority (if the State provides for the
17 transfer of those rights from the parents)—

18 “(i) beginning at age 14 (or younger, if de-
19 termined appropriate by the IEP team) and up-
20 dated annually, a plan for the student’s transi-
21 tion from secondary school that focuses on the
22 student’s courses of study (such as participa-
23 tion in advanced-placement courses or a voca-
24 tional education or school-to-work program) in-
25 cluding, when appropriate, a statement of the

1 interagency responsibilities or any needed link-
2 ages (or both) before the student leaves the
3 school setting;

4 “(ii) beginning at age 16 (or younger, if
5 determined appropriate by the IEP team), a
6 statement of needed transition services; and

7 “(iii) beginning at least one year before the
8 student reaches the age of majority under State
9 law, a statement about the rights under this
10 Act, if any, that will transfer to the student on
11 reaching the age of majority under section
12 615(j); and

13 “(G) a statement of—

14 “(i) how the child’s progress toward the
15 measurable annual objectives will be measured;
16 and

17 “(ii) how the child’s parents will be regu-
18 larly informed (by such means as periodic re-
19 port cards), at least as often as parents are in-
20 formed of their nondisabled children’s progress,
21 of—

22 “(I) their child’s progress toward the
23 measurable annual objectives; and

24 “(II) the extent to which that
25 progress is sufficient to enable the child to

1 achieve the objectives by the end of the
2 year.”;

3 (14) in paragraph (21)—

4 (A) in subparagraph (A)—

5 (i) in clause (i), by striking out “this
6 part” and inserting in lieu thereof “part B
7 of this Act”;

8 (ii) in clause (ii), by inserting “part A
9 of” after “under”; and

10 (iii) in clause (iii), by striking out
11 “title VII of the Elementary and Second-
12 ary Education Act of 1965” and inserting
13 in lieu thereof “part A of the Bilingual
14 Education Act”; and

15 (B) in subparagraph (B), by striking out
16 “such part, chapter, or title” and inserting in
17 lieu thereof “those parts”;

18 (15) in paragraph (22), by striking out “section
19 7003(a)(2)” and inserting in lieu thereof “section
20 7501(11)”;

21 (16) in paragraph (23), by inserting “described
22 in subparagraphs (A) and (B) of paragraph (14)”
23 after “local educational agency”;

24 (17) in paragraph (24)—

25 (A) by striking out subparagraph (A); and

1 (B) in subparagraph (B), by striking out
2 “The terms ‘Indian’, ‘American Indian’, and
3 ‘Indian American’ mean” and inserting in lieu
4 thereof “The term ‘Indian’ means”;

5 (18) by striking out paragraph (27);

6 (19) by redesignating paragraphs (1), (5), (6),
7 (7), (8), (9), (10), (11), (12), (14), (15), (16), (17),
8 (18), (19), (20), (21), (22), (23), (24)(B), (24)(C),
9 (25), and (26) as paragraphs (3), (6), (24), (25),
10 (14), (5), (20), (12), (16), (21), (23), (22), (19),
11 (8), (26), (11), (7), (15), (13), (9), (10), (1), and
12 (2), respectively;

13 (20) by inserting the following paragraph head-
14 ings in paragraphs (1), (2), (4), (5), (6), (7), (8),
15 (9), (10), (13), (15), (16), (19), (20), (21), (22),
16 (23), (25), and (26), as redesignated by paragraph
17 (19): “ASSISTIVE TECHNOLOGY DEVICE.”,
18 “ASSISTIVE TECHNOLOGY SERVICE.”, “CONSTRUC-
19 TION.”, “ELEMENTARY SCHOOL.”, “EQUIPMENT.”,
20 “EXCESS COSTS.”, “FREE APPROPRIATE PUBLIC
21 EDUCATION.”, “INDIAN.”, “INDIAN TRIBE.”, “IN-
22 TERMEDIATE EDUCATIONAL UNIT.”, “NATIVE LAN-
23 GUAGE.”, “NONPROFIT.”, “RELATED SERVICES.”,
24 “SECONDARY SCHOOL.”, “SECRETARY.”, “SPECIAL
25 EDUCATION.”, “SPECIFIC LEARNING DISABILITY.”,

1 “STATE EDUCATIONAL AGENCY.”, and “TRANSI-
2 TION SERVICES.”, respectively; and

3 (21) by inserting paragraphs (17) and (18)
4 after paragraph (16), as redesignated by paragraph
5 (19), to read as follows:

6 “(17) OUTLYING AREA.—The term ‘outlying area’
7 means the Virgin Islands, Guam, American Samoa, and
8 the Commonwealth of the Northern Mariana Islands.

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

11 OFFICE OF SPECIAL EDUCATION PROGRAMS

12 SEC. 103. Section 603 of the IDEA is amended by
13 adding at the end thereof a new subsection (c) to read
14 as follows:

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

19 REQUIREMENTS FOR PRESCRIBING REGULATIONS

20 SEC. 104. Section 608(a) of the IDEA is amended
21 to read as follows:

22 “(a) The Secretary shall provide a public-comment
23 period of at least 90 days on any regulation proposed
24 under part B of this Act on which an opportunity for pub-
25 lic comment is otherwise required by law.”.

1 ELIGIBILITY FOR FINANCIAL ASSISTANCE

2 SEC. 105. Section 609 of the IDEA is amended to
3 read as follows:

4 “ELIGIBILITY FOR FINANCIAL ASSISTANCE

5 “SEC. 609. The Secretary shall not make a grant
6 under parts C through G of this Act to a State, or to
7 any local educational agency or other public institution or
8 agency in the State, that relates exclusively to programs,
9 projects, and activities pertaining to children aged three
10 through five unless the State is eligible to receive a grant
11 under section 619.”.

12 ADMINISTRATIVE PROVISIONS APPLICABLE TO PARTS C

13 THROUGH G

14 SEC. 106. Except as otherwise provided, effective on
15 October 1, 1996, section 610 of the IDEA is amended to
16 read as follows:

17 “ADMINISTRATIVE PROVISIONS APPLICABLE TO PARTS C

18 THROUGH G

19 “SEC. 610. (a) FINDINGS.—With respect to this sec-
20 tion and parts D through G, the Congress finds as follows:

21 “(1)(A) The Federal Government must be re-
22 sponsive to the growing needs of an increasingly
23 more diverse society. A more equitable allocation of
24 resources is essential for the Federal Government to
25 meet its responsibility to provide an equal edu-
26 cational opportunity for all individuals.

1 “(B) America’s racial profile is rapidly chang-
2 ing. Between 1980 and 1990, the rate of increase in
3 the population for white Americans was 6.0 percent,
4 while the rate of increase for racial and ethnic mi-
5 norities was much higher: 53.0 percent for His-
6 panics, 13.2 percent for African Americans, and
7 107.8 percent for Asians.

8 “(C) By the year 2000, this Nation will have
9 260 million people, one of every three of whom will
10 be either African American, Hispanic, or Asian
11 American.

12 “(D) Taken together as a group, minority chil-
13 dren are comprising an ever larger percentage of
14 public school students. Large city school populations
15 are overwhelmingly minority; for example, for school
16 year 1992–1993, the figure for Miami is 83 percent;
17 for Chicago, 88 percent; for Philadelphia, 77 per-
18 cent; for Baltimore, 83.5 percent; for Houston, 87
19 percent; and for Los Angeles, 87 percent.

20 “(E) The population of individuals with limited
21 English proficiency is the fastest growing in our Na-
22 tion, and the growth is occurring in many parts of
23 our Nation. In the Nation’s two largest school dis-
24 tricts, nearly half of the children entering kinder-
25 garten have limited English proficiency. Children

1 with disabilities who are also limited-English-pro-
2 ficient face very significant obstacles in seeking to
3 take advantage of their opportunity to receive an
4 education that will enable them to participate fully
5 in American society. These obstacles include inap-
6 propriate referral and evaluation procedures for spe-
7 cial education services; the limited English pro-
8 ficiency of their parents, which hinders the parents'
9 ability to fully participate in the education of their
10 children; and a shortage of teachers and other staff
11 who are professionally qualified to serve these chil-
12 dren.

13 “(2)(A) Greater efforts are needed to prevent
14 the intensification of problems connected with
15 mislabeling and to improve post-school results
16 among minority children with disabilities.

17 “(B) More minority children continue to be
18 served in special education than would be expected
19 from the percentage of minority students in the gen-
20 eral school population.

21 “(C) Poor African American children are 2.5
22 times more likely to be identified by their school as
23 mentally retarded than are their white counterparts.

24 “(D) Although African Americans represent 16
25 percent of elementary and secondary enrollments,

1 they constitute 24 percent of total enrollments in
2 special education.

3 “(E) The percentage of students with disabili-
4 ties who are white who go on to college is 18; for
5 African American students with disabilities, that
6 percentage is 11; and for Hispanic students with
7 disabilities, 14 percent.

8 “(F) Up to five years after leaving high school,
9 over 46 percent of white youth with disabilities were
10 employed at jobs paying over six dollars per hour,
11 while less than 14 percent of African American
12 youth with disabilities and just 25 percent of His-
13 panic youth with disabilities were employed at or
14 above that rate.

15 “(3)(A) There is a compelling national interest
16 in aiding those institutions of higher education that
17 have historically served students who have been de-
18 nied access to postsecondary education because of
19 race or national origin and whose participation in
20 the American system of higher education is in the
21 Nation’s interest so that equality of access and the
22 quality of postsecondary education is enhanced for
23 all students.

24 “(B) As recently as 1991, Historically Black
25 Colleges and Universities (HBCUs) enrolled 44 per-

1 cent of the African American teacher trainees in the
2 Nation. However, in 1993, HBCUs received only
3 four percent of the discretionary funds for special
4 education and related services personnel training
5 under this Act.

6 “(C) HBCUs and other institutions of higher
7 education with substantial minority enrollments have
8 played an important role in preparing special edu-
9 cation teachers and other professionals who provide
10 services to children with disabilities in inner-city
11 urban and rural areas that have experienced signifi-
12 cant shortages in qualified teachers and service pro-
13 viders. In 1990–91, 38 percent of all schools had
14 teaching vacancies in special education; schools that
15 were 20 percent or more minority were more likely
16 to have teaching vacancies than those with lower
17 percentages of minority enrollments.

18 “(D) HBCUs and other institutions of higher
19 education with substantial minority enrollments play
20 an important role in the development of a profes-
21 sional workforce in special education that reflects
22 the full participation of all members of society by
23 providing access and high-quality education to low-
24 income and minority students who will enter special
25 education and related fields.

1 “(E) As the number of African American and
2 Hispanic students in schools, and in special edu-
3 cation, continues to rise, the number of minority
4 teachers and related service personnel produced in
5 our colleges and universities continues to decrease.
6 In 1992–1993, 90 percent of those receiving bach-
7 elor’s degrees in education were white, while only
8 five percent were African American and less than
9 three percent were Hispanic. In 1980–81, when al-
10 most the same total number of bachelor’s degrees in
11 education were conferred, 87 percent of those receiv-
12 ing education degrees were white, 9 percent were Af-
13 rican American, and three percent were Hispanic.

14 “(b) COMPREHENSIVE PLAN.—(1) The Secretary
15 shall develop and implement a comprehensive plan for ac-
16 tivities under parts D through G of this Act in order to
17 assist States and local educational agencies in providing
18 educational, related, and early intervention services to
19 children with disabilities under parts B and H of this Act.

20 “(2) In developing the plan described in paragraph
21 (1), the Secretary shall involve individuals with disabil-
22 ities; parents of children with disabilities; appropriate pro-
23 fessionals; and representatives of State and local edu-
24 cational agencies, private school, institutions of higher
25 education, other Federal agencies, the National Council on

1 Disabilities, and national organizations with an interest in,
2 and expertise in, providing services to children with dis-
3 abilities and their families.

4 “(c) ELIGIBLE APPLICANTS.—(1) Except as other-
5 wise provided, those eligible to apply for awards under
6 parts D through G are—

7 “(A) institutions of higher education;

8 “(B) State educational agencies;

9 “(C) local educational agencies;

10 “(D) other public agencies;

11 “(E) private nonprofit organizations;

12 “(F) Indian tribes, the Bureau of Indian Af-
13 fairs (when acting on behalf of schools operated by
14 the Bureau for children and students on Indian res-
15 ervations), and tribally controlled schools funded by
16 the Bureau; and

17 “(G) when the Secretary finds it appropriate in
18 light of the purposes of a particular competition, for-
19 profit organizations.

20 “(2) The Secretary may limit individual competitions
21 to one or more categories of eligible entities listed in para-
22 graph (1).

23 “(d) SPECIAL POPULATIONS.—(1) In making awards
24 under parts D through G, the Secretary shall, as appro-
25 priate, require applicants to demonstrate how they will ad-

1 dress the needs of children with disabilities from minority
2 backgrounds.

3 “(2) Notwithstanding any other provision of this Act,
4 beginning with fiscal year 1996, the Secretary—

5 “(A) shall ensure that at least one percent of
6 the total amount of funds appropriated for parts D
7 through G (and, for fiscal year 1996, for parts C
8 through G) is used—

9 “(i) for outreach and technical assistance
10 to Historically Black Colleges and Universities
11 (HBCUs), and to institutions of higher edu-
12 cation with minority enrollments of at least 25
13 percent, to promote their participation in activi-
14 ties under those parts; and

15 “(ii) to enable those HBCUs and institu-
16 tions to assist others in improving educational
17 results for children with disabilities; and

18 “(B) may reserve funds appropriated under
19 parts D through G (and, for fiscal year 1996, for
20 parts C through G) to meet the requirement of sub-
21 paragraph (A).

22 “(e) PRIORITIES.—In making awards under parts D
23 through G, the Secretary may, without rulemaking under
24 section 553 of title 5, United States Code, limit competi-
25 tions to, or otherwise give priority to—

- 1 “(1) projects that address one or more—
- 2 “(A) age ranges;
- 3 “(B) disabilities;
- 4 “(C) grades in school;
- 5 “(D) types of educational placements or
- 6 early intervention environments;
- 7 “(E) types of services; or
- 8 “(F) content areas such as reading;
- 9 “(2) projects that address the needs of children
- 10 with disabilities who are of a single gender;
- 11 “(3) projects that address the needs of children
- 12 based on the severity of their disability;
- 13 “(4) projects that address the needs of—
- 14 “(A) low-achieving students;
- 15 “(B) underserved populations;
- 16 “(C) children from low-income families;
- 17 “(D) children with limited English pro-
- 18 ficiency;
- 19 “(E) unserved and underserved areas; or
- 20 “(F) particular types of geographic areas,
- 21 such as inner-city and rural areas;
- 22 “(5) projects in particular areas of the country,
- 23 to ensure broad geographic coverage; and
- 24 “(6) any activity that is expressly authorized in
- 25 the applicable part.

1 “(f) APPLICANT AND RECIPIENT RESPONSIBIL-
2 ITIES.—(1) The Secretary shall require that applicants
3 for, and recipients of, awards under parts D through G—

4 “(A) involve individuals with disabilities and
5 parents of individuals with disabilities in planning,
6 implementing, and evaluating projects; and

7 “(B) where appropriate, determine their
8 projects’ potential for replication and widespread
9 adoption.

10 “(2) The Secretary may require that applicants for,
11 and recipients of, awards under parts D through G—

12 “(A) share in the cost of projects;

13 “(B) prepare their findings and products in for-
14 mats useful for specific audiences, including parents,
15 administrators, teachers, early intervention person-
16 nel, related services personnel, and individuals with
17 disabilities;

18 “(C) disseminate their findings and products;

19 and

20 “(D) collaborate with other recipients.

21 “(g) PEER REVIEW.—(1) The Secretary shall use
22 panels of experts who are competent, by virtue of their
23 training, expertise, or experience, to evaluate applications
24 under parts D through G that request more than \$75,000.

1 “(2) A majority of each panel under paragraph (1)
2 shall be individuals who are not employees of the Federal
3 Government.

4 “(3) The Secretary may use funds available under
5 parts D through G to pay the expenses and fees of non-
6 Federal panel members.

7 “(h) PROGRAM EVALUATION.—The Secretary may
8 use funds appropriated to carry out parts C through G
9 to evaluate activities carried out under those parts.

10 “(i) INDIRECT COSTS.—The Secretary—

11 “(1) shall not permit any recipient of funds
12 under parts C through G to use more than 25 per-
13 cent of those funds for indirect costs; and

14 “(2) may further limit the extent to which any
15 such recipient may use those funds for those costs.

16 “(j) MINIMUM FUNDING REQUIRED.—(1) The Sec-
17 retary shall ensure that, for each fiscal year, at least the
18 following amounts are provided for activities under parts
19 D through G:

20 “(A) \$12,832,000 to address the educational,
21 related services, transitional, and early intervention
22 needs of children with deaf-blindness.

23 “(B) \$4,147,000 to address the educational, re-
24 lated services, transitional, and early intervention
25 needs of children with an emotional disturbance, and

1 to prevent children with behavioral problems from
2 developing an emotional disturbance.

3 “(C) \$10,030,000 to address the educational,
4 related services, transitional, and early intervention
5 needs of children with sever disabilities.

6 “(D) \$4,000,000 to address the postsecondary,
7 vocational, technical, continuing, and adult edu-
8 cation needs of individuals with deafness.

9 “(2) If the total amount appropriated for any fiscal
10 year for parts C through G is less than \$254,034,000,
11 the amounts listed in paragraph (1) shall be proportion-
12 ately reduced.”.

13 TITLE II—AMENDMENTS TO PART B OF THE
14 IDEA
15 ALLOCATIONS

16 SEC. 201. (a) ALLOCATIONS.—Subsections (a)
17 through (e) of section 611 of the IDEA are amended to
18 read as follows:

19 “(a) GRANTS TO STATES.—

20 “(1) PURPOSE OF GRANTS.—The Secretary
21 shall make grants to States and the outlying areas,
22 and provide funds to the Secretary of the Interior,
23 to assist them to provide special education and relat-
24 ed services to children with disabilities in accordance
25 with this part.

1 “(2) OUTLYING AREAS.—(A) From the amount
2 appropriated for any fiscal year under subsection
3 (g), the Secretary shall reserve not more than one
4 percent to provide assistance to the outlying areas in
5 accordance with their respective populations of indi-
6 viduals aged three through 21.

7 “(B) The provisions of Public Law 95–134,
8 permitting the consolidation of grants to the outly-
9 ing areas, shall not apply to funds those areas re-
10 ceive under this section.

11 “(3) SECRETARY OF THE INTERIOR.—From the
12 amount appropriated for any fiscal year under sub-
13 section (g), the Secretary shall reserve 1.25 percent
14 to provide assistance to the Secretary of the Interior
15 in accordance with subsection (f).

16 “(4) HOLD-HARMLESS PAYMENTS.—(A) After
17 reserving funds for studies and evaluations under
18 section 646(b), and for payments to the outlying
19 areas and the Secretary of the Interior under para-
20 graphs (2) and (3), the Secretary shall allocate to
21 each State an amount equal to the amount it re-
22 ceived under this section for fiscal year 1995, as
23 then in effect.

24 “(B) If a State received any funds under this
25 section for fiscal year 1995 on the basis of children

1 aged three through five, but does not make a free
2 appropriate public education available to all children
3 with disabilities aged three through five in the State,
4 the Secretary shall reduce the amount allocated to
5 the State under subparagraph (A) by the amount so
6 received on that basis.

7 “(C)(i) If the sums available to make alloca-
8 tions to States under this paragraph are insufficient
9 to make the full allocations determined under sub-
10 paragraphs (A) and (B), the Secretary shall—

11 “(I) first, reduce the allocation of any
12 State whose number of children in the age
13 range described in paragraph (5) is less than
14 the number of those children in fiscal year 1995
15 by the same percentage by which that number
16 declined from 1995; and

17 “(II) second, if necessary, ratably reduce
18 the allocations of all States, including those al-
19 locations reduced under subclause (I).

20 “(ii) If additional funds become available to
21 make allocations under this paragraph, the alloca-
22 tions that were reduced under clause (i) shall be in-
23 creased on the same basis as they were reduced.

24 “(5) ALLOCATION OF REMAINING FUNDS.—
25 After making allocations under paragraph (4), the

1 Secretary shall allocate any remaining funds to
2 States on the basis of their relative population of
3 children aged 3 through 21 who are of the same age
4 as children with disabilities for whom the State en-
5 sures the availability of a free appropriate public
6 education under this part.

