

Section 6722, Pub. L. 89-10, title II, §2352, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667, authorized appropriations to carry out subpart 4 of part C of former subchapter II of this chapter.

A prior section 6731, Pub. L. 89-10, title II, §2361, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667, which set out short title of the Paul D. Coverdell Teacher Protection Act of 2001, was renumbered section 8551 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7941 of this title.

A prior section 6732, Pub. L. 89-10, title II, §2362, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667, which related to purpose, was renumbered section 8552 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7942 of this title.

A prior section 6733, Pub. L. 89-10, title II, §2363, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667, which related to definitions, was renumbered section 8553 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7943 of this title.

A prior section 6734, Pub. L. 89-10, title II, §2364, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668, which related to applicability, was renumbered section 8554 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7944 of this title.

A prior section 6735, Pub. L. 89-10, title II, §2365, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668, which related to preemption and election of State nonapplicability, was renumbered section 8555 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7945 of this title.

A prior section 6736, Pub. L. 89-10, title II, §2366, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668, which related to limitation on liability for teachers, was renumbered section 8556 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7946 of this title.

A prior section 6737, Pub. L. 89-10, title II, §2367, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1670, which related to allocation of responsibility for noneconomic loss, was renumbered section 8557 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7947 of this title.

A prior section 6738, Pub. L. 89-10, title II, §2368, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1670, which set out effective date, was renumbered section 8558 of title VIII of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089, and transferred to section 7948 of this title.

Prior sections 6751 to 6754, 6761 to 6766, 6771, 6672, and 6775 were repealed by Pub. L. 114-95, §5, title II, §2002, Dec. 10, 2015, 129 Stat. 1806, 1913, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Section 6751, Pub. L. 89-10, title II, §2401, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1671, provided that part D of former subchapter II of this chapter could be cited as the “Enhancing Education Through Technology Act of 2001”.

A prior section 2401 of Pub. L. 89-10 was classified to section 6701 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6752, Pub. L. 89-10, title II, §2402, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1671, set forth purposes and goals of part D of former subchapter II of this chapter.

A prior section 2402 of Pub. L. 89-10 was classified to section 6702 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

Section 6753, Pub. L. 89-10, title II, §2403, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1672, defined terms.

Section 6754, Pub. L. 89-10, title II, §2404, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1673, authorized appropriations.

Section 6761, Pub. L. 89-10, title II, §2411, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1673, related to allotment and reallocation of funds.

Section 6762, Pub. L. 89-10, title II, §2412, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1674, related to use of allotment by State.

Section 6763, Pub. L. 89-10, title II, §2413, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1675, related to State applications.

Section 6764, Pub. L. 89-10, title II, §2414, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1677, related to local applications.

Section 6765, Pub. L. 89-10, title II, §2415, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1679, related to State activities.

Section 6766, Pub. L. 89-10, title II, §2416, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1680, related to local activities.

Section 6771, Pub. L. 89-10, title II, §2421, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1682, related to national activities.

Section 6772, Pub. L. 89-10, title II, §2422, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1682, related to national education technology plan.

Section 6775, Pub. L. 89-10, title II, §2431, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1683, related to Ready-to-Learn Television program.

A prior section 6777, Pub. L. 89-10, title II, §2441, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1686, which related to Internet safety, was renumbered section 4121 of title IV of Pub. L. 89-10 by Pub. L. 114-95, title II, §2001(a)(4)(A), (B), (D), title IV, §4001(a)(5)(D), Dec. 10, 2015, 129 Stat. 1913, 1966, and transferred to section 7131 of this title.

#### EFFECTIVE DATE

Section 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

### SUBCHAPTER III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

#### CODIFICATION

Pub. L. 114-95, title III, §3001(1), Dec. 10, 2015, 129 Stat. 1953, substituted “ENGLISH LEARNERS” for “LIMITED ENGLISH PROFICIENT” in subchapter heading.

Title III of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, amended, and subsequently revised, restated, and amended by other public laws. Title III is shown, herein, as having been added by Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

#### § 6801. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter—

- (1) \$756,332,450 for fiscal year 2017;
- (2) \$769,568,267 for fiscal year 2018;
- (3) \$784,959,633 for fiscal year 2019; and
- (4) \$884,959,633 for fiscal year 2020.

(Pub. L. 89-10, title III, §3001, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1689;

amended Pub. L. 114-95, title III, §3002, Dec. 10, 2015, 129 Stat. 1953.)

#### PRIOR PROVISIONS

A prior section 6801, Pub. L. 89-10, title III, §3101, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3636, set out Short Title of prior subchapter III as the Technology for Education Act of 1994, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3001 of Pub. L. 89-10 was classified to section 3021 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

#### AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to authorizations of appropriations, conditions on effectiveness of parts A and B of this subchapter, and references to parts A and B of this 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.

#### PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

##### § 6811. Short title

This part may be cited as the “English Language Acquisition, Language Enhancement, and Academic Achievement Act”.

(Pub. L. 89-10, title III, §3101, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1690.)

#### PRIOR PROVISIONS

A prior section 6811, Pub. L. 89-10, title III, §3111, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3637, set forth findings, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 3101 of Pub. L. 89-10 was classified to section 6801 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

##### § 6812. Purposes

The purposes of this part are—

(1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;

(2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;

(3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;

(4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners,

including immigrant children and youth, to enter all-English instructional settings; and

(5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

(Pub. L. 89-10, title III, §3102, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1690; amended Pub. L. 114-95, title III, §3003(a), Dec. 10, 2015, 129 Stat. 1954.)

