Public Law 98-199
98th Congress

An Act

To revise and extend the Education of the Handicapped Act, and for other purposes.

Dec. 2, 1983
[S. 1341]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Act Amendments of 1983".

Education of the Handicapped Act Amendments of 1983.
20 USC 1400 note.

DEFINITIONS

SEC. 2. Section 602 of the Education of the Handicapped Act (hereinafter in this Act referred to as "the Act") is amended—

20 USC 1401.

(1) in paragraph (1) by inserting "or language" after "speech";

(2) by striking out paragraph (2);

(3) in paragraph (3) by inserting "the Education of" after "Committee on";

(4) in paragraph (6) by amending such paragraph to read as follows:

"(6) The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.";

(5) in paragraph (14) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education";

(6) by inserting "(a)" after "602"; and

(7) by inserting at the end of such section a new subsection (b) as follows:

"(b) For purposes of part C of this title, 'handicapped youth' means any handicapped child (as defined in section 602(a)(1)) who—

"Handicapped youth."
20 USC 1421.

"(1) is twelve years of age or older; or

"(2) is enrolled in the seventh or higher grade in school.".

DESIGNATION OF THE AGENCY FOR SPECIAL EDUCATION

SEC. 3. (a) Section 603 of the Act is amended to read as follows:

20 USC 1402.

"OFFICE OF SPECIAL EDUCATION PROGRAMS

"SEC. 603. (a) There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act and other programs and activities concerning the education and training of the handicapped.

"(b)(1) The office established under subsection (a) shall be headed by a Deputy Assistant Secretary who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services. The position of Deputy Assistant Secretary shall be in grade GS-18 of the General Schedule under section 5104 of title 5, United States Code, and shall

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be a Senior Executive Service position for the purposes of section 3132(a)(2) of such title.

5 USC 3132.

"(2) In addition to such Deputy Assistant Secretary, there shall be established in such office not less than six positions for persons to assist the Deputy Assistant Secretary, including the position of the Associate Deputy Assistant Secretary. Each such position shall be in grade GS-15 of the General Schedule under section 5104 of title 5, United States Code.".

20 USC 1400 *et seq.*

(b) The Act is amended by striking out "Commissioner" or "Commissioner's" wherever it appears and inserting in lieu thereof "Secretary" or "Secretary's", respectively.

AMENDMENTS WITH RESPECT TO THE ADVISORY COMMITTEE ON THE EDUCATION OF HANDICAPPED CHILDREN AND YOUTH

20 USC 1403.

SEC. 4. Section 604 of the Act is amended to read as follows:

"NATIONAL ADVISORY COMMITTEE ON THE EDUCATION OF HANDICAPPED CHILDREN AND YOUTH

Establishment.

"SEC. 604. (a) The Secretary shall establish in the Department of Education a National Advisory Committee on the Education of Handicapped Children and Youth, consisting of fifteen members, appointed by the Secretary. Not less than five such members shall be parents of handicapped children and the remainder shall be handicapped persons (including students), persons affiliated with education, training, or research programs for the handicapped, and those having demonstrated a commitment to the education of handicapped children.

Review and recommendations.

"(b) The Advisory Committee shall review the administration and operation of the programs authorized by this Act and other provisions of law administered by the Secretary with respect to handicapped children (including the effect of such programs in improving the educational attainment of such children) and make recommendations for the improvement of such programs. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee may make such recommendations to the Secretary as the Committee considers appropriate and shall make an annual report of its findings and recommendations to the Secretary not later than June 30 of each year. The Secretary shall transmit each such report, together with comments and recommendations, to the Congress.

Annual report.

Report to Congress.

Appropriation authorization.

"(c) There are authorized to be appropriated for the purposes of this section $200,000 for fiscal year 1984, and for each of the two succeeding fiscal years.".

AMENDMENTS WITH RESPECT TO GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

20 USC 1406.

SEC. 5. Section 607 of the Act is amended to read as follows:

"GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

"SEC. 607. (a) The Secretary is authorized to make grants and to enter into cooperative agreements with State educational agencies

to assist such agencies in making grants to local educational agencies or intermediate educational units to pay part or all of the cost of altering existing buildings and equipment in accordance with standards promulgated under the Act approved August 12, 1968 (Public Law 90-480), relating to architectural barriers.

42 USC 4151-4157.

"(b) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary.".

Appropriation authorization.

REQUIREMENTS FOR PRESCRIBED REGULATIONS

SEC. 6. The Act is amended by inserting after section 607 the following new section:

"REQUIREMENTS FOR PRESCRIBING REGULATIONS

"SEC. 608. (a) For purposes of complying with section 431(b) of the General Education Provisions Act with respect to regulations promulgated under part B of this Act, the thirty-day period under such section shall be ninety days.

20 USC 1407.
20 USC 1232.
20 USC 1411.

"(b) The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act which would procedurally or substantively lessen the protections provided to handicapped children under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at IEP meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) The Secretary shall transmit a copy of any regulations promulgated under this Act to the National Advisory Committee on the Education of the Handicapped concurrently with publication in the Federal Register.".

Transmittal to Committee.
Publication in Federal Register.

PARTICIPATION OF HANDICAPPED CHILDREN IN PRIVATE SCHOOLS

SEC. 7. Section 613 of the Act is amended by inserting at the end of such section the following new subsection:

20 USC 1413.

"(d)(1) If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

Waiver.
Ante, p. 1357.

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services an amount per child which may not exceed the Federal amount provided per child under this part to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

Payments.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State

Withholding of allocation.

educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

Petition.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

Judgment, review.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

AMENDMENTS RELATING TO EVALUATION

20 USC 1418.

SEC. 8. Section 618 of the Act is amended to read as follows:

"EVALUATION

"SEC. 618. (a) The Secretary shall directly or by grant, contract, or cooperative agreement, collect data and conduct studies, investigations, and evaluations—

"(1) to assess progress in the implementation of this Act, the impact, and the effectiveness of State and local efforts to provide free appropriate public education to all handicapped children and youth; and

"(2) to provide Congress with information relevant to policymaking and provide Federal, State, and local educational agencies with information relevant to program management, administration, and effectiveness with respect to such education.

Programs and projects, data collection.

"(b) In carrying out the responsibilities under this section, the Secretary, on at least an annual basis, shall obtain data concerning programs and projects assisted under this Act, and under other

Federal laws relating to the education of handicapped children and youth, and such additional information, from State and local educational agencies and other appropriate sources, as is necessary for the implementation of this Act including—

"(1) the number of handicapped children and youth in each State receiving a free appropriate public education (special education and related services) by disability category and by age group (3-5, 6-11, 12-17, and 18-21);

"(2) the number of handicapped children and youth in each State who are participating in regular educational programs, by disability category (consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv)), and the number of handicapped children and youth in separate classes, separate schools or facilities, or public or private residential facilities, or who have been otherwise removed from the regular education environment;

20 USC 1412, 1414.

"(3) the number of handicapped children and youth exiting the educational system each year through program completion or otherwise, by disability category and age, and anticipated services for the next year;

"(4) the amount of Federal, State, and local funds expended in each State specifically for special education and related services (which may be based upon a sampling of data from State agencies including State and local educational agencies);

"(5) the number and type of personnel that are employed in the provision of special education and related services to handicapped children and youth by disability category served, and the estimated number and type of additional personnel by disability category needed to adequately carry out the policy established by this Act; and

"(6) a description of the special education and related services needed to fully implement the Act throughout each State, including estimates of the number of handicapped children and youth within each disability by age group (3-5, 6-11, 12-17, and 18-21) in need of improved services and the type of programs and services in need of improvement.

Studies.

"(c) The Secretary shall, by grant, contract, or cooperative agreement, provide for evaluation studies to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall, not later than July 1 of each year, submit to the appropriate committees of each House of the Congress and publish in the Federal Register proposed evaluation priorities for review and comment.

Recommendations. Submittal to congressional committees. Publication in Federal Register.

"(d)(1) The Secretary is authorized to enter into cooperative agreements with State educational agencies to carry out studies to assess the impact and effectiveness of programs assisted under the Act.

Agreements.

"(2) Such agreements shall—

"(A) provide for the payment of not to exceed 60 per centum of the total cost of studies conducted by a participating State educational agency to assess the impact and effectiveness of programs assisted under the Act; and

"(B) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of handicapped children and youth.

"(3) The Secretary shall provide technical assistance to participating State educational agencies in the implementation of the study design, analysis, and reporting procedures.

Information dissemination.

"(4) In addition, the Secretary shall disseminate information from such studies to State educational agencies, and as appropriate, others involved in, or concerned with the education of handicapped children and youth.

Studies

"(e)(1) At least one study shall be a longitudinal study of a sample of handicapped students, encompassing the full range of handicapping conditions, examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

"(2) At least one study shall focus on obtaining and compiling current information available through State educational agencies and local educational agencies and other service providers, regarding State and local expenditures for educational services for handicapped students (including special education and related services), and gather information needed in order to calculate a range of per pupil expenditures by handicapping condition.

Report.

"(f)(1) Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth. The annual report is to be transmitted to the appropriate committees of each House of Congress and the National Advisory Committee on the Education of Handicapped Children and Youth, and published and disseminated in sufficient quantities to the education community at large and to other interested parties.

Transmittal to Congress and Committee.

"(2) The Secretary shall include in each annual report—

"(A) an index and summary of each evaluation activity and results of studies conducted under subsection (c);

"(B) a compilation and analysis of data gathered under subsection (b);

"(C) a description of findings and determinations resulting from monitoring reviews of State implementation of part B of this Act;

20 USC 1411.

"(D) an analysis and evaluation of the participation of handicapped children and youth in vocational education programs and services;

"(E) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to ensure that handicapped children and youth receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children and youth in day or residential facilities; and

"(F) any recommendations for change in the provisions of this Act or any other Federal law providing support for the education of handicapped children and youth.

"(3) In the annual report for fiscal year 1985 (published in 1986) and for every third year thereafter, the Secretary shall include in the annual report—

"(A) an index of all current projects funded under parts C through F of this Act; and

Post, pp. 1363-1372; 20 USC 1451.

"(B) data reported under sections 621, 622, 623, 627, 634, 641, and 653.

"(g) There are authorized to be appropriated $3,100,000 for fiscal year 1984, $3,270,000 for fiscal year 1985, and $3,440,000 for fiscal year 1986 to carry out the provisions of this section.".

Infra, post, pp. 1364, 1365, 1368, 1372; 20 USC 1453.
Appropriations authorization.

AMENDMENTS RELATING TO PRESCHOOL INCENTIVE GRANTS

SEC. 9. Section 619(c) of the Act is amended by inserting ", and for providing special education and related services for handicapped children from birth to three years of age" immediately before the period.

20 USC 1419.

AMENDMENTS CONCERNING CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 10. Part C of the Act is amended to read as follows:

"PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

"REGIONAL RESOURCE CENTERS

"SEC. 621. (a) The Secretary is authorized to make grants to, or to enter into contracts or cooperative agreements with, institutions of higher education, private nonprofit organizations, State educational agencies, or combinations of such agencies and institutions (which combinations may include one or more local educational agencies) within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide consultation, technical assistance, and training to State educational agencies and through such State agencies to local educational agencies. Each center established or operated under this section shall—

Operational costs.
20 USC 1421.

"(1) assist in identifying and solving persistent problems in providing quality special education and related services for handicapped children and youth;

"(2) assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to handicapped children and youth and their families;

"(3) gather and disseminate information to all State educational agencies within the region and coordinate activities with other centers assisted under this section and other relevant projects conducted by the Department of Education; and

"(4) assist in the improvement of information dissemination to and training activities for professionals and parents of handicapped children.

"(b) In determining whether to approve an application for a project under this section, the Secretary shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to fulfill the responsibilities under subsection (a).

"(c) Each regional resource center shall report a summary of materials produced or developed and this information shall be included in the annual report to Congress required under section 618.

Report to Congress.

Ante, p. 1360.

"SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

Grants, cooperative agreements or contracts. 20 USC 1422.

"SEC. 622. (a)(1) The Secretary is authorized to make grants to, or to enter into cooperative agreements or contracts with, public or nonprofit private agencies, institutions, or organizations to assist State educational agencies to—

"(A) assure deaf-blind children and youth provision of special education and related services as well as vocational and transitional services; and

"(B) make available to deaf-blind youth upon attaining the age of twenty-two, programs and services to facilitate their transition from educational to other services.

"(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind children or youth; (B) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include—

"(i) the diagnosis and educational evaluation of children and youth at risk of being certified deaf-blind;

"(ii) programs of adjustment, education, and orientation for deaf-blind children and youth; and

"(iii) consultative, counseling, and training services for the families of deaf-blind children and youth.

"(3) A grant, cooperative agreement, or contract pursuant to paragraph (1)(B) may be made only for programs providing (A) technical assistance to agencies, institutions, and organizations serving, or proposing to serve, deaf-blind individuals who have attained age twenty-two years; (B) training or inservice training to paraprofessionals or professionals serving, or preparing to serve, such individuals; and (C) assistance in the development or replication of successful innovative approaches to providing rehabilitative, semi-supervised, or independent living programs.

"(4) In carrying out this subsection, the Secretary shall take into consideration the need for a center for deaf-blind children and youth in light of the general availability and quality of existing services for such children and youth in the part of the country involved.

"(b) The Secretary is also authorized to enter into a limited number of cooperative agreements or contracts to establish and support regional programs for the provision of technical assistance in the education of deaf-blind children and youth.

Report to Secretary.

"(c)(1) Programs supported under this section shall report annually to the Secretary on (A) the numbers of deaf-blind children and youth served by age, severity, and nature of deaf-blindness; (B) the number of paraprofessionals, professionals, and family members directly served by each activity; and (C) the types of services provided.

"(2) The Secretary shall examine the number of deaf-blind children and youth (A) reported under subparagraph (c)(1)(A) and by the States; (B) served by the programs under part B of this Act and subpart 2 of part B, title I, of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education

20 USC 1411.

20 USC 2771.

Consolidation and Improvement Act of 1981); and (C) the Deaf-Blind Registry of each State. The Secretary shall revise the count of deaf-blind children and youth to reflect the most accurate count.