7 “(6) PUERTO RICO.—Notwithstanding any
8 other provision of this section, the percentage of all
9 funds allocated to the States, the outlying areas, and
10 the Secretary of the Interior under paragraphs (2)
11 through (5) of this subsection that is allocated to the
12 Commonwealth of Puerto Rico for any fiscal year
13 shall not exceed the percentage allocated to Puerto
14 Rico of all funds allocated to the States, the outlying
15 areas, and the Secretary of the Interior under this
16 section for fiscal year 1995, as then in effect.

17 “(7) DETERMINATION OF POPULATION FIG-
18 URES.—For the purpose of making grants under
19 this section, the Secretary shall use the most recent
20 population data that are available and satisfactory
21 to the Secretary.

22 “(b) STATE-LEVEL ACTIVITIES.—

23 “(1) GENERAL.—(A) Each State may retain up
24 to 25 percent of the grant it receives under this sec-

1 tion for administration and other State-level activi-
2 ties in accordance with paragraphs (2) and (3).

3 “(B) A State may use funds it retains under
4 subparagraph (A) without regard to—

5 “(i) the prohibition on commingling of
6 funds in section 612(a)(18)(B); and

7 “(ii) the prohibition on supplanting other
8 funds in section 612(a)(18)(C)(i).

9 “(2) STATE ADMINISTRATION.—(A) For the
10 purpose of administering this part, including section
11 619 (including the coordination of activities under
12 this part with, and providing technical assistance to,
13 other programs that provide services to children with
14 disabilities)—

15 “(i) each State may use up to five percent
16 of the amount it receives under this section for
17 any fiscal year or \$450,000, whichever is great-
18 er; and

19 “(ii) each outlying area may use up to five
20 percent of the amount it receives under this
21 section for any fiscal year or \$35,000, which-
22 ever is greater.

23 “(B) Funds described in subparagraph (A) may
24 also be used for the administration of part H of this

1 Act, if the State educational agency is the lead agen-
2 cy for the State under that part.

3 “(3) OTHER STATE-LEVEL ACTIVITIES.—Each
4 State shall use any funds it retains under paragraph
5 (1) and does not use for administration under para-
6 graph (2)—

7 “(A) for support and direct services;

8 “(B) for administrative costs of monitoring
9 and complaint investigation, but only to the ex-
10 tent that those costs exceed the costs incurred
11 for those activities during fiscal year 1985;

12 “(C) to establish and implement the medi-
13 ation process required by section 615(d);

14 “(D) to develop a State Improvement Plan
15 under part C of this Act;

16 “(E) for activities at the State and local
17 levels to meet the performance goals established
18 by the State under section 612(a)(16) and to
19 support implementation of the State Improve-
20 ment Plan under part C if the State receives
21 funds under that part; or

22 “(F) to supplement other funds used to de-
23 velop and implement a Statewide coordinated
24 services system designed to improve results for
25 children and families, including children with

1 disabilities and their families, but not to exceed
2 one percent of the amount received by the State
3 under this section. This system shall be coordi-
4 nated with and, to the extent appropriate, build
5 on the system of coordinated services developed
6 by the State under part H of this Act.

7 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
8 CIES.—

9 “(1) SUBGRANTS REQUIRED.—Each State that
10 receives a grant under this section for any fiscal
11 year shall distribute at least 75 percent of the grant
12 funds to local educational agencies in the State that
13 have established their eligibility under section 613,
14 and to State agencies that received funds under sec-
15 tion 614A(a) of this Act for fiscal year 1995 and
16 have established their eligibility under section 613,
17 for use in accordance with this part.

18 “(2) METHODS OF DISTRIBUTION.—A State
19 may distribute funds under paragraph (1) on the
20 basis of—

21 “(A) population;

22 “(B) school enrollment;

23 “(C) numbers of children with disabilities
24 receiving a free appropriate public education;

25 “(D) allocations for previous fiscal years;

1 “(E) any two or more of the factors de-
2 scribed in subparagraphs (A) through (D); or

3 “(F) poverty, in combination with one or
4 more of the factors described in subparagraphs
5 (A) through (D).

6 “(3) FORMER CHAPTER 1 STATE AGENCIES.—

7 To the extent necessary, the State—

8 “(i) shall use funds that are available
9 under subsection (b)(1)(A) to ensure that each
10 State agency that received fiscal year 1994
11 funds under subpart 2 of part D of chapter 1
12 of title I of the Elementary and Secondary
13 Education Act of 1965 receives, from the com-
14 bination of funds under subsection (b)(1)(A)
15 and funds provided under paragraph (1) of this
16 subsection, an amount equal to—

17 “(I) the number of children with dis-
18 abilities, aged 6 through 21, to whom the
19 agency was providing special education and
20 related services on December 1 of the fis-
21 cal year for which the funds were appro-
22 priated, subject to the limitation in sub-
23 paragraph (B); multiplied by

1 “(II) the per-child amount provided
2 under such subpart for fiscal year 1994;
3 and

4 “(ii) may use those funds to ensure that
5 each local educational agency that received fis-
6 cal year 1994 funds under that subpart for chil-
7 dren who had transferred from a State-operated
8 or State-supported school or program assisted
9 under that subpart receives, from the combina-
10 tion of funds available under subsection
11 (b)(1)(A) and funds provided under paragraph
12 (1) of this subsection, an amount for each such
13 child, aged 3 through 21 to whom the agency
14 was providing special education and related
15 services on December 1 of the fiscal year for
16 which the funds were appropriated, equal to the
17 per-child amount the agency received under
18 that subpart for fiscal year 1994.

19 “(B) The number of children counted
20 under subparagraph (A)(i)(I) shall not exceed
21 the number of children aged 3 through 21 for
22 whom the agency received fiscal year 1994
23 funds under subpart 2 of part D of chapter 1
24 of title I of the Elementary and Secondary
25 Education Act of 1965.

1 “(4) REALLOCATION OF FUNDS.—If a State
2 educational agency determines that a local edu-
3 cational agency is adequately providing a free appro-
4 priate public education to all children with disabil-
5 ities residing in the area served by that agency with
6 State and local funds, the State educational agency
7 may reallocate any portion of the funds under this
8 part that are not needed by that local agency to pro-
9 vide a free appropriate public education to other
10 local educational agencies in the State that are not
11 adequately providing special education and related
12 services to all children with disabilities residing in
13 the areas they serve.

14 “(d) MINIMUM SUBGRANTS.—(1) A State may elect
15 not to distribute funds to any local educational agency
16 under this section or under section 619 for any fiscal year
17 if the total amount it would receive, from the combination
18 of funds under this section and section 619, is less than
19 \$7,500.

20 “(2) When a State elects to use its authority under
21 paragraph (1), it shall use the funds that would otherwise
22 be provided to the local educational agency to ensure the
23 provision of a free appropriate public education to children
24 with disabilities residing in the area served by that agency.

1 “(3) A State’s authority under paragraph (1) does
2 not apply to a State agency that is eligible for a payment
3 under section 611(c) or section 619(i).

4 “(e) DEFINITION.—For the purpose of this section,
5 the term ‘State’ means each of the 50 States, the District
6 of Columbia, and the Commonwealth of Puerto Rico.”.

7 (b) SECRETARY OF THE INTERIOR.—Section 611(f)
8 of the IDEA is amended—

9 (1) in paragraph (1), by striking out “aggre-
10 gate amounts” and all that follows through “sec-
11 tion” and inserting in lieu thereof “amount appro-
12 priated under subsection (g)”;

13 (2) in paragraph (3)—

14 (A) by striking out “an application” and
15 inserting in lieu thereof “information”;

16 (B) in subparagraph (A)—

17 (i) by inserting “demonstrates that
18 the Department of the Interior” before
19 “meets”; and

20 (ii) by striking out “activities), 613,
21 and 614(a)” and inserting in lieu thereof
22 “activities) and 613”;

23 (C) in subparagraph (D), by striking out
24 “section 618(b)(1)” and all that follows

1 through “section 618(g)” and inserting in lieu
2 thereof “section 618 or part E of this Act”; and

3 (D) in the sentence following subparagraph
4 (F), by striking out “any such application” and
5 inserting in lieu thereof “the information de-
6 scribed in this paragraph”;

7 (3) in paragraph (4)—

8 (A) in subparagraph (a)—

9 (i) by striking out “Beginning with”
10 and inserting in lieu thereof “With”;

11 (ii) by striking out “section 611(a) for
12 fiscal year 1992” and inserting in lieu
13 thereof “section 611”; and

14 (iii) by striking out “aggregate
15 amounts” and all that follows through
16 “section” and inserting in lieu thereof
17 “amount appropriated under subsection
18 (g)”; and

19 (B) in subparagraph (B), by striking out
20 “in the following manner” and all that follows
21 through “shall receive” in clause (ii) thereof
22 and inserting in lieu thereof “by allocating to
23 each tribe or tribal organization”; and

1 “(B) Subparagraph (A) does not apply with re-
2 spect to children aged 3 through 5 and 18 through
3 21 in a State to the extent that its application to
4 those children would be inconsistent with State law
5 or practice, or the order of any court, respecting the
6 provision of public education to children in those age
7 ranges.

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

13 “(3) CHILD FIND.—All children with disabilities
14 residing in the State are identified, located, and
15 evaluated, regardless of the severity of their disabili-
16 ty.

17 “(4) INDIVIDUALIZED EDUCATION PROGRAM.—
18 An individualized education program, or an individ-
19 ualized family service plan that meets the require-
20 ments of section 676(d) of this Act, is developed, re-
21 viewed, and revised for each child with a disability
22 in accordance with section 614(d).

23 “(5) LEAST RESTRICTIVE ENVIRONMENT.—(A)
24 To the maximum extent appropriate—

1 “(i) children with disabilities, including
2 children in public or private institutions or
3 other care facilities, are educated with children
4 who are not disabled; and

5 “(ii) special classes, separate schooling, or
6 other removal of children with disabilities from
7 the regular educational environment occurs only
8 when the nature or severity of a child’s disabil-
9 ity means that education in regular classes with
10 the use of supplementary aids and services can-
11 not be achieved satisfactorily.

12 “(B)(i) If the State distributes State funds on
13 the basis of the type of setting in which a child is
14 served, that funding mechanism does not result in
15 placements that violate the requirements of subpara-
16 graph (A).

17 “(ii) If the State does not have policies and pro-
18 cedures to ensure compliance with clause (i), the
19 State shall provide the Secretary an assurance that
20 it will revise that funding mechanism as soon as fea-
21 sible to ensure that it does not result in such place-
22 ments.”.

23 “(6) PROCEDURAL SAFEGUARDS.—Children
24 with disabilities and their parents are afforded the
25 procedural safeguards required by section 615.

1 “(7) EVALUATION.—Children with disabilities
2 are evaluated in accordance with section 614 (a)
3 through (c).

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

7 “(9) TRANSITION FROM PART H TO PRESCHOOL
8 PROGRAMS.—(A) Children participating in early-
9 intervention programs assisted under part H of this
10 Act, and who will participate in preschool programs
11 assisted under this part, experience a smooth transi-
12 tion to those preschool programs; and

13 “(B) by the child’s third birthday, an individ-
14 ualized education program or, if consistent with sec-
15 tions 614(d)(1)(B) and 676(d), an individualized
16 family service plan, has been developed and is being
17 implemented.

18 “(10) CHILDREN IN PRIVATE SCHOOLS.—

19 “(A) CHILDREN PLACED IN PRIVATE
20 SCHOOLS BY THEIR PARENTS.—To the extent
21 consistent with the number and location of chil-
22 dren with disabilities in the State who are en-
23 rolled by their parents in private elementary
24 and secondary schools, those children partici-
25 pate in the program assisted under this part by

1 providing them special education and related
2 services, except when the Secretary has ar-
3 ranged for services to those children under sub-
4 section (f) of this section.

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

7 (i) Children with disabilities in private schools
8 and facilities are provided special education and
9 related services, in accordance with an individ-
10 ualized education program, at no cost to their
11 parents, if they are placed in, or referred to,
12 those schools or facilities by the State or a local
13 educational agency in order to comply with this
14 part or with any other law requiring the provi-
15 sion of special education and related services to
16 all children with disabilities in the State; and

17 “(ii) in all cases described in clause (i),
18 children with disabilities are placed in, or re-
19 ferred to, only those private schools and facili-
20 ties that the State educational agency deter-
21 mines meet standards that apply to State and
22 local educational agencies, and children served
23 in private schools or facilities have all the rights
24 they would have if served by those agencies.

1 “(11) SEA RESPONSIBLE FOR GENERAL SU-
2 PERVISION.—(A) The State educational agency is re-
3 sponsible for ensuring that—

4 “(i) the requirements of this part are car-
5 ried out; and

6 “(ii) all educational programs for children
7 with disabilities in the State, including all such
8 programs administered by any other State or
9 local agency—

10 “(I) are under the general supervision
11 of the persons in the State educational
12 agency who are responsible for educational
13 programs for children with disabilities; and

14 “(II) meet educational standards of
15 the State educational agency.

16 “(B) Subparagraph (A) does not limit the re-
17 sponsibility of agencies other than educational agen-
18 cies to provide, or pay for some or all of the costs
19 of, a free appropriate public education for any child
20 with a disability in the State.

21 “(12) METHODS OF ENSURING SERVICES.—(A)
22 If any public agency other than an educational agen-
23 cy is responsible for providing, or paying for, any of
24 the services that are necessary for the provision of
25 a free appropriate public education to children with

1 disabilities within the State (such as mental health
2 services, transition services, and health services for
3 children with special needs), there is an effective
4 mechanism for interagency coordination, in order to
5 ensure that all required services are provided, which
6 shall include—

7 “(i) an identification of, or a method for
8 defining, the financial responsibility of each
9 agency for providing a free appropriate public
10 education to children with disabilities; and

11 “(ii) procedures for resolving interagency
12 disputes, including procedures under which
13 local educational agencies may obtain reim-
14 bursement from other agencies.

15 “(B) The requirements of subparagraph (A)
16 may be met through—

17 “(i) State statute or regulation;

18 “(ii) signed agreements between respective
19 agency officials; or

20 “(iii) other appropriate methods.

21 “(13) LOCAL EDUCATIONAL AGENCY ELIGI-
22 BILITY.—The State educational agency will not fi-
23 nally determine that a local educational agency is
24 not eligible under this part without first affording

1 that agency reasonable notice and an opportunity for
2 a hearing.

3 “(14) COMPREHENSIVE SYSTEM OF PERSONNEL
4 DEVELOPMENT.—The State has in effect, consistent
5 with the purposes of this Act and with section
6 676(b)(8), a comprehensive system of personnel de-
7 velopment that is designed to ensure an adequate
8 supply of qualified special education and related
9 services personnel necessary to carry out this part,
10 including—

11 “(A) a statewide, coordinated personnel-de-
12 velopment plan that meets the personnel devel-
13 opment requirements of a State Improvement
14 Plan under section 624 of this Act, as amended
15 by section 302 of the Individuals with Disabil-
16 ities Education Act Amendments of 1995; or

17 “(B) a personnel-development plan devel-
18 oped in consultation with parents of children
19 with disabilities, State and local educational
20 agencies, institutions of higher education, and
21 professional associations that—

22 “(i) addresses current and projected
23 needs for special education and related
24 services personnel throughout the State;

1 “(ii) addresses the need for the pre-
2 service and in-service preparation of per-
3 sonnel throughout the State, including reg-
4 ular education personnel, to provide edu-
5 cational services to children with disabil-
6 ities;

7 “(iii) includes a system or procedures
8 for recruiting, preparing, and retaining
9 qualified personnel, including personnel
10 with disabilities and personnel from groups
11 that are underrepresented in the field of
12 special education and related services; and

13 “(iv) is integrated, to the maximum
14 extent possible, with other professional de-
15 velopment plans and activities, including
16 those developed or carried out under titles
17 I and II of the Elementary and Secondary
18 Education Act of 1965 and title III of the
19 Goals 2000: Educate America Act.

20 “(15) PERSONNEL STANDARDS.—(A) The State
21 educational agency has established and maintains
22 standards to ensure that personnel necessary to
23 carry out this part, including paraprofessional per-
24 sonnel, are appropriately and adequately prepared
25 and trained, including—

1 “(i) standards that are consistent with any
2 State-approved or State-recognized certification,
3 licensing, registration, or other comparable re-
4 quirements that apply to the area in which
5 those personnel are providing special education
6 or related services; and

7 “(ii) to the extent the standards described
8 in clause (i) are not based on the highest re-
9 quirements in the State applicable to a specific
10 profession or discipline, the State is taking
11 steps to require the retraining or hiring of per-
12 sonnel that meet appropriate professional re-
13 quirements in the State.

14 “(B) Nothing in this Act, including subpara-
15 graph (A) of this paragraph, prohibits the use of
16 paraprofessionals who are appropriately trained and
17 supervised, in meeting the requirements of this part.

18 “(16) PERFORMANCE GOALS AND INDICA-
19 TORS.—The State—

20 “(A) has established goals for the perform-
21 ance of children with disabilities in the State
22 that—

23 “(i) will promote the national policy
24 stated in section 601(b) and the purposes
25 of this Act stated in section 601(d)(1); and

1 “(ii) are consistent, to the maximum
2 extent appropriate, with other goals and
3 standards established by the State, includ-
4 ing those established under the Goals
5 2000: Educate America Act, the Elemen-
6 tary and Secondary Education Act of
7 1965, the School-to-Work Opportunities
8 Act of 1994, and other relevant programs;

9 “(B) has established performance indica-
10 tors the State will use to assess progress toward
11 achieving those goals that, at a minimum, ad-
12 dress the performance of children with disabil-
13 ities on assessments; drop-out rates; and grad-
14 uation rates;

15 “(C) will report to the Secretary and the
16 public on the progress of the State, and of chil-
17 dren with disabilities in the State, toward meet-
18 ing the goals established under subparagraph
19 (A) every two years; and

20 “(D) based on its assessment of that
21 progress, will revise its State Improvement Plan
22 under part C as may be needed to improve its
23 performance, if it receives funds under that
24 part.

1 “(17) PARTICIPATION IN ASSESSMENTS.—(A) (i)
2 Children with disabilities are included in general
3 State and district-wide assessment programs, with
4 appropriate accommodations, where necessary; and

5 “(ii) as appropriate, the State or local edu-
6 cational agency—

7 “(I) develops guidelines for the participa-
8 tion of children with disabilities in alternate as-
9 sessments for those children who cannot partici-
10 pate in State and district-wide assessment pro-
11 grams; and

12 “(II) develops and, beginning no later than
13 July 1, 1999, conducts those alternate assess-
14 ments.

15 “(B) The State educational agency makes avail-
16 able to the public, and reports to the public with the
17 same frequency and in the same detail as it reports
18 on the assessment of nondisabled children—

19 “(i) the number of children with disabili-
20 ties participating in regular assessments;

21 “(ii) the number of those children partici-
22 pating in alternate assessments; and

23 “(iii) the performance of those children on
24 regular assessments (beginning no later than
25 July 1, 1997) and on alternate assessments (no

1 later than July 1, 1999), when doing so would
2 be statistically sound and would not result in
3 the disclosure of performance results identifi-
4 able to individual children.

5 “(18) USE OF FUNDS.—Funds paid to the
6 State under this part—

7 “(A) will be expended in accordance with
8 all provisions of this part;

9 “(B) will not be commingled with State
10 funds; and

11 “(C)(i) except as provided in clause (ii),
12 will be used to supplement State, local, and
13 other Federal funds (including funds not under
14 the direct control of State or local educational
15 agencies) expended for special education and re-
16 lated services, and not to supplant those funds.

17 “(ii) The Secretary may waive, in part, the
18 requirements of clause (i) if the Secretary de-
19 termines that the State has provided clear and
20 convincing evidence that all children with dis-
21 abilities in the State have available a free ap-
22 propriate public education.

23 “(19) PUBLIC PARTICIPATION.—Before the
24 adoption of any policies and procedures needed to
25 comply with this section (including any amendments

1 to those policies and procedures), there are public
2 hearings, adequate notice of the hearings, and an
3 opportunity for comment available to the general
4 public, including individuals with disabilities and
5 parents of children with disabilities.

6 “(20) STATE ADVISORY PANEL.—(A) The State
7 has an advisory panel, appointed by the Governor or
8 any other official authorized under State law to
9 make such appointments, that is representative of
10 the State population and that is composed of indi-
11 viduals involved in, or concerned with, the education
12 of children with disabilities, including—

13 “(i) parents of children with disabilities;

14 “(ii) individuals with disabilities;

15 “(iii) teachers;

16 “(iv) representatives of institutions of
17 higher education that prepare special education
18 and related services personnel;

19 “(v) State and local education officials;

20 “(vi) administrators of programs for chil-
21 dren with disabilities;

22 “(vii) representatives of other State agen-
23 cies involved in the financing or delivery of re-
24 lated services to children with disabilities; and

1 “(viii) at least one representative of a voca-
2 tional, community, or business organization
3 concerned with the provision of transition serv-
4 ices to children with disabilities.

