

Public Law 102-119
102d Congress

An Act

To amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes.

Oct. 7, 1991
[S. 1106]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Individuals with Disabilities Education Act Amendments of 1991”.

SEC. 2. REFERENCES REGARDING INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Any reference made in this Act to an amendment or repeal of a provision shall be considered to be an amendment or repeal, respectively, of that provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), unless another public law is specified as being the subject of the amendment or repeal.

SEC. 3. DEFINITIONS FOR ACT IN GENERAL.

Section 602(a)(1) (20 U.S.C. 1401(a)(1)) is amended—

- (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;
- (2) by inserting “(A)” after “(1)”; and
- (3) by adding at the end thereof the following new subparagraph:

“(B) The term ‘children with disabilities’ for children aged 3 to 5, inclusive, may, at a State’s discretion, include children—

“(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

“(ii) who, by reason thereof, need special education and related services.”.

SEC. 4. SETTLEMENTS AND ALLOCATIONS.

(a) **AMENDMENTS TO SUBSECTION (c).**—Section 611(c)(2)(A)(i)(II) (20 U.S.C. 1411(c)(2)(A)(i)(II)) is amended by striking “\$350,000” and inserting “\$450,000”.

(b) **AMENDMENTS TO SUBSECTION (f).**—Section 611(f) (20 U.S.C. 1411(f)) is amended to read as follows:

“(f)(1) The Secretary shall make payments to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5-21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. In the case of Indian students ages 3-5, inclusive, who are enrolled in programs affiliated with Bureau of Indian Affairs (hereafter in this subsection referred

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to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (3). The amount of such payment for any fiscal year shall be 1 percent of the aggregate amounts available for all States under this section for that fiscal year.

"(2) With respect to all other children aged 3-21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(3) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary of Education an application that—

"(A) meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities), 613, and 614(a);

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures required under subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618(b)(1), including data on the number of children and youth with disabilities served and the types and amounts of services provided and needed and this information shall be included in the annual report of the Secretary of Education to Congress required in section 618(g);

"(E) includes an assurance that, by October 1, 1992, the Secretaries of the Interior and Health and Human Services will enter into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations. Such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical/personal supplies as needed for a child to remain in school or a program; and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this Act, and will fulfill its duties under this Act.

Section 616(a) shall apply to any such application.

“(4)(A) Beginning with funds appropriated under section 611(a) for fiscal year 1992, the Secretary shall, subject to this paragraph, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortiums of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3-5, inclusive, on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be .25 percent of the aggregate amounts available for all States under this section for that fiscal year.

“(B) The Secretary of the Interior shall distribute the total amount of the .25 percent under subparagraph (A) in the following manner:

“(i) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

“(ii) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of children with disabilities, ages 3-5, inclusive, residing on reservations as reported annually divided by the total of such children served by all tribes or tribal organizations.

“(C) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

“(D) The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3-5, inclusive, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private non-profit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

“(E) To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

“(F) The Secretary of the Interior shall offer and, on request, provide technical assistance (especially in the areas of child find,

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diagnosis, and referral) to State and local educational agencies (where appropriate, intermediate educational units), and tribes and tribal organizations. Such assistance may be provided through its divisions and offices at the national and local level.

“(G) None of the funds allocated under this paragraph can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

“(5) Before January 1, 1992, the Secretary of the Interior shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing such a plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. Such plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, children, and youth with disabilities, to tribes, and to other interested parties.

Establishment.

“(6) To meet the requirements of sections 613(a)(12) of this Act, the Secretary of the Interior shall establish, within 6 months of the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1991, under the Bureau of Indian Affairs (BIA), an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

“(A) assist in the coordination of services within BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, children, and youth with disabilities;

“(B) advise and assist the Secretary of the Interior in the performance of the Secretary’s responsibilities described in this subsection;

“(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

“(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, children, and youth with disabilities; and

“(E) provide assistance in the preparation of information required under paragraph (3)(D).”

SEC. 5. STATE PLAN.

Section 613(a) (20 U.S.C. 1413(a)) is amended—

(1) in paragraph (3), in the matter preceding subparagraph (A), by striking “this Act,” and inserting the following: “this Act and with the comprehensive system of personnel development described in section 676(b)(8);” and

(2)(A) in paragraph (13)(B), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon and “and”; and

(C) by adding at the end the following new paragraph:

“(15) set forth policies and procedures relating to the smooth transition for those individuals participating in the early intervention program assisted under part H who will participate in preschool programs assisted under this part, including a method of ensuring that when a child turns age three an individualized education program, or, if consistent with sections 614(a)(5) and 677(d), an individualized family service plan, has been developed and is being implemented by such child’s third birthday.”.

