

struction materials, educational software, and assessment procedures.

(3) Providing—

(A) tutorials and academic or vocational education for limited English proficient children; and

(B) intensified instruction.

(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English proficiency and academic achievement of limited English proficient children.

(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

(A) to improve the English language skills of limited English proficient children; and

(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Improving the instruction of limited English proficient children by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Carrying out other activities that are consistent with the purposes of this section.

**(e) Activities by agencies experiencing substantial increases in immigrant children and youth**

**(1) In general**

An eligible entity receiving funds under section 6824(d)(1) of this title shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom sup-

plies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

**(2) Duration of subgrants**

The duration of a subgrant made by a State educational agency under section 6824(d)(1) of this title shall be determined by the agency in its discretion.

**(f) Selection of method of instruction**

**(1) In general**

To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.

**(2) Consistency**

Such selection shall be consistent with sections 6845 through 6847 of this title.

**(g) Supplement, not supplant**

Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

(Pub. L. 89-10, title III, §3115, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1697.)

PRIOR PROVISIONS

A prior section 3115 of Pub. L. 89-10 was classified to section 6815 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**§ 6826. Local plans**

**(a) Plan required**

Each eligible entity desiring a subgrant from the State educational agency under section 6824 of this title shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

**(b) Contents**

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

(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;

(2) describe how the eligible entity will use the subgrant funds to meet all annual measur-

able achievement objectives described in section 6842 of this title;

(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

(A) meeting the annual measurable achievement objectives described in section 6842 of this title;

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

(C) annually measuring the English proficiency of limited English proficient children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 6311(b)(1) of this title;

(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;

(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and

(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.

**(c) Teacher English fluency**

Each eligible entity receiving a subgrant under section 6824 of this title shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

**(d) Other requirements for approval**

Each local plan shall also contain assurances that—

(1) each local educational agency that is included in the eligible entity is complying with section 7012 of this title prior to, and throughout, each school year;

(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;

(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;

(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

(5) the eligible entity is not in violation of any State law, including State constitutional

law, regarding the education of limited English proficient children, consistent with sections 6846 and 6847 of this title.

(Pub. L. 89-10, title III, §3116, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1700.)

PRIOR PROVISIONS

Prior sections 6831 to 6833 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6831, Pub. L. 89-10, title III, §3121, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3641, related to national long-range technology plan. See section 6772 of this title.

Section 6832, Pub. L. 89-10, title III, §3122, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3642, related to Federal leadership in promoting the use of technology in education.

Section 6833, Pub. L. 89-10, title III, §3123, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3644, related to study, evaluation and report of funding alternatives.

SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

**§ 6841. Evaluations**

**(a) In general**

Each eligible entity that receives a subgrant from a State educational agency under subpart 1 of this part shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 of this part during the two immediately preceding fiscal years;

(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;

(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

**(b) Use of evaluation**

An evaluation provided by an eligible entity under subsection (a) of this section shall be used by the entity and the State educational agency—

(1) for improvement of programs and activities;

(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d) of this section) and meet challenging State academic content and student academic achievement standards; and

(3) in determining whether or not to continue funding for specific programs or activities.

**(c) Evaluation components**

An evaluation provided by an eligible entity under subsection (a) of this section shall—