

1 “(b) POLICY.—It is the policy of the United States
2 to provide financial assistance to States—

3 “(1) to develop and implement a statewide,
4 comprehensive, coordinated, multidisciplinary, inter-
5 agency system that provides early intervention serv-
6 ices for infants and toddlers with disabilities and
7 their families;

8 “(2) to facilitate the coordination of payment
9 for early intervention services from Federal, State,
10 local, and private sources (including public and pri-
11 vate insurance coverage);

12 “(3) to enhance State capacity to provide qual-
13 ity early intervention services and expand and im-
14 prove existing early intervention services being pro-
15 vided to infants and toddlers with disabilities and
16 their families; and

17 “(4) to encourage States to expand opportuni-
18 ties for children under 3 years of age who would be
19 at risk of having substantial developmental delay if
20 they did not receive early intervention services.

21 **“SEC. 632. DEFINITIONS.**

22 “In this part:

23 “(1) AT-RISK INFANT OR TODDLER.—The term
24 ‘at-risk infant or toddler’ means an individual under
25 3 years of age who would be at risk of experiencing

1 a substantial developmental delay if early interven-
2 tion services were not provided to the individual.

3 “(2) COUNCIL.—The term ‘council’ means a
4 State interagency coordinating council established
5 under section 641.

6 “(3) DEVELOPMENTAL DELAY.—The term ‘de-
7 velopmental delay’, when used with respect to an in-
8 dividual residing in a State, has the meaning given
9 such term by the State under section 635(a)(1).

10 “(4) EARLY INTERVENTION SERVICES.—The
11 term ‘early intervention services’ means develop-
12 mental services that—

13 “(A) are provided under public supervision;

14 “(B) are provided at no cost except where
15 Federal or State law provides for a system of
16 payments by families, including a schedule of
17 sliding fees;

18 “(C) are designed to meet the develop-
19 mental needs of an infant or toddler with a dis-
20 ability, as identified by the individualized family
21 service plan team, in any 1 or more of the fol-
22 lowing areas:

23 “(i) physical development;

24 “(ii) cognitive development;

25 “(iii) communication development;

1 “(iv) social or emotional development;

2 or

3 “(v) adaptive development;

4 “(D) meet the standards of the State in
5 which the services are provided, including the
6 requirements of this part;

7 “(E) include—

8 “(i) family training, counseling, and
9 home visits;

10 “(ii) special instruction;

11 “(iii) speech-language pathology and
12 audiology services, and sign language and
13 cued language services;

14 “(iv) occupational therapy;

15 “(v) physical therapy;

16 “(vi) psychological services;

17 “(vii) service coordination services;

18 “(viii) medical services only for diag-
19 nostic or evaluation purposes;

20 “(ix) early identification, screening,
21 and assessment services;

22 “(x) health services necessary to en-
23 able the infant or toddler to benefit from
24 the other early intervention services;

25 “(xi) social work services;

1 “(xii) vision services;

2 “(xiii) assistive technology devices and
3 assistive technology services; and

4 “(xiv) transportation and related costs
5 that are necessary to enable an infant or
6 toddler and the infant’s or toddler’s family
7 to receive another service described in this
8 paragraph;

9 “(F) are provided by qualified personnel,
10 including—

11 “(i) special educators;

12 “(ii) speech-language pathologists and
13 audiologists;

14 “(iii) occupational therapists;

15 “(iv) physical therapists;

16 “(v) psychologists;

17 “(vi) social workers;

18 “(vii) nurses;

19 “(viii) registered dietitians;

20 “(ix) family therapists;

21 “(x) vision specialists, including oph-
22 thalmologists and optometrists;

23 “(xi) orientation and mobility special-
24 ists; and

1 “(xii) pediatricians and other physi-
2 cians;

3 “(G) to the maximum extent appropriate,
4 are provided in natural environments, including
5 the home, and community settings in which
6 children without disabilities participate; and

7 “(H) are provided in conformity with an
8 individualized family service plan adopted in ac-
9 cordance with section 636.

10 “(5) INFANT OR TODDLER WITH A DIS-
11 ABILITY.—The term ‘infant or toddler with a
12 disability’—

13 “(A) means an individual under 3 years of
14 age who needs early intervention services be-
15 cause the individual—

16 “(i) is experiencing developmental
17 delays, as measured by appropriate diag-
18 nostic instruments and procedures in 1 or
19 more of the areas of cognitive development,
20 physical development, communication de-
21 velopment, social or emotional develop-
22 ment, and adaptive development; or

23 “(ii) has a diagnosed physical or men-
24 tal condition that has a high probability of
25 resulting in developmental delay; and

1 “(B) may also include, at a State’s
2 discretion—

3 “(i) at-risk infants and toddlers; and

4 “(ii) children with disabilities who are
5 eligible for services under section 619 and
6 who previously received services under this
7 part until such children enter, or are eligi-
8 ble under State law to enter, kindergarten
9 or elementary school, as appropriate, pro-
10 vided that any programs under this part
11 serving such children shall include—

12 “(I) an educational component
13 that promotes school readiness and in-
14 corporates pre-literacy, language, and
15 numeracy skills; and

16 “(II) a written notification to
17 parents of their rights and respon-
18 sibilities in determining whether their
19 child will continue to receive services
20 under this part or participate in pre-
21 school programs under section 619.

22 **“SEC. 633. GENERAL AUTHORITY.**

23 “The Secretary shall, in accordance with this part,
24 make grants to States (from their allotments under sec-
25 tion 643) to assist each State to maintain and implement

1 a statewide, comprehensive, coordinated, multidisciplinary,
2 interagency system to provide early intervention services
3 for infants and toddlers with disabilities and their families.

4 **“SEC. 634. ELIGIBILITY.**

5 “In order to be eligible for a grant under section 633,
6 a State shall provide assurances to the Secretary that the
7 State—

8 “(1) has adopted a policy that appropriate early
9 intervention services are available to all infants and
10 toddlers with disabilities in the State and their fami-
11 lies, including Indian infants and toddlers with dis-
12 abilities and their families residing on a reservation
13 geographically located in the State, infants and tod-
14 dlers with disabilities who are homeless children and
15 their families, and infants and toddlers with disabil-
16 ities who are wards of the State; and

17 “(2) has in effect a statewide system that meets
18 the requirements of section 635.