SEC. 6. APPLICATION.

Section 614(a)(5) (20 U.S.C. 1414(a)(5)) is amended by inserting after “disability” the following: “(or, if consistent with State policy and at the discretion of the local educational agency or intermediate educational unit, and with the concurrence of the parents or guardian, an individualized family service plan described in section 677(d) for each child with a disability aged 3 to 5, inclusive)”.

SEC. 7. PRESCHOOL GRANTS.

Section 619 (20 U.S.C. 1419) is amended—

(1) in the heading for the section, by striking “PRE-SCHOOL” and inserting “PRESCHOOL”;

(2) in subsection (b)—

(A) in paragraph (1)(B), by inserting before the period the following: “, and for any two-year-old children provided services by the State under subsection (c)(2)(B)(iii) or by a local educational agency or intermediate educational unit under subsection (f)(2);” and

(B) in paragraph (3), by striking “\$1,000” and inserting “\$1,500”;

(3) in subsection (c)(2), by amending subparagraph (B) to read as follows:

“(B) use not more than 20 percent of such grant—

“(i) for planning and development of a comprehensive delivery system,

“(ii) for direct and support services for children with disabilities, aged 3 to 5, inclusive, and

“(iii) at the State’s discretion, to provide a free appropriate public education, in accordance with this Act, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H, and”;

(4) in subsection (f), by amending the subsection to read as follows:

“(f) Each local educational agency or intermediate educational unit receiving funds under this section—

“(1) shall use such funds to provide special education and related services to children with disabilities aged 3 to 5, inclusive, and

“(2) may, if consistent with State policy, use such funds to provide a free appropriate public education, in accordance with this part, to 2-year-old children with disabilities who will reach age 3 during the school year, whether or not such children are receiving, or have received, services under part H.”; and

(5) by adding at the end thereof the following new subsection:
“(g) Part H of this Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with this part, with funds received under this section.”.

SEC. 8. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) **AMENDMENTS TO SUBSECTION (a)(1).**—Section 623(a)(1) (20 U.S.C. 1423(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting after “children with disabilities” the following: “, including individuals who are at risk of having substantial developmental delays if early intervention services are not provided.”; and
(2)(A) by moving each of subparagraphs (F) through (I) 2 ems to the left;

(B) by striking “and” at the end of subparagraph (H);

(C) by redesignating subparagraph (I) as subparagraph (K); and

(D) by inserting after subparagraph (H) the following new subparagraphs:

“(I) facilitate and improve outreach to low-income, minority, rural, and other underserved populations eligible for assistance under parts B and H,

“(J) support statewide projects in conjunction with a State’s application under part H and a State’s plan under part B, to change the delivery of early intervention services to infants and toddlers with disabilities, and to change the delivery of special education and related services to preschool children with disabilities, from segregated to integrated environments, and”.

(b) **NEW SUBSECTION.**—

(1) **IN GENERAL.**—Section 623 (20 U.S.C. 1423) is amended—

(A) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(B) by inserting after subsection (a) the following new subsection:

Grants.

“(b) The Secretary shall fund up to 5 grants to States for 3 years for the purpose of establishing an inter-agency, multi-disciplinary, and coordinated statewide system for the identification, tracking, and referral to appropriate services for all categories of children who are biologically and/or environmentally at-risk of having developmental delays. To the extent feasible, such grants shall be geographically dispersed throughout the Nation in urban and rural areas. Each grantee must—

“(1) create a data system within the first year to document the numbers and types of at-risk children in the State and that develops linkages with all appropriate existing child data and tracking systems that assist in providing information;

“(2) coordinate activities with the child find component required under parts B and H of this Act;

“(3) demonstrate the involvement of the lead agency and the State interagency coordinating council under part H as well as the State educational agency under part B;

“(4) coordinate with other relevant prevention activities across appropriate service agencies, organizations, councils, and commissions;

“(5) define an appropriate service delivery system based on children with various types of at-risk factors;

“(6) document the need for additional services as well as barriers; and

“(7) disseminate findings and information in the manner prescribed in section 610(g).”

(2) CONFORMING AMENDMENT.—Section 623(f), as redesignated by paragraph (1) of this section, is amended by striking “(b) and (c)” and inserting “(c) and (d)”.

SEC. 9. GRANTS FOR PERSONNEL TRAINING.

