

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.

SUBPART 3—NATIONAL ACTIVITIES

§ 6861. National professional development project

The Secretary shall use funds made available under section 6821(c)(1)(C) of this title to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or public or private entities with relevant experience and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with English learners to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve English learners. Grants awarded under this section may be used—

(1) for effective preservice or inservice professional development programs that will improve the qualifications and skills of educational personnel involved in the education of English learners, including personnel who are not certified or licensed and educational paraprofessionals, and for other activities to increase teacher and school leader effectiveness in meeting the needs of English learners;

(2) for the development of curricula or other instructional strategies appropriate to the needs of the consortia participants involved;

(3) to support strategies that strengthen and increase parent, family, and community member engagement in the education of English learners;

(4) to develop, share, and disseminate effective practices in the instruction of English learners and in increasing the student academic achievement of English learners, such as through the use of technology-based programs;

(5) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve English learners; and

(6) as appropriate, to support strategies that promote school readiness of English learners and their transition from early childhood education programs, such as Head Start or State-run preschool programs, to elementary school programs.

(Pub. L. 89-10, title III, §3131, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1706; amended Pub. L. 114-95, title III, §3003(m), Dec. 10, 2015, 129 Stat. 1964.)

PRIOR PROVISIONS

A prior section 6861, Pub. L. 89-10, title III, §3141, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3649, related to regional technical support and professional development, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3131 of Pub. L. 89-10 was classified to section 6841 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section related to grants to be used for preservice professional development programs, for development of curricula, and for financial assistance for certain language teachers.

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.

SUBPART 4—DEFINITIONS

§ 6871. Repealed. Pub. L. 114-95, title III, § 3001(2)(C), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89-10, title III, §3141, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1706, defined “eligible entity”.

A prior section 6871, Pub. L. 89-10, title III, §3151, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3652, related to educational technology product development, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3141 of Pub. L. 89-10 was classified to section 6861 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Prior sections 6891 to 6894 were repealed by Pub. L. 114-95, §5, title III, §3001(3), Dec. 10, 2015, 129 Stat. 1806, 1953, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6891, Pub. L. 89-10, title III, §3201, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1706, provided that former part B of this subchapter could be cited as the “Improving Language Instruction Educational Programs For Academic Achievement Act”.

A prior section 6891, Pub. L. 89-10, title III, §3201, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3654, set out short title of the Star Schools Act, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6892, Pub. L. 89-10, title III, §3202, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1707, related to purpose of former part B of this subchapter.

A prior section 6892, Pub. L. 89-10, title III, §3202, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3654, set forth findings relating to the Star Schools Program, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6893, Pub. L. 89-10, title III, §3203, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1707, related to Native American children in school.

A prior section 6893, Pub. L. 89-10, title III, §3203, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3655, set forth purpose of the Star Schools Program, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6894, Pub. L. 89-10, title III, §3204, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1707, related to residents of the territories and freely associated states.

A prior section 6894, Pub. L. 89-10, title III, §3204, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3655, authorized grants, prior to the general amendment of this subchapter by Pub. L. 107-110.

Prior sections 6895 to 6900 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6895, Pub. L. 89-10, title III, §3205, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3656, related to eligible entities.

Section 6896, Pub. L. 89-10, title III, §3206, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3657, related to applications for grants.

Section 6897, Pub. L. 89-10, title III, §3207, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3660, related to leadership and evaluation activities.