19 **“SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.**

20 “(a) IN GENERAL.—A statewide system described in
21 section 633 shall include, at a minimum, the following
22 components:

23 “(1) A rigorous definition of the term ‘develop-
24 mental delay’ that will be used by the State in car-
25 rying out programs under this part in order to ap-

1 appropriately identify infants and toddlers with disabil-
2 ities that are in need of services under this part.

3 “(2) A State policy that is in effect and that
4 ensures that appropriate early intervention services
5 based on scientifically based research, to the extent
6 practicable, are available to all infants and toddlers
7 with disabilities and their families, including Indian
8 infants and toddlers with disabilities and their fami-
9 lies residing on a reservation geographically located
10 in the State and infants and toddlers with disabil-
11 ities who are homeless children and their families.

12 “(3) A timely, comprehensive, multidisciplinary
13 evaluation of the functioning of each infant or tod-
14 dler with a disability in the State, and a family-di-
15 rected identification of the needs of each family of
16 such an infant or toddler, to assist appropriately in
17 the development of the infant or toddler.

18 “(4) For each infant or toddler with a disability
19 in the State, an individualized family service plan in
20 accordance with section 636, including service co-
21 ordination services in accordance with such service
22 plan.

23 “(5) A comprehensive child find system, con-
24 sistent with part B, including a system for making
25 referrals to service providers that includes timelines

1 and provides for participation by primary referral
2 sources and that ensures rigorous standards for ap-
3 propriately identifying infants and toddlers with dis-
4 abilities for services under this part that will reduce
5 the need for future services.

6 “(6) A public awareness program focusing on
7 early identification of infants and toddlers with dis-
8 abilities, including the preparation and dissemination
9 by the lead agency designated or established under
10 paragraph (10) to all primary referral sources, espe-
11 cially hospitals and physicians, of information to be
12 given to parents, especially to inform parents with
13 premature infants, or infants with other physical
14 risk factors associated with learning or develop-
15 mental complications, on the availability of early
16 intervention services under this part and of services
17 under section 619, and procedures for assisting such
18 sources in disseminating such information to parents
19 of infants and toddlers with disabilities.

20 “(7) A central directory that includes informa-
21 tion on early intervention services, resources, and ex-
22 perts available in the State and research and dem-
23 onstration projects being conducted in the State.

24 “(8) A comprehensive system of personnel de-
25 velopment, including the training of paraprofes-

1 sionals and the training of primary referral sources
2 with respect to the basic components of early inter-
3 vention services available in the State that—

4 “(A) shall include—

5 “(i) implementing innovative strate-
6 gies and activities for the recruitment and
7 retention of early education service pro-
8 viders;

9 “(ii) promoting the preparation of
10 early intervention providers who are fully
11 and appropriately qualified to provide early
12 intervention services under this part; and

13 “(iii) training personnel to coordinate
14 transition services for infants and toddlers
15 served under this part from a program
16 providing early intervention services under
17 this part and under part B (other than
18 section 619), to a preschool program re-
19 ceiving funds under section 619, or an-
20 other appropriate program; and

21 “(B) may include—

22 “(i) training personnel to work in
23 rural and inner-city areas; and

1 “(ii) training personnel in the emo-
2 tional and social development of young
3 children.

4 “(9) Policies and procedures relating to the es-
5 tablishment and maintenance of qualifications to en-
6 sure that personnel necessary to carry out this part
7 are appropriately and adequately prepared and
8 trained, including the establishment and mainte-
9 nance of qualifications that are consistent with any
10 State-approved or recognized certification, licensing,
11 registration, or other comparable requirements that
12 apply to the area in which such personnel are pro-
13 viding early intervention services, except that noth-
14 ing in this part (including this paragraph) shall be
15 construed to prohibit the use of paraprofessionals
16 and assistants who are appropriately trained and su-
17 pervised in accordance with State law, regulation, or
18 written policy, to assist in the provision of early
19 intervention services under this part to infants and
20 toddlers with disabilities.

21 “(10) A single line of responsibility in a lead
22 agency designated or established by the Governor for
23 carrying out—

24 “(A) the general administration and super-
25 vision of programs and activities receiving as-

1 sistance under section 633, and the monitoring
2 of programs and activities used by the State to
3 carry out this part, whether or not such pro-
4 grams or activities are receiving assistance
5 made available under section 633, to ensure
6 that the State complies with this part;

7 “(B) the identification and coordination of
8 all available resources within the State from
9 Federal, State, local, and private sources;

10 “(C) the assignment of financial responsi-
11 bility in accordance with section 637(a)(2) to
12 the appropriate agencies;

13 “(D) the development of procedures to en-
14 sure that services are provided to infants and
15 toddlers with disabilities and their families
16 under this part in a timely manner pending the
17 resolution of any disputes among public agen-
18 cies or service providers;

19 “(E) the resolution of intra- and inter-
20 agency disputes; and

21 “(F) the entry into formal interagency
22 agreements that define the financial responsi-
23 bility of each agency for paying for early inter-
24 vention services (consistent with State law) and
25 procedures for resolving disputes and that in-

1 clude all additional components necessary to en-
2 sure meaningful cooperation and coordination.

3 “(11) A policy pertaining to the contracting or
4 making of other arrangements with service providers
5 to provide early intervention services in the State,
6 consistent with the provisions of this part, including
7 the contents of the application used and the condi-
8 tions of the contract or other arrangements.

9 “(12) A procedure for securing timely reim-
10 bursements of funds used under this part in accord-
11 ance with section 640(a).

12 “(13) Procedural safeguards with respect to
13 programs under this part, as required by section
14 639.

15 “(14) A system for compiling data requested by
16 the Secretary under section 618 that relates to this
17 part.

18 “(15) A State interagency coordinating council
19 that meets the requirements of section 641.

20 “(16) Policies and procedures to ensure that,
21 consistent with section 636(d)(5)—

22 “(A) to the maximum extent appropriate,
23 early intervention services are provided in nat-
24 ural environments; and

1 “(B) the provision of early intervention
2 services for any infant or toddler with a dis-
3 ability occurs in a setting other than a natural
4 environment that is most appropriate, as deter-
5 mined by the parent and the individualized fam-
6 ily service plan team, only when early interven-
7 tion cannot be achieved satisfactorily for the in-
8 fant or toddler in a natural environment.

9 “(b) POLICY.—In implementing subsection (a)(9), a
10 State may adopt a policy that includes making ongoing
11 good-faith efforts to recruit and hire appropriately and
12 adequately trained personnel to provide early intervention
13 services to infants and toddlers with disabilities, including,
14 in a geographic area of the State where there is a shortage
15 of such personnel, the most qualified individuals available
16 who are making satisfactory progress toward completing
17 applicable course work necessary to meet the standards
18 described in subsection (a)(9).

19 “(c) FLEXIBILITY TO SERVE CHILDREN 3 YEARS OF
20 AGE UNTIL ENTRANCE INTO ELEMENTARY SCHOOL.—

21 “(1) IN GENERAL.—A statewide system de-
22 scribed in section 633 may include a State policy,
23 developed and implemented jointly by the lead agen-
24 cy and the State educational agency, under which
25 parents of children with disabilities who are eligible

1 for services under section 619 and previously re-
2 ceived services under this part, may choose the con-
3 tinuation of early intervention services (which shall
4 include an educational component that promotes
5 school readiness and incorporates preliteracy, lan-
6 guage, and numeracy skills) for such children under
7 this part until such children enter, or are eligible
8 under State law to enter, kindergarten.

9 “(2) REQUIREMENTS.—If a statewide system
10 includes a State policy described in paragraph (1),
11 the statewide system shall ensure that—

12 “(A) parents of children with disabilities
13 served pursuant to this subsection are provided
14 annual notice that contains—

15 “(i) a description of the rights of such
16 parents to elect to receive services pursu-
17 ant to this subsection or under part B; and

18 “(ii) an explanation of the differences
19 between services provided pursuant to this
20 subsection and services provided under
21 part B, including—

22 “(I) types of services and the lo-
23 cations at which the services are pro-
24 vided;

1 “(II) applicable procedural safe-
2 guards; and

3 “(III) possible costs (including
4 any fees to be charged to families as
5 described in section 632(4)(B)), if
6 any, to parents of infants or toddlers
7 with disabilities;

8 “(B) services provided pursuant to this
9 subsection include an educational component
10 that promotes school readiness and incorporates
11 preliteracy, language, and numeracy skills;

12 “(C) the State policy will not affect the
13 right of any child served pursuant to this sub-
14 section to instead receive a free appropriate
15 public education under part B;

16 “(D) all early intervention services outlined
17 in the child’s individualized family service plan
18 under section 636 are continued while any eligi-
19 bility determination is being made for services
20 under this subsection;

21 “(E) the parents of infants or toddlers
22 with disabilities (as defined in section
23 632(5)(A)) provide informed written consent to
24 the State, before such infants or toddlers reach
25 3 years of age, as to whether such parents in-

1 tend to choose the continuation of early inter-
2 vention services pursuant to this subsection for
3 such infants or toddlers;

4 “(F) the requirements under section
5 637(a)(9) shall not apply with respect to a child
6 who is receiving services in accordance with this
7 subsection until not less than 90 days (and at
8 the discretion of the parties to the conference,
9 not more than 9 months) before the time the
10 child will no longer receive those services; and

11 “(G) there will be a referral for evaluation
12 for early intervention services of a child who ex-
13 periences a substantiated case of trauma due to
14 exposure to family violence (as defined in sec-
15 tion 320 of the Family Violence Prevention and
16 Services Act).

17 “(3) REPORTING REQUIREMENT.—If a state-
18 wide system includes a State policy described in
19 paragraph (1), the State shall submit to the Sec-
20 retary, in the State’s report under section
21 637(b)(4)(A), a report on the number and percent-
22 age of children with disabilities who are eligible for
23 services under section 619 but whose parents choose
24 for such children to continue to receive early inter-
25 vention services under this part.

1 “(4) AVAILABLE FUNDS.—If a statewide system
2 includes a State policy described in paragraph (1),
3 the policy shall describe the funds (including an
4 identification as Federal, State, or local funds) that
5 will be used to ensure that the option described in
6 paragraph (1) is available to eligible children and
7 families who provide the consent described in para-
8 graph (2)(E), including fees (if any) to be charged
9 to families as described in section 632(4)(B).

10 “(5) RULES OF CONSTRUCTION.—

11 “(A) SERVICES UNDER PART B.—If a
12 statewide system includes a State policy de-
13 scribed in paragraph (1), a State that provides
14 services in accordance with this subsection to a
15 child with a disability who is eligible for services
16 under section 619 shall not be required to pro-
17 vide the child with a free appropriate public
18 education under part B for the period of time
19 in which the child is receiving services under
20 this part.

21 “(B) SERVICES UNDER THIS PART.—Noth-
22 ing in this subsection shall be construed to re-
23 quire a provider of services under this part to
24 provide a child served under this part with a
25 free appropriate public education.

1 **“SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.**

2 “(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—

3 A statewide system described in section 633 shall provide,
4 at a minimum, for each infant or toddler with a disability,
5 and the infant’s or toddler’s family, to receive—

6 “(1) a multidisciplinary assessment of the
7 unique strengths and needs of the infant or toddler
8 and the identification of services appropriate to meet
9 such needs;

10 “(2) a family-directed assessment of the re-
11 sources, priorities, and concerns of the family and
12 the identification of the supports and services nec-
13 essary to enhance the family’s capacity to meet the
14 developmental needs of the infant or toddler; and

15 “(3) a written individualized family service plan
16 developed by a multidisciplinary team, including the
17 parents, as required by subsection (e), including a
18 description of the appropriate transition services for
19 the infant or toddler.

20 “(b) PERIODIC REVIEW.—The individualized family
21 service plan shall be evaluated once a year and the family
22 shall be provided a review of the plan at 6-month intervals
23 (or more often where appropriate based on infant or tod-
24 dler and family needs).

25 “(c) PROMPTNESS AFTER ASSESSMENT.—The indi-
26 vidualized family service plan shall be developed within a

1 reasonable time after the assessment required by sub-
2 section (a)(1) is completed. With the parents' consent,
3 early intervention services may commence prior to the
4 completion of the assessment.

