

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 eligible 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 pro-

grams 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 programs 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