

elementary, or secondary education programs for limited English proficient children, that are—

(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

(II) coordinated with related academic services for children;

(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

(B) Permissible activities

Grants awarded under this section may be used for—

(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

(vi) adapting best practice models for meeting the needs of limited English proficient children;

(vii) assisting limited English proficient children with disabilities;

(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

(b) Priority

In awarding grants under this section, the Secretary may give priority to an entity that—

(1) serves a school district—

(A) that has a total district enrollment that is less than 10,000 students; or

(B) with a large percentage or number of limited English proficient children; and

(2) has limited or no experience in serving limited English proficient children.

(c) Eligible entity

In this section, the term “eligible entity” means—

(1) one or more local educational agencies;

(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.

(Pub. L. 89-10, title III, §3212, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1708.)

§ 6913. Comprehensive school and systemwide improvement activities

(a) Program authorized

(1) Authority

The Secretary is authorized to award grants to eligible entities having applications approved under section 6914 of this title to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

(2) Mandatory activities

Grants awarded under this section shall be used for—

(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

(B) aligning the activities carried out under this section with State and local school reform efforts;

(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;

(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 [20 U.S.C. 1021 et seq.] (where applicable), and subchapter II of this chapter (where applicable), to recruit teachers trained to serve limited English proficient children;

(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents

of limited English proficient children to become active participants in the education of their children;

(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this subchapter;

(G) providing services to meet the full range of the educational needs of limited English proficient children;

(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.

(3) Permissible activities

Grants awarded under this section may be used for—

(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;

(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

(H) assisting limited English proficient children with disabilities;

(I) developing and implementing programs to help children become proficient in English and other languages;

(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and

(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

(4) Special rule

(A) Planning

A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop

curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

(B) Commencement of activities

The recipient shall commence carrying out activities under this section not later than the later of—

(i) the beginning of the first school year that begins after the grant is received; or

(ii) 30 days after the date of receipt of the grant.

(b) Availability of appropriations

(1) Reservation of funds for continued payments

(A) Covered grant

In this paragraph, the term “covered grant” means a grant—

(i) that was awarded under sections 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before January 8, 2002); and

(ii) for which the grant period has not ended.

(B) Reservation

For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 6801(a) of this title and made available for carrying out this section.

(C) Payments

The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

(2) Availability

Of the amount appropriated for a fiscal year under section 6801(a) of this title that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

(c) Priority

In awarding grants under this section, the Secretary shall give priority to an applicant that—

(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant’s programs and has limited or no experience in serving limited English proficient children;

(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

(3) demonstrates that the applicant has a proven track record of success in helping lim-

ited English proficient children learn English and meet high academic standards; or

(4) serves a school district with a large number or percentage of limited English proficient children.

(d) Eligible entities

In this section, the term “eligible entity” means—

(1) one or more local educational agencies; or

(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

(Pub. L. 89–10, title III, §3213, as added Pub. L. 107–110, title III, §301, Jan. 8, 2002, 115 Stat. 1709.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(2)(D), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title II of the Act is classified generally to subchapter II (§1021 et seq.) of chapter 28 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

Sections 7112, 7113, 7114, and 7115 (as such sections were in effect on the day before January 8, 2002), referred to in subsec. (b)(1)(A)(i), means sections 7112, 7113, 7114, and 7115 of Pub. L. 89–10, as added by Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3719–3722, which were classified to sections 7422, 7423, 7424, and 7425 of this title, respectively, prior to the general amendment of title VII of this chapter by Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1907.

§ 6914. Applications

(a) In general

(1) Secretary

To receive a grant under this subpart, an eligible entity described in section 6912 or 6913 of this title shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

(2) State educational agency

The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

(b) State review and comments

(1) Deadline

The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

(2) Comments

(A) Submission of comments

Regarding applications submitted under this subpart, the State educational agency shall—

- (i) submit to the Secretary written comments regarding all such applications; and
- (ii) submit to each eligible entity the comments that pertain to such entity.

(B) Subject

For purposes of this subpart, such comments shall address—

(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

(ii) how the grant application is consistent with the State plan required under section 6311 of this title.

(c) Eligible entity comments

An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

(d) Comment consideration

In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

(e) Waiver

Notwithstanding subsection (b) of this section, the Secretary is authorized to waive the review requirement specified in subsection (b) of this section if a State educational agency can demonstrate that such review requirement may impede such agency’s ability to fulfill the requirements of participation in the program authorized in section 6934 of this title, particularly such agency’s ability to carry out data collection efforts and such agency’s ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

(f) Required documentation

Such application shall include documentation that—

- (1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and
- (2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

(g) Contents

(1) In general

An application for a grant under this subpart shall contain the following:

(A) A description of the need for the proposed program, including—

(i) data on the number of limited English proficient children in the school or school district to be served;

(ii) information on the characteristics of the children, including—

(I) the native languages of the children;

(II) the proficiency of the children in English and their native language;

(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—

(aa) reading or language arts (in English and in the native language, if applicable); and

(bb) mathematics;

(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and

(V) the previous schooling experiences of the children;