5 “(d) CONTENT OF PLAN.—The individualized family
6 service plan shall be in writing and contain—

7 “(1) a statement of the infant's or toddler's
8 present levels of physical development, cognitive de-
9 velopment, communication development, social or
10 emotional development, and adaptive development,
11 based on objective criteria;

12 “(2) a statement of the family's resources, pri-
13 orities, and concerns relating to enhancing the devel-
14 opment of the family's infant or toddler with a dis-
15 ability;

16 “(3) a statement of the measurable results or
17 outcomes expected to be achieved for the infant or
18 toddler and the family, including pre-literacy and
19 language skills, as developmentally appropriate for
20 the child, and the criteria, procedures, and timelines
21 used to determine the degree to which progress to-
22 ward achieving the results or outcomes is being
23 made and whether modifications or revisions of the
24 results or outcomes or services are necessary;

1 “(4) a statement of specific early intervention
2 services based on peer-reviewed research, to the ex-
3 tent practicable, necessary to meet the unique needs
4 of the infant or toddler and the family, including the
5 frequency, intensity, and method of delivering serv-
6 ices;

7 “(5) a statement of the natural environments in
8 which early intervention services will appropriately
9 be provided, including a justification of the extent,
10 if any, to which the services will not be provided in
11 a natural environment;

12 “(6) the projected dates for initiation of serv-
13 ices and the anticipated length, duration, and fre-
14 quency of the services;

15 “(7) the identification of the service coordinator
16 from the profession most immediately relevant to the
17 infant’s or toddler’s or family’s needs (or who is oth-
18 erwise qualified to carry out all applicable respon-
19 sibilities under this part) who will be responsible for
20 the implementation of the plan and coordination
21 with other agencies and persons, including transition
22 services; and

23 “(8) the steps to be taken to support the transi-
24 tion of the toddler with a disability to preschool or
25 other appropriate services.

1 “(e) PARENTAL CONSENT.—The contents of the indi-
2 vidualized family service plan shall be fully explained to
3 the parents and informed written consent from the par-
4 ents shall be obtained prior to the provision of early inter-
5 vention services described in such plan. If the parents do
6 not provide consent with respect to a particular early
7 intervention service, then only the early intervention serv-
8 ices to which consent is obtained shall be provided.

9 **“SEC. 637. STATE APPLICATION AND ASSURANCES.**

10 “(a) APPLICATION.—A State desiring to receive a
11 grant under section 633 shall submit an application to the
12 Secretary at such time and in such manner as the Sec-
13 retary may reasonably require. The application shall
14 contain—

15 “(1) a designation of the lead agency in the
16 State that will be responsible for the administration
17 of funds provided under section 633;

18 “(2) a certification to the Secretary that the ar-
19 rangements to establish financial responsibility for
20 services provided under this part pursuant to section
21 640(b) are current as of the date of submission of
22 the certification;

23 “(3) information demonstrating eligibility of the
24 State under section 634, including—

1 “(A) information demonstrating to the
2 Secretary’s satisfaction that the State has in ef-
3 fect the statewide system required by section
4 633; and

5 “(B) a description of services to be pro-
6 vided to infants and toddlers with disabilities
7 and their families through the system;

8 “(4) if the State provides services to at-risk in-
9 fants and toddlers through the statewide system, a
10 description of such services;

11 “(5) a description of the uses for which funds
12 will be expended in accordance with this part;

13 “(6) a description of the State policies and pro-
14 cedures that require the referral for early interven-
15 tion services under this part of a child under the age
16 of 3 who—

17 “(A) is involved in a substantiated case of
18 child abuse or neglect; or

19 “(B) is identified as affected by illegal sub-
20 stance abuse, or withdrawal symptoms resulting
21 from prenatal drug exposure;

22 “(7) a description of the procedure used to en-
23 sure that resources are made available under this
24 part for all geographic areas within the State;

1 “(8) a description of State policies and proce-
2 dures that ensure that, prior to the adoption by the
3 State of any other policy or procedure necessary to
4 meet the requirements of this part, there are public
5 hearings, adequate notice of the hearings, and an
6 opportunity for comment available to the general
7 public, including individuals with disabilities and
8 parents of infants and toddlers with disabilities;

9 “(9) a description of the policies and procedures
10 to be used—

11 “(A) to ensure a smooth transition for tod-
12 dlers receiving early intervention services under
13 this part (and children receiving those services
14 under section 635(c)) to preschool, school, other
15 appropriate services, or exiting the program, in-
16 cluding a description of how—

17 “(i) the families of such toddlers and
18 children will be included in the transition
19 plans required by subparagraph (C); and

20 “(ii) the lead agency designated or es-
21 tablished under section 635(a)(10) will—

22 “(I) notify the local educational
23 agency for the area in which such a
24 child resides that the child will shortly
25 reach the age of eligibility for pre-

1 school services under part B, as deter-
2 mined in accordance with State law;

3 “(II) in the case of a child who
4 may be eligible for such preschool
5 services, with the approval of the fam-
6 ily of the child, convene a conference
7 among the lead agency, the family,
8 and the local educational agency not
9 less than 90 days (and at the discre-
10 tion of all such parties, not more than
11 9 months) before the child is eligible
12 for the preschool services, to discuss
13 any such services that the child may
14 receive; and

15 “(III) in the case of a child who
16 may not be eligible for such preschool
17 services, with the approval of the fam-
18 ily, make reasonable efforts to con-
19 vene a conference among the lead
20 agency, the family, and providers of
21 other appropriate services for children
22 who are not eligible for preschool serv-
23 ices under part B, to discuss the ap-
24 propriate services that the child may
25 receive;

1 “(B) to review the child’s program options
2 for the period from the child’s third birthday
3 through the remainder of the school year; and

4 “(C) to establish a transition plan, includ-
5 ing, as appropriate, steps to exit from the pro-
6 gram;

7 “(10) a description of State efforts to promote
8 collaboration among Early Head Start programs
9 under section 645A of the Head Start Act, early
10 education and child care programs, and services
11 under part C; and

12 “(11) such other information and assurances as
13 the Secretary may reasonably require.

14 “(b) ASSURANCES.—The application described in
15 subsection (a)—

16 “(1) shall provide satisfactory assurance that
17 Federal funds made available under section 643 to
18 the State will be expended in accordance with this
19 part;

20 “(2) shall contain an assurance that the State
21 will comply with the requirements of section 640;

22 “(3) shall provide satisfactory assurance that
23 the control of funds provided under section 643, and
24 title to property derived from those funds, will be in
25 a public agency for the uses and purposes provided

1 in this part and that a public agency will administer
2 such funds and property;

3 “(4) shall provide for—

4 “(A) making such reports in such form
5 and containing such information as the Sec-
6 retary may require to carry out the Secretary’s
7 functions under this part; and

8 “(B) keeping such reports and affording
9 such access to the reports as the Secretary may
10 find necessary to ensure the correctness and
11 verification of those reports and proper dis-
12 bursement of Federal funds under this part;

13 “(5) provide satisfactory assurance that Federal
14 funds made available under section 643 to the
15 State—

16 “(A) will not be commingled with State
17 funds; and

18 “(B) will be used so as to supplement the
19 level of State and local funds expended for in-
20 fants and toddlers with disabilities and their
21 families and in no case to supplant those State
22 and local funds;

23 “(6) shall provide satisfactory assurance that
24 such fiscal control and fund accounting procedures
25 will be adopted as may be necessary to ensure prop-

1 er disbursement of, and accounting for, Federal
2 funds paid under section 643 to the State;

3 “(7) shall provide satisfactory assurance that
4 policies and procedures have been adopted to ensure
5 meaningful involvement of underserved groups, in-
6 cluding minority, low-income, homeless, and rural
7 families and children with disabilities who are wards
8 of the State, in the planning and implementation of
9 all the requirements of this part; and

10 “(8) shall contain such other information and
11 assurances as the Secretary may reasonably require
12 by regulation.

13 “(c) STANDARD FOR DISAPPROVAL OF APPLICA-
14 TION.—The Secretary may not disapprove such an appli-
15 cation unless the Secretary determines, after notice and
16 opportunity for a hearing, that the application fails to
17 comply with the requirements of this section.

18 “(d) SUBSEQUENT STATE APPLICATION.—If a State
19 has on file with the Secretary a policy, procedure, or as-
20 surance that demonstrates that the State meets a require-
21 ment of this section, including any policy or procedure
22 filed under this part (as in effect before the date of enact-
23 ment of the Individuals with Disabilities Education Im-
24 provement Act of 2004), the Secretary shall consider the

1 State to have met the requirement for purposes of receiv-
2 ing a grant under this part.

3 “(e) MODIFICATION OF APPLICATION.—An applica-
4 tion submitted by a State in accordance with this section
5 shall remain in effect until the State submits to the Sec-
6 retary such modifications as the State determines nec-
7 essary. This section shall apply to a modification of an
8 application to the same extent and in the same manner
9 as this section applies to the original application.

10 “(f) MODIFICATIONS REQUIRED BY THE SEC-
11 RETARY.—The Secretary may require a State to modify
12 its application under this section, but only to the extent
13 necessary to ensure the State’s compliance with this part,
14 if—

15 “(1) an amendment is made to this title, or a
16 Federal regulation issued under this title;

17 “(2) a new interpretation of this title is made
18 by a Federal court or the State’s highest court; or

19 “(3) an official finding of noncompliance with
20 Federal law or regulations is made with respect to
21 the State.

22 **“SEC. 638. USES OF FUNDS.**

23 “In addition to using funds provided under section
24 633 to maintain and implement the statewide system re-
25 quired by such section, a State may use such funds—

1 “(1) for direct early intervention services for in-
2 fants and toddlers with disabilities, and their fami-
3 lies, under this part that are not otherwise funded
4 through other public or private sources;

5 “(2) to expand and improve on services for in-
6 fants and toddlers and their families under this part
7 that are otherwise available;

8 “(3) to provide a free appropriate public edu-
9 cation, in accordance with part B, to children with
10 disabilities from their third birthday to the begin-
11 ning of the following school year;

12 “(4) with the written consent of the parents, to
13 continue to provide early intervention services under
14 this part to children with disabilities from their 3rd
15 birthday until such children enter, or are eligible
16 under State law to enter, kindergarten, in lieu of a
17 free appropriate public education provided in accord-
18 ance with part B; and

19 “(5) in any State that does not provide services
20 for at-risk infants and toddlers under section
21 637(a)(4), to strengthen the statewide system by ini-
22 tiating, expanding, or improving collaborative efforts
23 related to at-risk infants and toddlers, including es-
24 tablishing linkages with appropriate public or private

1 community-based organizations, services, and per-
2 sonnel for the purposes of—

3 “(A) identifying and evaluating at-risk in-
4 fants and toddlers;

5 “(B) making referrals of the infants and
6 toddlers identified and evaluated under sub-
7 paragraph (A); and

8 “(C) conducting periodic follow-up on each
9 such referral to determine if the status of the
10 infant or toddler involved has changed with re-
11 spect to the eligibility of the infant or toddler
12 for services under this part.

13 **“SEC. 639. PROCEDURAL SAFEGUARDS.**

14 “(a) MINIMUM PROCEDURES.—The procedural safe-
15 guards required to be included in a statewide system
16 under section 635(a)(13) shall provide, at a minimum, the
17 following:

18 “(1) The timely administrative resolution of
19 complaints by parents. Any party aggrieved by the
20 findings and decision regarding an administrative
21 complaint shall have the right to bring a civil action
22 with respect to the complaint in any State court of
23 competent jurisdiction or in a district court of the
24 United States without regard to the amount in con-
25 troversy. In any action brought under this para-

1 graph, the court shall receive the records of the ad-
2 ministrative proceedings, shall hear additional evi-
3 dence at the request of a party, and, basing its deci-
4 sion on the preponderance of the evidence, shall
5 grant such relief as the court determines is appro-
6 priate.

7 “(2) The right to confidentiality of personally
8 identifiable information, including the right of par-
9 ents to written notice of and written consent to the
10 exchange of such information among agencies con-
11 sistent with Federal and State law.

12 “(3) The right of the parents to determine
13 whether they, their infant or toddler, or other family
14 members will accept or decline any early intervention
15 service under this part in accordance with State law
16 without jeopardizing other early intervention services
17 under this part.

18 “(4) The opportunity for parents to examine
19 records relating to assessment, screening, eligibility
20 determinations, and the development and implemen-
21 tation of the individualized family service plan.

22 “(5) Procedures to protect the rights of the in-
23 fant or toddler whenever the parents of the infant or
24 toddler are not known or cannot be found or the in-
25 fant or toddler is a ward of the State, including the

1 assignment of an individual (who shall not be an em-
2 ployee of the State lead agency, or other State agen-
3 cy, and who shall not be any person, or any em-
4 ployee of a person, providing early intervention serv-
5 ices to the infant or toddler or any family member
6 of the infant or toddler) to act as a surrogate for the
7 parents.

8 “(6) Written prior notice to the parents of the
9 infant or toddler with a disability whenever the State
10 agency or service provider proposes to initiate or
11 change, or refuses to initiate or change, the identi-
12 fication, evaluation, or placement of the infant or
13 toddler with a disability, or the provision of appro-
14 priate early intervention services to the infant or
15 toddler.

16 “(7) Procedures designed to ensure that the no-
17 tice required by paragraph (6) fully informs the par-
18 ents, in the parents’ native language, unless it clear-
19 ly is not feasible to do so, of all procedures available
20 pursuant to this section.

