

educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 6965(a)(7) of this title, or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of subchapter I of this chapter.

(Pub. L. 89-10, title III, §3246, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1727.)

§ 6967. Uses of funds

(a) Use of funds

Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

- (1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- (4) identification and acquisition of curricular materials, educational software, and technologies;
- (5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and
- (6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

(b) Consortia

A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

(c) Subgrants

A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

(d) Construction

Nothing in this subpart shall be construed to prohibit a local educational agency from serving

immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.

(Pub. L. 89-10, title III, §3247, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1727.)

§ 6968. Reports

(a) Biennial report

Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

(b) Report to Congress

The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.

(Pub. L. 89-10, title III, §3248, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728.)

PRIOR PROVISIONS

Prior sections 6971 to 6979 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6971, Pub. L. 89-10, title III, §3501, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, set forth short title of the Elementary Mathematics and Science Equipment Act.

Section 6972, Pub. L. 89-10, title III, §3502, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, stated purpose of former provisions.

Section 6973, Pub. L. 89-10, title III, §3503, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, authorized program for the provision of equipment and materials to elementary schools to improve mathematics and science education.

Section 6974, Pub. L. 89-10, title III, §3504, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, related to allotments of funds.

Section 6975, Pub. L. 89-10, title III, §3505, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3668, related to State application for an allotment.

Section 6976, Pub. L. 89-10, title III, §3506, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3669, related to local application for a grant.

Section 6977, Pub. L. 89-10, title III, §3507, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3670, set forth program requirements.

Section 6978, Pub. L. 89-10, title III, §3508, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3670, related to Federal administration of programs.

Section 6979, Pub. L. 89-10, title III, §3509, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3671, authorized appropriations.

SUBPART 5—ADMINISTRATION

§ 6981. Release time

The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.

(Pub. L. 89-10, title III, §3251, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728.)

§ 6982. Notification

A State educational agency, and when applicable, the State board for postsecondary edu-