20 USC 3801.

"(3) The Secretary shall summarize these data for submission in the annual report required under section 618.

Report.
Ante, p. 1360.

"(d) The Secretary shall disseminate materials and information concerning effective practices in working with deaf-blind children and youth.

"EARLY EDUCATION FOR HANDICAPPED CHILDREN

"SEC. 623. (a)(1) The Secretary is authorized to arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of programs of experimental preschool and early education for handicapped children which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

Contract, grant, or cooperative agreement.
20 USC 1423.

"(2) Programs authorized by this subsection shall be coordinated with similar programs in the schools operated or supported by State or local educational agencies of the community to be served.

"(3) As much as is feasible, such programs shall be geographically dispersed throughout the Nation in urban as well as rural areas.

"(4) No arrangement pursuant to this subsection shall provide for the payment of more than 90 per centum of the total annual costs of development, operation, and evaluation of any program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

Payment.

"(5) For purposes of this subsection the term 'handicapped children' includes children from birth through eight years of age.

"Handicapped children."

"(b)(1) Subject to paragraph (2), the Secretary is authorized to make a grant to each State through the State educational agency or other State agency to assist such State agency in planning, developing, and implementing a comprehensive delivery system for the provision of special education and related services to handicapped children from birth through five years of age.

"(2) The Secretary shall make one of the following types of grants (authorized under paragraph (1)) to any State which submits an application which meets the requirements of this subsection:

Types of grants.

"(A) PLANNING GRANT.—A grant for a maximum of two years for the purpose of assessing needs within the State and establishing a procedure and design for the development of a State plan which includes parent participation and training of professionals and others.

"(B) DEVELOPMENT GRANT.—A grant for a maximum of three years for the purpose of developing a comprehensive State plan, and gaining approval of this plan from the State Board of Education, the Commissioner of Education, or other designated official of the appropriate State agency.

"(C) IMPLEMENTATION GRANT.—A grant for a maximum of three years for the purpose of implementing and evaluating

the comprehensive State plan. A State must apply for annual renewal of such grant.

Application submittal.

"(3) Each State educational agency or other State agency desiring to receive a grant under this subsection shall submit an application at such time, in such manner, and accompanied by such information as the Secretary considers necessary. Each such application shall contain assurances and evidence that:

"(A) The State agency receiving the grant will coordinate with other appropriate State agencies (including the State educational agency) in carrying out the grant.

"(B) The State plan will address the special education and related service needs of all handicapped children from birth through five years of age with special emphasis on children who are often not identified and children who are not now served.

"(C) The State plan will be closely coordinated with child-find efforts under section 612(2)(C) and with preschool incentive grant activities under section 619 of this Act.

20 USC 1412.
20 USC 1419.

"(4) The Secretary shall include in the annual report under section 618 of this Act the following:

Ante, p. 1360.

"(A) The States and State agencies receiving grants under this subsection and the types of grants received.

"(B) A description of the activities in each State being undertaken through grants under this subsection.

Special education and services, status.

"(C) Beginning in 1986, in consultation with the National Council for the Handicapped and the National Advisory Committee on the Education of Handicapped Children and Youth, a description of the status of special education and related services to handicapped children from birth through five years of age (including those receiving services through Head Start, Developmental Disabilities Program, Crippled Children's Services, Mental Health/Mental Retardation Agency, and State child-development centers and private agencies under contract with local schools).

"(c)(1) Not less than 30 per centum of the funds made available in any year for the purposes of this section may be used for purposes of subsection (b).

"(2) Not less than 10 per centum of the funds made available in any year for the purposes of subsection (b) shall be available for the provision of training and technical assistance to States preparing to receive or receiving grants under this section.

"RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

Grants, contracts, or cooperative agreements.
20 USC 1424.

"SEC. 624. (a) The Secretary is authorized to make grants to, or to enter into contracts or cooperative agreements with such organizations or institutions, as are determined by the Secretary to be appropriate, consistent with the purposes of this part, for—

"(1) research to identify and meet the full range of special needs of handicapped children and youth;

"(2) the development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the adjustment and education of handicapped children and youth;

"(3) training of personnel for programs specifically designed for handicapped children; and

"(4) dissemination of materials and information about practices found effective in working with such children and youth.

"(b) In making grants and contracts under this section, the Secretary shall ensure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other sections of this Act.

"(c) In carrying out the provisions of this section the Secretary is authorized to address the needs of the severely handicapped.

"POSTSECONDARY EDUCATION PROGRAMS

"SEC. 625. (a)(1) The Secretary is authorized to make grants to or enter into contracts with State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

Grants or contracts. 20 USC 1424a.

"(2) In making grants or contracts on a competitive basis under this section, the Secretary shall give priority consideration to the four regional centers for the deaf and to model programs for individuals with handicapping conditions other than deafness—

"(A) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of handicapped individuals; and

"(B) for programs that coordinate, facilitate, and encourage education of handicapped individuals with their nonhandicapped peers.