5 “(B) A majority of the members of the panel
6 are individuals with disabilities or parents of chil-
7 dren with disabilities.

8 “(C) The advisory panel—

9 “(i) advises the State educational agency
10 of unmet needs within the State in the edu-
11 cation of children with disabilities;

12 “(ii) comments publicly on any rules or
13 regulations proposed by the State regarding—

14 “(I) the education of children with
15 disabilities; and

16 “(II) the procedures for distribution
17 of funds received by the State under this
18 part;

19 “(iii) advises the State educational agency
20 in developing evaluations and reporting on data
21 to the Secretary under section 618;

22 “(iv) advises the State educational agency
23 in developing corrective action plans to address
24 findings identified in Federal monitoring re-
25 ports under this part; and

1 “(v) advises the State educational agency
2 in developing and implementing policies relating
3 to the coordination of services for children with
4 disabilities.

5 “(b) SEA AS PROVIDER OF FAPE OR DIRECT SERV-
6 ICES.—If the State educational agency provides free ap-
7 propriate public education to children with disabilities, or
8 provides them direct services, it—

9 “(1) shall comply with any additional require-
10 ments of section 613(a) as if it were a local edu-
11 cational agency; and

12 “(2) may use funds that are otherwise available
13 to it under this part to serve those children without
14 regard to section 613(a)(3)(B) relating to excess
15 costs.

16 “(c) SUBMISSION OF INFORMATION; PRIOR STATE
17 PLANS.—(1) Except as provided in paragraph (2), a State
18 that wishes to establish its eligibility under this section
19 shall submit to the Secretary such information as the Sec-
20 retary may reasonably require.

21 “(2) If a State has on file with the Secretary policies
22 and procedures that demonstrate that it meets any re-
23 quirement of this section, including any policies and proce-
24 dures filed under this part as in effect before enactment
25 of the Individuals with Disabilities Education Act Amend-

1 ments of 1995, the Secretary shall treat the State as meet-
2 ing that requirement.

3 “(d) SECRETARIAL APPROVAL.—(1) If the Secretary
4 determines that a State is eligible under this section, the
5 Secretary shall notify the State of that determination.

6 “(2) The Secretary shall not finally determine that
7 a State is not eligible under this section until after provid-
8 ing the State—

9 “(A) reasonable notice; and

10 “(B) an opportunity for a hearing.

11 “(e) ASSISTANCE UNDER OTHER FEDERAL PRO-
12 GRAMS.—Nothing in this Act permits a State to reduce
13 medical and other assistance available, or to alter eligi-
14 bility, under titles V and XIX of the Social Security Act
15 with respect to the provision of a free appropriate public
16 education for children with disabilities within the State.”.

17 (b)(1) Section 613(d) of the IDEA is redesignated
18 as subsection (f) of section 612.

19 (2) Section 612(f) of the IDEA, as redesignated by
20 paragraph (1), is amended—

21 (A) by inserting the subsection heading “BY-
22 PASS FOR CHILDREN IN PRIVATE SCHOOLS.” after
23 “(f)”;

24 (B) in paragraph (1)—

1 (i) by striking out “by subsection (a)(4)”
2 and inserting in lieu thereof “by subsection
3 (a)(10)”; and

4 (ii) by striking out “of subsection (a)(4)”
5 and inserting in lieu thereof “of that sub-
6 section”; and

7 (C) in paragraph (2)—

8 (i) in subparagraph (A), by striking out
9 “which may not exceed” and all that follows
10 through the end thereof and inserting in lieu
11 thereof “that does not exceed the amount deter-
12 mined by dividing—

13 (i) the total amount received by the
14 State under this part; by

15 “(ii) the number of children with dis-
16 abilities served in the prior year as re-
17 ported to the Secretary under section
18 618.”; and

19 (ii) in subparagraph (C), by striking
20 out “subsection (a)(4)” and inserting in
21 lieu thereof “subsection (a)(10)”.

22 LOCAL EDUCATIONAL AGENCY ELIGIBILITY

23 SEC. 203 (a) Section 613 of the IDEA is amended
24 to read as follows:

1 “LOCAL EDUCATIONAL AGENCY ELIGIBILITY

2 “SEC. 613 (a) LOCAL EDUCATIONAL AGENCY ELIGI-
3 BILITY.—A local educational agency is eligible for assist-
4 ance under this part for any fiscal year if it demonstrates
5 to the satisfaction of the State educational agency that
6 it meets each of the following conditions:

7 “(1) CONSISTENCY WITH STATE POLICIES.—

8 The local educational agency, in providing for the
9 education of children with disabilities within its ju-
10 risdiction, has in effect policies, procedures, and pro-
11 grams that are consistent with the State policies and
12 procedures established under section 612 relating
13 to—

14 “(A) the availability of a free appropriate
15 public education, under section 612(a)(1);

16 “(B) the goal of providing full educational
17 opportunity to all children with disabilities,
18 under section 612(a)(2);

19 “(C) child find, under section 612(a)(3);

20 “(D) individualized education programs,
21 under section 612(a)(4);

22 “(E) education of children in the least re-
23 strictive environment, under section 612(a)(5);

24 “(F) procedural safeguards, under section
25 612(a)(6);

1 “(G) evaluation, under section 612(a)(7);

2 “(H) confidentiality, under section
3 612(a)(8);

4 “(I) transition from part H to preschool
5 programs, under section 612(a)(9); and

6 “(J) children in private schools, under sec-
7 tion 612(a)(10).

8 “(2) COMPREHENSIVE SYSTEM OF PERSONNEL
9 DEVELOPMENT.—The local educational agency has
10 in effect procedures for the implementation and use
11 of the State’s comprehensive system of personnel de-
12 velopment established under section 612(a)(14) or
13 under the State Improvement Plan developed under
14 part C of this Act, as in effect beginning with fiscal
15 year 1997.

16 “(3) USE OF FUNDS.—Funds paid to the local
17 educational agency under this part—

18 “(A) will be expended in accordance with
19 all applicable provisions of this part;

20 “(B) will be used only to pay the excess
21 costs of providing special education and related
22 services to children with disabilities;

23 “(C) will be used to supplement State,
24 local, and other Federal funds and not to sup-
25 plant those funds;

1 “(D) will not be used to reduce the level of
2 expenditures for the education of children with
3 disabilities made by the local educational agen-
4 cy from State or local funds below the level of
5 those expenditures for the preceding fiscal year;

6 “(E) may be used, notwithstanding sub-
7 paragraph (B) or any other provision of this
8 part, for the costs of special education and re-
9 lated services provided in a regular class to a
10 child with a disability in accordance with the
11 child’s individualized education program, even if
12 one or more nondisabled children benefit from
13 those services; and

14 “(F) may be used, in accordance with sub-
15 section (f) and notwithstanding subparagraph
16 (B) or any other provision of this part, to de-
17 velop and implement a coordinated services sys-
18 tem.

19 “(4) INFORMATION FOR STATE EDUCATIONAL
20 AGENCY.—The local educational agency provides the
21 State educational agency information necessary to
22 enable the State educational agency to perform its
23 duties under this part, including, with respect to sec-
24 tion 612(a) (16) and (17), information relating to

1 the performance of children with disabilities partici-
2 pating in programs carried out under this part.

3 “(5) PUBLIC INFORMATION.—The local edu-
4 cational agency makes available to parents of chil-
5 dren with disabilities and to the general public all
6 documents relating to its eligibility under this part.

7 “(6) SUPPORTS FOR THE TEACHER.—At the
8 start of each school year, and as often as appro-
9 priate, the local educational agency considers what
10 supports are needed for each teacher of children
11 with disabilities in order to help them implement
12 those children’s individualized education programs.

13 “(b) SUBMISSION OF INFORMATION; PRIOR LEA AP-
14 PPLICATIONS.—(1) Except as provided in paragraph (2),
15 a local educational agency that wishes to establish its eligi-
16 bility under this section shall submit to the State edu-
17 cational agency information demonstrating that it meets
18 the requirements of subsection (a).

19 “(2) If a local educational agency or State agency has
20 on file with the State educational agency policies and pro-
21 cedures that meet any requirement of this section, includ-
22 ing any policies, procedures, or applications filed under
23 this part as in effect before enactment of the Individuals
24 with Disabilities Education Act Amendments of 1995, the

1 State educational agency may treat the agency as meeting
2 that requirement.

3 “(c) STATE EDUCATIONAL AGENCY APPROVAL.—

4 (1)(A) If the State educational agency determines that a
5 local educational agency or State agency is eligible under
6 this section, the State educational agency shall notify the
7 agency of that determination.

8 “(B) A State educational agency shall not give the
9 notice described in subparagraph (A) until the Secretary
10 has notified the State educational agency that the State
11 is eligible under section 612.

12 “(2) The State educational agency shall not finally
13 determine that a local educational agency or State agency
14 is not eligible under this section until after providing the
15 agency—

16 “(A) reasonable notice; and

17 “(B) an opportunity for a hearing.

18 “(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

19 (1) If the State educational agency, after reasonable notice
20 and an opportunity for a hearing, finds that a local edu-
21 cational agency or State agency that has been found eligi-
22 ble under this section is failing to comply with any require-
23 ment described in subsection (a), it shall make no further
24 payments to the agency under section 620 until the State

1 educational agency is satisfied that the agency is comply-
2 ing with that requirement.

3 “(2) The last sentence of section 616(a) applies to
4 any agency that receives a notice from the State edu-
5 cational agency under this subsection.

6 “(3) In carrying out its responsibilities under para-
7 graph (1), the State educational agency shall consider any
8 decision made in a hearing held under section 615 that
9 is adverse to the local educational agency or State agency
10 involved in that decision.

11 “(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—(1)
12 A State educational agency may require a local edu-
13 cational agency to establish its eligibility jointly with an-
14 other local educational agency if the State educational
15 agency determines that the local educational agency would
16 be ineligible under this section because—

17 “(A) it would not be able to establish and main-
18 tain programs of sufficient size and scope to effec-
19 tively meet the needs of children with disabilities; or

20 “(B) it does not qualify for the minimum grant
21 under section 611(d)(1), if the State elects to use its
22 authority under that section.

23 “(2)(A) If a State educational agency requires the
24 joint establishment of eligibility under paragraph (1), the
25 total amount of funds made available to the affected local

1 educational agencies shall equal the sum of the payments
2 that each such local educational agency would have re-
3 ceived under section 611(c) if they were eligible for such
4 payments.

5 “(B) Local educational agencies that establish joint
6 eligibility under this subsection shall—

7 “(i) adopt policies and procedures that are con-
8 sistent with the State’s policies and procedures
9 under section 612(a); and

10 “(ii) be jointly responsible for implementing
11 programs receiving assistance under this part.

12 “(C)(i) If an intermediate educational unit is re-
13 quired by State law to carry out this part, the joint re-
14 sponsibilities given to local educational agencies under
15 subparagraph (B)(ii) shall—

16 “(I) not apply to the administration and dis-
17 bursement of any payments received by that unit;
18 and

19 “(II) be carried out only by that unit.

20 “(ii) Nothing in clause (i) or elsewhere in this sub-
21 section relieves an intermediate educational unit of its re-
22 sponsibility to provide for the education of children with
23 disabilities in the least restrictive environment, as required
24 by section 612(a)(5) and subsection (a)(1)(E) of this sec-
25 tion.

1 “(f) COORDINATED SERVICES SYSTEM.—(1) A local
2 educational agency may use up to five percent of the
3 amount it receives under this part for any fiscal year, in
4 combination with other funds (which shall include funds
5 other than education funds), to develop and implement a
6 coordinated services system designed to improve results
7 for children and families, including children with disabili-
8 ties and their families.

9 “(2) Activities that a local educational agency may
10 carry out under this subsection include—

11 “(A) improving the effectiveness and efficiency
12 of service delivery, including developing strategies
13 that promote accountability for results;

14 “(B) service coordination and case management
15 that facilitates the linkage of individualized edu-
16 cation programs under this part and individualized
17 family service plans under part H with individual-
18 ized service plans under multiple Federal and State
19 programs, such as title I of the Rehabilitation Act
20 of 1973 (vocational rehabilitation), title XIX of the
21 Social Security Act (Medicaid), and title XVI of the
22 Social Security Act (supplemental security income);

23 “(C) developing and implementing interagency
24 financing strategies for the provision of education,
25 health, mental health, and social services, including

1 transition services and related services under this
2 Act; and

3 “(D) interagency personnel development for
4 those working on coordinated services.

5 “(3) If a local educational agency is carrying out a
6 coordinated services project under title XI of the Elemen-
7 tary and Secondary Education Act of 1965 and a coordi-
8 nated services project under this part in the same schools,
9 it shall use funds under this subsection in accordance with
10 that title.

11 “(g) DIRECT SERVICES BY THE STATE EDU-
12 CATIONAL AGENCY.—(1) A State educational agency shall
13 use the payments that would otherwise have been available
14 to a local educational agency or to a State agency to pro-
15 vide special education and related services directly to chil-
16 dren with disabilities residing in the area served by that
17 local agency, or for whom that State agency is responsible,
18 if the State educational agency determines that the agen-
19 cy—

20 “(A) has not provided the information needed
21 to establish its eligibility under this section;

22 “(B) is unable to establish and maintain pro-
23 grams of free appropriate public education that meet
24 the requirements of subsection (a) of this section;

1 “(C) is unable or unwilling to be consolidated
2 with other local educational agencies in order to es-
3 tablish and maintain such programs; or

4 “(D) has one or more children with disabilities
5 who can best be served by a regional or State pro-
6 gram or service delivery system designed to meet the
7 needs of those children.

8 “(2) The State educational agency may provide spe-
9 cial education and related services under paragraph (1)
10 in such manner and at such locations (including regional
11 or State centers) as it considers appropriate, so long as
12 the education and services are provided in accordance with
13 this part.

14 “(h) STATE AGENCY ELIGIBILITY.—Any State agen-
15 cy that desires to receive a subgrant for any fiscal year
16 under section 611(c) or section 619(i) shall demonstrate
17 to the satisfaction of the State educational agency that—

18 “(1) all children with disabilities who are par-
19 ticipating in programs and projects funded under
20 this part receive a free appropriate public education,
21 and that those children and their parents are pro-
22 vided all the rights and procedural safeguards de-
23 scribed in this part; and

24 “(2) the agency meets such other conditions of
25 this section as the Secretary finds appropriate.”.

1 (b) Section 614A of the IDEA is repealed.

2 EVALUATIONS, REEVALUATIONS, INDIVIDUALIZED
3 EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS

4 SEC. 204. Section 614 of the IDEA is amended to
5 read as follows:

6 “EVALUATIONS REEVALUATIONS, INDIVIDUALIZED
7 EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS

8 “SEC. 614. (a) EVALUATIONS.—

9 “(1) INITIAL EVALUATIONS.—(A) A State edu-
10 cational agency, other State agency, or local edu-
11 cational agency shall conduct an initial evaluation, in
12 accordance with this paragraph and subsection (b),
13 before the initial provision of special education and
14 related services to a child with a disability.

15 “(B) An initial evaluation shall consist of proce-
16 dures to—

17 “(i) determine whether a child is a child
18 with a disability as defined in section 602(3);
19 and

20 “(ii) determine the child’s educational
21 needs.

22 “(2) REEVALUATIONS.—(A) A local educational
23 agency shall ensure that a reevaluation of each child
24 with a disability is conducted—

25 “(i) whenever conditions warrant a re-
26 evaluation;

1 “(ii) whenever the child’s parent or teacher
2 requests a reevaluation; and

3 “(iii) at least once every three years.

4 “(B) Each reevaluation shall be conducted in
5 accordance with subsections (b) and (c) of this sec-
6 tion.

7 “(b) EVALUATION PROCEDURES.—(1) The local edu-
8 cational agency shall provide notice to the parents of a
9 child with a disability, in accordance with section
10 615(b)(3), (b)(4), and (c), that describes any evaluation
11 procedures it proposes to conduct.

12 “(2) In conducting the evaluation, the local edu-
13 cational agency shall—

14 “(A) use a variety of assessment tools and
15 strategies to gather relevant functional and devel-
16 opmental information that may assist in determining
17 whether the child is a child with a disability and the
18 content of the child’s individualized education pro-
19 gram, including information related to enabling the
20 child to participate and achieve in the general cur-
21 riculum or, for preschool children, in developmen-
22 tally appropriate activities; and

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

1 “(i) whether a child is a child with a dis-
2 ability; or

3 “(ii) an appropriate educational program
4 for the child.

5 “(3) Each local educational agency shall ensure
6 that—

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

9 “(i) selected and administered so as not to
10 be racially or culturally discriminatory; and

11 “(ii) provided and administered in the
12 child’s native language or other mode of com-
13 munication, unless it is clearly not feasible to
14 do so; and

15 “(B) any standardized tests that are given to
16 the child—

17 “(i) have been validated for the specific
18 purpose for which they are used;

19 “(ii) are administered by trained person-
20 nel; and

21 “(iii) are administered in accordance with
22 any instructions provided by their producer.

23 “(c) ADDITIONAL REQUIREMENTS FOR REEVALUA-
24 TIONS.—(1) As part of any reevaluation under this sec-
25 tion, the evaluation team shall—

1 “(A) review existing evaluation data on the
2 child, including current classroom-based assessments
3 and teacher observation; and

4 “(B) on the basis of that review, the team’s
5 professional judgment, and input from the child’s
6 parents, identify what additional data, if any, are
7 needed to determine—

8 “(i) whether the child continues to have an
9 impairment under section 602 (3) (A) (i);

10 “(ii) the child’s present levels of perform-
11 ance and educational needs; and

12 “(iii)(I) whether the child continues to
13 need special education and related services; and

14 “(II) if so, any additions or modifications
15 to the special education and related services to
16 enable the child to meet the objectives set out
17 in the child’s individualized education program
18 and to participate, as appropriate, in the gen-
19 eral curriculum.

20 “(2) The local educational agency shall administer
21 such tests and other evaluation materials as may be need-
22 ed to produce the data identified by the evaluation team
23 under paragraph (1)(B).

24 “(3) If the evaluation team determines that no addi-
25 tional data are needed to determine whether the child con-

1 tinues to be a child with a disability, the local educational
2 agency—

3 “(A) shall notify the child’s parents of—

4 “(i) that determination and the reasons for
5 it; and

6 “(ii) their right to request an assessment
7 to determine whether the child continues to be
8 a child with a disability; and

9 “(B) is not required to conduct such an assess-
10 ment unless requested to by the parents.

11 “(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

12 (1)(A) At the beginning of each school year, each public
13 agency shall have in effect, for each child with a disability
14 in its jurisdiction, an individualized education program
15 (hereafter in this section referred to as an “IEP”), as de-
16 fined in section 602(11).

17 “(B) In the case of a child with a disability aged
18 three, four, or five, an individualized family service plan
19 that contains the material described in section 676(d), and
20 that is developed in accordance with this section, may
21 serve as the child’s IEP if using that plan as the IEP
22 is—

23 “(i) consistent with State policy; and

24 “(ii) agreed to by the agency and the child’s
25 parents.

1 “(2) Each IEP referred to in paragraph (1) shall be
2 developed in a meeting by a team (hereafter in this section
3 referred to as the “IEP team”), composed of—

4 “(A) a representative of the local educational
5 agency who is—

6 “(i) qualified to provide, or supervise the
7 provision of, specially designed instruction to
8 meet the unique needs of children with disabili-
9 ties; and

10 “(ii) knowledgeable about the general cur-
11 rriculum;

12 “(B) at least one special education provider;

13 “(C) at least one regular education teacher, if
14 the student is, or may be, participating in the regu-
15 lar education environment;

16 “(D) the child’s parents;

17 “(E) whenever appropriate, the child; and

18 “(F) other individuals, at the discretion of the
19 parent or the agency.

