

which read as follows: “6.5 percent of such amount for national activities under sections 6861 and 7013 of this title, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 7013 of this title; and”.

Subsec. (c)(1)(D). Pub. L. 114-95, §3003(b)(2)(A)(iv), struck out subpar. (D) which read as follows: “such sums as may be necessary to make continuation awards under paragraph (2).”

Subsec. (c)(2). Pub. L. 114-95, §3003(b)(2)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which related to continuation awards.

Subsec. (c)(2)(A). Pub. L. 114-95, §3003(b)(2)(D)(i), substituted “section 6801” for “section 6801(a)” in introductory provisions.

Subsec. (c)(2)(A)(i). Pub. L. 114-95, §3003(b)(2)(D)(ii), substituted “English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and” for “limited English proficient children in the State bears to the number of such children in all States; and”.

Subsec. (c)(2)(A)(ii). Pub. L. 114-95, §3003(b)(2)(D)(iii), inserted “, as determined in accordance with paragraph (3)(B)” before period at end.

Subsec. (c)(3). Pub. L. 114-95, §3003(b)(2)(E), added par. (3). Former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 114-95, §3003(b)(2)(B), struck out par. (4) which related to use of data for determinations.

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.

§ 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 Education, 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 Education, 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 Education 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 Education 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 eligi-

ble entity under subsection (a), 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) 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; amended Pub. L. 114-95, title III, §3003(c), Dec. 10, 2015, 129 Stat. 1956.)

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.

AMENDMENTS

2015—Subsec. (a)(4) to (6). Pub. L. 114-95 substituted “Bureau of Indian Education” for “Bureau of Indian Affairs” wherever appearing.

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.

§ 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 and in such manner as the Secretary may require.

(b) Contents

Each plan submitted under subsection (a) shall—

- (1) describe the process that the agency will use in awarding subgrants to eligible entities under section 6824(d)(1) of this title;
- (2) describe how the agency will establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State;
- (3) provide an assurance that—
 - (A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 6311(b)(2)(B)(ix) of this title regarding assessment of English learners in English;
 - (B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 6311(b)(2)(G) of this title;
 - (C) in awarding subgrants under section 6824 of this title, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;