"(3) Of the sums made available for programs under this section, not less than $2,000,000 shall first be available for the four regional centers for the deaf.

"(b) For the purposes of this section the term 'handicapped individuals' means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.

"Handicapped individuals."

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH

"SEC. 626. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, State educational agencies, local educational agencies, or other appropriate public and private nonprofit institutions or agencies (including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act (Public Law 97-300)) to—

Grants or contracts. 20 USC 1425.

29 USC 1501 note.

"(1) strengthen and coordinate education, training, and related services for handicapped youth to assist in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, or adult services; and

"(2) stimulate the improvement and development of programs for secondary special education.

"(b) Projects assisted under this section may include—

"(1) developing strategies and techniques for transition to independent living, vocational training, postsecondary education, and competitive employment for handicapped youth;

"(2) establishing demonstration models for services and programs which emphasize vocational training, transitional services, and placement for handicapped youth;

"(3) conducting demographic studies which provide information on the numbers, age levels, types of handicapping conditions, and services required for handicapped youth in need of transitional programs;

"(4) specially designed vocational programs to increase the potential for competitive employment for handicapped youth;

"(5) research and development projects for exemplary service delivery models and the replication and dissemination of successful models;

"(6) initiating cooperative models between educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and employers, which facilitate the planning and developing of transitional services for handicapped youth to postsecondary education, vocational training, employment, continuing education, and adult services; and

"(7) developing appropriate procedures for evaluating vocational training, placement, and transitional services for handicapped youth.

"(c) For purposes of subsections (b)(1) and (b)(2), if an applicant is not an educational agency, such applicant shall coordinate with the State educational agency.

"(d) Projects funded under this section shall to the extent appropriate provide for the direct participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of such projects.

"(e) The Secretary, as appropriate, shall coordinate programs described under this section with projects developed under section 311 of the Rehabilitation Act of 1973.

29 USC 777a.

"PROGRAM EVALUATIONS

20 USC 1426.

"SEC. 627. The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. Results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress together with the annual report under section 618.

Submittal to Congress.

Ante, p. 1360.

"AUTHORIZATION OF APPROPRIATIONS

20 USC 1427.

"SEC. 628. (a) There are authorized to be appropriated to carry out the provisions of section 621, $5,700,000 for fiscal year 1984, $6,000,000 for fiscal year 1985, and $6,300,000 for fiscal year 1986.

Ante, p. 1363.

"(b) There are authorized to be appropriated to carry out the provisions of section 622, $15,000,000 for fiscal year 1984, and for each of the two succeeding fiscal years.

Ante, p. 1364.

"(c) There are authorized to be appropriated to carry out the provisions of section 623, $26,000,000 for fiscal year 1984, $27,100,000 for fiscal year 1985, and $28,300,000 for fiscal year 1986.

Ante, p. 1365.

"(d) There are authorized to be appropriated to carry out the provisions of subsection (c) of section 624, $5,000,000 for fiscal year

Ante, p. 1366.

1984, $5,300,000 for fiscal year 1985, and $5,600,000 for fiscal year 1986.

"(e) There are authorized to be appropriated to carry out the provisions of section 625, $5,000,000 for fiscal year 1984, $5,300,000 for fiscal year 1985, and $5,500,000 for fiscal year 1986.

Ante, p. 1367.

"(f) There are authorized to be appropriated to carry out the provisions of section 626, $6,000,000 for fiscal year 1984, $6,330,000 for fiscal year 1985, and $6,660,000 for fiscal year 1986.".

Ante, p. 1367.

AMENDMENTS CONCERNING TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

SEC. 11. Part D of the Act is amended to read as follows:

"PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

"GRANTS FOR PERSONNEL TRAINING

"SEC. 631. (a)(1) The Secretary is authorized to make grants, which may include scholarships with necessary stipends and allowances, to institutions of higher education (including the university-affiliated facilities program under the Rehabilitation Act of 1973 and the satellite network of the developmental disabilities program) and other appropriate nonprofit agencies to assist them in training personnel for careers in special education including—

20 USC 1431.

29 USC 701 note.

"(A) special education teaching, including speech, language, and hearing impaired, and adaptive physical education;

"(B) related services to handicapped children and youth in educational settings;

"(C) special education supervision and administration;

"(D) special education research; and

"(E) training of special education personnel and other personnel providing special services.

"(2) The Secretary shall ensure that grants awarded to applicant institutions and agencies under this subsection meet State and professionally recognized standards for the training of special education and related services personnel.

"(3) Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

"(4) The Secretary in carrying out the purposes of this subsection may reserve a sum not to exceed 5 per centum of the amount available for this subsection in each fiscal year for contracts to prepare personnel in areas where shortages exist, when a response to that need has not been adequately addressed by the grant process.