(a) NEW SUBSECTION.—Section 631 (20 U.S.C. 1431) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) The Secretary shall fund up to 5 grants to States or entities to support the formation of consortia or partnerships of public and private entities for the purpose of providing opportunities for career advancement and/or competency-based training, including but not limited to, certificate or degree granting programs in special education, related services, and early intervention for current workers at public and private agencies that provide services to infants, toddlers, children, and youth with disabilities. Recipients shall meet the requirements of section 610(g) for the dissemination of information. The purposes for which such a grant may be expended include, but are not limited to, the following:

“(A) Establishing a program with colleges and universities to develop creative new programs and coursework options and/or to expand existing programs in the field of special education, related services, or early intervention. Funds may be used to provide release time for faculty and staff for curriculum development, instructional costs, and modest start-up and other program development costs.

“(B) Establishing a career development mentoring program using faculty and professional staff members of participating agencies as role models, career sponsors, and academic advisors for experienced State, city, county, and voluntary sector workers who have demonstrated a commitment to working in the above fields and who are enrolled in higher education institution programs relating to these fields.

“(C) Supporting a wide range of programmatic and research activities aimed at increasing opportunities for career advancement and competency-based training in the above fields.

“(D) Identifying existing public and private agency and labor union personnel policies and benefit programs that may facilitate the ability of workers to take advantage of higher education opportunities such as leave time, tuition reimbursement, etc.

“(2) To the extent feasible, projects authorized under paragraph (1) shall be geographically dispersed throughout the Nation in urban and rural areas.

Contracts.

“(3) The Secretary shall award, for the purpose of providing technical assistance to States or entities receiving grants under paragraph (1), a cooperative agreement through a separate competition to an entity that has successfully demonstrated the capacity and expertise in the education, training, and retention of workers to serve children and youth with disabilities through the use of consortia or partnerships established for the purpose of retaining the existing workforce and providing opportunities for career enhancement.

“(4) The Secretary may conduct an evaluation of projects funded under this subsection.

“(5) During the period in which an entity is receiving financial assistance under paragraph (1) or (3), the entity may not receive financial assistance under the other paragraph.”.

(b) AMENDMENTS TO FORMER SUBSECTION (c).—

(1) PRIORITY TO PARENTS OF INFANTS, TODDLERS, AND YOUNG CHILDREN IN EXPENDITURE OF CERTAIN FUNDS.—Section 631(d), as redesignated by subsection (a) of this section, is amended—

(A) by redesignating paragraph (10) as paragraph (11); and

(B) by inserting after paragraph (9) the following new paragraph:

“(10)(A) In the case of a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the organization, in expending the amounts described in subparagraph (B), shall give priority to providing services under this subsection to parents of children with disabilities aged 0-5.

“(B) With respect to a grant under paragraph (1) to a private nonprofit organization for fiscal year 1993 or 1994, the amounts described in this subparagraph are any amounts provided in the grant in excess of the amount of any grant under such paragraph provided to the organization for fiscal year 1992.”.

(2) APPLICABILITY OF CERTAIN PROVISIONS REGARDING SERVICE TO MINORITY PARENTS; MANNER OF COMPLIANCE WITH PROVISIONS.—Section 631(d), as redesignated by subsection (a) of this section, is amended in paragraph (4)(C)—

(A) by inserting after “disabilities” the following: “(including parents served pursuant to paragraph (10))”; and

(B) by inserting before the comma the following: “by requiring that applicants for the grants identify with specificity the special efforts that will be undertaken to involve such parents, including efforts to work with community-based and cultural organizations and the specification of supplementary aids, services, and supports that will be made available, and by specifying budgetary items earmarked to accomplish this subparagraph”.

(3) REPORTS.—Section 631, as amended by subsections (a)(1) and (b)(1)(A) of this subsection, is amended in subsection (d)(11)—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by striking the period at the end and inserting “, and”; and

(C) by inserting after subparagraph (F) the following new subparagraph:

“(G) the number of parents served under this subsection who are parents of children with disabilities aged 0-5.”.

(c) CONFORMING AMENDMENTS.—Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) is amended—

(1) in section 634(a)(3), by striking “631(c)(9)” and inserting “631(d)(11)”; and 20 USC 1434.

(2) in section 635(a)— 20 USC 1435.

(A) in paragraph (1), by striking “631(c)” and inserting “631(d)”; and

(B) in paragraph (3), by striking “631(c)” and inserting “631(d)”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR PART D.

Section 635(a)(3) (20 U.S.C. 1435(a)(3)) is amended—

(1) by striking “\$12,100,000” and inserting “\$15,100,000”;

(2) by striking “\$13,300,000” and inserting “\$16,300,000”; and

(3) by striking “\$14,600,000” and inserting “\$17,600,000”.

SEC. 11. FINDINGS FOR PART H.

Section 671(a) (20 U.S.C. 1471(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “, and”; and

(3) by adding at the end the following new paragraph:

“(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.”.

SEC. 12. DEFINITIONS FOR PART H.

