

**(e) Special rule for specially qualified agencies**

Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) of this section to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

(Pub. L. 89-10, title III, §3121, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1701.)

**PRIOR PROVISIONS**

A prior section 6841, Pub. L. 89-10, title III, §3131, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3644, related to allotment and reallocation of funds, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6761 of this title.

A prior section 3121 of Pub. L. 89-10 was classified to section 6831 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 6842. Achievement objectives and accountability****(a) Achievement objectives****(1) In general**

Each State educational agency or specially qualified agency receiving a grant under subpart 1 of this part shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 6311(b)(1) of this title.

**(2) Development of objectives**

Such annual measurable achievement objectives shall be developed in a manner that—

(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and

(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).

**(3) Contents**

Such annual measurable achievement objectives—

(A) shall include—

(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;

(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 6311(b)(7) of this title; and

(iii) making adequate yearly progress for limited English proficient children as described in section 6311(b)(2)(B) of this title; and

(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section

6311(b)(3)(C) of this title, but this achievement objective shall not be applied to an eligible entity that, in a given school year—

(i) has experienced a large increase in limited English proficient children or immigrant children and youth;

(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or

(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.

**(b) Accountability****(1) For States**

Each State educational agency receiving a grant under subpart 1 of this part shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the annual measurable achievement objectives under subsection (a) of this section, including making adequate yearly progress for limited English proficient children.

**(2) Improvement plan**

If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a) of this section, that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.

**(3) Technical assistance**

During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—

(A) provide technical assistance to the eligible entity;

(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 of this part that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a) of this section;

(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;

(D) require such entity to utilize such strategies and activities; and

(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.

**(4) Accountability**

If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) of this section for 4 consecutive years, the agency shall—

(A) require such entity to modify the entity's curriculum, program, and method of instruction; or

(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and

(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.

**(c) Special rule for specially qualified agencies**

The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) of this section in the same manner as State educational agencies hold eligible entities accountable under subsection (b) of this section.

(Pub. L. 89-10, title III, §3122, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1702.)

PRIOR PROVISIONS

A prior section 6842, Pub. L. 89-10, title III, §3132, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3645, related to school technology resource grants, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3122 of Pub. L. 89-10 was classified to section 6832 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 6843. Reporting requirements**

**(a) States**

Based upon the evaluations provided to a State educational agency under section 6841 of this title, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

**(b) Secretary**

Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach limited English proficient children;

(3) containing a critical synthesis of data reported by eligible entities to States under section 6841(a) of this title;

(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 6821(b)(2)(C) of this title;

(5) containing an estimate of the number of certified or licensed teachers working in lan-

guage instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

(6) containing the major findings of scientifically based research carried out under this part;

(7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

(8) containing the number of limited English proficient children served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part into classrooms where instruction is not tailored for limited English proficient children; and

(9) containing other information gathered from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this subchapter when applicable.

(Pub. L. 89-10, title III, §3123, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1704.)

PRIOR PROVISIONS

A prior section 6843, Pub. L. 89-10, title III, §3133, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3646, related to State applications for technology education assistance, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6763 of this title.

A prior section 3123 of Pub. L. 89-10 was classified to section 6833 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 6844. Coordination with related programs**

In order to maximize Federal efforts aimed at serving the educational needs of children of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and limited English proficient children that are administered by the Department and other agencies.

(Pub. L. 89-10, title III, §3124, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705.)

PRIOR PROVISIONS

A prior section 6844, Pub. L. 89-10, title III, §3134, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3646, related to local uses of funds, prior to the general amendment of this subchapter by Pub. L. 107-110. See section 6766 of this title.

**§ 6845. Rules of construction**

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for limited English proficient children; or

(3) to limit the preservation or use of Native American languages.

(Pub. L. 89-10, title III, §3125, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705.)