

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;

(D) subgrants to eligible entities under section 6824(d)(1) of this title will be of sufficient size and scope to allow such entities to carry out effective language instruction educational programs for English learners;

(E) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards;

(F) the agency will monitor each eligible entity receiving a subgrant under this subpart for compliance with applicable Federal fiscal requirements; and

(G) the plan has been developed in consultation with local educational agencies, teachers, administrators of programs implemented under this subpart, parents of English learners, and other relevant stakeholders;

(4) describe how the agency will coordinate its programs and activities under this subpart with other programs and activities under this chapter and other Acts, as appropriate;

(5) describe how each eligible entity will be given the flexibility to teach English learners—

(A) using a high-quality, effective language instruction curriculum for teaching English learners; and

(B) in the manner the eligible entity determines to be the most effective;

(6) describe how the agency will assist eligible entities in meeting—

(A) the State-designed long-term goals established under section 6311(c)(4)(A)(ii) of this title, including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title; and

(B) the challenging State academic standards;

(7) describe how the agency will meet the unique needs of children and youth in the State being served through the reservation of funds under section 6824(d) of this title; and

(8) describe—

(A) how the agency will monitor the progress of each eligible entity receiving a subgrant under this subpart in helping English learners achieve English proficiency; and

(B) the steps the agency will take to further assist eligible entities if the strategies funded under this subpart are not effective, such as providing technical assistance and modifying such strategies.

(c) Approval

The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

(d) Duration of plan

(1) In general

Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) shall—

(A) remain in effect for the duration of the agency's participation under this subpart; and

(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this subpart.

(2) Additional information

(A) Amendments

If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.

(B) Approval

The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this subpart.

(e) Consolidated plan

A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 7842 of this title.

(f) Secretary assistance

The Secretary shall provide technical assistance, if requested by the State, in the development of English proficiency standards and assessments.

(Pub. L. 89-10, title III, §3113, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1694; amended Pub. L. 114-95, title III, §3003(d), Dec. 10, 2015, 129 Stat. 1956.)

PRIOR PROVISIONS

A prior section 3113 of Pub. L. 89-10 was classified to section 6813 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §3003(d)(1), substituted “and in such manner” for “, in such manner, and containing such information”.

Subsec. (b)(1). Pub. L. 114-95, §3003(d)(2)(A), substituted “awarding” for “making”.

Subsec. (b)(2) to (8). Pub. L. 114-95, §3003(d)(2)(B), added pars. (2) to (8) and struck out former pars. (2) to (6) which related to establishing standards and objectives for raising the level of English proficiency, assurances by the agency, coordination of programs and activities under this subpart with other programs and activities, accountability, and flexibility in teaching limited English proficient children, respectively.

Subsec. (d). Pub. L. 114-95, §3003(d)(3), substituted “this subpart” for “this part” wherever appearing.

Subsec. (e). Pub. L. 114-95, §3003(d)(4), made technical amendment to reference in original act which appears in text as reference to section 7842 of this title.

Subsec. (f). Pub. L. 114-95, §3003(d)(5), inserted “by the State” after “if requested” and struck out “, objectives,” after “proficiency standards”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6824. Within-State allocations

(a) In general

After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 6821(c)(2) of this title shall award subgrants for a fiscal year by allocating in a timely manner to each eligible entity in the State having a plan approved under section 6826 of this title an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of English learners in schools served by the eligible entity bears to the population of English learners in schools served by all eligible entities in the State.

(b) Limitation

A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than \$10,000.

(c) Reallocation

Whenever a State educational agency determines that an amount from an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

(d) Required reservation

A State educational agency receiving a grant under this subpart for a fiscal year—

- (1) shall reserve not more than 15 percent of the agency's allotment under section 6821(c)(2) of this title to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and
- (2) in awarding subgrants under paragraph (1)—

(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

(B) shall consider the quality of each local plan under section 6826 of this title and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

(Pub. L. 89-10, title III, §3114, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1696; amended Pub. L. 114-95, title III, §3003(e), Dec. 10, 2015, 129 Stat. 1958.)

PRIOR PROVISIONS

A prior section 3114 of Pub. L. 89-10 was classified to section 6814 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §3003(e)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “After making the reservation required under subsection (d)(1) of this section, each State educational agency receiving a grant under section 6821(c)(3) of this title shall award subgrants for a fiscal year by allocating to each eligible entity in the State having a plan approved under section 6826 of this title an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of limited English proficient children in schools served by the eligible entity bears to the population of limited English proficient children in schools served by all eligible entities in the State.”

Subsec. (d)(1). Pub. L. 114-95, §3003(e)(2), substituted “section 6821(c)(2)” for “section 6821(c)(3)” and struck out “preceding the fiscal year” before “for which the subgrant is made”.

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.

§ 6825. Subgrants to eligible entities

(a) Purposes of subgrants

A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth, including early childhood education programs, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth.

(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(b) Direct administrative expenses

Each eligible entity receiving funds under section 6824(a) of this title for a fiscal year may use