20 “(3) In developing an IEP, the IEP team shall—

21 “(A) consider the child’s strengths and the par-
22 ents’ concerns for enhancing their child’s education;

23 “(B) consider the results of the initial evalua-
24 tion or most recent reevaluation;

1 “(C) in the case of a child whose behavior im-
2 pedes his or her learning or that of others, consider
3 strategies, including behavioral management plans,
4 to address that behavior;

5 “(D) in the case of a child with limited English
6 proficiency, consider the language needs of the child
7 as they relate to the child’s IEP;

8 “(E) in the case of a child who is blind or vis-
9 ually impaired, consider whether the child needs in-
10 struction in braille or in the use of braille; and

11 “(F) in the case of a child who is deaf or hard
12 of hearing, consider the communication needs of the
13 child.

14 “(4) The local educational agency shall ensure that
15 the IEP team—

16 “(A) reviews each IEP at least once a year to
17 determine whether the annual objectives for the
18 child are being achieved; and

19 “(B) revises the IEP to address any lack of ex-
20 pected progress toward the annual objectives and in
21 the general curriculum, where appropriate; the re-
22 sults of any reevaluation conducted under this sec-
23 tion; information about the child provided to the
24 parents under section 602(11)(G)(ii); the child’s an-
25 ticipated needs; or as otherwise appropriate.

1 (4) by striking out “and units”.

2 (c) Section 615(b) of the IDEA is amended—

3 (1) by striking out the paragraph designation
4 “(1)”;

5 (2) by redesignating subparagraphs (A) through
6 (E) as paragraphs (1) through (4) and (6), respec-
7 tively;

8 (3) in paragraph (1), as so redesignated, by
9 striking out “our guardian”;

10 (4) in paragraph (2), as redesignated by para-
11 graph (2)—

12 (A) by striking out “or guardian” each
13 place it appears;

14 (B) by striking out “unavailable” and in-
15 serting in lieu thereof “the agency cannot, after
16 reasonable efforts, locate the parents”;

17 (C) by inserting “the” before “local edu-
18 cational agency”; and

19 (D) by striking out “intermediate edu-
20 cational unit” and inserting in lieu thereof “any
21 other agency that is”;

22 (5) in paragraph (3), as redesignated by para-
23 graph (2)—

24 (A) by striking out “our guardian”;

25 (B) by striking out “or unit”;

1 (C) by inserting a comma and “in accord-
2 ance with subsection (c),” after “of the child”;
3 and

4 (D) by redesignating clauses (i) and (ii) as
5 subparagraphs (A) and (B);

6 (6) in paragraph (4), as redesignated by para-
7 graph (2)—

8 (A) by striking out “clause (C)” and all
9 that follows through “or guardian,” and insert-
10 ing in lieu thereof “paragraph (3) and sub-
11 section (c) is”;

12 (B) by striking out “or guardian’s”; and

13 (C) by striking out “so,” and all that fol-
14 lows through the end thereof and inserting in
15 lieu thereof “so;” and

16 (7) by inserting after paragraph (4) a new
17 paragraph (5) to read as follows:

18 “(5) an opportunity for mediation in accordance
19 with subsection (d); and”.

20 (d) Section 615 of the IDEA is further amended by
21 inserting, after subsection (b), new subsections (c) and (d)
22 to read as follows:

23 “(c) CONTENT OF NOTICE.—

24 “(1) BASIC NOTICE.—The notice required by
25 subsection (b)(3) shall—

1 “(A) include—

2 “(i) a description of the action pro-
3 posed or refused by the agency;

4 (ii) an explanation of why the agency
5 proposed or refuses to take the action; and

6 “(iii) a description of any other op-
7 tions that the agency considered and the
8 reasons why those options were rejected;

9 “(B) describe each evaluation procedure,
10 test, record, or report the agency used as a
11 basis for the proposed or refused action;

12 “(C) describe any other factors that are
13 relevant to the agency’s proposal or refusal;

14 “(D) include a full explanation of the pro-
15 cedural safeguards available under this section,
16 and under the Secretary’s regulations, relating
17 to independent educational evaluations, notice,
18 parental consent, mediation, and the child’s
19 placement during the pendency of due-process
20 proceedings;

21 “(E) include at least a brief summary of
22 the procedural safeguards under this section re-
23 lating to due-process hearings, State-level ap-
24 peals (if applicable in that State), civil actions,
25 and attorney fees; and

1 “(F) include a statement that the agency
2 will provide a full explanation of the procedural
3 safeguards available to parents under this sec-
4 tion, and under the Secretary’s regulations, re-
5 lating to—

6 “(i) access to educational records,
7 whenever requested by the parents; and

8 “(ii) the subjects described in sub-
9 paragraph (E) whenever the parents re-
10 quest that notice or present a complaint
11 under subsection (b)(6).

12 “(2) SUPPLEMENTAL NOTICES.—Each State
13 educational agency and local educational agency that
14 receives assistance under this part shall provide the
15 notices described in paragraph (1)(F) in the situa-
16 tions described in that provision.

17 “(d) MEDIATION.—(1) Whenever a hearing has been
18 requested on any matter in dispute under this section and
19 the dispute has not been finally resolved, the parents shall
20 be offered an opportunity for mediation to resolve the dis-
21 pute.

22 “(2) Each State educational agency shall—

23 “(A) ensure that impartial mediation is pro-
24 vided at no cost to parents when requested under
25 paragraph (1);

1 “(B) compile and maintain a list of individuals
2 who are—

3 “(i) trained in mediation; and

4 “(ii) knowledgeable about—

5 “(I) the educational needs of children
6 with disabilities; and

7 “(II) applicable statutes and regula-
8 tions relating to the educational rights of
9 those children, including the requirements
10 of this part and the Secretary’s regulations
11 under this part; and

12 “(C) ensure that mediators are appointed from
13 that list.

14 “(3) No statements made by either party during me-
15 diation under this subsection shall be offered or used as
16 evidence in any hearing, review of a hearing decision, or
17 civil action under this section.

18 “(4) A public agency may not use mediation to deny
19 or delay the parents’ right to a due-process hearing under
20 subsection (e) or to deny the parents any other rights af-
21 forded under this part.

22 “(5) Mediation may be ended—

23 “(A) by the parents at any time; and

24 “(B) by the participating agency at any time
25 after the first mediation session.

1 “(6) The mediator shall ensure that any agreement
2 that is reached as a result of mediation is put in writing.”.

3 (e) Subsection (e) of section 615 of the IDEA, as re-
4 designated by subsection (a)(2), is amended—

5 (1) by striking out “paragraph (1) of this sub-
6 section,” and inserting in lieu thereof “subsection
7 (b)(6)”;

8 (2) by striking out “or guardian”;

9 (3) by striking out “or intermediate educational
10 unit”;

11 (4) by striking out “this paragraph” and insert-
12 ing in lieu thereof “this subsection”; and

13 (5) by striking out “or unit”.

14 (f) Subsection (f) of section 615 of the IDEA, as re-
15 designated by subsection (a)(1), is amended—

16 (1) by striking out “paragraph (2) of subsection
17 (b)” and inserting in lieu thereof “subsection (e)”;
18 and

19 (2) by striking out “or an intermediate edu-
20 cational unit”.

21 (g) Subsection (g) of section 615 of the IDEA, as
22 redesignated by subsection (a)(1), is amended—

23 (1) by striking out “subsections (b) and (c)”
24 and inserting in lieu thereof “subsections (e) and
25 (f)”;

1 (2) by striking out “section 613(a)(12)” and in-
2 serting in lieu thereof “section 612(a)(20)”.

3 (h) Subsection (h) of section 615 of the IDEA, as
4 redesignated by subsection (a)(1), is amended—

5 (1) in paragraph (1)—

6 (A) by striking out “paragraph (2) of sub-
7 section (b)” and inserting in lieu thereof “sub-
8 section (e)”;

9 (B) by striking out “subsection (c)” each
10 place it appears and inserting in lieu thereof
11 “subsection (f)”;

12 (2) in paragraph (2)—

13 (A) by striking out “subsection (b)” and
14 inserting in lieu thereof “subsection (e)”;

15 (B) by striking out “subsection (c)” each
16 place it appears and inserting in lieu thereof
17 “subsection (f)”;

18 (3) in paragraph (3)—

19 (A) in subparagraph (A)—

20 (i) by striking out “subparagraph
21 (B)” and inserting in lieu thereof “sub-
22 paragraphs (B) and (C)”;

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

25 (B) in subparagraph (B)—

1 (i) in clause (ii), by striking out “indi-
2 viduals described in section 602(a)(20)”
3 and inserting in lieu thereof “IEP team
4 described in section 614(d)(2)”;

5 (ii) in clause (iii)—

6 (I) by striking out “or guardian”;

7 (II) by striking out “paragraph
8 (2) of subsection (b)” and inserting in
9 lieu thereof “subsection (e)”; and

10 (III) by inserting “State or” be-
11 fore “local educational agency”; and

12 (iii) in clause (iv)—

13 (I) by striking out “a firearm”
14 and inserting in lieu thereof “a dan-
15 gerous weapon”; and

16 (II) by striking out “section 921”
17 and inserting in lieu thereof “section
18 930(g)(2)”;

19 (C) by adding at the end thereof a new
20 subparagraph (C) to read as follows:

21 “(C)(i) A hearing officer under this section
22 may, to the same extent as a court, order a
23 change in the placement of a child with a dis-
24 ability to an interim alternative educational set-
25 ting for not more than 45 days, if the public

1 agency demonstrates, by substantial evidence,
2 that maintaining the child in his or her current
3 placement is substantially likely to result in in-
4 jury to himself or herself, or to others.

5 “(ii) The State or local educational agency
6 shall arrange for an expedited hearing in any
7 case described in clause (i).

8 “(iii) If a parent of a child described in
9 clause (i) requests a hearing pursuant to sub-
10 section (e), the child shall remain in the alter-
11 native educational setting described in that
12 clause during the pendency of any proceedings
13 under this section, unless the parents and the
14 State or local educational agency agree other-
15 wise.”; and

16 (4) in paragraph (4)—

17 (A) by striking out “or guardian” each
18 place it appears; and

19 (B) in subparagraph (G), by striking out
20 “section 615 of this Act” and inserting in lieu
21 thereof “this section”.

22 (i) Subsection (i) of section 615 of the IDEA, as re-
23 designated by subsection (a)(1), is amended by striking
24 out “subsections (b)(2) and (c)” and inserting in lieu
25 thereof “subsections (e) and (f)”.

1 (j) Section 615 of the IDEA is further amended by
2 adding at the end thereof a new subsection (j) to read
3 as follows:

4 “(j) TRANSFER OF PARENTAL RIGHTS AT AGE OF
5 MAJORITY.—Any State that receives funds under this part
6 may provide that, when an individual with a disability
7 reaches the age of majority under State law—

8 “(1) the public agency shall provide any notice
9 required by this section to both the individual and
10 the parents;

11 “(2) all other rights accorded to parents under
12 this part transfer to the child; and

13 “(3) the agency shall notify the individual and
14 the parents of the transfer of rights.”.

15 (k) Section 314(a)(2) of the Improving America’s
16 Schools Act of 1994 is repealed.

17 WITHHOLDING AND JUDICIAL REVIEW

18 SEC. 206. (a) Section 616(a) of the IDEA is amend-
19 ed—

20 (1) in the first sentence thereof—

21 (A) by striking out “or intermediate edu-
22 cational unit” and inserting in lieu thereof “or
23 State agency”;

24 (B) in paragraph (1)—

25 (i) by inserting “by the State” after
26 “failure”; and

1 (ii) by striking out “section 612 or
2 section 613” and inserting in lieu thereof
3 “this part”; and

4 (C) by striking out paragraph (2) and all
5 that follows through the end of that sentence
6 and inserting in lieu thereof the following:

7 “(2) that there is a failure to comply with any
8 condition of a local educational agency’s or State
9 agency’s eligibility under this part, the Secretary
10 shall, after notifying the State educational agency,
11 withhold any further payments to the State under
12 this part.”;

13 (2) in the second sentence thereof—

14 (A) by striking out “clause (A) or clause
15 (B)” and inserting in lieu thereof “the previous
16 sentence,”;

17 (B) by striking out “under the State
18 plan”; and

19 (C) by striking out “intermediate edu-
20 cational units” and inserting in lieu thereof
21 “State agencies”;

22 (3) in the third sentence thereof—

23 (A) by striking out “or under” and all that
24 follows through “with disabilities”; and

1 (B) by striking out “intermediate edu-
2 cational units” and inserting in lieu thereof
3 “State agencies”; and

4 (4) in the fourth sentence thereof—

5 (A) by striking out “State educational
6 agency, local educational agency, or intermedi-
7 ate educational unit” and inserting in lieu
8 thereof “State educational agency, State agen-
9 cy, or local educational agency”; and

10 (B) by striking out “or unit”.

11 (b) Section 616(b)(1) of the IDEA is amended by
12 striking out “State plan submitted under section 613” and
13 inserting in lieu thereof “eligibility under section 612”.

14 ADMINISTRATION

15 SEC. 207. (a) Section 617(a) of the Individuals with
16 Disabilities Education Act is amended to read as follows:

17 “(a) SECRETARY’S RESPONSIBILITIES.—In carrying
18 out this part, the Secretary shall—

19 “(1) cooperate with, and (directly or by grant
20 or contract) furnish technical assistance necessary
21 to, the State in matters relating to—

22 “(A) the education of children with disabil-
23 ities;

24 “(B) carrying out this part; and

25 “(2) provide short-term training programs and
26 institutes; and

1 “(3) disseminate information about, and other-
2 wise promote, the education of all children with dis-
3 abilities in the States.”.

4 (b) Section 617(c) of the IDEA is amended by strik-
5 ing out “section 438” and inserting in lieu thereof “sec-
6 tion 444”.

7 (c) Section 617(d) of the IDEA is amended by strik-
8 ing out “required by subsections” and all that follows
9 through “this subsection” and inserting in lieu thereof
10 “authorized by subsection (a) of this section, section 618,
11 and part E of this Act”.

12 EVALUATION AND PROGRAM INFORMATION

13 SEC. 208. (a) FISCAL YEAR 1996.—Section 618 of
14 the IDEA is amended—

15 (1) in subsection (e)(2), by striking out “1994”
16 and inserting in lieu thereof “1996”; and

17 (2) in subsection (h), by striking out “1994”
18 and inserting in lieu thereof “1996”.

19 (b) FISCAL YEARS BEGINNING WITH FISCAL YEAR
20 1997.—Effective on October 1, 1996, section 618 of the
21 IDEA is amended to read as follows:

22 “PROGRAM INFORMATION

23 “SEC. 618. Each State that receives assistance under
24 this part, and the Secretary of the Interior, shall provide
25 data each year to the Secretary on—

1 “(1) the number of children who are receiv-
2 ing—

3 “(A) a free appropriate public education;

4 “(B) early intervention services because—

5 “(i) they have developmental delays;

6 or

7 “(ii) they have a diagnosed physical or

8 mental condition that has a high prob-

9 ability of resulting in developmental delay;

10 or

11 “(C) early intervention services because

12 they are at risk of having substantial devel-

13 opmental delays if those services are not pro-

14 vided and—

15 “(i) they are being served as infants

16 and toddlers with disabilities under part

17 H; or

18 “(ii) they are being served as at-risk

19 infants and toddlers under section 677;

20 “(2) the types of early intervention services pro-

21 vided, which may be based on a sampling of data;

22 “(3) the number of children with disabilities—

23 “(A) participating in regular education

24 programs;

1 “(2) at the State’s discretion, to 2-year-old chil-
2 dren with disabilities who will turn three during the
3 school year.

4 “(b) ELIGIBILITY.—A State or outlying area is eligi-
5 ble for a grant under this section if it—

6 “(1) has established its eligibility under section
7 612; and

8 “(2) makes a free appropriate public education
9 available to all children with disabilities, aged three
10 through five, residing in its jurisdiction.

11 “(c) HOLD-HARMLESS PAYMENTS.—(1) From the
12 amount appropriated for any fiscal year under subsection
13 (m), the Secretary shall allocate to each eligible State and
14 outlying area the amount it received for fiscal year 1995
15 under this section, as then in effect.

16 “(2)(A) If the sums available to make allocations to
17 States and outlying areas under this section are insuffi-
18 cient to make the full allocations described in paragraph
19 (1), the Secretary shall—

20 “(i) first, reduce the allocation of any State
21 whose number of children aged three through five is
22 less than the number of those children in fiscal year
23 1995 by the same percentage by which that number
24 declined from 1995; and

1 “(ii) second, if necessary, ratably reduce the al-
2 locations of all States, including those allocations re-
3 duced under clause (i).

4 “(B) If additional funds become available to make al-
5 locations under this section, the allocations that were re-
6 duced under subparagraph (A) shall be increased on the
7 same basis as they were reduced.

8 “(d) ALLOCATION OF REMAINING FUNDS.—(1) After
9 making allocations under subsection (c), the Secretary
10 shall allocate any remaining funds to eligible States and
11 outlying areas on the basis of their relative population of
12 children aged 3 through 5.

13 “(2) Notwithstanding any other provision of this sec-
14 tion, the percentage of funds appropriated under this sec-
15 tion for any fiscal year that is allocated to the Common-
16 wealth of Puerto Rico shall not exceed the percentage allo-
17 cated to Puerto Rico of all funds appropriated under this
18 section for fiscal year 1995, as then in effect.

19 “(e) DETERMINATION OF POPULATION FIGURES.—
20 For the purpose of making grants under this section, the
21 Secretary shall use the most recent population data that
22 are available and satisfactory to the Secretary.

23 “(f) STATE-LEVEL ACTIVITIES.—

24 (1) GENERAL.—Each State may retain up to
25 25 percent of the grant it receives under this section

1 for administration and other State-level activities in
2 accordance with subsections (g) and (h).

3 “(2) INAPPLICABILITY OF CERTAIN REQUIRE-
4 MENTS.—A State may use funds it retains under
5 paragraph (1) without regard to—

6 “(A) the prohibition on commingling of
7 funds in section 612(a)(18)(B); and

8 “(B) the prohibition on supplanting other
9 funds in section 612(a)(18)(C)(i).

10 “(g) STATE ADMINISTRATION.—(1) Each State and
11 outlying area may use up to five percent of the grant it
12 receives under this section for any fiscal year for the pur-
13 pose of administering this part, including the coordination
14 of activities under this part with, and providing technical
15 assistance to, other programs that provide services to chil-
16 dren with disabilities.

17 “(2) Funds described in paragraph (1) may also be
18 used for the administration of part H of this Act, if the
19 State educational agency is the lead agency for the State
20 under that part.

21 “(h) OTHER STATE-LEVEL ACTIVITIES.—Each State
22 shall use any funds it retains under subsection (f) and
23 does not use for administration under subsection (g)—

24 “(1) for support services (including establishing
25 and implementing the mediation process required by

1 section 615(d)), which may benefit children with dis-
2 abilities younger than three and older than five as
3 long as those services also benefit children with dis-
4 abilities aged three through five;

5 “(2) for direct services for children eligible for
6 services under this section;

7 “(3) to develop a State Improvement Plan
8 under part C;

9 “(4) for activities at the State and local levels
10 to meet the performance goals established by the
11 State under section 612(a)(16) and to support im-
12 plementation of the State Improvement Plan under
13 part C if the State receives funds under that part;
14 or

15 “(5) to supplement other funds used to develop
16 and implement a Statewide coordinated services sys-
17 tem designed to improve results for children and
18 families, including children with disabilities and their
19 families, but not to exceed one percent of the
20 amount received by the State under this section.

21 “(i) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
22 CIES.—

23 (1) REQUIREMENT TO MAKE SUBGRANTS.—

24 Each State that receives a grant under this section
25 for any fiscal year shall distribute at least 75 per-

1 cent of the grant funds to local educational agencies
2 in the State, and to State agencies that received
3 funds under section 614A(a) for fiscal year 1995,
4 that have established their eligibility under section
5 613 of this part.

6 “(2) METHODS OF DISTRIBUTION.—A State
7 may distribute funds under paragraph (1) on the
8 basis of—

9 “(A) population;

10 “(B) school enrollment;

11 “(C) numbers of children with disabilities
12 aged three through five receiving a free appro-
13 priate public education;

14 “(D) allocations for previous fiscal years;

15 “(E) any two or more of the factors de-
16 scribed in subparagraphs (A) through (D); or

17 “(F) poverty, in combination with one or
18 more of the factors described in subparagraphs
19 (A) through (D).

20 “(j) PART H INAPPLICABLE.—Part H of this Act
21 does not apply to any child with a disability receiving a
22 free appropriate public education, in accordance with this
23 part, with funds received under this section.

24 “(k) OUTLYING AREAS.—The provisions of Public
25 Law 95–134, permitting the consolidation of grants to the

1 outlying areas, shall not apply to funds those areas receive
2 under this section.

