

related to distribution of allocations to local educational agencies.

Section 7005, Pub. L. 89-10, title III, §3605, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672, authorized appropriations.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

PART B—GENERAL PROVISIONS

CODIFICATION

Pub. L. 114-95, title III, §3001(4), Dec. 10, 2015, 129 Stat. 1953, redesignated part C (§7011 et seq.) of this subchapter as part B of this subchapter.

PRIOR PROVISIONS

A prior part B, consisting of sections 6891 to 6894, 6911 to 6918, 6931 to 6935, 6951, 6961 to 6968, and 6981 to 6983 of this title, related to improving language instruction educational programs, prior to repeal by Pub. L. 114-95, title III, §3001(3), Dec. 10, 2015, 129 Stat. 1953.

§ 7011. Definitions

Except as otherwise provided, in this subchapter:

(1) Child

The term “child” means any individual aged 3 through 21.

(2) Community-based organization

The term “community-based organization” means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

(3) Eligible entity

The term “eligible entity” means—

(A) one or more local educational agencies; or

(B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

(4) English learner with a disability

The term “English learner with a disability” means an English learner who is also a child with a disability, as that term is defined in section 1401 of this title.

(5) Immigrant children and youth

The term “immigrant children and youth” means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

(6) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, or other organized group

or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) Language instruction educational program

The term “language instruction educational program” means an instruction course—

(A) in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and

(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

(8) Native American and Native American language

The terms “Native American” and “Native American language” shall have the meanings given such terms in section 2902 of title 25.

(9) Native Hawaiian or Native American Pacific Islander native language educational organization

The term “Native Hawaiian or Native American Pacific Islander native language educational organization” means a nonprofit organization with—

(A) a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization’s educational programs; and

(B) not less than 5 years successful experience in providing educational services in traditional Native American languages.

(10) Native language

The term “native language”, when used with reference to an individual of limited English proficiency, means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

(11) Paraprofessional

The term “paraprofessional” means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

(12) Specially qualified agency

The term “specially qualified agency” means an eligible entity in a State whose State educational agency—

(A) does not participate in a program under subpart 1 of part A of this subchapter for a fiscal year; or

(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.

(13) State

The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(14) Tribally sanctioned educational authority

The term “tribally sanctioned educational authority” means—

(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

(B) any nonprofit institution or organization that is—

(i) chartered by the governing body of an Indian tribe to operate a school described in section 6822(a) of this title or otherwise to oversee the delivery of educational services to members of the tribe; and

(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A of this subchapter for individuals served by a school described in section 6822(a) of this title.

(Pub. L. 89–10, title III, § 3201, formerly § 3301, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1729; amended Pub. L. 110–315, title IX, § 941(k)(2)(F)(i), Aug. 14, 2008, 122 Stat. 3466; renumbered § 3201 and amended Pub. L. 114–95, title III, §§ 3001(5)(A), 3004(a), Dec. 10, 2015, 129 Stat. 1953, 1965.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (6), 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 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pars. (3), (4). Pub. L. 114–95, § 3004(a)(1), (2), added pars. (3) and (4) and struck out former pars. (3) and (4) which defined “community college” and “Director”, respectively.

Par. (5). Pub. L. 114–95, § 3004(a)(1), (3), redesignated par. (6) as (5) and struck out former par. (5) which defined “family education program”.

Par. (6). Pub. L. 114–95, § 3004(a)(3), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Par. (7). Pub. L. 114–95, § 3004(a)(3), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Par. (7)(A). Pub. L. 114–95, § 3004(a)(4), substituted “an English learner” for “a limited English proficient child” and “challenging State academic standards” for “challenging State academic content and student academic achievement standards, as required by section 6311(b)(1) of this title”.

Pars. (8) to (11). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (9) to (12) as (8) to (11), respectively. Former par. (8) redesignated (7).

Par. (12). Pub. L. 114–95, § 3004(a)(3), (5), redesignated par. (13) as (12) and struck out “, as defined in section 6871 of this title,” after “eligible entity” in introductory provisions. Former par. (12) redesignated (11).

Pars. (13), (14). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (14) and (15) as (13) and (14), respectively. Former par. (13) redesignated (12).

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”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

RESEARCH RELATING TO BILINGUAL EDUCATION

Pub. L. 100–297, title VI, § 6211, Apr. 28, 1988, 102 Stat. 429, provided that:

“(a) RESEARCH AND DEVELOPMENT.—The Secretary [of Education] shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

“(b) AUTHORIZED ACTIVITIES.—Research activities authorized to be assisted under this section shall include—

“(1) studies to determine and evaluate effective models for bilingual education programs;

“(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

“(3) longitudinal studies to measure the effect of title VII of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 3281 et seq.] on students enrolled in programs under such title (including a longitudinal study of the impact of bilingual education programs on limited-English proficient students using a nationally representative sample of the programs funded under such title and which provides information including data on grade retention, academic performance, and dropout rates);

“(4) studies to determine effective and reliable methods for identifying students who are entitled to services under such title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

“(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs (and coordinate its activities with the National Diffusion Network);

“(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

“(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students;

“(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students;

“(9) the effect of such title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this [such] title; and

“(10) studies to determine effective and reliable methods for identifying gifted and talented students who have language proficiencies other than English.

“(c) CONSULTATION AND DELEGATION OF AUTHORITY.—In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, representatives of State and local educational agencies, appropriate groups and organizations involved in bilingual education, the Committee on Labor and Human Resources [now Committee on Health, Education, Labor, and Pensions] of the Senate, and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives.

“(d) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals in research and development assisted under such title.

“(e) LIMITATION OF AUTHORITY.—Nothing in this section shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.”

INFORMATION REGARDING BILINGUAL EDUCATION

Pub. L. 100-297, title VI, §6213, Apr. 28, 1988, 102 Stat. 429, as amended by Pub. L. 104-66, title I, §1042(a), Dec. 21, 1995, 109 Stat. 715, provided that: “The Secretary [of Education] shall collect data for program management and accountability purposes regarding—

“(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

“(2) a plan, including cost estimates, to be carried out during the 5-year period beginning on such date [sic], for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school-children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other education personnel necessary for such purpose;

“(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities; and

“(4)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under such title [sic] and those carried out under other programs for persons of limited English proficiency;

“(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

“(C) the number of other educational personnel needed to carry out programs of bilingual education in the States.”

§ 7012. Repealed. Pub. L. 114-95, title III, § 3001(5)(B), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89-10, title III, §3302, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1732, related to parental notification.

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.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 7013. National clearinghouse

(a) In general

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 edu-

cational programs for English learners, 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 English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners; and

(B) accountability systems that monitor the academic progress of English learners 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.

(b) Construction

Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).

(Pub. L. 89-10, title III, §3202, formerly §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; renumbered §3202 and amended Pub. L. 114-95, title III, §§3001(5)(C), 3004(b), Dec. 10, 2015, 129 Stat. 1953, 1965.)

PRIOR PROVISIONS

A prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, §3004(b)(1), designated existing provisions as subsec. (a) and substituted “English learners” for “limited English proficient children” in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 114-95, §3004(b)(2)(A), substituted “English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners” for “limited English proficient children”.

Subsec. (a)(4)(B). Pub. L. 114-95, §3004(b)(2)(B), substituted “English learners” for “limited English proficient children”.

Subsec. (b). Pub. L. 114-95, §3004(b)(3), added subsec. (b).

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

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub.