

dren and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

(ii) Subsequent years

For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

(I) the data available from the American Community Survey available from the Department of Commerce; or

(II) the number of children being assessed for English proficiency in a State as required under section 6311(b)(7) of this title.

(Pub. L. 89–10, title III, §3111, as added Pub. L. 107–110, title III, §301, Jan. 8, 2002, 115 Stat. 1691.)

REFERENCES IN TEXT

Subparts 1 and 3 of part A of title VII (as in effect on the day before January 8, 2002), referred to in subsec. (c)(2)(A)(i), means subparts 1 and 3 of part A of title VII of Pub. L. 89–10, as added by Pub. L. 103–382, title I, §101, Oct. 20, 1994, 108 Stat. 3719, 3732, which were classified generally to subparts 1 (§7421 et seq.) and 3 (§7471 et seq.) of part A of subchapter VII of this chapter prior to the general amendment of subchapter VII of this chapter by Pub. L. 107–110, title VII, §701, Jan. 8, 2002, 115 Stat. 1907.

PRIOR PROVISIONS

A prior section 3111 of Pub. L. 89–10 was classified to section 6811 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6822. Native American and Alaska Native children in school

(a) Eligible entities

For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American children (including Alaska Native children), the following shall be considered to be an eligible entity:

- (1) An Indian tribe.
- (2) A tribally sanctioned educational authority.
- (3) A Native Hawaiian or Native American Pacific Islander native language educational organization.
- (4) An elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.
- (5) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.
- (6) An elementary school or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

(b) Submission of applications for assistance

Notwithstanding any other provision of this part, an entity that is considered to be an eligible entity under subsection (a) of this section, and that desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

(c) Special rule

An eligible entity described in subsection (a) of this section that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 6824 of this title.

(Pub. L. 89–10, title III, §3112, as added Pub. L. 107–110, title III, §301, Jan. 8, 2002, 115 Stat. 1694.)

PRIOR PROVISIONS

A prior section 3112 of Pub. L. 89–10 was classified to section 6812 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

§ 6823. State and specially qualified agency plans

(a) Plan required

Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) Contents

Each plan submitted under subsection (a) of this section shall—

- (1) describe the process that the agency will use in making subgrants to eligible entities under section 6824(d)(1) of this title;
- (2) describe how the agency will establish standards and objectives for raising the level of English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 6311(b)(1) of this title;
- (3) contain an assurance that—
 - (A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 6842 of this title;
 - (B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 6842 of this title;
 - (C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 6311(b)(7) of this title to annually assess in English children who have been in the United States for 3 or more consecutive years;
 - (D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency