§ 1451. Purpose; definition of personnel; program authority

(a) Purpose
The purpose of this part is to assist State educational agencies in reforming and improving their systems for personnel preparation and professional development in early intervention, educational, and transition services in order to improve results for children with disabilities.

(b) Definition of personnel
In this part the term “personnel” means special education teachers, regular education teachers, principals, administrators, related services personnel, paraprofessionals, and early intervention personnel serving infants, toddlers, preschoolers, or children with disabilities, except where a particular category of personnel, such as related services personnel, is identified.

(c) Competitive grants
(1) In general
Except as provided in subsection (d), for any fiscal year for which the amount appropriated under section 1455 of this title, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is less than $100,000,000, the Secretary shall award grants, on a competitive basis, to State educational agencies to carry out the activities described in the State plan submitted under section 1453 of this title.

(2) Priority
In awarding grants under paragraph (1), the Secretary may give priority to State educational agencies that—

(A) are in States with the greatest personnel shortages; or

(B) demonstrate the greatest difficulty meeting the requirements of section 1412 (a)(14) of this title.

(3) Minimum amount
The Secretary shall make a grant to each State educational agency selected under paragraph (1) in an amount for each fiscal year that is—

(A) not less than $500,000, nor more than $4,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) not less than $80,000 in the case of an outlying area.

(4) Increase in amount
The Secretary may increase the amounts of grants under paragraph (4) to account for inflation.

(5) Factors
The Secretary shall determine the amount of a grant under paragraph (1) after considering—

(A) the amount of funds available for making the grants;

(B) the relative population of the State or outlying area;

(C) the types of activities proposed by the State or outlying area;

(D) the alignment of proposed activities with section 1412 (a)(14) of this title;

(E) the alignment of proposed activities with the State plans and applications submitted under sections 6311 and 6612, respectively, of this title; and
(F) the use, as appropriate, of scientifically based research activities.

(d) **Formula grants**

(1) **In general**

Except as provided in paragraphs (2) and (3), for the first fiscal year for which the amount appropriated under section 1455 of this title, that remains after the Secretary reserves funds under subsection (e) for the fiscal year, is equal to or greater than $100,000,000, and for each fiscal year thereafter, the Secretary shall allot to each State educational agency, whose application meets the requirements of this part, an amount that bears the same relation to the amount remaining as the amount the State received under section 1411 (d) of this title for that fiscal year bears to the amount of funds received by all States (whose applications meet the requirements of this part) under section 1411 (d) of this title for that fiscal year.

(2) **Minimum allotments for States that received competitive grants**

(A) **In general**

The amount allotted under this subsection to any State educational agency that received a competitive multi-year grant under subsection (c) for which the grant period has not expired shall be not less than the amount specified for that fiscal year in the State educational agency’s grant award document under that subsection.

(B) **Special rule**

Each such State educational agency shall use the minimum amount described in subparagraph (A) for the activities described in the State educational agency’s competitive grant award document for that year, unless the Secretary approves a request from the State educational agency to spend the funds on other activities.

(3) **Minimum allotment**

The amount of any State educational agency’s allotment under this subsection for any fiscal year shall not be less than—

(A) the greater of $500,000 or 1/2 of 1 percent of the total amount available under this subsection for that year, in the case of each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) $80,000, in the case of an outlying area.

(4) **Direct benefit**

In using grant funds allotted under paragraph (1), a State educational agency shall, through grants, contracts, or cooperative agreements, undertake activities that significantly and directly benefit the local educational agencies in the State.

(e) **Continuation awards**

(1) **In general**

Notwithstanding any other provision of this part, from funds appropriated under section 1455 of this title for each fiscal year, the Secretary shall reserve the amount that is necessary to make a continuation award to any State educational agency (at the request of the State educational agency) that received a multi-year award under this subchapter (as this subchapter was in effect on the day before December 3, 2004), to enable the State educational agency to carry out activities in accordance with the terms of the multi-year award.

(2) **Prohibition**

A State educational agency that receives a continuation award under paragraph (1) for any fiscal year may not receive any other award under this part for that fiscal year.

Prior Provisions


Effective Date

Part effective July 1, 2005, see section 302(a) of Pub. L. 108–446, set out as a note under section 1400 of this title.