21 “(8) The right of parents to use mediation in
22 accordance with section 615, except that—

23 “(A) any reference in the section to a
24 State educational agency shall be considered to

1 be a reference to a State’s lead agency estab-
2 lished or designated under section 635(a)(10);

3 “(B) any reference in the section to a local
4 educational agency shall be considered to be a
5 reference to a local service provider or the
6 State’s lead agency under this part, as the case
7 may be; and

8 “(C) any reference in the section to the
9 provision of a free appropriate public education
10 to children with disabilities shall be considered
11 to be a reference to the provision of appropriate
12 early intervention services to infants and tod-
13 dlers with disabilities.

14 “(b) SERVICES DURING PENDENCY OF PRO-
15 CEEDINGS.—During the pendency of any proceeding or ac-
16 tion involving a complaint by the parents of an infant or
17 toddler with a disability, unless the State agency and the
18 parents otherwise agree, the infant or toddler shall con-
19 tinue to receive the appropriate early intervention services
20 currently being provided or, if applying for initial services,
21 shall receive the services not in dispute.

22 **“SEC. 640. PAYOR OF LAST RESORT.**

23 “(a) NONSUBSTITUTION.—Funds provided under
24 section 643 may not be used to satisfy a financial commit-
25 ment for services that would have been paid for from an-

1 other public or private source, including any medical pro-
2 gram administered by the Secretary of Defense, but for
3 the enactment of this part, except that whenever consid-
4 ered necessary to prevent a delay in the receipt of appro-
5 priate early intervention services by an infant, toddler, or
6 family in a timely fashion, funds provided under section
7 643 may be used to pay the provider of services pending
8 reimbursement from the agency that has ultimate respon-
9 sibility for the payment.

10 “(b) OBLIGATIONS RELATED TO AND METHODS OF
11 ENSURING SERVICES.—

12 “(1) ESTABLISHING FINANCIAL RESPONSIBI-
13 BILITY FOR SERVICES.—

14 “(A) IN GENERAL.—The Chief Executive
15 Officer of a State or designee of the officer
16 shall ensure that an interagency agreement or
17 other mechanism for interagency coordination is
18 in effect between each public agency and the
19 designated lead agency, in order to ensure—

20 “(i) the provision of, and financial re-
21 sponsibility for, services provided under
22 this part; and

23 “(ii) such services are consistent with
24 the requirements of section 635 and the
25 State’s application pursuant to section

1 637, including the provision of such serv-
2 ices during the pendency of any such dis-
3 pute.

4 “(B) CONSISTENCY BETWEEN AGREE-
5 MENTS OR MECHANISMS UNDER PART B.—The
6 Chief Executive Officer of a State or designee
7 of the officer shall ensure that the terms and
8 conditions of such agreement or mechanism are
9 consistent with the terms and conditions of the
10 State’s agreement or mechanism under section
11 612(a)(12), where appropriate.

12 “(2) REIMBURSEMENT FOR SERVICES BY PUB-
13 LIC AGENCY.—

14 “(A) IN GENERAL.—If a public agency
15 other than an educational agency fails to pro-
16 vide or pay for the services pursuant to an
17 agreement required under paragraph (1), the
18 local educational agency or State agency (as de-
19 termined by the Chief Executive Officer or des-
20 ignee) shall provide or pay for the provision of
21 such services to the child.

22 “(B) REIMBURSEMENT.—Such local edu-
23 cational agency or State agency is authorized to
24 claim reimbursement for the services from the
25 public agency that failed to provide or pay for

1 such services and such public agency shall reim-
2 burse the local educational agency or State
3 agency pursuant to the terms of the interagency
4 agreement or other mechanism required under
5 paragraph (1).

6 “(3) SPECIAL RULE.—The requirements of
7 paragraph (1) may be met through—

8 “(A) State statute or regulation;

9 “(B) signed agreements between respective
10 agency officials that clearly identify the respon-
11 sibilities of each agency relating to the provision
12 of services; or

13 “(C) other appropriate written methods as
14 determined by the Chief Executive Officer of
15 the State or designee of the officer and ap-
16 proved by the Secretary through the review and
17 approval of the State’s application pursuant to
18 section 637.

19 “(c) REDUCTION OF OTHER BENEFITS.—Nothing in
20 this part shall be construed to permit the State to reduce
21 medical or other assistance available or to alter eligibility
22 under title V of the Social Security Act (relating to mater-
23 nal and child health) or title XIX of the Social Security
24 Act (relating to medicaid for infants or toddlers with dis-
25 abilities) within the State.

1 **“SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—A State that desires to re-
4 ceive financial assistance under this part shall estab-
5 lish a State interagency coordinating council.

6 “(2) APPOINTMENT.—The council shall be ap-
7 pointed by the Governor. In making appointments to
8 the council, the Governor shall ensure that the mem-
9 bership of the council reasonably represents the pop-
10 ulation of the State.

11 “(3) CHAIRPERSON.—The Governor shall des-
12 ignate a member of the council to serve as the chair-
13 person of the council, or shall require the council to
14 so designate such a member. Any member of the
15 council who is a representative of the lead agency
16 designated under section 635(a)(10) may not serve
17 as the chairperson of the council.

18 “(b) COMPOSITION.—

19 “(1) IN GENERAL.—The council shall be com-
20 posed as follows:

21 “(A) PARENTS.—Not less than 20 percent
22 of the members shall be parents of infants or
23 toddlers with disabilities or children with dis-
24 abilities aged 12 or younger, with knowledge of,
25 or experience with, programs for infants and
26 toddlers with disabilities. Not less than 1 such

1 member shall be a parent of an infant or tod-
2 dler with a disability or a child with a disability
3 aged 6 or younger.

4 “(B) SERVICE PROVIDERS.—Not less than
5 20 percent of the members shall be public or
6 private providers of early intervention services.

7 “(C) STATE LEGISLATURE.—Not less than
8 1 member shall be from the State legislature.

9 “(D) PERSONNEL PREPARATION.—Not
10 less than 1 member shall be involved in per-
11 sonnel preparation.

12 “(E) AGENCY FOR EARLY INTERVENTION
13 SERVICES.—Not less than 1 member shall be
14 from each of the State agencies involved in the
15 provision of, or payment for, early intervention
16 services to infants and toddlers with disabilities
17 and their families and shall have sufficient au-
18 thority to engage in policy planning and imple-
19 mentation on behalf of such agencies.

20 “(F) AGENCY FOR PRESCHOOL SERV-
21 ICES.—Not less than 1 member shall be from
22 the State educational agency responsible for
23 preschool services to children with disabilities
24 and shall have sufficient authority to engage in

1 policy planning and implementation on behalf of
2 such agency.

3 “(G) STATE MEDICAID AGENCY.—Not less
4 than 1 member shall be from the agency re-
5 sponsible for the State medicaid program.

6 “(H) HEAD START AGENCY.—Not less
7 than 1 member shall be a representative from
8 a Head Start agency or program in the State.

9 “(I) CHILD CARE AGENCY.—Not less than
10 1 member shall be a representative from a
11 State agency responsible for child care.

12 “(J) AGENCY FOR HEALTH INSURANCE.—
13 Not less than 1 member shall be from the agen-
14 cy responsible for the State regulation of health
15 insurance.

16 “(K) OFFICE OF THE COORDINATOR OF
17 EDUCATION OF HOMELESS CHILDREN AND
18 YOUTH.—Not less than 1 member shall be a
19 representative designated by the Office of Coor-
20 dinator for Education of Homeless Children
21 and Youths.

22 “(L) STATE FOSTER CARE REPRESENTA-
23 TIVE.—Not less than 1 member shall be a rep-
24 resentative from the State child welfare agency
25 responsible for foster care.

1 “(M) MENTAL HEALTH AGENCY.—Not less
2 than 1 member shall be a representative from
3 the State agency responsible for children’s men-
4 tal health.

5 “(2) OTHER MEMBERS.—The council may in-
6 clude other members selected by the Governor, in-
7 cluding a representative from the Bureau of Indian
8 Affairs (BIA), or where there is no BIA-operated or
9 BIA-funded school, from the Indian Health Service
10 or the tribe or tribal council.

11 “(c) MEETINGS.—The council shall meet, at a min-
12 imum, on a quarterly basis, and in such places as the
13 council determines necessary. The meetings shall be pub-
14 licly announced, and, to the extent appropriate, open and
15 accessible to the general public.

16 “(d) MANAGEMENT AUTHORITY.—Subject to the ap-
17 proval of the Governor, the council may prepare and ap-
18 prove a budget using funds under this part to conduct
19 hearings and forums, to reimburse members of the council
20 for reasonable and necessary expenses for attending coun-
21 cil meetings and performing council duties (including child
22 care for parent representatives), to pay compensation to
23 a member of the council if the member is not employed
24 or must forfeit wages from other employment when per-
25 forming official council business, to hire staff, and to ob-

1 tain the services of such professional, technical, and cler-
2 ical personnel as may be necessary to carry out its func-
3 tions under this part.

4 “(e) FUNCTIONS OF COUNCIL.—

5 “(1) DUTIES.—The council shall—

6 “(A) advise and assist the lead agency des-
7 igned or established under section 635(a)(10)
8 in the performance of the responsibilities set
9 forth in such section, particularly the identifica-
10 tion of the sources of fiscal and other support
11 for services for early intervention programs, as-
12 signment of financial responsibility to the ap-
13 propriate agency, and the promotion of the
14 interagency agreements;

15 “(B) advise and assist the lead agency in
16 the preparation of applications and amend-
17 ments thereto;

18 “(C) advise and assist the State edu-
19 cational agency regarding the transition of tod-
20 dlers with disabilities to preschool and other ap-
21 propriate services; and

22 “(D) prepare and submit an annual report
23 to the Governor and to the Secretary on the
24 status of early intervention programs for in-

1 fants and toddlers with disabilities and their
2 families operated within the State.

3 “(2) AUTHORIZED ACTIVITY.—The council may
4 advise and assist the lead agency and the State edu-
5 cational agency regarding the provision of appro-
6 priate services for children from birth through age
7 5. The council may advise appropriate agencies in
8 the State with respect to the integration of services
9 for infants and toddlers with disabilities and at-risk
10 infants and toddlers and their families, regardless of
11 whether at-risk infants and toddlers are eligible for
12 early intervention services in the State.

13 “(f) CONFLICT OF INTEREST.—No member of the
14 council shall cast a vote on any matter that is likely to
15 provide a direct financial benefit to that member or other-
16 wise give the appearance of a conflict of interest under
17 State law.

18 **“SEC. 642. FEDERAL ADMINISTRATION.**

19 “Sections 616, 617, and 618 shall, to the extent not
20 inconsistent with this part, apply to the program author-
21 ized by this part, except that—

22 “(1) any reference in such sections to a State
23 educational agency shall be considered to be a ref-
24 erence to a State’s lead agency established or des-
25 ignated under section 635(a)(10);

1 “(2) any reference in such sections to a local
2 educational agency, educational service agency, or a
3 State agency shall be considered to be a reference to
4 an early intervention service provider under this
5 part; and

6 “(3) any reference to the education of children
7 with disabilities or the education of all children with
8 disabilities shall be considered to be a reference to
9 the provision of appropriate early intervention serv-
10 ices to infants and toddlers with disabilities.

11 **“SEC. 643. ALLOCATION OF FUNDS.**

12 “(a) RESERVATION OF FUNDS FOR OUTLYING
13 AREAS.—

14 “(1) IN GENERAL.—From the sums appro-
15 priated to carry out this part for any fiscal year, the
16 Secretary may reserve not more than 1 percent for
17 payments to Guam, American Samoa, the United
18 States Virgin Islands, and the Commonwealth of the
19 Northern Mariana Islands in accordance with their
20 respective needs for assistance under this part.

21 “(2) CONSOLIDATION OF FUNDS.—The provi-
22 sions of Public Law 95–134, permitting the consoli-
23 dation of grants to the outlying areas, shall not
24 apply to funds those areas receive under this part.

25 “(b) PAYMENTS TO INDIANS.—

1 “(1) IN GENERAL.—The Secretary shall, sub-
2 ject to this subsection, make payments to the Sec-
3 retary of the Interior to be distributed to tribes,
4 tribal organizations (as defined under section 4 of
5 the Indian Self-Determination and Education Assist-
6 ance Act), or consortia of the above entities for the
7 coordination of assistance in the provision of early
8 intervention services by the States to infants and
9 toddlers with disabilities and their families on res-
10 ervations served by elementary schools and sec-
11 ondary schools for Indian children operated or fund-
12 ed by the Department of the Interior. The amount
13 of such payment for any fiscal year shall be 1.25
14 percent of the aggregate of the amount available to
15 all States under this part for such fiscal year.