3 “(l) DEFINITION OF ‘STATE’.—For the purpose of
4 this section, the term ‘State’ means each of the 50 States,
5 the District of Columbia, and the Commonwealth of Puer-
6 to Rico.

7 “(m) AUTHORIZATION OF APPROPRIATIONS.—For
8 the purpose of carrying out this section, there are author-
9 ized to be appropriated such sums as may be necessary.”.

10 PAYMENTS

11 SEC. 210. Section 620 of the IDEA is amended to
12 read as follows:

13 “PAYMENTS

14 “SEC. 620. (a) PAYMENTS TO STATES.—The Sec-
15 retary shall make payments to each State that has dem-
16 onstrated its eligibility under section 612, in amounts that
17 the Secretary determines under sections 611 and 619.

18 “(b) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES
19 AND STATE AGENCIES.—Any State educational agency re-
20 ceiving payments under this section shall distribute pay-
21 ments to local educational agencies (and to State agencies
22 that received funds under section 614A for fiscal year
23 1995) in the State that the State educational agency has
24 determined are eligible under section 613, in amounts de-
25 termined under sections 611 and 619.”.

1 TITLE III—DISCRETIONARY PROGRAMS

2 ONE-YEAR EXTENSION

3 SEC. 301. (a) PART C—CENTERS AND SERVICES TO
4 MEET SPECIAL NEEDS OF INDIVIDUALS WITH DISABIL-
5 ITIES.—Part C of the IDEA is amended—

6 (1) in section 625(a)(6)—

7 (A) in the second sentence thereof, by
8 striking out “1994” and inserting in lieu there-
9 of “1996”; and

10 (B) by striking out the third sentence
11 thereof; and

12 (2) in each of subsections (a) through (h) of
13 section 628, by striking out “fiscal year 1994” and
14 inserting in lieu thereof “each of the fiscal years
15 1994 through 1996”.

16 (b) PART D—TRAINING PERSONNEL FOR THE EDU-
17 CATION OF INDIVIDUALS WITH DISABILITIES.—(1) Each
18 of paragraphs (1) through (4) of section 635(a) of the
19 IDEA is amended by striking out “fiscal year 1994” and
20 inserting in lieu thereof “each of the fiscal years 1994
21 through 1996”.

22 (2) Section 635(a) of the IDEA is further amended
23 in each of paragraphs (1) and (3) by striking out
24 “631(d)” and inserting in lieu thereof “631(e)”.

1 (c) PART E—RESEARCH IN THE EDUCATION OF IN-
2 DIVIDUALS WITH DISABILITIES.—Section 643 of the
3 IDEA is amended by striking out “fiscal year 1994” and
4 inserting in lieu thereof “each of the fiscal years 1994
5 through 1996”.

6 (d) PART F—INSTRUCTIONAL MEDIA FOR INDIVID-
7 UALS WITH DISABILITIES.—Section 653 of the IDEA is
8 amended by striking out “fiscal year 1994” and inserting
9 in lieu thereof “each of the fiscal years 1994 through
10 1996”.

11 (e) PART G—TECHNOLOGY, EDUCATIONAL MEDIA,
12 AND MATERIALS FOR INDIVIDUALS WITH DISABIL-
13 ITIES.—Section 662 of the IDEA is amended by striking
14 out “fiscal year 1994” and inserting in lieu thereof “each
15 of the fiscal years 1994 through 1996”.

16 (f) CROSS-REFERENCES.—For the purpose of carry-
17 ing out parts C through G of the IDEA with funds appro-
18 priated for fiscal year 1996, references in those parts to
19 any provision of parts A, B, or H of the IDEA shall be
20 regarded as references to those provisions as in effect be-
21 fore enactment of this Act.

22 REAUTHORIZATION OF DISCRETIONARY PROGRAMS

23 SEC. 302. Effective October 1, 1996, parts C through
24 G of the IDEA are amended to read as follows:

1 “PART C—STATE IMPROVEMENT

2 “FINDINGS

3 “SEC. 621. The Congress finds as follows:

4 “(1) Many of the critical barriers to improving
5 educational results for children with disabilities are
6 caused by statewide and systemic problems, such as
7 the exclusion of children with disabilities from State-
8 wide assessments, lack of access to regular education
9 programs, and finance systems that promote inap-
10 propriate placements;

11 “(2) Previous efforts to improve the education
12 of children with disabilities have achieved some good
13 results. However, federally funded efforts have fo-
14 cused either on specific disabilities or programs and
15 have not focused on improvement of results for chil-
16 dren with all disabilities at all age levels. Further,
17 most Federal categorical program resources have not
18 concentrated on State and local agencies’ efforts to
19 improve implementation of parts B and H of this
20 Act.

21 “(3) State and local agencies are generally in
22 the best position to develop their own comprehensive
23 strategies for improving results for children with dis-
24 abilities in the context of their overall State edu-
25 cation improvement efforts.

1 “(4) Educational systems that effectively serve
2 children with disabilities—

3 “(A) have goals for the performance of
4 children with disabilities and performance indi-
5 cators to measure progress toward those goals;
6 identify the needs that must be addressed to
7 meet those goals; and develop effective strate-
8 gies to address those needs;

9 “(B) consider the needs of all students, in-
10 cluding students with disabilities, in planning,
11 evaluation, and educational reform activities
12 such as those supported under titles I and II of
13 the Elementary and Secondary Education Act
14 of 1965, the Goals 2000: Educate America Act,
15 and the School-to-Work Opportunities Act of
16 1994;

17 “(C) have adequate numbers of appro-
18 priately prepared personnel with the skills and
19 knowledge necessary to enable children with
20 disabilities to meet developmental goals and, to
21 the maximum extent possible, those challenging
22 standards that have been established for all
23 children;

24 “(D) hold school districts and schools ac-
25 countable for the academic progress of children

1 with disabilities in the same manner as they do
2 for all children;

3 “(E) develop IEPs that reflect high expect-
4 tations and promote access to the general cur-
5 riculum for children with disabilities;

6 “(F) support family involvement to im-
7 prove learning;

8 “(G) have financing systems that encour-
9 age prevention and early intervention and dis-
10 courage inappropriately placing students in re-
11 strictive settings;

12 “(H) support successful transition from
13 early intervention services to preschool edu-
14 cation, from preschool education to elementary
15 school, and from secondary school to adult life;

16 “(I) provide for the participation of chil-
17 dren with disabilities, including those with sig-
18 nificant and multiple disabilities, in the least re-
19 strictive environments;

20 “(J) promote the use of special education
21 as services and supports for students in the
22 least restrictive environment rather than as a
23 place to send children;

24 “(K) have unified education system ap-
25 proaches that promote individualization, flexibil-

1 ity, and responsibility for all children at the
2 school-building level;

3 “(L) coordinate education services with
4 each other and with health, social, and other
5 services (including mental health and vocational
6 rehabilitation services), and with the juvenile
7 justice system, to meet the needs of children
8 with disabilities and their families; and

9 “(M) provide technical assistance to school
10 districts and schools on how to improve results
11 for children with disabilities in the context of
12 comprehensive technical assistance efforts and
13 ensure that research and other knowledge re-
14 garding best practices reaches personnel serving
15 children with disabilities;

16 “(5) the principles of professional development
17 disseminated by the Secretary in 1995 provide use-
18 ful guidance for States and local educational agen-
19 cies in their efforts to provide high-quality profes-
20 sional development for individuals who work with
21 children with disabilities; and

22 “(6) peer review of State efforts to address the
23 needs of children with disabilities can provide both
24 an incentive for systems change and a valuable re-
25 source for information that States may draw on in

1 seeking solutions to problems in serving those chil-
2 dren.

3 “PURPOSE

4 “SEC. 622. The purpose of this part is to assist
5 States in reforming and improving systems for providing
6 educational and early intervention services, including their
7 systems for professional development, to help children
8 with disabilities—

9 “(1) meet developmental goals and, to the max-
10 imum extent possible, those challenging standards
11 that have been established for all children; and

12 “(2) be prepared to lead productive, independ-
13 ent adult lives to the maximum extent possible.

14 “ELIGIBLE RECIPIENTS

15 “SEC. 623. Each State educational agency may apply
16 for a grant under this part.

17 “STATE IMPROVEMENT PLANS

18 “SEC. 624. (a) GENERAL.—Any State desiring to re-
19 ceive a grant under this part shall submit to the Secretary
20 a State Improvement Plan that—

21 “(1) is developed in consultation with parents
22 of children with disabilities; parents of non-disabled
23 children; individuals with disabilities; organizations
24 representing individuals with disabilities and their
25 parents; early intervention agencies; local edu-
26 cational agencies; general and special education

1 teachers; early intervention and related services pro-
2 viders; administrators of general and special edu-
3 cation; individuals knowledgeable about vocational
4 education; the State agency for higher education; in-
5 stitutions of higher education and schools of edu-
6 cation; the State vocational rehabilitation agency;
7 public agencies with jurisdiction in the areas of
8 health, mental health, social services, and juvenile
9 justice; community-based and other nonprofit orga-
10 nizations; the State advisory panel established under
11 part B; the State Interagency Coordinating Council
12 established under part H; and interested members of
13 the general public; and

14 “(2) is integrated, to the maximum extent pos-
15 sible, with State plans under title III of the Goals
16 2000: Educate America Act, the School-to-Work Op-
17 portunities Act of 1994, the Elementary and Sec-
18 ondary Education Act of 1965, the Rehabilitation
19 Act of 1973, and other Act, as appropriate.

20 “(b) DETERMINING CHILD AND PROGRAM NEEDS.—
21 (1) Each State Improvement Plan shall—

22 “(A) identify those critical aspects of early
23 intervention, general education, and special edu-
24 cation programs (including professional development,
25 based on an assessment of State and local needs)

1 that must be improved to enable children with dis-
2 abilities to meet the goals established by the State
3 under section 612(a)(16); and

4 “(B) address the major findings of the Sec-
5 retary’s most recent State compliance reviews as
6 they relate to improving results for children with
7 disabilities.

8 “(2) To meet the requirements of paragraph (1)(A),
9 the State Improvement Plan shall include at least—

10 “(A) an analysis of all information, reasonably
11 available to the State, on the performance of chil-
12 dren with disabilities in the State, including—

13 “(i) their performance on State assess-
14 ments and other performance indicators estab-
15 lished for all children, including drop-out rates
16 and graduation rates;

17 “(ii) their participation in postsecondary
18 education and employment; and

19 “(iii) how their performance compares to
20 that of other children;

21 “(B) an analysis of State and local needs for
22 professional development for personnel to serve chil-
23 dren with disabilities that includes, at a minimum—

1 “(i) the State’s assessment of personnel
2 needs under the Elementary and Secondary
3 Education Act of 1965; and

4 (ii) relevant information on current and
5 anticipated personnel shortages, and on the ex-
6 tent of certification or retraining necessary for
7 those providing services to children with disabil-
8 ities; and

9 “(C) an analysis of all other information, rea-
10 sonably available to the State, on the effectiveness of
11 its systems of early intervention, special education,
12 and general education in meeting the needs of chil-
13 dren with disabilities, including the extent to which
14 children with disabilities are receiving a free appro-
15 priate public education with appropriate supple-
16 mentary aids and services in regular education envi-
17 ronments.

18 “(c) IMPROVEMENT STRATEGIES.—Each State im-
19 provement plan shall—

20 “(1) describe the strategies the State will use to
21 address the needs identified under subsection (b), in-
22 cluding—

23 “(A) how it will hold school districts and
24 schools accountable for educational progress of
25 children with disabilities;

1 “(B) how it will provide high-quality tech-
2 nical assistance to school districts and schools
3 to improve results for children with disabilities
4 in the context of comprehensive technical assist-
5 ance efforts and ensure that research and other
6 knowledge regarding best practices reaches per-
7 sonnel servicing children with disabilities;

8 “(C) if the State is developing a statewide
9 system of coordinated services under section
10 611(b)(3)(F), how it will implement and evalu-
11 ate the results of that effort;

12 “(D) how it will change State policies and
13 procedures to address systemic barriers to im-
14 proving results for students with disabilities,
15 such as—

16 “(i) a lack of knowledge about best
17 practices;

18 “(ii) the failure to provide smooth
19 transitions from one type of service or pro-
20 gram to the next, such as from pre-school
21 to school, or from school to employment;

22 “(iii) the lack of coordinated services;

23 “(iv) criteria and procedures for de-
24 termining eligibility for special education;

1 “(v) a dual general education-special
2 education administrative structure;

3 “(vi) the exclusion of children with
4 disabilities from reforms in general edu-
5 cation;

6 “(vii) credentialing of teachers and
7 other personnel; and

8 “(viii) financing of general and special
9 education;

10 “(E) how it will address the identified
11 needs for pre-service and in-service preparation
12 to ensure that all personnel who will work with
13 children with disabilities (including both profes-
14 sional and paraprofessional personnel who pro-
15 vide or will provide early intervention services,
16 special education, regular education, or related
17 services) have the skills and knowledge nec-
18 essary to enable children with disabilities to
19 meet developmental goals and, to the maximum
20 extent possible, those challenging standards
21 that have been established for all children, and
22 be prepared to lead productive, independent
23 adult lives to the maximum extent possible, in-
24 cluding a description of how—

1 “(i) the State will work with institu-
2 tions of higher education and other entities
3 that prepare personnel who work with chil-
4 dren with disabilities on both a pre-service
5 and in-service basis to ensure that those
6 institutions and entities develop the capac-
7 ity to support sustained, intensive, and
8 high-quality professional development pro-
9 grams;

10 “(ii) the State’s requirements for li-
11 censure of teachers and administrators, in-
12 cluding certification and recertification,
13 support an adequate supply of personnel
14 with the necessary skills and knowledge
15 (including, where appropriate, strategies
16 for developing reciprocal certification
17 agreements and common certification re-
18 quirements with other States);

19 “(iii) the State will address State and
20 local needs for personnel who meet certifi-
21 cation, licensing, or other State personnel
22 requirements;

23 “(iv) the State will address State and
24 local needs for in-service education of early

1 intervention, general and special education,
2 and related services personnel;

3 “(v) the State will prepare special
4 education and general education personnel
5 with the content knowledge and collabo-
6 rative skills needed to appropriately help
7 children with disabilities achieve to chal-
8 lenging standards; and

9 “(vi) significant knowledge derived
10 from education research and other sources,
11 as well as promising practices, materials,
12 and technology, will be used in the profes-
13 sional development of teachers, administra-
14 tors, and early intervention and related
15 services personnel;

16 “(F) strategies that will address systemic
17 problems identified in Federal compliance re-
18 views, including shortages of qualified person-
19 nel; and

20 “(G) how the State will assess, on a regu-
21 lar basis, the extent to which the strategies im-
22 plemented under this part have been effective in
23 meeting the performance goals established by
24 the State under section 612(a)(16);

1 “(2) describe the strategies and activities to be
2 supported under this part and how they will be co-
3 ordinated with—

4 “(A) other activities conducted with Fed-
5 eral funds, especially those received under parts
6 B and H of this Act, titles I and II of the Ele-
7 mentary and Secondary Education Act of 1965,
8 the Goals 2000: Educate America Act, the
9 School-to-Work Opportunities Act of 1994, the
10 Head Start Act, and the Rehabilitation Act of
11 1973;

12 “(B) other programs supported by State
13 and local funds;

14 “(C) where appropriate, resources from
15 business and industry, to develop strategies to
16 meet the employment needs of disabled youth;
17 and

18 “(D) other private-sector resources; and

19 “(3) describe how the State will address im-
20 proving results for students with disabilities in the
21 areas of greatest need, including the State’s inner-
22 city and rural areas with the greatest needs as de-
23 termined by the State in its assessment under sub-
24 section (b).

1 “(d) REPORTING PROCEDURES.—Each State edu-
2 cational agency that receives a grant under this part shall
3 submit a performance report to the Secretary every two
4 years that—

5 “(1) describes the progress of the State and of
6 children with disabilities in relation to the perform-
7 ance goals and performance indicators established
8 under section 612(a)(16);

9 “(2) analyzes the effectiveness of the State’s
10 strategies in meeting those goals; and

11 “(3) identifies the strategies that need revision
12 in order to improve its performance.

13 “(e) PEER REVIEW AND PLAN APPROVAL.—

14 “(1) IN GENERAL.—The Secretary shall ap-
15 prove a State Improvement Plan under this section
16 if it—

17 “(A) meets the requirements of this sec-
18 tion; and

19 “(B) holds reasonable promise of enabling
20 the State to meet its performance goals under
21 section 612(a)(16).

22 “(2) PEER REVIEW.—(A) In reviewing State
23 Improvement Plans under this section, the Secretary
24 shall obtain the advice of non-Federal experts (in-
25 cluding individuals with disabilities and individuals

1 knowledgeable about the needs of children from mi-
2 nority backgrounds) on personnel development and
3 systems change in education, including early inter-
4 vention.

5 “(B) The peer review process for subsequent
6 submissions of State Improvement Plans shall in-
7 clude consideration of the effectiveness of the State’s
8 improvement efforts, as described in the State’s Im-
9 provement Plan.

10 “(3) AVAILABLE FUNDS.—The Secretary may
11 use funds available under this part to pay the ex-
12 penses and fees of non-Federal peer reviewers.

13 “(f) DURATION OF PLANS.—(1) Each State Improve-
14 ment Plan under this section shall be for a period deter-
15 mined by the State, but not longer than four years.

16 “(2) The Secretary may require amendments to a
17 State’s plan at any time as a result of the Secretary’s com-
18 pliance reviews under parts B and H of this Act, and shall
19 not provide further funding under this part to the State
20 until such amendments are submitted and approved.

21 “(3) If the State makes significant changes in its
22 plan, it shall submit that information to the Secretary for
23 approval.

24 “DISTRIBUTION OF FUNDS

25 “SEC. 625. (a) ALLOCATIONS.—The Secretary shall
26 allocate funds available to carry out this part for any fiscal

1 year to eligible States on the basis of their relative total
2 populations of—

3 “(1) all children aged birth through two, if the
4 State receives a grant under part H of this Act; and

5 “(2) all children aged three through 21 who are
6 of the same age as children with disabilities for
7 whom the State ensures the availability of a free ap-
8 propriate public education under part B of this Act.

9 “(b) MINIMUM STATE ALLOCATIONS.—Notwith-
10 standing subsection (a), the Secretary shall make a grant
11 under paragraph (1) of—

12 “(1) at least \$400,000 to each of the 50 States,
13 the District of Columbia, and the Commonwealth of
14 Puerto Rico; and

15 “(2) at least \$40,000 to each outlying area.

16 “(c) OUTLYING AREAS.—The provisions of Public
17 Law 95–134, permitting the consolidation of grants to the
18 outlying areas, shall not apply to funds those areas receive
19 under this section.

20 “MANDATORY USE OF FUNDS FOR PROFESSIONAL
21 DEVELOPMENT

22 “SEC. 626. (a) PROFESSIONAL DEVELOPMENT GEN-
23 ERALLY.—Each State shall use at least 50 percent of the
24 funds it receives under this part for any fiscal year to en-
25 sure that there is a sufficient supply of personnel who have
26 the skills and knowledge necessary to enable children with

1 disabilities to meet developmental goals and, to the maxi-
2 mum extent possible, those challenging standards that
3 have been established for all children, including working
4 with other States on common certification criteria.

5 “(b) EARLY INTERVENTION PROFESSIONAL DEVEL-
6 OPMENT.—(1) Each State shall use at last 15 percent of
7 the funds it uses for personnel development under this
8 part to address personnel development needs in the area
9 of early intervention.

10 “(2) Funds reserved under paragraph (1) shall be
11 made available to the lead agency under part H of this
12 Act or, at the lead agency’s discretion, shall be retained
13 by the State educational agency.

14 “AUTHORIZED ACTIVITIES

15 “SEC. 627. Authorized activities under this part are
16 any activities, described in the State Improvement Plan,
17 that are consistent with the purpose of this part, which
18 may include the award of subgrants to local educational
19 agencies and other appropriate entities.

20 “AUTHORIZATION OF APPROPRIATIONS

21 “SEC. 628. For the purpose of carrying out this part,
22 there are authorized to be appropriated such sums as may
23 be necessary for each of the fiscal years 1997 through
24 2001.

