

grams, see section 5 of Pub. L. 114-95, set out as an Effective Date of 2015 Amendment note under section 6301 of this title.

§ 6843. Biennial reports

(a) States

Based upon the reports provided to a State educational agency under section 6841 of this title, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to English learners.

(b) Secretary

Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

- (1) on programs and activities carried out to serve English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of English learners;
- (2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach English learners;
- (3) containing a critical synthesis of data reported by eligible entities to States under section 6841(a) of this title;
- (4) containing a description of technical assistance and other assistance provided by State educational agencies under section 6821(b)(2)(D) of this title;
- (5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;
- (6) containing the findings of the most recent evaluation related to English learners carried out under section 7981 of this title;
- (7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;
- (8) containing the number of English learners served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part; and
- (9) containing other information gathered from the evaluations from specially qualified agencies and other reports submitted to the Secretary under this part when applicable.

(Pub. L. 89-10, title III, § 3122, formerly § 3123, as added Pub. L. 107-110, title III, § 301, Jan. 8, 2002, 115 Stat. 1704; renumbered § 3122 and amended Pub. L. 114-95, title III, §§ 3001(2)(B), 3003(i), Dec. 10, 2015, 129 Stat. 1953, 1963.)

PRIOR PROVISIONS

A prior section 6843, Pub. L. 89-10, title III, § 3133, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3646, related to State applications for technology edu-

cation assistance, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3122 of Pub. L. 89-10 was classified to section 6842 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3122 of Pub. L. 89-10 was classified to section 6832 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, § 3003(i)(1), substituted “Biennial reports” for “Reporting requirements” in section catchline.

Subsec. (a). Pub. L. 114-95, § 3003(i)(2), substituted “reports provided” for “evaluations provided” and “English learners” for “children who are limited English proficient”.

Subsec. (b)(1). Pub. L. 114-95, § 3003(i)(3)(A), substituted “to serve English learners” for “to serve limited English proficient children” and “proficiency of English learners” for “proficiency of children who are limited English proficient”.

Subsec. (b)(2). Pub. L. 114-95, § 3003(i)(3)(B), substituted “English learners” for “limited English proficient children”.

Subsec. (b)(4). Pub. L. 114-95, § 3003(i)(3)(C), substituted “section 6821(b)(2)(D)” for “section 6821(b)(2)(C)”.

Subsec. (b)(5). Pub. L. 114-95, § 3003(i)(3)(D), substituted “English learners” for “limited English proficient children”.

Subsec. (b)(6). Pub. L. 114-95, § 3003(i)(3)(E), substituted “findings of the most recent evaluation related to English learners carried out under section 7981 of this title” for “major findings of scientifically based research carried out under this part”.

Subsec. (b)(8). Pub. L. 114-95, § 3003(i)(3)(F), substituted “of English learners” for “of limited English proficient children” and struck out “into classrooms where instruction is not tailored for limited English proficient children” before the semicolon.

Subsec. (b)(9). Pub. L. 114-95, § 3003(i)(3)(G), substituted “part” for “subchapter”.

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.

§ 6844. Coordination with related programs

In order to maximize Federal efforts aimed at serving the educational needs of English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and English learners that are administered by the Department and other agencies. The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.

(Pub. L. 89-10, title III, § 3123, formerly § 3124, as added Pub. L. 107-110, title III, § 301, Jan. 8, 2002, 115 Stat. 1705; renumbered § 3123 and amended Pub. L. 114-95, title III, §§ 3001(2)(B), 3003(j), Dec. 10, 2015, 129 Stat. 1953, 1963.)

PRIOR PROVISIONS

A prior section 6844, Pub. L. 89-10, title III, § 3134, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994, 108 Stat. 3646, related to local uses of funds, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3123 of Pub. L. 89-10 was renumbered section 3122 and is classified to section 6843 of this title.

Another prior section 3123 of Pub. L. 89-10 was classified to section 6833 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95, §3003(j), substituted “needs of English learners” for “needs of children of limited English proficiency” and “and English learners” for “and limited English proficient children” and inserted at end “The Secretary shall report to the Congress on parallel Federal programs in other agencies and departments.”

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.

§ 6845. Rules of construction

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for English learners; or

(3) to limit the preservation or use of Native American languages.

(Pub. L. 89-10, title III, §3124, formerly §3125, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705; renumbered §3124 and amended Pub. L. 114-95, title III, §§3001(2)(B), 3003(k), Dec. 10, 2015, 129 Stat. 1953, 1964.)

PRIOR PROVISIONS

A prior section 6845, Pub. L. 89-10, title III, §3135, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3647, related to local applications for technology education assistance, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3124 of Pub. L. 89-10 was renumbered section 3123 and is classified to section 6844 of this title.

AMENDMENTS

2015—Pars. (1), (2). Pub. L. 114-95, §3003(k), substituted “English learners” for “limited English proficient children”.

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.

§ 6846. Legal authority under State law

Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

(Pub. L. 89-10, title III, §3125, formerly §3126, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705; renumbered §3125, Pub. L. 114-95, title III, §3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6846, Pub. L. 89-10, title III, §3136, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3648, related to national challenge grants for tech-

nology in education, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3125 of Pub. L. 89-10 was renumbered section 3124 and is classified to section 6845 of this title.

§ 6847. Civil rights

Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

(Pub. L. 89-10, title III, §3126, formerly §3127, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705; renumbered §3126, Pub. L. 114-95, title III, §3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 6847, Pub. L. 89-10, title III, §3137, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3649, related to Federal administration of programs, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3126 of Pub. L. 89-10 was renumbered section 3125 and is classified to section 6846 of this title.

§ 6848. Programs for Native Americans and Puerto Rico

Notwithstanding any other provision of this part, programs authorized under this part that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

(Pub. L. 89-10, title III, §3127, formerly §3128, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1705; renumbered §3127, Pub. L. 114-95, title III, §3001(2)(B), Dec. 10, 2015, 129 Stat. 1953.)

PRIOR PROVISIONS

A prior section 3127 of Pub. L. 89-10 was renumbered section 3126 and is classified to section 6847 of this title.

§ 6849. Prohibition

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners.

(Pub. L. 89-10, title III, §3128, formerly §3129, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1706; renumbered §3128 and amended Pub. L. 114-95, title III, §§3001(2)(B), 3003(l), Dec. 10, 2015, 129 Stat. 1953, 1964.)

PRIOR PROVISIONS

A prior section 3128 of Pub. L. 89-10 was renumbered section 3127 and is classified to section 6848 of this title.

AMENDMENTS

2015—Pub. L. 114-95, §3003(l), substituted “English learners” for “limited English proficient children”.

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.