

TITLE 20 - EDUCATION

CHAPTER 33 - EDUCATION OF INDIVIDUALS WITH DISABILITIES

SUBCHAPTER II - ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

§ 1417. Administration

(a) Responsibilities of Secretary

The Secretary shall—

- (1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, a State in matters relating to—
 - (A) the education of children with disabilities; and
 - (B) carrying out this subchapter; and
- (2) provide short-term training programs and institutes.

(b) Prohibition against Federal mandates, direction, or control

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

(c) Confidentiality

The Secretary shall take appropriate action, in accordance with section 1232g of this title, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State educational agencies and local educational agencies pursuant to this subchapter.

(d) Personnel

The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a), under section 1418 of this title, and under part D of subchapter IV, without regard to the provisions of title 5 relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than 20 such personnel shall be employed at any time.

(e) Model forms

Not later than the date that the Secretary publishes final regulations under this chapter, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers—

- (1) a model IEP form;
- (2) a model individualized family service plan (IFSP) form;
- (3) a model form of the notice of procedural safeguards described in section 1415 (d) of this title; and
- (4) a model form of the prior written notice described in subsections (b)(3) and (c)(1) of section 1415 of this title that is consistent with the requirements of this subchapter and is sufficient to meet such requirements.

(Pub. L. 91–230, title VI, § 617, as added Pub. L. 108–446, title I, § 101, Dec. 3, 2004, 118 Stat. 2737.)

References in Text

The provisions of title 5 relating to appointments in the competitive service, referred to in subsec. (d), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

The Individuals with Disabilities Education Improvement Act of 2004, referred to in subsec. (e), is Pub. L. 108-446, Dec. 3, 2004, 118 Stat. 2647. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 1400 of this title and Tables.

Prior Provisions

A prior section 1417, Pub. L. 91-230, title VI, § 617, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 100, related to Secretary's administrative duties, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1417, Pub. L. 91-230, title VI, § 617, as added Pub. L. 94-142, § 5(a), Nov. 29, 1975, 89 Stat. 791; amended Pub. L. 98-199, § 3(b), Dec. 2, 1983, 97 Stat. 1358; Pub. L. 100-630, title I, § 102(g), Nov. 7, 1988, 102 Stat. 3295; Pub. L. 101-476, title IX, § 901(b)(77), (78), Oct. 30, 1990, 104 Stat. 1145; Pub. L. 102-119, § 25(a)(7), (b), Oct. 7, 1991, 105 Stat. 606, 607, related to Secretary's administrative duties, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.