(b) May also include, at a State’s discretion—
   (1) At-risk infants and toddlers; and
   (2) Children with disabilities who are eligible for services under section 619 and
   who previously received services under Part C of the Act until such children
   enter, or are eligible under State law to enter, kindergarten or elementary
   school, as appropriate, provided that any programs under Part C of the
   Act serving such children shall include—
   (i) An educational component that promotes school readiness and
   incorporates pre-literacy, language, and numeracy skills; and
   (ii) A written notification to parents of their rights and responsibilities in
   determining whether their child will continue to receive services under Part
   C of the Act or participate in preschool programs under section 619.

(Authority: 20 U.S.C. 1401(16) and 1432(5))

§ 300.26 Institution of higher education.

Institution of higher education—

(a) Has the meaning given the term in section 101 of the Higher Education
Act of 1965, as amended, 20 U.S.C. 1021 et seq. (HEA); and

(b) Also includes any community college receiving funds from the Secretary of
the Interior under the Tribally Controlled Community College or University

(Authority: 20 U.S.C. 1401(17))

§ 300.27 Limited English proficient.

Limited English proficient has the meaning given the term in section 9101(25)
of the ESEA.

(Authority: 20 U.S.C. 1401(18))

§ 300.28 Local educational agency.

(a) General. Local educational agency or LEA means a public board of edu-
cation or other public authority legally constituted within a State for either
administrative control or direction of, or to perform a service function for,
public elementary or secondary schools in a city, county, township, school dis-
trict, or other political subdivision of a State, or for a combination of school
districts or counties as are recognized
in a State as an administrative agency
for its public elementary schools or
secondary schools.

(b) Educational service agencies and other public institutions or agencies. The
 term includes—
   (1) An educational service agency, as defined in §300.12; and
   (2) Any other public institution or agency having administrative control
and direction of a public elementary school or secondary school, including a
public nonprofit charter school that is
established as an LEA under State law.

(c) BIA funded schools. The term in-
cludes an elementary school or sec-
ondary school funded by the Bureau of
Indian Affairs, and not subject to the
jurisdiction of any SEA other than the
Bureau of Indian Affairs, but only to
the extent that the inclusion makes the
school eligible for programs for which
specific eligibility is not pro-
vided to the school in another provi-
sion of law and the school does not
have a student population that is
smaller than the student population of
the LEA receiving assistance under the
Act with the smallest student popu-
lation.

(Authority: 20 U.S.C. 1401(19))

§ 300.29 Native language.

(a) Native language, when used with
respect to an individual who is limited
English proficient, means the fol-
lowing:
   (1) The language normally used by
that individual, or, in the case of a
child, the language normally used by
the parents of the child, except as pro-
vided in paragraph (a)(2) of this sec-
tion.
   (2) In all direct contact with a child
(including evaluation of the child), the
language normally used by the child in
the home or learning environment.

(b) For an individual with deafness or
blindness, or for an individual with no
written language, the mode of commu-
nication is that normally used by the
individual (such as sign language, Braille, or oral communication).

(Authority: 20 U.S.C. 1401(17))

§ 300.30 Parent.

(a) Parent means—