(a) INFANTS AND TODDLERS WITH DISABILITIES.—Section 672(1)(A) (20 U.S.C. 1472(1)(A)) is amended by striking “language and speech development, psychosocial development, or self-help skills,” and inserting the following: “language and speech development (hereafter in this part referred to as ‘communication development’), psychosocial development (hereafter in this part referred to as ‘social or emotional development’), or self-help skills (hereafter in this part referred to as ‘adaptive development’),”.

(b) EARLY INTERVENTION SERVICES.—Section 672(2) (20 U.S.C. 1472(2)) is amended—

(1) in subparagraph (C)—

(A) in clause (iii), by striking “language and speech” and inserting “communication”;

(B) in clause (iv), by striking “psychosocial” and inserting “social or emotional”; and

(C) in clause (v), by striking “self-help skills” and inserting “adaptive development”;

(2) in subparagraph (E)—

(A) in clause (vii), by striking “case management services,” and inserting “case management services (hereafter in this part referred to as ‘service coordination services’),”; and

(B)(i) by striking “and” at the end of clause (x); and

(ii) by inserting after clause (xi) the following new clauses:

“(xii) vision services,

“(xiii) assistive technology devices and assistive technology services, and

- “(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant’s or toddler’s family to receive early intervention services,”;
- (3) in subparagraph (F)—
- (A) by striking “and” at the end of clause (vii);
- (B) by striking “and” at the end of clause (viii); and
- (C) by inserting after clause (viii) the following new clauses:
- “(ix) family therapists,
- “(x) orientation and mobility specialists, and
- “(xi) pediatricians and other physicians,”; and
- (4)(A) by redesignating subparagraph (G) as subparagraph (H);
- and
- (B) by inserting after subparagraph (F) the following new subparagraph:
- “(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate, and”.

SEC. 13. REQUIREMENTS FOR STATEWIDE SYSTEM.

Section 676(b) (20 U.S.C. 1476(b)) is amended—

- (1) in paragraph (4), by striking “case management” and inserting “service coordination”;
- (2) in paragraph (8), by amending the paragraph to read as follows:
- “(8) a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 613(a)(3) and that may include—
- “(A) implementing innovative strategies and activities for the recruitment and retention of early intervention service providers,
- “(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part,
- “(C) training personnel to work in rural areas, and
- “(D) training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under section 619 of part B.”; and
- (3) in paragraph (9)—
- (A) by amending subparagraph (A) to read as follows:
- “(A) the general administration and supervision of programs and activities receiving assistance under section 673, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 673, to ensure that the State complies with this part,”; and
- (B) in subparagraph (C)—
- (i) by inserting “in accordance with section 678(a)(2)” after “responsibility”; and
- (ii) by striking “agency” and inserting “agencies”.

SEC. 14. INDIVIDUALIZED FAMILY SERVICE PLAN.

Section 677 (20 U.S.C. 1477) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking paragraph (1); and

(C) by inserting before paragraph (3) (as so redesignated) the following new paragraphs:

“(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs,

“(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family’s capacity to meet the developmental needs of their infant or toddler with a disability, and”;

(2) in subsection (d)—

(A) in paragraph (1), by striking “language and speech development, psychosocial development, and self-help skills,” and inserting “communication development, social or emotional development, and adaptive development,”;

(B) in paragraph (2), by striking “strengths and needs” and inserting “resources, priorities, and concerns”;

(C)(i) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(ii) by inserting after paragraph (4) the following new paragraph:

“(5) a statement of the natural environments in which early intervention services shall appropriately be provided,”; and

(D) in paragraph (7) (as redesignated by subparagraph (C)(i) of this paragraph)—

(i) by inserting after “manager” the following: “(hereafter in this part referred to as the ‘service coordinator’); and

(ii) by inserting after “needs” the following: “(or who is otherwise qualified to carry out all applicable responsibilities under this part”); and

(3) by adding at the end thereof the following new subsection:

“(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents or guardian and informed written consent from such parents or guardian shall be obtained prior to the provision of early intervention services described in such plan. If such parents or guardian do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.”.

SEC. 15. STATE APPLICATION AND ASSURANCES.

Section 678 (20 U.S.C. 1478) is amended—

(1) in subsection (a)—

(A)(i) by redesignating paragraph (7) as paragraph (9);

(ii) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(iii) by inserting after paragraph (1) the following new paragraph:

“(2) a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies,”; and

(B)(i) by striking “and” at the end of paragraph (7) (as redesignated by subparagraph (A)(ii) of this paragraph); and
 (ii) by inserting after paragraph (7) (as so redesignated) the following new paragraph:

“(8) a description of the policies and procedures used to ensure a smooth transition for individuals participating in the early intervention program under this part who are eligible for participation in preschool programs under part B, including a description of how the families will be included in the transitional plans and how the lead agency under this part will notify the appropriate local educational agency or intermediate educational unit in which the child resides and convene, with the approval of the family, a conference between the lead agency, the family, and such agency or unit at least 90 days before such child is eligible for the preschool program under part B in accordance with State law, and to review the child’s program options, for the period commencing on the day a child turns 3 running through the remainder of the school year, and to establish a transition plan, and”;

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (6);

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following new paragraph:

“(7) beginning in fiscal year 1992, provide satisfactory assurance that policies and practices have been adopted to ensure meaningful involvement of traditionally underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part and to ensure that such families have access to culturally competent services within their local areas, and”.

SEC. 16. USE OF FUNDS.

Section 679 (20 U.S.C. 1479) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “, and”;

(3) by adding at the end thereof the following new paragraph:

“(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.”.

SEC. 17. PROCEDURAL SAFEGUARDS.

Section 680 (20 U.S.C. 1480) is amended—

(1) in paragraph (2), by inserting before the period the following: “, including the right of parents or guardians to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law”;

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

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

(4) in paragraph (7) (as so redesignated), by striking “(5)” and inserting “(6)”.

SEC. 18. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 (20 U.S.C. 1482) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “15 members” and inserting “at least 15 members but not more than 25 members, unless the State provides sufficient justification for a greater number of members in the application submitted pursuant to section 678”;

(B) in paragraph (2), in the first sentence, by striking “and the chairperson of the Council”; and

(C) by adding at the end thereof the following new paragraph:

“(3) The Governor shall designate a member of the Council to serve as the chairperson of the Council, or shall require the Council to so designate such a member. Any member of the Council who is a representative of the lead agency designated under section 676(b)(9) may not serve as the chairperson of the Council.”;

(2) in subsection (b), by amending the subsection to read as follows:

“(b) COMPOSITION.—(1) The Council shall be composed as follows:

“(A) At least 20 percent of the members shall be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

“(B) At least 20 percent of the members shall be public or private providers of early intervention services.

“(C) At least one member shall be from the State legislature.

“(D) At least one member shall be involved in personnel preparation.

“(E) At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

“(F) At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

“(G) At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

“(2) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.”;

(3) in subsection (d), by striking “to hire staff, and obtain” and inserting the following: “to conduct hearings and forums, to reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives), to

pay compensation to a member of the Council if such member is not employed or must forfeit wages from other employment when performing official Council business, to hire staff, and to obtain"; and

(4) in subsection (e)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (D), respectively;

(B) by inserting "(1)" before "The Council shall—";

(C)(i) by striking "and" at the end of subparagraph (B) (as so redesignated); and

(ii) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B, to the extent such services are appropriate, and"; and

(D) by adding at the end thereof the following new paragraph:

"(2) The Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive."

SEC. 19. ALLOCATION OF FUNDS.

(a) AMENDMENTS TO SUBSECTION (b).—

(1) IN GENERAL.—Section 684(b) (20 U.S.C. 1484(b)) is amended to read as follows:

Indians.

"(b)(1) The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortium of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior shall distribute the total amount of the 1.25 percent under paragraph (1) in the following manner:

"(A) For the first fiscal year, each tribe or tribal organization shall receive an amount proportionate to the amount of weighted student units for special education programs for BIA operated or funded schools serving such reservation generated under the formula established under section 1128 of the Education Amendments of 1978, divided by the total number of such students in all BIA operated or funded schools.

"(B) For each fiscal year thereafter, each tribe or tribal organization shall receive an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes or tribal organizations.

"(3) To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as are needed to determine the amounts to be allocated under paragraph (2).

"(4) The funds received by a tribe or tribal organization shall be used to assist States in child find, screening, and other procedures

for the early identification of Indian children aged 0-2, inclusive, and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe and tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

“(5) To be eligible to receive a grant pursuant to paragraph (2), the tribe or tribal organization shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D) of this Act. The Secretary of Education may require any additional information from the Secretary of the Interior.

Reports.

“(6) None of the funds under this subsection can be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.”

(2) CONFORMING AMENDMENT.—Section 676 (20 U.S.C. 1476) is amended—

(A) in subsection (a), by inserting after “families” the following: “, including Indian infants and toddlers with disabilities on reservations,”; and

(B) in subsection (b)(2), by inserting after “State” the following: “, including Indian infants and toddlers with disabilities on reservations,”.

(b) AMENDMENTS TO SUBSECTION (c)(1).—Section 684(c)(1) (20 U.S.C. 1484(c)(1)) is amended—

(1) by striking “1991” and inserting “1994”; and

(2) by inserting “, or \$500,000, whichever is greater” before the period at the end.