"(b) The Secretary is authorized to make grants to institutions of higher education and other appropriate nonprofit agencies to conduct special projects to develop and demonstrate new approaches for the preservice training purposes set forth in subsection (a), for regular educators, and for the inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children.

"(c)(1) The Secretary is authorized to make grants through a separate competition to private nonprofit organizations for the pur-

pose of providing training and information to parents of handicapped children and volunteers who work with parents to enable such individuals to participate more effectively with professionals in meeting the educational needs of handicapped children. Such grants shall be designed to meet the unique training and information needs of parents of handicapped children, including those who are members of groups that have been traditionally underrepresented, living in the area to be served by the grant.

"(2) In order to receive a grant under this subsection a private nonprofit organization shall—

"(A) be governed by a board of directors on which a majority of the members are parents of handicapped children and which includes members who are professionals in the field of special education and related services who serve handicapped children and youth; or if the nonprofit private organization does not have such a board, such organization shall have a membership which represents the interests of individuals with handicapping conditions, and shall establish a special governing committee on which a majority of the members are parents of handicapped children and which includes members who are professionals in the fields of special education and related services, to operate the training and information program under this subsection;

"(B) serve the parents of children with the full range of handicapping conditions under such grant program; and

"(C) demonstrate the capacity and expertise to conduct effectively the training and information activities authorized under this subsection.

Quarterly review.

"(3) The board of directors or special governing committee of a private nonprofit organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review such parent training and information activities, and each such committee shall advise the governing board directly of its views and recommendations. Whenever a private nonprofit organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by that private nonprofit organization during the preceding fiscal year.

Review, submittal to Secretary.

"(4) The Secretary shall ensure that grants under this subsection will—

"(A) be distributed geographically to the greatest extent possible throughout all the States; and

"(B) be targeted to parents of handicapped children in both urban and rural areas, or on a State, or regional basis.

"(5) Parent training and information programs assisted under this subsection shall assist parents to—

"(A) better understand the nature and needs of the handicapping conditions of their child;

"(B) provide followup support for their handicapped child's educational programs;

"(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

"(D) participate in educational decisionmaking processes including the development of their handicapped child's individualized educational program;

"(E) obtain information about the programs, services, and resources available to their handicapped child, and the degree to which the programs, services, and resources are appropriate; and

"(F) understand the provisions for the education of handicapped children as specified under part B of this Act.

20 USC 1411.

"(6) Each private nonprofit organization operating a program receiving assistance under this subsection shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions served by the program.

"(7) The Secretary shall provide technical assistance, by grant or contract, for establishing, developing, and coordinating parent training and information programs.

"GRANTS TO STATE EDUCATIONAL AGENCIES FOR TRAINEESHIPS

"SEC. 632. The Secretary shall make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for the preservice and inservice training of teachers of handicapped children, or supervisors of such teachers.

20 USC 1432.

"GRANTS TO IMPROVE RECRUITMENT OF EDUCATIONAL PERSONNEL AND DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

"SEC. 633. (a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or a nonprofit private organization or institution for a national clearinghouse on the education of the handicapped and to make grants or contracts with a public agency or a nonprofit private organization or institution for other support projects which may be deemed necessary by the Secretary to achieve the following objectives:

20 USC 1433.

"(1) to disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning—

"(A) programs relating to the education of the handicapped under this Act and under other Federal laws; and

"(B) participation in such programs, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance;

"(2) to encourage students and professional personnel to seek and obtain careers and employment in the various fields relating to the education of handicapped children and youth; and

"(3) to provide information on available services and programs in postsecondary education for the handicapped.

"(b) In addition to the clearinghouse established under subsection (a), the Secretary shall make a grant or enter into a contract for a national clearinghouse on postsecondary education for handicapped individuals for the purpose of providing information on available services and programs in postsecondary education for the handicapped.

"(c)(1) In awarding the grants and contracts under this section, the Secretary shall give particular attention to any demonstrated experience at the national level relevant to performance of the functions established in this section, and ability to conduct such projects, communicate with the intended consumers of information, and

maintain the necessary communication with other agencies and organizations.

"(2) The Secretary is authorized to make contracts with profit-making organizations under this section only when necessary for materials or media access.

"REPORTS TO THE SECRETARY

20 USC 1434.

"SEC. 634. (a) Not more than sixty days after the end of any fiscal year, each recipient of a grant or contract under this part during such fiscal year shall prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

"(1) the number of individuals trained under the grant or contract, by category of training and level of training; and

"(2) the number of individuals trained under the grant or contract receiving degrees and certification, by category and level of training.

"(b) A summary of the data required by this section shall be included in the annual report of the Secretary under section 618 of this Act.

Ante, p. 1360.

