

The Alaska Native Claims Settlement Act, referred to in par. (7), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

A prior section 3301 of Pub. L. 89-10 was classified to section 6921 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2008—Par. (3). Pub. L. 110-315 substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

§ 7012. Parental notification

(a) In general

Each eligible entity using funds provided under this subchapter to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—

(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;

(2) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;

(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;

(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;

(5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;

(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this subchapter are used for children in secondary schools;

(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

(8) information pertaining to parental rights that includes written guidance—

(A) detailing—

(i) the right that parents have to have their child immediately removed from such program upon their request; and

(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(B) assisting parents in selecting among various programs and methods of instruc-

tion, if more than one program or method is offered by the eligible entity.

(b) Separate notification

In addition to providing the information required to be provided under subsection (a) of this section, each eligible entity that is using funds provided under this subchapter to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 6842 of this title for any fiscal year for which part A of this subchapter is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(c) Receipt of information

The information required to be provided under subsections (a) and (b) of this section to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

(d) Special rule applicable during school year

For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) of this section with respect to the parents of the child within 2 weeks of the child being placed in such a program.

(e) Parental participation

(1) In general

Each eligible entity using funds provided under this subchapter to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—

(A) be involved in the education of their children; and

(B) be active participants in assisting their children—

(i) to learn English;

(ii) to achieve at high levels in core academic subjects; and

(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

(2) Receipt of recommendations

The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

(f) Basis for admission or exclusion

A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

(Pub. L. 89-10, title III, §3302, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1732.)

PRIOR PROVISIONS

A prior section 3302 of Pub. L. 89-10 was classified to section 6922 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

§ 7013. National clearinghouse

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for limited English proficient children, and related programs. The National Clearinghouse shall—

- (1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;
- (2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;
- (3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;
- (4) collect and disseminate information on—
 - (A) educational research and processes related to the education of limited English proficient children; and
 - (B) accountability systems that monitor the academic progress of limited English proficient children in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and
- (5) publish, on an annual basis, a list of grant recipients under this subchapter.

(Pub. L. 89-10, title III, §3303, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1733; amended Pub. L. 107-279, title IV, §404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986.)

PRIOR PROVISIONS

A prior section 3303 of Pub. L. 89-10 was classified to section 6923 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2002—Par. (1). Pub. L. 107-279 substituted “Institute of Education Sciences” for “Office of Educational Research and Improvement”.

§ 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient children.

(Pub. L. 89-10, title III, §3304, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 3304 of Pub. L. 89-10 was classified to section 6924 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

SUBCHAPTER IV—21ST CENTURY SCHOOLS

CODIFICATION

Title IV of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

§ 7101. Short title

This part may be cited as the “Safe and Drug-Free Schools and Communities Act”.

(Pub. L. 89-10, title IV, §4001, as added Pub. L. 107-110, title IV, §401, Jan. 8, 2002, 115 Stat. 1734.)

PRIOR PROVISIONS

A prior section 7101, Pub. L. 89-10, title IV, §4001, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672, set forth short title of subchapter as the Safe and Drug-Free Schools and Communities Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 4001 of Pub. L. 89-10 was classified to section 3041 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

DEVELOPMENT OF MODEL PROGRAM OF STRATEGIES AND TACTICS

Pub. L. 101-647, title XV, §1501, Nov. 29, 1990, 104 Stat. 4836, required the Attorney General to develop a model program of strategies and tactics for establishing and maintaining drug-free school zones and to submit a report to Congress, at the conclusion of the program, describing the strategies and tactics that were found to be successful in establishing, enforcing, and maintaining drug-free school zones.

§ 7102. Purpose

The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to—

- (1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;
- (2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;
- (3) States for development, training, technical assistance, and coordination activities; and
- (4) public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide