

**TITLE 20 - EDUCATION**  
**CHAPTER 33 - EDUCATION OF INDIVIDUALS WITH DISABILITIES**  
**SUBCHAPTER I - GENERAL PROVISIONS**

**§ 1403. Abrogation of State sovereign immunity**

**(a) In general**

A State shall not be immune under the 11th amendment to the Constitution of the United States from suit in Federal court for a violation of this chapter.

**(b) Remedies**

In a suit against a State for a violation of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

**(c) Effective date**

Subsections (a) and (b) apply with respect to violations that occur in whole or part after October 30, 1990.

(Pub. L. 91–230, title VI, § 604, as added Pub. L. 108–446, title I, § 101, Dec. 3, 2004, 118 Stat. 2659.)

**Prior Provisions**

A prior section 1403, Pub. L. 91–230, title VI, § 604, as added Pub. L. 105–17, title I, § 101, June 4, 1997, 111 Stat. 47, related to abrogation of State sovereign immunity, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108–446.

Another prior section 1403, Pub. L. 91–230, title VI, § 604, as added Pub. L. 101–476, title I, § 103, Oct. 30, 1990, 104 Stat. 1106, related to abrogation of State sovereign immunity, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105–17.

Another prior section 1403, Pub. L. 91–230, title VI, § 604, Apr. 13, 1970, 84 Stat. 177; Pub. L. 93–380, title VI, § 613, Aug. 21, 1974, 88 Stat. 580; Pub. L. 94–273, §§ 3(14), 13 (2), Apr. 21, 1976, 90 Stat. 376, 378; Pub. L. 98–199, § 4, Dec. 2, 1983, 97 Stat. 1358, established the National Advisory Committee on the Education of Handicapped Children and Youth, prior to repeal by Pub. L. 99–457, title IV, § 407, Oct. 8, 1986, 100 Stat. 1177.