"AUTHORIZATION OF APPROPRIATIONS

20 USC 1435.
Ante, p. 1371.

"SEC. 635. (a) There are authorized to be appropriated to carry out the provisions of this part (other than section 633) $58,000,000 for fiscal year 1984, $61,150,000 for fiscal year 1985, and $64,370,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 633, $1,000,000 for fiscal year 1984, $1,050,000 for fiscal year 1985, and $1,110,000 for fiscal year 1986.

"(b) Of the funds appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall reserve 10 per centum for activities under section 631(c).".

Ante, p. 1369.

AMENDMENTS RELATED TO RESEARCH IN THE EDUCATION OF THE HANDICAPPED

SEC. 12. Part E of the Act is amended to read as follows:

"PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

"RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

Grants, contracts, or cooperative agreements.
20 USC 1441.

"SEC. 641. (a) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth and to conduct research, surveys, or demonstrations relating to the education of handicapped children and youth. Research and related activities shall be designed to increase knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth. Research and related activities assisted under this section shall include, but not be limited to, the following:

"(1) The development of new and improved techniques and devices for teaching handicapped children and youth.

"(2) The development of curricula which meet the unique educational needs of handicapped children and youth.

"(3) The application of new technologies and knowledge for the purpose of improving the instruction of handicapped children and youth.

"(4) The development of program models and exemplary practices in areas of special education.

"(5) The dissemination of information on research and related activities conducted under this part to interested individuals and organizations.

"(b) In carrying out this section the Secretary shall consider the special education experience of the applicant and the ability of the applicant to disseminate the findings of any grant or contract.

"(c) The Secretary shall publish proposed research priorities in the Federal Register every two years, not later than July 1, and shall allow a period of sixty days for public comments and suggestions. After analyzing and considering the public comments, the Secretary shall publish final research priorities in the Federal Register not later than thirty days after the close of the comment period.

Publications in Federal Register.
Public comments and suggestions.

"(d) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618. The Secretary shall make reports of research projects available to the education community at large and to other interested parties.

Index.

Ante, p. 1360.
Public availability.

"(e) The Secretary shall coordinate the research priorities established under this section with research priorities established by the National Institute of Handicapped Research and shall provide information concerning research priorities established under this section to the National Council on the Handicapped and to the National Advisory Committee on the Education of Handicapped Children.

"RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

"SEC. 642. The Secretary is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

Grants and contracts.
20 USC 1442.

"PANELS OF EXPERTS

"SEC. 643. The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of proposals for projects under parts C, D, E, and F, and shall secure the advice and recommendations of one such panel before making any grant or contract under parts C, D, E, and F of this Act. The panels shall be composed of—

20 USC 1443.

Ante, pp. 1363-1372;
20 USC 1451.

"(1) individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals; and

"(2) handicapped individuals and parents of handicapped individuals when appropriate.

"AUTHORIZATION OF APPROPRIATIONS

20 USC 1444.

"SEC. 644. For purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1984, $21,100,000 for fiscal year 1985, and $22,200,000 for fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR INSTRUCTIONAL MEDIA

20 USC 1454.

SEC. 13. Section 654 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part, there are authorized to be appropriated $19,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $21,100,000 for fiscal year 1986.".

REPEALERS

20 USC 1461.

SEC. 14. Part G of the Act is repealed.

TECHNICAL AND CONFORMING AMENDMENTS

20 USC 1411.

SEC. 15. Section 611(e) and section 611(a)(2) of the Act are amended by inserting "the Northern Mariana Islands," after "the Virgin Islands,".

AMENDMENTS TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981

20 USC 1411 note.

SEC. 16. (a) Section 602(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "each of the fiscal years 1983 and 1984" and inserting in lieu thereof "the fiscal year 1983, and $1,071,850,000 for the fiscal year 1984".

20 USC 101 note.

(b) Section 605 of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $5,500,000 for fiscal year 1984".

95 Stat. 485.

(c) Section 605(b) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $56,000,000 for the fiscal year 1984".

20 USC 681 note.

(d) Section 605(c) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $28,000,000 for the fiscal year 1984".

SPECIAL STUDY ON TERMINOLOGY

SEC. 17. (a)(1) The Secretary of Education shall either directly or by grant or contract, conduct a review and evaluation of the term "behaviorally disordered" as the use of such term relates to handicapped children, as defined in section 602(a)(1) of the Education of the Handicapped Act.

Ante, p. 1357.

(2) The review and evaluation under this section shall involve the active participation of the parents of handicapped children.

(b)(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Congress, for referral to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report of the review and evaluation required by this section, together with a detailed proposal for any legislation necessary to implement the recommendations of such review and evaluation.

Report to Congress.

(2) The report required under paragraph (1) shall include—

Contents.