1 “PART D—PROFESSIONAL DEVELOPMENT

2 “FINDINGS

3 “SEC. 631. The Congress finds that—

4 “(1) in order to serve children with disabilities
5 appropriately, both general and special education
6 personnel must be prepared to meet the special
7 needs of those children, and they must be prepared
8 in how to work together effectively to meet those
9 needs;

10 “(2) in order to assist children with disabilities
11 to meet developmental goals and, to the maximum
12 extent possible, those challenging standards that
13 have been established for all children, personnel
14 working with children with disabilities must have the
15 knowledge and skills necessary to address each
16 child’s individual needs;

17 “(3) the Federal Government can play a critical
18 role in assisting States in meeting the need for high-
19 ly-qualified personnel by—

20 “(A) supporting models of professional de-
21 velopment that reflect best practices, including
22 strategies for recruiting, preparing, and retain-
23 ing personnel;

1 “(B) supporting the development of, and
2 dissemination of information about, teaching
3 standards; and

4 “(C) promoting the coordination and inte-
5 gration of professional development for teachers
6 of children with disabilities with professional
7 development supported under the Goals 2000:
8 Educate America Act and the Elementary and
9 Secondary Education Act of 1965;

10 “(4) national activities that promote greater
11 consistency in certification standards among States
12 and reciprocity in accepting teaching credentials can
13 help reduce personnel shortages and improve serv-
14 ices;

15 “(5) institutions of higher education and indi-
16 vidual States are reluctant to support professional
17 development programs for personnel needed to serve
18 children with low-incidence disabilities because of the
19 small number of these personnel needed in each
20 State; therefore, Federal support is needed to ensure
21 an adequate supply of those personnel; and

22 “(6) Federal support is needed to ensure an
23 adequate supply of leadership personnel in edu-
24 cation, related services, and early intervention, in-
25 cluding teacher-preparation faculty, administrators,

1 researchers, supervisors, and principals who have the
2 professional development they need to help children
3 with disabilities—

4 “(A) meet developmental goals and, to the
5 maximum extent possible, those challenging
6 standards that have been established for all
7 children; and

8 “(B) be prepared to lead productive, inde-
9 pendent adult lives to the maximum extent pos-
10 sible.

11 “PURPOSES

12 “SEC. 632. The purposes of this part are to help en-
13 sure that—

14 “(1) personnel responsible for serving children
15 with disabilities, including general and special edu-
16 cation personnel, related services personnel, and
17 early intervention personnel, have the knowledge and
18 skills necessary to help those children—

19 “(A) meet developmental goals and, to the
20 maximum extent possible, those challenging
21 standards that have been established for all
22 children; and

23 “(B) be prepared to lead productive, inde-
24 pendent adult lives to the maximum extent pos-
25 sible;

1 “(2) there are adequate numbers of those per-
2 sonnel to meet the needs of children with disabilities;
3 and

4 “(3) the skills and knowledge of personnel re-
5 sponsible for serving children with disabilities reflect
6 the best practices as determined through research
7 and experience, particularly with respect to the in-
8 clusion of children with disabilities in the regular
9 education environment.

10 “NATIONAL ACTIVITIES

11 “SEC. 633. (a) PROGRAM AUTHORIZED.—The Sec-
12 retary may make grants to, and enter into contracts and
13 cooperative agreements with, eligible entities to support
14 activities of national significance that—

15 “(1) have broad applicability; and

16 “(2) will help ensure that the purposes of this
17 part are met.

18 “(b) AUTHORIZED ACTIVITIES.—In carrying out this
19 section, the Secretary may support any activities that are
20 consistent with subsection (a), including—

21 “(1) the development, evaluation, demonstra-
22 tion, or dissemination of effective personnel prepara-
23 tion practices for personnel to work with children
24 with disabilities;

1 “(2) promoting the recruitment or retention of
2 such personnel, particularly in areas of greatest
3 need, such as inner-city and rural areas;

4 “(3) institutes that provide professional devel-
5 opment that addresses the needs of children with
6 disabilities to—

7 “(A) teachers or teams of teachers; and

8 “(B) where appropriate, administrators,
9 pupil-service personnel, and other staff from in-
10 dividual schools;

11 “(4) encouraging the development of profes-
12 sional networks that provide a forum for interaction
13 among teachers of children with disabilities;

14 “(5) efforts to prepare teachers and other per-
15 sonnel in the innovative uses and applications of
16 technology to enhance learning by children with dis-
17 abilities;

18 “(6) the development, evaluation, and dissemi-
19 nation of model teaching standards for persons
20 working with children with disabilities;

21 “(7) the dissemination of information about—

22 “(A) voluntary national content standards,
23 State content standards, voluntary national stu-
24 dent-performance standards, and State student-
25 performance standards; and

1 “(B) related models of high-quality profes-
2 sional development;

3 “(8) efforts to prepare teachers and other per-
4 sonnel in innovative instructional methodologies for
5 children with disabilities that are designed to meet
6 the diverse learning needs of individual students;

7 “(9) disseminating models of high-quality pro-
8 fessional development activities that prepare person-
9 nel in strategies, techniques, methods, and practices
10 for meeting the educational needs of individuals with
11 disabilities from different economic, cultural, and
12 linguistic backgrounds, in order to ensure that all
13 students have the opportunity to meet challenging
14 standards;

15 “(10) promoting the transferability of licensure
16 and certification of teachers and administrators
17 among State and local jurisdictions;

18 “(11) supporting the development of voluntary
19 teaching standards;

20 “(12) developing activities to prepare teachers,
21 and, where appropriate, paraprofessionals, pupil-
22 services personnel, and other staff in the collabo-
23 rative skills needed to appropriately teach children
24 with disabilities;

1 “(13) developing, evaluating, and disseminating
2 innovative models for recruitment, induction, reten-
3 tion, and assessment of new, highly-qualified teach-
4 ers, especially such teachers from groups that are
5 underrepresented in the teaching profession;

6 “(14) developing and disseminating models that
7 prepare teachers with strategies, including behav-
8 ioral management techniques, for addressing the
9 conduct of children with disabilities that impedes
10 their learning and that of others in the classroom;
11 and

12 “(15) supporting Historically Black Colleges
13 and Universities and institutions of higher education
14 with minority enrollments of at least 25 percent for
15 the purpose of preparing personnel.

16 “PROFESSIONAL DEVELOPMENT FOR PERSONNEL
17 SERVING LOW-INCIDENCE POPULATIONS

18 “SEC. 634. (a) PROGRAM AUTHORIZED.—The Sec-
19 retary may make grants to, and enter into contracts and
20 cooperative agreements with, eligible entities to meet the
21 purposes of this part by supporting preparation for per-
22 sonnel who will provide educational and related services
23 to children with low-incidence disabilities, and personnel
24 who will provide early intervention services to infants and
25 toddlers with disabilities.

1 “(b) AUTHORIZED ACTIVITIES.—(1) Individuals who
2 may be prepared under this section include personnel who
3 are—

4 “(A) currently prepared in the fields of edu-
5 cational, related, or early intervention services; and

6 “(B) studying to—

7 “(i) obtain degrees, certification, licensure,
8 or endorsements in these fields; or

9 “(ii) meet competency requirements in
10 these fields.

11 “(2) The Secretary may include funds for scholar-
12 ships, with necessary stipends and allowances, in awards
13 under this section.

14 “(c) APPLICATIONS.—(1) Any eligible entity that
15 wishes to receive a grant under this section shall submit
16 an application to the Secretary at such time, in such man-
17 ner, and containing such information as the Secretary may
18 require.

19 “(2) Each such application shall propose to provide
20 preparation that addresses a significant need, as shown
21 by letters from one or more States stating that—

22 “(A) they intend to accept successful comple-
23 tion of the proposed personnel preparation as meet-
24 ing State personnel standards for serving children

1 with low-incidence disabilities, or for serving infants
2 and toddlers with disabilities; and

3 “(B) they need personnel in the area or areas
4 in which the applicant proposes to provide prepara-
5 tion, as identified in their comprehensive systems of
6 personnel development under parts B and H, or in
7 their State Improvement Plan under part C.

8 “(d) SELECTION OF RECIPIENTS.—In making
9 awards under this section, the Secretary—

10 “(1) shall apply such criteria as the Secretary
11 finds appropriate, including—

12 “(A) the impact of the proposed project in
13 meeting the need for personnel identified by the
14 States under subsection (b)(2); and

15 “(B) the extent to which applicants pro-
16 pose to conduct training that incorporates best
17 practices in both—

18 “(i) the preparation of personnel; and

19 “(ii) the provision of educational, re-
20 lated, or early intervention services;

21 “(2) may give preference to applications that
22 propose to prepare personnel in more than one low-
23 incidence disability, such as deafness and blindness;

1 “(3) may consider past performance of the ap-
2 plicant in carrying out previous projects under this
3 Act; and

4 “(4) may ensure broad geographic coverage of
5 activities assisted under this section.

6 “(e) DEFINITION.—As used in this section, the term
7 ‘low incidence disability’ means—

8 “(1) a visual or hearing impairment, or simulta-
9 neous visual and hearing impairments;

10 “(2) a significant cognitive impairment; or

11 “(3) any impairment for which a small number
12 of personnel with highly specialized skills and knowl-
13 edge are needed in order for children with that im-
14 pairment to receive early intervention services or a
15 free appropriate public education.

16 “LEADERSHIP PERSONNEL

17 “SEC. 635. (a) PROGRAM AUTHORIZED.—The Sec-
18 retary may make grants to, and enter into contracts and
19 cooperative agreements with, eligible entities to meet the
20 purposes of this part by preparing educational, related
21 service, and early intervention leadership personnel (in-
22 cluding teacher-preparation faculty, administrators, re-
23 searchers, supervisors, and principals) so that they are
24 prepared to help children with disabilities—

1 “(1) meet developmental goals and, to the maximum extent possible, those challenging standards
2 that have been established for all children; and

3 “(2) be prepared to lead productive, independent adult lives to the maximum extent possible.

4 “(b) AUTHORIZED ACTIVITIES.—(1) In carrying out
5 this section, the Secretary may support any activities that
6 are consistent with subsection (a), including—

7 “(A) preparation of personnel at the advanced
8 graduate, doctoral, or post-doctoral levels; and

9 “(B) professional development of leadership
10 personnel.

11 “(2) The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards
12 under this section.

13 “(c) PREFERENCES.—In making awards under this
14 section, the Secretary—

15 “(1) shall give preference to projects at institutions of higher education that have successfully integrated the professional development of general and special education personnel;

16 “(2) may give preference to projects at institutions of higher education that—
17

1 “(A) are making progress toward integrat-
2 ing the professional development of general and
3 special education personnel; or

4 “(B) have achieved coordination of their
5 professional development programs for general
6 and special education personnel; and

7 “(3) shall give preference to applicants that are
8 successfully recruiting and preparing individuals
9 with disabilities and individuals from groups that
10 are underrepresented in education leadership posi-
11 tions.

12 “SERVICE OBLIGATION

13 “SEC. 636. Each application for funds under sections
14 634 and 635 shall include an assurance that the applicant
15 will ensure that individuals who are prepared under the
16 proposed project will subsequently perform work related
17 to their preparation or repay all or part of the cost of
18 that preparation.

19 “AUTHORIZATION OF APPROPRIATIONS

20 “SEC. 637. For the purpose of carrying out this part,
21 there are authorized to be appropriated such sums as may
22 be necessary for each of the fiscal years 1997 through
23 2001.

24 “PART E—RESEARCH TO PRACTICE

25 “FINDINGS

26 “SEC. 641. FINDINGS.—The Congress finds that—

1 “(1) as a result of more than 20 years of Fed-
2 eral support for research, demonstrations, and relat-
3 ed activities, there is an important knowledge base
4 for enhancing educational opportunities for children
5 with disabilities, and research in such areas as in-
6 structional and behavioral management interven-
7 tions, learning strategies, and teaching has led to
8 significant improvements in professional practice
9 and educational results for children with disabilities;

10 “(2) Federal support for a coordinated and
11 high-quality program of research, demonstrations,
12 dissemination, and technical assistance is essential
13 to enabling State and local educational agencies to
14 improve educational results for children with disabil-
15 ities;

16 “(3) States, local educational agencies, institu-
17 tions of higher education, schools, and Indian tribes,
18 as well as parents of children with disabilities, need
19 information that is based on current research, that
20 is easily accessible, and that is integrated with infor-
21 mation that—

22 “(A) helps administrators and teachers to
23 serve all children;

24 “(B) helps families to improve educational
25 results for their children; and

1 “(1) identify and produce knowledge to improve
2 early intervention and educational opportunities for
3 children with disabilities so that they can—

4 “(A) meet developmental goals and, to the
5 maximum extent possible, those challenging
6 standards that have been established for all
7 children; and

8 “(B) be prepared to lead productive, inde-
9 pendent adult lives to the maximum extent pos-
10 sible;

11 “(2) advance the use of knowledge by adminis-
12 trators, teachers, parents, and others who work with
13 children with disabilities, as well as by individuals
14 with disabilities;

15 “(3) identify, produce, and promote the use of
16 knowledge to address the special needs of children
17 with a high likelihood of needing special education
18 and related services in order to reduce, through
19 early intervention, the need for special education
20 services later in life; and

21 “(4) assist institutions of higher education to
22 appropriately serve individuals with disabilities, in-
23 cluding individuals who are deaf, in postsecondary
24 programs.

1 “RESEARCH AND IMPROVEMENT ACTIVITIES

2 “SEC. 643. The Secretary may make grants to, and
3 enter into contracts and cooperative agreements with, eli-
4 gible entities to support activities that will help meet the
5 purposes of this part, including—

6 “(1) research and development projects that ad-
7 vance knowledge about—

8 “(A) the developmental and learning char-
9 acteristics of children with disabilities that will
10 improve the design and effectiveness of inter-
11 ventions and instruction;

12 “(B) assessment techniques, instruments
13 (including tests, inventories, and scales), and
14 strategies for measuring the progress of chil-
15 dren with disabilities in meeting developmental
16 goals and, to the maximum extent possible,
17 those challenging standards that have been es-
18 tablished for all children;

19 “(C) identifying and evaluating children
20 with disabilities for the purpose of determin-
21 ing—

22 “(i) their eligibility for services under
23 this Act; and

1 “(ii) the appropriate education, relat-
2 ed services, and early intervention services
3 to be provided to eligible children;

4 “(D) identifying organizational, resource,
5 and other conditions necessary for effective pro-
6 fessional practice;

7 “(E) the coordination of education with
8 health and social services in order to improve
9 educational results for children with disabilities;

10 “(F) helping families improve educational
11 results for their children; and

12 “(G) strategies to address the behavior of
13 children with disabilities that impedes their
14 learning or that of others;

15 “(2) large-scale longitudinal studies designed to
16 produce information on the long-term impact of
17 early intervention and education on results for indi-
18 viduals with disabilities;

19 “(3) model demonstration projects to apply and
20 field-test research findings in typical service settings
21 to determine the applicability, usability, effective-
22 ness, and general applicability of such research find-
23 ings in such areas as improving instructional meth-
24 ods, curricula, and instructional tools such as text-
25 books, media, and materials;

1 “(4) projects to assist institutions of higher
2 education in appropriately serving their students
3 with disabilities, including deaf students, such as
4 demonstrating and disseminating effective strategies
5 to address the needs of those students;

6 “(5) outreach projects to support the replica-
7 tion of proven strategies and practices that will im-
8 prove educational, related, and early intervention
9 services for children with disabilities;

10 “(6) assisting researchers, program developers,
11 and others to produce, evaluate, and make available
12 information that will be useful to a variety of audi-
13 ences seeking to improve educational results for chil-
14 dren with disabilities;

15 “(7) helping apply research and other knowl-
16 edge to improve educational results for children with
17 disabilities by—

18 “(A) identifying useful research and other
19 products;

20 “(B) ensuring that these products are in
21 appropriate formats for distribution to adminis-
22 trators, teachers, parents, and individuals with
23 disabilities; and

24 “(C) making those products available
25 through clearinghouses, libraries, electronic net-

1 works, parent training projects, and other infor-
2 mation sources;

3 “(8) integrating educational, related, transi-
4 tional, and early intervention service information re-
5 lated to children with disabilities into clearinghouses,
6 libraries, electronic networks, and other information
7 and communication resources that are available to
8 address the needs of all children, not just children
9 with disabilities;

10 “(9) clearinghouse activities to address the in-
11 formation needs of administrators, teachers, parents,
12 and others who work with individuals with disabil-
13 ities as well as the information needs of individuals
14 with disabilities themselves;

15 “(10) supplemental funding for the comprehen-
16 sive technical assistance centers authorized under
17 part A of title XIII of the Elementary and Second-
18 ary Education Act of 1965 to help ensure that those
19 centers effectively address the needs of children with
20 disabilities;

21 “(11) special education and early intervention
22 regional resource centers to provide technical assist-
23 ance to States in—

1 “(A) linking to other technical assistance
2 resources, including special and general edu-
3 cation resources;

4 “(B) gaining access to information, includ-
5 ing information on research and best practices;
6 and

7 “(C) developing, implementing, and evalu-
8 ating their State Improvement Plans under part
9 C of this Act; and

10 “(12) technical assistance to State educational
11 agencies, State lead agencies for serving infants and
12 toddlers with disabilities under part H, and other or-
13 ganizations and agencies that play a critical role in
14 serving children with disabilities in such areas as—

15 “(A) providing for the participation of chil-
16 dren with disabilities in State and local assess-
17 ments;

18 “(B) the financing of special education;

19 “(C) the coordination of education, health,
20 and social services; and

21 “(D) promoting safe and disciplined
22 schools.

23 “STUDIES AND EVALUATIONS; ANNUAL REPORT

24 “SEC. 644. (a) STUDIES AND EVALUATIONS.—The
25 Secretary may, directly or through grants to, and con-
26 tracts and cooperative agreements with, eligible entities—

1 “(1) assess progress in the implementation of
2 this Act;

3 “(2) assess, through performance indicators
4 and other means, the impact and effectiveness of
5 State and local efforts, and efforts by the Secretary
6 of the Interior, to—

7 “(A) provide a free appropriate public edu-
8 cation to children with disabilities; and

9 “(B) provide early intervention services to
10 infant and toddlers with disabilities and those
11 at risk for developmental delay;

12 “(3) assess the placement of children with dis-
13 abilities, by disability;

14 “(4) provide Congress with information relevant
15 to policy-making and to provide State, local, and
16 Federal agencies, including the Department of the
17 Interior, with information relevant to program man-
18 agement, administration, service delivery, and effec-
19 tiveness with respect to education and early inter-
20 vention services; and

21 “(5) conduct the national assessment described
22 in section 645.

23 “(b) ANNUAL REPORT.—The Secretary shall report
24 annually to the Congress on—

1 “(1) the results of activities conducted under
2 subsection (a);

3 “(2) an analysis and summary of the data re-
4 ported by the States and the Secretary of the Inte-
5 rior under section 618; and

6 “(3) the findings and determinations resulting
7 from reviews of State implementation of this Act.

8 “NATIONAL ASSESSMENT

9 “SEC. 645. (a) PURPOSE OF ASSESSMENT.—The
10 Secretary shall carry out a national assessment of the im-
11 plementation of this Act in order to—

12 “(1) determine the impact of this Act on help-
13 ing individuals with disabilities—

14 “(A) meet developmental goals and, to the
15 maximum extent possible, those challenging
16 standards that have been established for all
17 children; and

18 “(B) be prepared to lead productive, inde-
19 pendent adult lives to the maximum extent pos-
20 sible;

21 “(2) provide information to Congress, the Exec-
22 utive Branch, the States, local educational agencies,
23 and others on how to more effectively implement the
24 Act; and

1 “(3) provide Congress and the Executive
2 Branch information useful in developing legislation
3 to more effectively meet the purposes of this Act.

4 “(b) CONSULTATION.—The Secretary shall plan, re-
5 view, and conduct the national assessment in consultation
6 with researchers, State practitioners, local practitioners,
7 parents of children with disabilities, individuals with dis-
8 abilities, and other appropriate individuals.

9 “(c) SCOPE OF ASSESSMENT.—(1) The national as-
10 sessment shall examine how well schools, local educational
11 agencies, and States, in carrying out parts B, C, and H,
12 are—

13 “(A) helping children served under this Act, in-
14 cluding children from minority backgrounds and
15 children with limited English proficiency—

16 “(i) meet developmental goals and, to the
17 maximum extent possible, those challenging
18 standards that have been established for all
19 children; and

20 “(ii) be prepared to lead productive, inde-
21 pendent adult lives to the maximum extent pos-
22 sible;

23 “(B) providing for the participation of children
24 with disabilities in the general education curriculum;

1 “(C) helping children with disabilities make
2 successful transitions from—

3 “(i) early intervention services to preschool
4 education;

5 “(ii) preschool education to elementary
6 school; and

7 “(iii) secondary school to adult life;

8 “(D) providing for the participation of children
9 with disabilities in State and district-wide assess-
10 ments;

11 “(E) placing and serving children with disabil-
12 ities, including children from minority backgrounds
13 and children with limited English proficiency, in the
14 least restrictive environment appropriate;

15 “(F) preventing children with disabilities, espe-
16 cially children with emotional disturbances and spe-
17 cific learning disabilities, from dropping out of
18 school;

19 “(G) addressing the need for personnel with the
20 knowledge and skills necessary to help children with
21 disabilities reach developmental goals and challeng-
22 ing standards;

23 “(H) coordinating services provided under this
24 Act with each other, with other educational and
25 pupil services (including preschool services), and

1 with health and social services funded from other
2 sources;

3 “(I) affording parents of children served under
4 this Act meaningful opportunities to participate in
5 the education of their children; and

6 “(J) resolving disagreements between education
7 personnel and parents through activities such as me-
8 diation.

9 “(2) The assessment shall also examine how effective
10 the activities authorized under parts D through G of this
11 Act have been in achieving their purposes.

12 “(d) SOURCES OF INFORMATION.—The Secretary
13 shall use information gathered from a variety of sources,
14 including the National Assessment of Educational
15 Progress, State evaluations, and available research stud-
16 ies, in carrying out this section.

17 “(e) INTERIM AND FINAL REPORTS.—The Secretary
18 shall submit to the President and the appropriate commit-
19 tees of the Congress—

20 “(1) an interim report that summarizes the pre-
21 liminary findings of the assessment by October 1,
22 1998; and

23 “(2) a final report of the findings of the assess-
24 ment by October 1, 2000.

1 “AUTHORIZATION OF APPROPRIATIONS; RESERVATION
2 FOR STUDIES AND EVALUATIONS

3 “SEC. 646. (a) AUTHORIZATION OF APPROPRIA-
4 TIONS.—For the purpose of carrying out this part, there
5 are authorized to be appropriated such sums as may be
6 necessary for each of the fiscal years 1997 through 2001.

7 “(b) RESERVATION FOR STUDIES AND EVALUA-
8 TIONS.—Notwithstanding any other provisions of this Act,
9 the Secretary may reserve, in addition to any funds appro-
10 priated under subsection (a), up to one-half of one percent
11 of the amount appropriated for each fiscal year for section
12 611 and for part H to carry out sections 644 and 645
13 of this part.

14 “PART F—PARENT TRAINING AND INFORMATION

15 “FINDINGS

16 “SEC. 651. The Congress finds that—

17 “(1) parental involvement in the education of
18 their children improves the emotional well-being of
19 families, enhances parenting skills, and improves
20 educational results for children with disabilities, ena-
21 bling them to lead productive, independent adult
22 lives to the maximum extent possible;

23 “(2) parents of children with disabilities need
24 training to develop the skills they need to participate
25 effectively in the education of their children, and to

1 understand the nature of their children’s disabilities
2 and their need for accommodations and special edu-
3 cation and related services in order to achieve their
4 educational goals;

5 “(3) parents of children with disabilities need
6 information on their rights and protections under
7 this Act to ensure improved educational results;

8 “(4) parents of children with disabilities who
9 have limited access to services and supports due to
10 economic, cultural, or linguistic barriers have the
11 greatest need for community-based approaches to
12 providing parent training and information;

13 “(5) parental involvement in school-site reform
14 initiatives, such as under the Goals 2000: Educate
15 America Act, leads to improved educational results
16 for their children; and

17 “(6) students with disabilities need training so
18 that they can assume the rights of their parents
19 under part B of this Act when they reach the age
20 of majority, if the State provides for the transfer of
21 those rights under section 615(j).

22 “PURPOSES

23 “SEC. 652. The purposes of this part are to ensure
24 that—

25 “(1) parents of children with disabilities have
26 training and information provided in a manner that

1 is meaningful and accessible to enable them to par-
2 ticipate effectively in helping their children—

3 “(A) meet developmental goals and, to the
4 maximum extent possible, those challenging
5 standards that have been established for all
6 children; and

7 “(B) be prepared to lead productive, inde-
8 pendent adult lives to the maximum extent pos-
9 sible; and

10 “(2) students with disabilities understand their
11 rights and responsibilities under part B of this Act
12 on reaching the age of majority, if the State pro-
13 vides for the transfer of parental rights under sec-
14 tion 615(j) of that part.

15 “PARENT TRAINING AND INFORMATION CENTERS

16 “SEC. 653. (a) PROGRAM AUTHORIZED.—The Sec-
17 retary may make grants to, and enter into contracts and
18 cooperative agreements with, parent organizations to sup-
19 port parent training and information centers to carry out
20 the purposes of this part.

21 “(b) REQUIRED ACTIVITIES.—Each parent training
22 and information center receiving assistance under this sec-
23 tion shall—

24 “(1) provide training and information that
25 meets the training and information needs of parents

1 of children with disabilities living in the area to be
2 served by the award;

3 “(2) serve the parents of children with the full
4 range of disabilities;

5 “(3) assist parents to—

6 “(A) better understand the nature of their
7 children’s disabilities and their educational and
8 developmental needs;

9 “(B) communicate effectively with early
10 intervention personnel, special and regular edu-
11 cators, administrators, related services person-
12 nel, and other relevant professionals;

13 “(C) participate in decision-making proc-
14 esses, including the development of individual-
15 ized education programs under part B of this
16 Act and individualized family service plans
17 under part H of this Act for children with dis-
18 abilities;

19 “(D) obtain appropriate information about
20 the range of options, programs, services, and
21 resources available at the national, State, and
22 local levels to assist children with disabilities
23 and their families;

24 “(E) understand the provisions for the
25 education of, and for early intervention services

1 for, children with disabilities under this Act;
2 and

3 “(F) participate in school reform activities;

4 “(4) assist students with disabilities to under-
5 stand their rights and responsibilities under section
6 615(j) of this Act on reaching the age of majority,
7 if the State provides for the transfer of parental
8 rights to the student under that section;

9 “(5) report to the Secretary on—

10 “(A) the number of parents to whom it
11 provided information and training; and

12 “(B) the effectiveness of strategies used to
13 reach and serve parents, including low-income
14 parents from inner-city and rural areas, parents
15 of children with limited English proficiency, and
16 parents with disabilities; and

17 “(6) establish cooperative partnerships with the
18 community parent resource centers funded under
19 section 654.

20 “(c) APPLICATION REQUIREMENTS.—Each applica-
21 tion for assistance under this section shall identify with
22 specificity the special efforts that the applicant will under-
23 take to—

24 “(1) ensure that the needs of low-income par-
25 ents from inner-city and rural areas, parents of chil-

1 dren with limited English proficiency, and parents
2 with disabilities in the area to be served are effec-
3 tively met; and

4 “(2) work with community-based organizations.

5 “(d) DISTRIBUTION OF FUNDS.—(1)(A) The Sec-
6 retary shall allocate the funds available to carry out this
7 section for each fiscal year for awards in each State based
8 on the State’s population from birth through age 21, ex-
9 cept that—

10 “(i) each of the 50 States, the District of Co-
11 lumbia, and the Commonwealth of Puerto Rico shall
12 be allocated at least \$150,000 or the amount that it
13 was allocated under this section for the previous fis-
14 cal year, whichever is greater; and

15 “(ii) each outlying area shall be allocated at
16 least \$50,000 or the amount that it was allocated
17 under this section for the previous fiscal year, which-
18 ever is greater.

19 “(B) If the sums available to make allocations under
20 subparagraph (A) are insufficient to make the minimum
21 allocations described in that subparagraph, the Secretary
22 shall ratably reduce those allocations.

23 “(C) If additional funds become available to make al-
24 locations under subparagraph (A), the allocations that

1 were reduced under subparagraph (B) shall be increased
2 on the same basis as they were reduced.

3 “(2) The Secretary shall make at least one award in
4 each State from which the Secretary receives an applica-
5 tion of sufficient quality to warrant approval.

6 “(3) The Secretary may select applications in a man-
7 ner that ensures the most effective coverage of parents,
8 including parents in urban and rural areas, in the affected
9 State.

10 “(4) If the Secretary determines that the applications
11 received from a State do not warrant the award of the
12 State’s entire allocation under paragraph (1), the Sec-
13 retary may use all or part of that allocation, as the case
14 may be—

15 “(A) to increase the number or amount of
16 awards in other States under this section; or

17 “(B) for other activities, authorized by this part
18 or other provisions of this Act, to provide parents
19 with training and information or to provide technical
20 assistance to those providing that training and infor-
21 mation.

22 “COMMUNITY PARENT RESOURCE CENTERS

23 “SEC. 654. (a) PROGRAM AUTHORIZED.—The Sec-
24 retary may make grants to, and enter into contracts and
25 cooperative agreements with, local parent organizations to
26 support parent training and information centers that will

1 help ensure that underserved parents of children with dis-
2 abilities, including low-income parents, parents of children
3 with limited English proficiency, and parents with disabil-
4 ities, have the training and information they need to en-
5 able them to participate effectively in helping their chil-
6 dren with disabilities—

7 “(1) meet developmental goals and, to the max-
8 imum extent possible, those challenging standards
9 that have been established for all children; and

10 “(2) be prepared to lead productive, independ-
11 ent adult lives to the maximum extent possible.

12 “(b) REQUIRED ACTIVITIES.—Each parent training
13 and information center assisted under this section shall—

14 “(1) provide training and information that
15 meets the training and information needs of parents
16 of children with disabilities proposed to be served by
17 the award;

18 “(2) carry out the activities required of parent
19 training and information centers under paragraphs
20 (2) through (5) of section 653(b);

21 “(3) establish cooperative partnerships with the
22 parent training and information centers funded
23 under section 653; and

1 “(4) be designed to meet the specific needs of
2 families who experience significant isolation from
3 available sources of information and support.

4 “TECHNICAL ASSISTANCE

5 “SEC. 655. (a) PROGRAM AUTHORIZED.—The Sec-
6 retary may provide technical assistance for developing, as-
7 sisting, and coordinating parent training and information
8 programs under this part.

9 “(b) PRIORITIES.—The Secretary may focus tech-
10 nical assistance under this section on areas such as—

11 “(1) coordinating parent training efforts;

12 “(2) providing or helping to disseminate infor-
13 mation to projects;

14 “(3) assisting centers funded under this part in
15 evaluating themselves;

16 “(4) promoting the use of technology;

17 “(5) reaching underserved populations;

18 “(6) early childhood services;

19 “(7) assistive technology;

20 “(8) including children with disabilities in gen-
21 eral education programs;

22 “(9) transition from—

23 “(A) early intervention services to pre-
24 school;

25 “(B) preschool to school; or

1 “(C) secondary school to postsecondary en-
2 vironments; and

3 “(10) alternative methods of dispute resolution.

4 “DEFINITIONS

5 “SEC. 656. (a) PARENT ORGANIZATION.—As used in
6 this part, the term ‘parent organization’ means a private
7 nonprofit organization (but not including an institution of
8 higher education) that either—

9 “(1) has a board of directors—

10 “(A) the majority of whom are parents of
11 children with disabilities;

12 “(B) that includes—

13 “(i) individuals working in the fields
14 of special education, related services, and
15 early intervention; and

16 “(ii) individuals with disabilities; and

17 “(C) the parent and professional members
18 of which are broadly representative of the popu-
19 lation to be served; or

20 “(2) represents the interests of individuals with
21 disabilities and has established a special governing
22 committee to administer the proposed project that
23 meets the requirements of subparagraphs (A), (B),
24 and (C) of paragraph (1).

25 “(b) LOCAL PARENT ORGANIZATION.—As used in
26 this part, the term ‘local parent organization’ means a

1 parent organization, as defined in subsection (a), that ei-
2 ther—

3 “(1) has a board of directors the majority of
4 whom are from the community to be served by the
5 proposed project; or

6 “(2)(A) has the interests of individuals with
7 disabilities from that community as a part of its
8 mission; and

9 “(B) has a special governing committee to
10 administer the project, a majority of the mem-
11 bers of which are from that community.

12 “AUTHORIZATION OF APPROPRIATIONS

13 “SEC. 657. (a) GENERAL.—For the purpose of carry-
14 ing out this part, there are authorized to be appropriated
15 such sums as may be necessary for each of the fiscal years
16 1997 through 2001.

17 “(b) COMMUNITY PARENT RESOURCE CENTERS.—
18 For any fiscal year for which the amount appropriated for
19 this part is at least \$13,535,000, the Secretary shall make
20 at least five awards for community parent resource centers
21 under section 654.

22 “PART G—TECHNOLOGY DEVELOPMENT AND
23 EDUCATIONAL MEDIA SERVICES

24 “FINDINGS

25 “SEC. 661. The Congress finds that—

1 early intervention and education services for children
2 with disabilities so that they can—

3 “(A) meet developmental goals and, to the
4 maximum extent possible, those challenging
5 standards that have been established for all
6 children; and

7 “(B) be prepared to lead productive, inde-
8 pendent adult lives to the maximum extent pos-
9 sible;

10 “(2) address the educational needs and promote
11 the general welfare of deaf and hard-of-hearing indi-
12 viduals through media; and

13 “(3) address the educational needs of visually
14 impaired (including blind) and print-disabled individ-
15 uals and the general welfare of visually impaired in-
16 dividuals through media.

17 “TECHNOLOGY DEVELOPMENT

18 “SEC. 663. (a) PROGRAM AUTHORIZED.—The Sec-
19 retary may make grants to, and enter into contracts and
20 cooperative agreements with, eligible entities to support
21 activities that will carry out the purpose of this part stated
22 in section 662(1).

23 “(b) AUTHORIZED ACTIVITIES.—In carrying out this
24 section, the Secretary may support any activities that are
25 consistent with subsection (a), including—

1 “(1) conducting research and development on
2 the use of innovative and emerging technologies for
3 children with disabilities;

4 “(2) promoting the use of innovative and
5 emerging technologies for children with disabilities
6 by improving and expanding the transfer of tech-
7 nology from research and development to practice;

8 “(3) conducting research on, and developing,
9 assistive and instructional technologies to improve
10 learning;

11 “(4) conducting research on effective models of
12 professional development and school policies that
13 support the use of technology in the school, the
14 home, the workplace, and community settings;

15 “(5) providing technical assistance to recipients
16 under this section in the development of accessible,
17 effective, and usable products;

18 “(6) communicating information on—

19 “(A) available technology; and

20 “(B) models described in paragraph (4);

21 “(7) conducting research on captioning or video
22 description; and

23 “(8) supporting research and development of
24 technology with universal design features, so that it

1 is accessible to individuals with disabilities without
2 further modification or adaptation.

3 “EDUCATIONAL MEDIA SERVICES

4 “SEC. 664. (a) PROGRAM AUTHORIZED.—The Sec-
5 retary may make grants to, and enter into contracts and
6 cooperative agreements with, eligible entities to support
7 the use of media to—

8 “(1) address the educational needs and promote
9 the general welfare of deaf and hard-of-hearing indi-
10 viduals through media; and

11 “(2) address the educational needs of visually
12 impaired (including blind) and print-disabled individ-
13 uals and the general welfare of visually impaired in-
14 dividuals through media.

15 “(b) AUTHORIZED ACTIVITIES.—In carrying out this
16 section, the Secretary may support any activities that are
17 consistent with subsection (a), including—

18 “(1) video description, open captioning, or
19 closed captioning of television programs, videos, or
20 educational materials;

21 “(2) distributing captioned and described videos
22 or educational materials;

23 “(3) recording free educational materials, in-
24 cluding textbooks, for visually impaired and print-
25 disabled students in elementary, secondary, post-
26 secondary, and graduate schools; and

1 “(4) providing, through the National Theatre of
2 the Deaf and other means, cultural experiences to—

3 “(A) enrich the lives of deaf and hard-of-
4 hearing children and adults;

5 “(B) increase public awareness and under-
6 standing of deafness and of the artistic and in-
7 tellectual achievements of deaf and hard-of-
8 hearing individuals; and

9 “(C) promote the integration of hearing,
10 deaf, and hard-of-hearing individuals through
11 shared cultural, educational, and social experi-
12 ences.

13 “AUTHORIZATION OF APPROPRIATIONS

14 “SEC. 665. For the purpose of carrying out this part,
15 there are authorized to appropriated such sums as may
16 be necessary for each of the fiscal years 1997 through
17 2001.”.

18 TITLE IV—AMENDMENTS TO PART H OF THE

19 IDEA

20 DEFINITIONS

21 SEC. 401. Section 672 of the IDEA is amended—

22 (1) in paragraph (1)—

23 (A) by inserting “—” after “toddlers with
24 disabilities”;

25 (B) by redesignating subparagraphs (A)
26 and (B) as clauses (i) and (ii);

1 (C) by designating “means individuals”
2 and all that follows through the end of the first
3 sentence thereof as subparagraph (A);

4 (D) by designating the second sentence
5 thereof as subparagraph (B);

6 (E) in subparagraph (A)(ii), as redesignated,
7 by striking out the period following “de-
8 velopmental delay” and inserting in lieu thereof
9 a semicolon and “and”; and

10 (F) by amending subparagraph (B), as
11 designated by subparagraph (D), to read as fol-
12 lows:

13 “(B) may also include, at a State’s discre-
14 tion, at-risk infants and toddlers, as defined in
15 paragraph (5).”; and

16 (2) by adding at the end thereof a new para-
17 graph (5) to read as follows:

18 “(5) The term ‘at-risk infants and toddlers’
19 means individuals from birth through age two who
20 are at risk of having substantial developmental
21 delays if early intervention services are not pro-
22 vided.”.

23 GENERAL AUTHORITY

24 SEC. 402. Section 673 of the IDEA is amended by
25 striking out “develop” and inserting in lieu thereof “im-
26 plement”.

ELIGIBILITY

1
2 SEC. 403. (a) The heading for section 674 of the
3 IDEA is amended by striking out “GENERAL”.

4 (b) Section 674 of the IDEA is further amended by
5 striking out “that the State” and all that follows through
6 the end thereof and inserting in lieu thereof “that the
7 State—

8 “(A) has adopted a policy that appropriate
9 early intervention services are available to all infants
10 and toddlers in the State who are eligible under this
11 part and their families; and

12 “(B) has in effect the statewide system required
13 by section 675.”.

CONTINUING ELIGIBILITY

14
15 SEC. 404. (a) REPEAL OF SECTION 675.—Section
16 675 of the IDEA is repealed.

17 (b) REDESIGNATION OF SECTIONS.—Sections 676
18 and 677 of the IDEA are redesignated as sections 675
19 and 676, respectively.

REQUIREMENTS FOR STATEWIDE SYSTEM

20
21 SEC. 405. Subsection (b) of section 675 of the IDEA,
22 as redesignated by section 404(b), is amended—

23 (1) by amending paragraph (2) to read as fol-
24 lows:

25 “(2) a statement of—

1 “(A) which infants and toddlers will be
2 served under section 676; and

3 “(B) which infants and toddlers will be
4 served under section 677,”;

5 (2) in paragraph (3)—

6 (A) by striking out “to appropriately assist
7 in the development of the infant or toddler with
8 a disability”;

9 (B) by designating the remaining text as
10 subparagraph (A);

11 (C) by inserting “and” after the comma at
12 the end thereof; and

13 (D) by adding at the end thereof a new
14 subparagraph (B) to read as follows:

15 “(B) a timely assessment of each at-risk
16 infant and toddler to be served under section
17 677,”;

18 (3) in paragraph (4)—

19 (A) by inserting “(A)” after the paragraph
20 number;

21 (B) by striking out “section 677” and in-
22 serting in lieu thereof “section 676”;

23 (C) by adding “and” after the comma at
24 the end thereof; and

1 (D) by adding at the end thereof a new
2 subparagraph (B) to read as follows:

3 “(B) for each at-risk infant and toddler to
4 be served under section 677, a statement of
5 services to be provided, including service coordi-
6 nation, in accordance with that section,”;

7 (4) in paragraph (6)—

8 (A) by striking out “identification of in-
9 fants and toddlers with disabilities” and insert-
10 ing in lieu thereof “identification of infants and
11 toddlers served under this part”; and

12 (B) by striking out “parents of infants
13 with disabilities” and inserting in lieu thereof
14 “parents of infants and toddlers”;

15 (5) in paragraph (8)—

16 (A) by striking out “section 613(a)(3) and
17 inserting in lieu thereof “section 612(a)(14) (or
18 with the personnel development requirements
19 for State Improvement Plans under section
20 624, as amended by section 302 of the Individ-
21 uals with Disabilities Education Act Amend-
22 ment of 1995)”;

23 (B) in subparagraph (C), by inserting
24 “and innercity” after “rural”; and

25 (C) in subparagraph (D)—

1 (i) by striking out “with disabilities”
2 and inserting in lieu thereof “served under
3 this part”; and

4 (ii) by striking out “a preschool pro-
5 gram under section 619 of part B.” and
6 inserting in lieu thereof “preschool or
7 other services,”;

8 (6) in paragraph (9)(D), by striking out “in-
9 fants and toddlers with disabilities and their fami-
10 lies” and inserting in lieu thereof “infants and tod-
11 dlers and their families under this part”;

12 (7) in paragraph (13)—

13 (A) in subparagraph (B), by striking out
14 “and” at the end thereof and inserting in lieu
15 thereof “except that”; and

16 (B) by adding at the end thereof a new
17 subparagraph (C) to read as follows:

18 “(C) nothing in this Act, including sub-
19 paragraphs (A) and (B) of this paragraph, pro-
20 hibits the use of paraprofessionals who are ap-
21 propriately trained and supervised, in meeting
22 the requirements of this part,”;

23 (8) by amending paragraph (14) to read as fol-
24 lows:

1 “(14) a system for compiling data requested by
2 the Secretary under section 618 that relates to this
3 part, and”;

4 (9) by adding at the end thereof a new para-
5 graph (15) to read as follows:

6 “(15) a State Interagency Coordinating Council
7 that meets the requirements of section 682.”;

8 (10) by redesignating paragraph (13) as para-
9 graph (9); and

10 (11) by redesignating paragraphs (9) through
11 (12) as paragraphs (10) through (13), respectively.