(c) TECHNICAL AMENDMENTS REGARDING DIFFERENTIAL FUNDING.—

(1) IN GENERAL.—Section 675(e)(4) (20 U.S.C. 1475(e)(4)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in subparagraph (B), by inserting “under this part” after “payment” the first place such term appears; and

(B) in subparagraph (C), by amending the subparagraph to read as follows:

“(C) MINIMUM PAYMENT FOR FISCAL YEAR 1991 OR 1992 FOR CERTAIN STATES.—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment under this part of not less than \$500,000. For purposes of the preceding sentence, the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”

(2) CONFORMING AMENDMENT.—Section 675(e)(6) (20 U.S.C. 1475(e)(6)), as added by section 10 of Public Law 102-52 (105 Stat. 263), is amended—

(A) in the matter preceding subparagraph (A), by inserting “, except as provided in paragraph (4)(C),” before “means”; and

(B) in subparagraph (A), by inserting “the Commonwealth of” before “Puerto Rico”.

SEC. 20. AUTHORIZATION OF APPROPRIATIONS FOR PART H.

Section 685 (20 U.S.C. 1485) is amended by striking “There are” and all that follows and inserting the following: “There are authorized to be appropriated to carry out this part \$220,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994.”.

SEC. 21. FEDERAL INTERAGENCY COORDINATING COUNCIL.

Part H (20 U.S.C. 1471 et seq.), as amended by section 20, is amended—

20 USC 1485.

(1) by redesignating section 685 as section 686; and

(2) by inserting after section 684 the following new section:

“FEDERAL INTERAGENCY COORDINATING COUNCIL

20 USC 1484a.

“SEC. 685. (a) ESTABLISHMENT AND PURPOSE.—

“(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

“(A) minimize duplication of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families, and preschool services for children with disabilities, across Federal, State, and local agencies;

“(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

“(C) coordinate the provision of Federal technical assistance and support activities to States;

“(D) identify gaps in Federal agency programs and services; and

“(E) identify barriers to Federal interagency cooperation.

“(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the ‘Council’) and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that such member represents.

“(b) COMPOSITION.—The Council shall be composed of—

“(1) a representative of the Office of Special Education Programs;

“(2) a representative of the National Institute on Disability and Rehabilitation Research;

“(3) a representative of the Maternal and Child Health Services Block Grant Program;

“(4) a representative of programs assisted under the Developmental Disabilities Assistance and Bill of Rights Act;

“(5) a representative of the Health Care Financing Administration;

“(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

“(7) a representative of the Social Security Administration;

“(8) a representative of the Special Supplemental Food Program for Women, Infants and Children of the Department of Agriculture;

“(9) a representative of the National Institute of Mental Health;

“(10) a representative of the National Institute of Child Health and Human Development;

“(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

“(12) a representative of the Indian Health Service;

“(13) a representative of the Surgeon General;

“(14) a representative of the Department of Defense;

“(15) a representative of the Administration for Children and Families;

“(16) a representative of the Alcohol, Drug Abuse and Mental Health Administration;

“(17) a representative of the Pediatric Aids Health Care Demonstration Program in the Public Health Service;

“(18) at least 3 parents of children with disabilities age 12 or under, of whom at least one must have a child with a disability under the age of 6;

“(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of which must be a representative of a State educational agency and the other a representative of a noneducational agency;

“(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(21) other persons appointed by the Secretary.

“(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

“(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

“(1) advise and assist the Secretary in the performance of the Secretary's responsibilities described in this part;

“(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

“(3) identify strategies to address issues described in paragraph (2);

“(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

“(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies,

and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(6) facilitate activities in support of States’ interagency coordination efforts.

“(e) **CONFLICT OF INTEREST.**—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.”.

20 USC 1484
note.

SEC. 22. STUDY.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of Education shall undertake a study to identify alternative formulae for allocating funds under part H of the Individuals with Disabilities Education Act.

(2) **CONTENTS.**—The study shall include an analysis of—

(A) the current formula, which uses census data;

(B) a formula that uses child count procedures comparable to procedures used in part B of the Individuals with Disabilities Education Act;

(C) a formula that uses estimates of children that States anticipate will be served each year with adjustments made in the subsequent year for over- and under-counting of children actually served;

(D) the effect of including or excluding “at risk” children in formulae using child count procedures; and

(E) formulae that use other alternatives or a combination of alternatives.

(b) **REPORT.**—The Secretary of Education shall transmit the study and a report on such study to the Senate Committee on Labor and Human Resources and the House Committee on Education and Labor by March 1, 1993.

SEC. 23. SECTION 6 SCHOOLS.

(a) **IN GENERAL.**—Section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) (relating to the program commonly known as Impact Aid) is amended by inserting after the third sentence thereof the following new sentence: “For purposes of providing such comparable education, all substantive rights, protections and procedural safeguards (including due process procedures), available to children with disabilities age 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act and to infants and toddlers under part H of such Act shall be applicable to such comparable education by academic year 1992-1993, and all substantive rights, protections and procedural safeguards (including due process procedures), available under part B of such Act shall be applicable to such comparable education for all other eligible children on the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991.”.

20 USC 241 note.

(b) **RULE OF CONSTRUCTION.**—With respect to comparable education for children with disabilities for purposes of section 6(a) of Public Law 81-874 (relating to the program commonly known as Impact Aid), the amendment made by subsection (a) may not be construed as diminishing the extent of substantive rights, protections and procedural safeguards available under such section 6(a) for children with disabilities before the date of the enactment of this Act.

SEC. 24. DEFENSE DEPENDENTS EDUCATION ACT OF 1978.

Section 1409(c) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 927(c)) is amended to read as follows:

“(c) APPLICABILITY OF CERTAIN PROVISIONS.—

“(1) CHILDREN WITH DISABILITIES.—Notwithstanding the provisions of section 1402(b)(3), the provisions of part B of the Individuals with Disabilities Education Act, other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this title, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education by academic year 1993-1994.

“(2) INFANTS AND TODDLERS WITH DISABILITIES.—The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 677 of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H of such Act shall apply with respect to all eligible dependents overseas.

“(3) IMPLEMENTATION TIMELINES.—In carrying out the provisions of paragraph (2), the Secretary shall—

“(A) in academic year 1991-1992 and the 2 succeeding academic years, plan and develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals;

“(B) in academic year 1994-1995, implement the program described in subparagraph (A), except the Secretary need only conduct multidisciplinary assessments, develop individualized family service plans, and make available case management services; and

“(C) in academic year 1995-1996 and succeeding academic years, have in effect the program described in subparagraph (A).”.

SEC. 25. TECHNICAL AMENDMENTS TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) IN GENERAL.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 602(a) (as amended by section 3 of this Act)— 20 USC 1401.

(A) in paragraph (1)(A)(ii), by inserting a comma after “thereof”;

(B) in paragraph (17), by striking “and social work services, and medical and counseling services, including rehabilitation counseling,” and inserting “, social work services, counseling services, including rehabilitation counseling, and medical services,”; and

(C) in paragraph (22), by striking “section 703(a)(2)” and inserting “section 7003(a)(2)”;

(2) in section 605(b), in the first sentence, by inserting a comma after “under this title”; 20 USC 1404.

(3) in the heading for part B, by striking “HANDICAPPED CHILDREN” and inserting in lieu thereof “CHILDREN WITH DISABILITIES”;

- 20 USC 1411. (4) in section 611(a)(1), in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraph (5)”;
- 20 USC 1412. (5) in section 612(3), by striking “first with respect to handicapped children” and inserting “first with respect to children with disabilities”;
- 20 USC 1413. (6) in section 613(a)—
 (A) in paragraph (2), by striking “and section 202(1) of the Carl D. Perkins Vocational Education Act”; and
 (B) in paragraph (9)(B), by striking “handicapped children” each place such term appears and inserting “children with disabilities”;
- 20 USC 1417. (7) in section 617(b), by striking “(and the Secretary, in carrying out the provisions of subsection (c))”;
- 20 USC 1422. (8) in section 622(a)(1), in the matter preceding subparagraph (A), by inserting a comma after “State educational agencies”;
- (9) in section 623(a)(1)(A), by striking “communication mode and” and inserting “communication mode”; and
- 20 USC 1424. (10) in section 624(a)(1), by striking “, including” and all that follows and inserting the following: “of such children and youth with disabilities, including their need for transportation to and from school,”;
- 20 USC 1425. (11) in section 626, by amending the heading for the section to read as follows:
- “SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES”;**
- 20 USC 1431. (12) in section 631—
 (A) in subsection (a)(1)(E), by striking “handicapped children” and inserting “children with disabilities”; and
 (B) in subsection (d)(5) (as redesignated by section 9(a)(1) of this Act), by amending subparagraph (D) to read as follows:
 “(D) participate in educational decisionmaking processes, including the development of the individualized education program for a child with a disability,”;
- 20 USC 1435. (13) in section 635, by striking subsection (c);
- 20 USC 1442. (14) in section 642, in the heading for the section, by striking “HANDICAPPED CHILDREN” and inserting “CHILDREN WITH DISABILITIES”;
- 20 USC 1461. (15) in section 661(b)(2), by striking “Public Law 100-407” and inserting “the Technology-Related Assistance for Individuals with Disabilities Act of 1988”;
- 20 USC 1471. (16) in section 671(b)(3), by striking “provided to handicapped infants, toddlers, and their families” and inserting “provided to infants and toddlers with disabilities and their families”;
- 20 USC 1476. (17) in section 676(b)—
 (A) in paragraph (4), by striking “handicapped infant and toddler” and inserting “infant and toddler with a disability”; and
 (B) in paragraph (6), by striking “as required under this paragraph”;
- 20 USC 1482. (18) in section 682(e)(1)(D) (as redesignated by section 18(4) of this Act), by striking “infants or toddlers” and inserting “infants and toddlers”; and
 (19) in section 611(e)(1) (as amended by section 802(d)(3) of Public Law 102-73 (105 Stat. 361)), by striking “(until the Com-