(A) the number of seriously emotionally disturbed children currently being served under the Education of the Handicapped Act, and the anticipated number of children and youth (by type of condition) in special and regular education who would be served under the Education of the Handicapped Act if the definition is changed;

20 USC 1400.

(B) how the population of children currently served under such Act as "seriously emotionally disturbed" may be changed (particularly in terms of the severity of disability) if the term "behaviorally disordered" is substituted for the term "seriously emotionally disturbed";

(C) how a change in terminology will impact on the identification, assessment, types of special education and related services provided, and the availability of such services, if the change in terminology is made;

(D) how the settings in which special education and related services are provided may change if the change in terminology is made;

(E) how the change in terminology may affect the attitudes of, and the relationships among, parents, professionals, and children and youth;

(F) how the change in terminology will impact upon the training of professional personnel providing services under such Act; and

(G) a number of examples of seriously emotionally disturbed children who are currently effectively and ineffectively served.

(c) The Secretary is authorized to use funds appropriated for purposes of part E of the Education of the Handicapped Act to carry out the purposes of this section.

Ante, p. 1372.

SEC. 18. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on the date of enactment of this Act.

Effective date.

(b)(1) To the extent that the amendments made by this Act to parts C, D, E, and G of the Education of the Handicapped Act prohibit or limit the use of funds, such amendments shall apply only to funds obligated after the date of enactment of this Act.

20 USC 1401 note.
Ante, pp. 1363-1374.

(2) As determined necessary by the Secretary of Education for purposes of providing services under the Education of the Handicapped Act pending the issuance of regulations implementing the amendments made by this Act, the Secretary shall provide financial assistance under parts C, D, E, and G of the Act as in effect on the day before the date of enactment of this Act until issuance of such regulations or March 1, 1984, whichever is earlier.

20 USC 1400.

Ante, pp. 1363-1374.

AUTHORIZATION OF APPROPRIATIONS FOR STATE GRANTS UNDER THE REHABILITATION ACT OF 1973

SEC. 19. (a) For the purpose of making State grants under part B of section 100(b)(1) of the Rehabilitation Act of 1973 (hereinafter in this section referred to as "the Act") $1,037,800,000 are authorized to be appropriated for fiscal year 1984, and the amount determined under section 100(c) of the Act for each of the fiscal years 1985 and 1986.

29 USC 730.
29 USC 720.

(b)(1) There are also authorized to be appropriated for the purpose of section 100(b)(1) of the Act such additional sums as may be necessary for each of the fiscal years 1984, 1985, and 1986. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with paragraph (2).

(2) For any fiscal year for which an amount is appropriated pursuant to paragraph (1), each State shall receive an additional allocation which bears the same ratio to the additional amount appropriated as that State's allotment under section 110 of the Act bears to the total amount allotted pursuant to such section.

29 USC 730.

AUTHORIZATIONS OF APPROPRIATIONS FOR DISCRETIONARY PROGRAMS UNDER THE REHABILITATION ACT OF 1973

SEC. 20. (a) For the purpose of allotments under section 112 of the Rehabilitation Act of 1973 (hereinafter in this section referred to as "the Act") there are authorized to be appropriated $3,500,000 for fiscal year 1984.

29 USC 732.

(b) For the purpose of making grants to Indian tribes under part D of title I of the Act, there are authorized to be appropriated for fiscal year 1984 such sums as may be necessary, not to exceed 1 percent of the amount appropriated pursuant to section 100(b)(1) of the Act.

29 USC 750.
29 USC 720.

(c) For the purposes of section 201(a)(2) of the Act there are authorized to be appropriated $36,000,000 for fiscal year 1984.

29 USC 761.

(d) For the purposes of section 304 of the Act there are authorized to be appropriated $22,000,000 for fiscal year 1984.

29 USC 774.

(e) For the purposes of section 310(a) of the Act there are authorized to be appropriated $12,900,000 for fiscal year 1984.

29 USC 777.

(f) For the purpose of section 313(e) of the Act there are authorized to be appropriated $3,700,000 for fiscal year 1984.

29 USC 777c.

(g) For the purposes of section 316 of the Act there are authorized to be appropriated $2,000,000 for fiscal year 1984.

29 USC 777f.

(h) For the purposes of section 502 of the Act there are authorized to be appropriated $3,000,000 for fiscal year 1984. 29 USC 792.

(i) For the purposes of section 621 of the Act there are authorized to be appropriated $13,000,000 for fiscal year 1984. 29 USC 795g.

(j) For the purposes of section 731 (the second place it appears) in the Act, $21,000,000 is authorized to be appropriated for fiscal year 1984. 29 USC 796i.

Approved December 2, 1983.

LEGISLATIVE HISTORY—S. 1341 (H.R. 3435):

HOUSE REPORT No. 98-410 accompanying H.R. 3435 (Comm. on Education and Labor).
SENATE REPORT No. 98-191 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 129 (1983):
June 27, considered and passed Senate.
Nov. 17, H.R. 3435 considered and passed House; S. 1341, amended, passed in lieu.
Nov. 18, Senate concurred in House amendment.

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