12 INDIVIDUALIZED FAMILY SERVICE PLANS

13 SEC. 406. Subsection (d) of section 676 of the IDEA,
14 as redesignated by section 404(b), is amended—

15 (1) in paragraph (1), by striking out “accept-
16 able”; and

17 (2) in paragraph (8)—

18 (A) by striking out “supporting” and in-
19 serting in lieu thereof “to support”; and

20 (B) by striking out “services provided”
21 and all that follows through “appropriate” and
22 inserting in lieu thereof “preschool or other ap-
23 propriate services”.

1 STATEMENT OF SERVICES FOR AT-RISK INFANTS AND
2 TODDLERS

3 SEC. 407. Part H of the IDEA is further amended
4 by inserting after section 676, as redesignated by section
5 404(b), a new section 677 to read as follows:

6 “STATEMENT OF SERVICES FOR AT-RISK INFANTS AND
7 TODDLERS

8 “SEC. 677. (a) APPLICABILITY; ASSESSMENT AND
9 PROGRAM DEVELOPMENT.—Any State that, in accord-
10 ance with section 678(a)(4), elects to provide services
11 under this part to at-risk infants and toddlers in accord-
12 ance with this section shall provide each at-risk infant and
13 toddler, and the infant’s or toddler’s family—

14 “(1) a timely assessment of the unique
15 strengths and needs of the infant or toddler;

16 “(2) at the discretion of the family, a timely
17 family-directed assessment of the resources, prior-
18 ities, and concerns of the family, including the iden-
19 tification of supports and services needed to enhance
20 the family’s capacity to meet the infant’s or tod-
21 dler’s developmental needs; and

22 “(3) a written statement of services to be pro-
23 vided the infant or toddler through programs as-
24 sisted under this part which, at a minimum, shall in-
25 clude service coordination.

1 “(b) DEVELOPMENT OF STATEMENT OF SERVICES.—

2 (1) The child’s service coordinator, together with the par-
3 ents of the infant or toddler, and others as appropriate,
4 shall develop the statement of services described in sub-
5 section (a)(3) within a reasonable time after the assess-
6 ments required by subsections (a) (1) and (2) are com-
7 pleted.

8 “(2) If the parent consents, services may be provided
9 before the statement of services is completed.

10 “(c) CONTENTS OF THE STATEMENT OF SERV-
11 ICES.—The statement of services for each at-risk infant
12 and toddler shall contain—

13 “(1) a statement of the infant’s or toddler’s
14 present levels of development based on objective cri-
15 teria;

16 “(2) at the discretion of the family, a statement
17 of the family’s resources, priorities, and concerns re-
18 lating to enhancing the development of the infant or
19 toddler;

20 “(3) a statement of services needed by the in-
21 fant or toddler and the family, including a statement
22 of the service coordination and any other early inter-
23 vention services to be provided under this part and
24 referrals to, or linkages with, other public or private
25 resources;

1 “(4) the name of the service coordinator; and

2 “(5) in the case of a toddler, the steps to be
3 taken to support transition to preschool or other
4 services, as appropriate.

5 “(d) PERIODIC REVIEW.—(1) The child’s service co-
6 ordinator, together with the parents of the infant or tod-
7 dler, and others as appropriate, shall review (and revise,
8 as appropriate) the statement of services—

9 “(A) every six months;

10 “(B) whenever requested by the family; or

11 “(C) whenever a review would be appropriate
12 based on the needs of the infant or toddler and the
13 family.

14 “(2) The review shall determine whether—

15 “(A) the infant or toddler is an infant or tod-
16 dler with a disability; and

17 “(B) whether a reassessment of the child or
18 family is needed.

19 “(e) PARENTAL CONSENT.—(1) The contents of the
20 statement of services shall be fully explained to the par-
21 ents in their native language or other mode of communica-
22 tion.

23 “(2) Informed written consent from the parents shall
24 be obtained before any early intervention services are pro-
25 vided under this part.

1 “(3) If the parents do not consent to the provision
2 of a particular early intervention service, only the services
3 to which they have consented shall be provided.”.

4 STATE APPLICATIONS AND ASSURANCES

5 SEC. 408. (a) Section 678(a) of the IDEA is amend-
6 ed—

7 (1) in paragraph (3), by adding after the
8 comma at the end thereof “including—

9 “(A) information demonstrating to the
10 Secretary’s satisfaction that the State has in ef-
11 fect the statewide system required by section
12 675; and

13 “(B) a description of services to be pro-
14 vided to infants and toddlers with disabilities
15 and their families under this part.”;

16 (2) by amending paragraph (4) to read as fol-
17 lows:

18 “(4)(A) a statement of whether the State will
19 serve at-risk infants and toddlers as infants and tod-
20 dlers with disabilities; and

21 “(B) if not, but if it will serve at-risk infants
22 and toddlers under section 677—

23 “(i) a description of the services it will pro-
24 vide;

1 “(ii) an assurance that, at a minimum, the
2 State will provide service coordination for those
3 infants and toddlers; and

4 “(iii) an assurance that the parents of each
5 such infant and toddler will be provided a
6 statement of services in accordance with section
7 677,”; and

8 (3) by amending paragraph (8) to read as fol-
9 lows:

10 “(8) a description of the policies and procedures
11 to be used—

12 “(A) to ensure a smooth transition for tod-
13 dlers receiving early intervention services under
14 this part to preschool or other appropriate serv-
15 ices, including a description of—

16 “(i) how the families of toddlers will
17 be included in the transition plans required
18 by subparagraph (C); and

19 “(ii) how the lead agency under this
20 part will—

21 “(I) notify the local education
22 agency in which the toddler resides;

23 “(II) with the approval of the
24 family, convene a conference among
25 the lead agency, the family, and the

1 local educational agency at least 90
2 days before the child is eligible for
3 preschool services under part B of
4 this Act in accordance with State law;
5 and

6 “(III) with the approval of the
7 family, make reasonable efforts to
8 convene a conference among the lead
9 agency, the family, and providers of
10 other appropriate services for children
11 who are not eligible for preschool serv-
12 ices under part B;

13 “(B) review the child’s program options for
14 the period from the child’s third birthday
15 through the remainder of the school year; and

16 “(C) establish a transition plan, and”.

17 (b) Section 678(b) of the IDEA is amended—

18 (1) in paragraph (5), by striking out “infants
19 and toddlers with disabilities and their families” and
20 inserting in lieu thereof “infants and toddlers and
21 their families under this part”; and

22 (2) in paragraph (7)—

23 (A) by striking out “traditionally”; and

24 (B) by striking out “and rural” and insert-
25 ing in lieu thereof “rural, and inner-city”.

1 USES OF FUNDS

2 SEC. 409. Section 679 of the IDEA is amended—

3 (1) by striking out “plan, develop, and”;

4 (2) in paragraph (1), by striking out “with dis-
5 abilities and their families” and inserting in lieu
6 thereof “and their families under this part”; and7 (3) in paragraph (2), by striking out “with dis-
8 abilities and their families” and inserting in lieu
9 thereof “and their families under this part”.

10 PROCEDURAL SAFEGUARDS

11 SEC. 410. Section 680 of the IDEA is amended—

12 (1) in paragraphs (5) and (6), by striking out
13 “with a disability”;14 (2) by redesignating paragraph (8) as sub-
15 section (b);16 (3) by designating the remaining text as sub-
17 section (a);18 (4) in subsection (a), as so designated, by in-
19 serting the heading “MINIMUM PROCEDURES.” after
20 “(a)”;21 (5) by adding a new paragraph (8) at the end
22 of subsection (a), as designated by paragraph (3), to
23 read as follows:24 “(8) The right of parents to use mediation in
25 accordance with section 615(d), except that—

1 “(A) references in that section to the State
2 educational agency shall be understood to refer
3 to the State’s lead agency under this part; and

4 “(B) references in that section to a public
5 agency shall be understood to refer to a local
6 service provider or the State’s lead agency
7 under this part, as the case may be.”; and

8 (6) in subsection (b), as redesignated by para-
9 graph (2), by inserting the heading “SERVICES DUR-
10 ING PENDENCY OF PROCEEDINGS.” after “(b)”.

11 STATE INTERAGENCY COORDINATING COUNCIL

12 SEC. 411. Section 682(b)(1) of the IDEA is amended
13 by adding at the end thereof new subparagraphs (H) and
14 (I) to read as follows:

15 “(H) A representative from a Head Start
16 agency or program in the State.

17 “(I) A representative from a State agency
18 responsible for child care.”.

19 ALLOCATION OF FUNDS

20 SEC. 412. Section 684 of the IDEA is amended—

21 (1) in subsection (a)—

22 (A) by inserting “up to” before “1 per-
23 cent”;

24 (B) by striking out “the Republic of the
25 Marshall Islands, the Federated States of Mi-
26 cronesia, the Republic of Palau,”;

1 (C) by redesignating subsection (a) as
2 paragraph (1) of subsection (a); and

3 (D) by adding at the end thereof a new
4 paragraph (2) to read as follows:

5 “(2) The provisions of Public Law 95–134, permit-
6 ting the consolidation of grants to the outlying areas, shall
7 not apply to funds those areas receive under this part.”;

8 (2) by redesignating subsections (c) and (d) as
9 subsections (e) and (f), respectively;

10 (3) by inserting, after subsection (b), new sub-
11 sections (c) and (d) to read as follows:

12 “(c) The Secretary shall reserve up to .05 of one per-
13 cent of the amount appropriated under section 687 for any
14 fiscal year for the operations of the Federal Interagency
15 Coordinating Council under section 685, other than activi-
16 ties of the panel of experts under section 686.

17 “(d) The Secretary may reserve up to \$100,000 for
18 the expenses of the panel of experts established under sec-
19 tion 686.”;

20 (4) in subsection (e), as redesignated by para-
21 graph (2)—

22 (A) in paragraph (1)—

23 (i) by striking out “paragraphs (3),
24 (4), and (5)” and inserting in lieu thereof

25 “paragraphs (2), (3), and (4),”; and

1 (ii) by striking out “subsections (a)
2 and (b)” and inserting in lieu thereof
3 “subsections (a) through (d) and section
4 646(b)”;

5 (B) by striking out paragraph (2);

6 (C) by redesignating paragraphs (3)
7 through (6) as paragraphs (2) through (5), re-
8 spectively;

9 (D) in paragraph (2), as so redesignated—

10 (i) by striking out “paragraphs (4)
11 and (5)” and inserting in lieu thereof
12 “paragraphs (3) and (4)”;

13 (ii) by striking out “greater” and in-
14 serting in lieu thereof “greatest”;

15 (iii) in subparagraph (A), by striking
16 out “paragraph (1), excluding any
17 amounts allotted under paragraph (2); or”
18 and inserting in lieu thereof “paragraph
19 (1);”;

20 (iv) in subparagraph (B), by striking
21 out the period at the end thereof and in-
22 serting in lieu thereof a semicolon and
23 “or”; and

24 (v) by adding at the end thereof a new
25 subparagraph (C) to read as follows:

1 “(C) for any fiscal year for which the total
2 amount appropriated to carry out this part ex-
3 ceeds the total amount appropriated to carry
4 out this part for the preceding fiscal year by a
5 percentage greater than the most recent per-
6 centage change in the Fixed Weight Gross Na-
7 tional Product price index, an amount equal to
8 the State’s allotment for the preceding fiscal
9 year increased by the percentage change in the
10 Fixed Weight Gross National Product price
11 index.”;

12 (E) in paragraph (3), as redesignated by
13 subparagraph (C), by striking out “paragraph
14 (5)” and inserting in lieu thereof “paragraph
15 (4)” and

16 (F) in paragraph (5), as redesignated by
17 subparagraph (C)—

18 (i) by striking out “paragraph (1)”
19 and inserting in lieu thereof “this sub-
20 section”; and

21 (ii) by amending subparagraph (B) to
22 read as follows:

23 “(B) the term ‘State’ means each of the 50
24 States, the District of Columbia, and the Com-
25 monwealth of Puerto Rico.”; and

1 (5) in subsection (f), as redesignated by para-
2 graph (2), by striking out “subsection (c)(1)” and
3 inserting in lieu thereof “subsection (e)(1)”.

4 FEDERAL INTERAGENCY COORDINATING COUNCIL

5 SEC. 413. (a) PURPOSE OF COUNCIL.—Section
6 685(a)(1) of the IDEA is amended by inserting a comma
7 and “including at-risk infants and toddlers,” after “in-
8 fants and toddlers with disabilities”.

9 (b) COMPOSITION OF THE COUNCIL.—Section
10 685(b)(18) of the IDEA is amended—

11 (1) by striking out “at least 3”; and

12 (2) by inserting a comma and “who shall con-
13 stitute at least 20 percent of the members of the
14 Council” before the semicolon at the end thereof.

15 (c) FUNCTIONS OF THE COUNCIL.—Section
16 685(d)(1) of the IDEA is amended to read as follows:

17 “(1) advise and assist the Secretaries of Edu-
18 cation, Health and Human Services, Defense, Agri-
19 culture, and the Interior and the Commissioner of
20 the Social Security Administration in the perform-
21 ance of their responsibilities related to serving chil-
22 dren aged birth through five who are eligible for
23 services under this part or under part B of this
24 Act;”.

1 (d) FACA INAPPLICABLE.—Section 685 of the IDEA
2 is further amended by adding at the end thereof a new
3 subsection (f) to read as follows:

4 “(f) The Federal Advisory Committee Act shall not
5 apply to the establishment or operation of the Council.”.

6 STUDY OF DEFINITION OF “DEVELOPMENTAL DELAY”

7 SEC. 414. (a) REDESIGNATION OF SECTION.—Sec-
8 tion 686 of the IDEA is redesignated as section 687.

9 (b) DEFINITION OF “DEVELOPMENTAL DELAY”.—
10 Part H of the IDEA is amended by inserting after section
11 685 a new section 686 to read as follows:

12 “STUDY OF DEFINITION OF ‘DEVELOPMENTAL DELAY’

13 “SEC. 686. (a) PANEL OF EXPERTS.—(1) Within
14 three months of the enactment of the Individuals with Dis-
15 abilities Education Act Amendments of 1995, the Federal
16 Interagency Coordinating Council established under sec-
17 tion 685 shall convene a panel of experts to develop rec-
18 ommendations to the Secretary for a uniform national def-
19 inition of the term “developmental delay” as that term
20 is used in this part.

21 “(2) The panel shall include recognized experts in—

22 “(A) health and child development, whose work
23 includes—

24 “(i) the evaluation and assessment of in-
25 fants and toddlers with disabilities;

1 “(ii) the study of congenital or perinatal
2 disorders in children; or

3 “(iii) the measurement of developmental
4 milestones in infants and toddlers;

5 “(B) the administration of disability programs
6 for young children; and

7 “(C) other fields that the Secretary finds ap-
8 propriate.

9 “(3) The panel shall also—

10 “(A) have no more than 12 members; and

11 “(B) include at least one parent of a child with
12 a disability under the age of six.

13 “(b) PANEL RECOMMENDATIONS.—The panel shall
14 report its recommendations to the Secretary not later than
15 nine months after the enactment of the Individuals with
16 Disabilities Education Act Amendments of 1995.

17 “(c) REGULATORY DEFINITION.—(1) After receiving
18 the panel’s recommendations, the Secretary may publish
19 a proposed regulatory definition of the term “developmen-
20 tal delay” for the purposes of this part.

21 “(2) After taking comments from the public on any
22 definition proposed under paragraph (1), the Secretary
23 may issue a final regulatory definition, which shall not
24 take effect until at least one year after it is published.

1 “(d) FACA INAPPLICABLE.—The Federal Advisory
2 Committee Act shall not apply to the establishment or op-
3 eration of the panel convened under this section.”.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 415. Section 687 of the IDEA, as redesignated
6 by section 414(a), is amended to read as follows:

7 “AUTHORIZATION OF APPROPRIATIONS

8 “SEC. 687. For the purpose of carrying out this part,
9 there are authorized to be appropriated such sums as may
10 be necessary for each of the fiscal years 1996 through
11 2001.”.

12 TECHNICAL AND CONFORMING AMENDMENTS

13 SEC. 416. (a) Section 672 of the IDEA is amended—

14 (1) in paragraph (2)(H), by striking out “sec-
15 tion 677” and inserting in lieu thereof “section
16 676”; and

17 (2) in paragraph (3), by striking out “section
18 676(b)(1)” and inserting in lieu thereof “section
19 675(b)(1)”.

20 (b) Subsection (e) of section 676 of the IDEA, as
21 redesignated by section 404(b), is amended by striking out
22 “or guardian” each place it appears.

23 (c) Section 678 of the IDEA is amended—

24 (1) in subsection (a)(6), by striking out “and,
25 for the fifth and succeeding fiscal years,” and insert-
26 ing in lieu thereof “and”; and

1 (2) in subsection (b)(7), by striking out “begin-
2 ning in fiscal year 1992,”.

3 (d) Section 679 of the IDEA is amended by striking
4 out “section 676” and inserting in lieu thereof “section
5 675”.

6 (e) Section 680 of the IDEA is amended—

7 (1) by striking out “or guardian”, “or a guard-
8 ian”, “or guardians”, and “or guardian’s” each
9 place they appear; and

10 (2) in subsection (a), as designated by section
11 410(3)—

12 (A) by striking out “section 676(b)(12)
13 shall provide” and inserting in lieu thereof
14 “section 675(b)(13) shall include”; and

15 (B) in paragraph (1), by striking out
16 “complaint, which action may be brought” and
17 inserting in lieu thereof “complaint”.

18 (f) Section 682 of the IDEA is amended—

19 (1) in subsection (a)(3), by striking out “sec-
20 tion 676(b)(9)” and inserting in lieu thereof “section
21 675(b)(10)”;

22 (2) in subsection (e)(1)(A), by striking out
23 “section 676(b)(9)” and inserting in lieu thereof
24 “section 675(b)(10)”;

25 (3) by striking out subsection (g).

1 (g) Section 683(a) of the IDEA is amended by strik-
 2 ing out “section 676(b)(9)” and inserting in lieu thereof
 3 “section 675(b)(10)”.

4 (h) Section 684(b)(2) of the IDEA is amended by
 5 striking out “The Secretary of the Interior” and all that
 6 follows through “shall receive” in subparagraph (B) and
 7 inserting in lieu thereof “For each fiscal year, the Sec-
 8 retary of the Interior shall distribute the entire payment
 9 received under paragraph (1) by providing to each tribe
 10 or tribal organization”.

11 (i) Section 685(b) of the IDEA is amended—

12 (1) in paragraph (16), by striking out “Alcohol,
 13 Drug Abuse and Mental Health Administration” and
 14 inserting in lieu thereof “Substance Abuse and Men-
 15 tal Health Services Administration”; and

16 (2) in paragraph (17), by striking out “Aids”
 17 and inserting in lieu thereof “AIDS”.

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