16 “(2) ALLOCATION.—For each fiscal year, the
17 Secretary of the Interior shall distribute the entire
18 payment received under paragraph (1) by providing
19 to each tribe, tribal organization, or consortium an
20 amount based on the number of infants and toddlers
21 residing on the reservation, as determined annually,
22 divided by the total of such children served by all
23 tribes, tribal organizations, or consortia.

24 “(3) INFORMATION.—To receive a payment
25 under this subsection, the tribe, tribal organization,

1 or consortium shall submit such information to the
2 Secretary of the Interior as is needed to determine
3 the amounts to be distributed under paragraph (2).

4 “(4) USE OF FUNDS.—The funds received by a
5 tribe, tribal organization, or consortium shall be
6 used to assist States in child find, screening, and
7 other procedures for the early identification of In-
8 dian children under 3 years of age and for parent
9 training. Such funds may also be used to provide
10 early intervention services in accordance with this
11 part. Such activities may be carried out directly or
12 through contracts or cooperative agreements with
13 the Bureau of Indian Affairs, local educational agen-
14 cies, and other public or private nonprofit organiza-
15 tions. The tribe, tribal organization, or consortium is
16 encouraged to involve Indian parents in the develop-
17 ment and implementation of these activities. The
18 above entities shall, as appropriate, make referrals
19 to local, State, or Federal entities for the provision
20 of services or further diagnosis.

21 “(5) REPORTS.—To be eligible to receive a pay-
22 ment under paragraph (2), a tribe, tribal organiza-
23 tion, or consortium shall make a biennial report to
24 the Secretary of the Interior of activities undertaken
25 under this subsection, including the number of con-

1 tracts and cooperative agreements entered into, the
2 number of infants and toddlers contacted and receiv-
3 ing services for each year, and the estimated number
4 of infants and toddlers needing services during the
5 2 years following the year in which the report is
6 made. The Secretary of the Interior shall include a
7 summary of this information on a biennial basis to
8 the Secretary of Education along with such other in-
9 formation as required under section 611(h)(3)(E).
10 The Secretary of Education may require any addi-
11 tional information from the Secretary of the Inte-
12 rior.

13 “(6) PROHIBITED USES OF FUNDS.—None of
14 the funds under this subsection may be used by the
15 Secretary of the Interior for administrative pur-
16 poses, including child count, and the provision of
17 technical assistance.

18 “(c) STATE ALLOTMENTS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graphs (2) and (3), from the funds remaining for
21 each fiscal year after the reservation and payments
22 under subsections (a), (b), and (e), the Secretary
23 shall first allot to each State an amount that bears
24 the same ratio to the amount of such remainder as
25 the number of infants and toddlers in the State

1 bears to the number of infants and toddlers in all
2 States.

3 “(2) MINIMUM ALLOTMENTS.—Except as pro-
4 vided in paragraph (3), no State shall receive an
5 amount under this section for any fiscal year that is
6 less than the greater of—

7 “(A) $\frac{1}{2}$ of 1 percent of the remaining
8 amount described in paragraph (1); or

9 “(B) \$500,000.

10 “(3) RATABLE REDUCTION.—

11 “(A) IN GENERAL.—If the sums made
12 available under this part for any fiscal year are
13 insufficient to pay the full amounts that all
14 States are eligible to receive under this sub-
15 section for such year, the Secretary shall rat-
16 ably reduce the allotments to such States for
17 such year.

18 “(B) ADDITIONAL FUNDS.—If additional
19 funds become available for making payments
20 under this subsection for a fiscal year, allot-
21 ments that were reduced under subparagraph
22 (A) shall be increased on the same basis the al-
23 lotments were reduced.

24 “(4) DEFINITIONS.—In this subsection—

1 “(A) the terms ‘infants’ and ‘toddlers’
2 mean children under 3 years of age; and

3 “(B) the term ‘State’ means each of the 50
4 States, the District of Columbia, and the Com-
5 monwealth of Puerto Rico.

6 “(d) REALLOTMENT OF FUNDS.—If a State elects
7 not to receive its allotment under subsection (c), the Sec-
8 retary shall reallocate, among the remaining States, amounts
9 from such State in accordance with such subsection.

10 “(e) RESERVATION FOR STATE INCENTIVE
11 GRANTS.—

12 “(1) IN GENERAL.—For any fiscal year for
13 which the amount appropriated pursuant to the au-
14 thorization of appropriations under section 644 ex-
15 ceeds \$460,000,000, the Secretary shall reserve 15
16 percent of such appropriated amount to provide
17 grants to States that are carrying out the policy de-
18 scribed in section 635(c) in order to facilitate the
19 implementation of such policy.

20 “(2) AMOUNT OF GRANT.—

21 “(A) IN GENERAL.—Notwithstanding
22 paragraphs (2) and (3) of subsection (e), the
23 Secretary shall provide a grant to each State
24 under paragraph (1) in an amount that bears
25 the same ratio to the amount reserved under

1 such paragraph as the number of infants and
2 toddlers in the State bears to the number of in-
3 fants and toddlers in all States receiving grants
4 under such paragraph.

5 “(B) MAXIMUM AMOUNT.—No State shall
6 receive a grant under paragraph (1) for any fis-
7 cal year in an amount that is greater than 20
8 percent of the amount reserved under such
9 paragraph for the fiscal year.

10 “(3) CARRYOVER OF AMOUNTS.—

11 “(A) 1ST SUCCEEDING FISCAL YEAR.—
12 Pursuant to section 421(b) of the General Edu-
13 cation Provisions Act, amounts under a grant
14 provided under paragraph (1) that are not obli-
15 gated and expended prior to the beginning of
16 the first fiscal year succeeding the fiscal year
17 for which such amounts were appropriated shall
18 remain available for obligation and expenditure
19 during such first succeeding fiscal year.

20 “(B) 2D SUCCEEDING FISCAL YEAR.—
21 Amounts under a grant provided under para-
22 graph (1) that are not obligated and expended
23 prior to the beginning of the second fiscal year
24 succeeding the fiscal year for which such
25 amounts were appropriated shall be returned to

1 the Secretary and used to make grants to
2 States under section 633 (from their allotments
3 under this section) during such second suc-
4 ceeding fiscal year.

5 **“SEC. 644. AUTHORIZATION OF APPROPRIATIONS.**

6 “For the purpose of carrying out this part, there are
7 authorized to be appropriated such sums as may be nec-
8 essary for each of the fiscal years 2005 through 2010.