

of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

(Pub. L. 89-10, title III, §3115, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1697; amended Pub. L. 114-95, title III, §3003(f), Dec. 10, 2015, 129 Stat. 1958.)

#### PRIOR PROVISIONS

A prior section 3115 of Pub. L. 89-10 was classified to section 6815 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 consisted of subsecs. (a) to (g) relating to subgrants to eligible entities.

#### 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.

### § 6826. Local plans

#### (a) Plan required

Each eligible entity desiring a subgrant from the State educational agency under section 6824 of this title shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

#### (b) Contents

Each plan submitted under subsection (a) shall—

(1) describe the effective programs and activities, including language instruction educational programs, proposed to be developed, implemented, and administered under the subgrant that will help English learners increase their English language proficiency and meet the challenging State academic standards;

(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

(A) achieving English proficiency based on the State's English language proficiency assessment under section 6311(b)(2)(G) of this title, consistent with the State's long-term goals, as described in section 6311(c)(4)(A)(ii) of this title; and

(B) meeting the challenging State academic standards;

(3) describe how the eligible entity will promote parent, family, and community engagement in the education of English learners;

(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 6312(e) of this title prior to, and throughout, each school year as of the date of application;

(B) the eligible entity is not in violation of any State law, including State constitu-

tional law, regarding the education of English learners, consistent with sections 6846 and 6847 of this title;

(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan; and

(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

#### (c) Teacher English fluency

Each eligible entity receiving a subgrant under section 6824 of this title shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

(Pub. L. 89-10, title III, §3116, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1700; amended Pub. L. 114-95, title III, §3003(g), Dec. 10, 2015, 129 Stat. 1961.)

#### PRIOR PROVISIONS

Prior sections 6831 to 6833 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6831, Pub. L. 89-10, title III, §3121, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3641, related to national long-range technology plan.

Section 6832, Pub. L. 89-10, title III, §3122, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3642, related to Federal leadership in promoting the use of technology in education.

Section 6833, Pub. L. 89-10, title III, §3123, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3644, related to study, evaluation and report of funding alternatives.

#### AMENDMENTS

2015—Subsec. (b). Pub. L. 114-95, §3003(g)(1), added pars. (1) to (4) and struck out former pars. (1) to (6) which set out required content of plans submitted under subsec. (a).

Subsec. (c). Pub. L. 114-95, §3003(g)(2), substituted "English learners" for "limited English proficient children".

Subsec. (d). Pub. L. 114-95, §3003(g)(3), struck out subsec. (d) which related to other requirements for approval.

#### 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 2—ACCOUNTABILITY AND ADMINISTRATION

### § 6841. Reporting

#### (a) In general

Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with a report, in a form