act of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658”.

(b) PUBLIC LAW 101-476.—Section 901(b) of the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476; 104 Stat. 1142) is amended in the matter preceding paragraph (1) by striking “Education for the Handicapped Act” and inserting “Individuals with Disabilities Education Act”.

SEC. 26. TECHNICAL AMENDMENTS TO OTHER ACTS.

(a) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Section 670S(1) of the Comprehensive Child Development Act is amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 9886.

(b) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT.—Sections 122(b)(5)(C) and 124(b)(3) of the Developmental Disabilities Assistance and Bill of Rights Act are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 6022, 6024.

(c) FOLLOW THROUGH ACT.—Section 663(b)(9) of the Follow Through Act is amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 42 USC 9862.

(d) HEAD START TRANSITION PROJECT ACT.—Sections 136(a)(4)(C) and 136(a)(10) of the Head Start Transition Project Act are each amended by striking “Education of the Handicapped Act of 1975” and inserting “Individuals with Disabilities Education Act”. 42 USC 9855d.

(e) REHABILITATION ACT OF 1973.—Sections 101(a)(11), 304(d)(2)(D), 311(c)(3), 634(b)(2)(A), 634(b)(3)(D), and 705(a)(4)(C) of the Rehabilitation Act of 1973 are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 29 USC 721, 774, 777a, 795m, 796d.

(f) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Sections 5204(a)(3)(C), 5205(a)(3)(B), 5205(b)(2)(B), and 5205(b)(3)(A)(ii) of the Tribally Controlled Schools Act of 1988 are each amended by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”. 25 USC 2503, 2504.

(g) HEAD START ACT.—Section 640(d) of the Head Start Act is amended by striking “paragraph (1) of section 602 of the Education of the Handicapped Act” and inserting “section 602(a)(1) of the Individuals with Disabilities Education Act”. 42 USC 9835.

(h) HIGHER EDUCATION ACT OF 1965.—Section 465(a)(2) of the Higher Education Act of 1965 is amended by striking “section 602(1) of the Education of the Handicapped Act” and inserting “section 602(a)(1) of the Individuals with Disabilities Education Act”. 20 USC 1087ee.

(i) SOCIAL SECURITY ACT.—The Social Security Act is amended—
(1) in section 1903(c)— 42 USC 1396b.

(A) by striking “handicapped child” and inserting “child with a disability”;

(B) by striking “Education of the Handicapped Act” and inserting “Individuals with Disabilities Education Act”; and

(C) by striking “a handicapped infant or toddler” and inserting “an infant or toddler with a disability”; and

(2) in section 1915(c)(5)(C)(i), by striking “(as defined in section 602(16) and (17) of the Education of the Handicapped Act (20 U.S.C. 1401 (16), (17))” and inserting “(as defined in paragraphs (16) and (17) of section 602(a) of the Individuals with Disabilities Education Act)”. 42 USC 1396b.

20 USC 241 note. **SEC. 27. EFFECTIVE DATES AND APPLICABILITY.**

(a) **SECTIONS 8, 9, AND 10.**—The amendments made by sections 8, 9, and 10 shall take effect on October 1, 1991, or on the date of enactment of this Act, whichever is later.

(b) **SECTIONS 5, 12, 13, 14, 15, 17, AND 18.**—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

(c) **REMAINING PROVISIONS.**—The remaining sections of this Act and the amendments made by such sections shall take effect on the date of the enactment of this Act.

Approved October 7, 1991.

LEGISLATIVE HISTORY—S. 1106 (H.R. 3053):

HOUSE REPORTS: No. 102-198 accompanying H.R. 3053 (Comm. on Education and Labor).

SENATE REPORTS: No. 102-84 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 24, considered and passed Senate.

Sept. 11, H.R. 3053 considered and passed House; S. 1106, amended, passed in lieu.

Sept. 16, Senate concurred in House amendment.