#### PRIOR PROVISIONS

A prior section 6812, Pub. L. 89-10, title III, §3112, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3638, set forth purpose of former part A of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107-110.

Prior sections 6813 to 6815 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6813, Pub. L. 89-10, title III, §3113, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3639; amended Pub. L. 104-208, div. A, title I, §101(e) [title VII, §709(a)(1), (3)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312; Pub. L. 105-220, title II, §251(b)(2)(D), Aug. 7, 1998, 112 Stat. 1080, defined terms for purposes of prior subchapter III.

Section 6814, Pub. L. 89-10, title III, §3114, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3640, authorized appropriations and set forth funding rule.

Section 6815, Pub. L. 89-10, title III, §3115, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3641, limited use of funds for administrative costs and technical assistance.

#### AMENDMENTS

2015—Pub. L. 114-95 amended section generally. Prior to amendment, section related to purposes of this part.

#### 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 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

##### § 6821. Formula grants to States

###### (a) In general

In the case of each State educational agency having a plan approved by the Secretary for a fiscal year under section 6823 of this title, the Secretary shall make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

###### (b) Use of funds

###### (1) Subgrants to eligible entities

The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

(A) to award subgrants, from allocations under section 6824 of this title, to eligible entities to carry out the activities described in section 6825 of this title (other than subsection (e)); and

(B) to award subgrants under section 6824(d)(1) of this title to eligible entities that

are described in that section to carry out the activities described in section 6825(e) of this title.

**(2) State activities**

Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

(B) Providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

(i) meeting State and local certification and licensing requirements for teaching English learners; and

(ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

(i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners;

(ii) helping English learners meet the same challenging State academic standards that all children are expected to meet;

(iii) identifying or developing, and implementing, measures of English proficiency; and

(iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 6825 of this title that have significantly improved the achievement and progress of English learners in meeting—

(i) 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

(ii) the challenging State academic standards.

**(3) Direct administrative expenses**

From the amount reserved under paragraph (2), a State educational agency may use not more than 50 percent of such amount or \$175,000, whichever is greater, for the planning and direct administrative costs of carrying out paragraphs (1) and (2).

**(c) Reservations and allotments**

**(1) Reservations**

From the amount appropriated under section 6801 of this title for each fiscal year, the Secretary shall reserve—

(A) 0.5 percent or \$5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 6822(a) of this title for activities, approved by the Secretary, consistent with this subpart;

(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart; and

(C) 6.5 percent of such amount for national activities under sections 6861 and 7013 of this title, except that not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 7013 of this title.

**(2) State allotments**

**(A) In general**

Except as provided in subparagraph (B), from the amount appropriated under section 6801 of this title for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 6823(c) of this title—

(i) an amount that bears the same relationship to 80 percent of the remainder as the number of English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined in accordance with paragraph (3)(B).

**(B) Minimum allotments**

No State educational agency shall receive an allotment under this paragraph that is less than \$500,000.

**(C) Reallocation**

If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary—

(i) shall endeavor to make the State’s allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 6825 of this title (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and

(ii) shall reallocate any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).

**(D) Special rule for Puerto Rico**

The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

**(3) Use of data for determinations**

In making State allotments under paragraph (2) for each fiscal year, the Secretary shall—

(A) determine the number of English learners in a State and in all States, using the most accurate, up-to-date data, which shall be—

- (i) data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates;
- (ii) the number of students being assessed for English language proficiency, based on the State’s English language proficiency assessment under section 6311(b)(2)(G) of this title, which may be multiyear estimates; or
- (iii) a combination of data available under clauses (i) and (ii); and

(B) determine the number of immigrant children and youth in the State and in all States based only on data available from the American Community Survey conducted by the Department of Commerce, which may be multiyear estimates.

(Pub. L. 89-10, title III, §3111, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1691; amended Pub. L. 114-95, title III, §3003(b), Dec. 10, 2015, 129 Stat. 1954.)

**PRIOR PROVISIONS**

A prior section 3111 of Pub. L. 89-10 was classified to section 6811 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

**AMENDMENTS**

2015—Subsec. (b)(2). Pub. L. 114-95, §3003(b)(1)(A), added subpars. (A) to (E) and struck out former subpars. (A) to (D) which read as follows:

- “(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.
- “(B) Planning, evaluation, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).
- “(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—
  - “(i) identifying and implementing language instruction educational programs and curricula that

- are based on scientifically based research on teaching limited English proficient children;
  - “(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
  - “(iii) identifying or developing, and implementing, measures of English proficiency; and
  - “(iv) promoting parental and community participation in programs that serve limited English proficient children.
- “(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 6842 of this title.”

Subsec. (b)(3). Pub. L. 114-95, §3003(b)(1)(B), substituted “Direct administrative” for “Administrative” in heading and substituted “50 percent” for “60 percent” and inserted “direct” before “administrative costs” in text.

Subsec. (c)(1). Pub. L. 114-95, §3003(b)(2)(A)(i), substituted “section 6801” for “section 6801(a)” in introductory provisions.

Subsec. (c)(1)(B). Pub. L. 114-95, §3003(b)(2)(A)(ii), inserted “and” after semicolon at end.

Subsec. (c)(1)(C). Pub. L. 114-95, §3003(b)(2)(A)(iii), added subpar. (C) and struck out former subpar. (C) which read as follows: “6.5 percent of such amount for national activities under sections 6861 and 7013 of this title, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than \$2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 7013 of this title; and”.

Subsec. (c)(1)(D). Pub. L. 114-95, §3003(b)(2)(A)(iv), struck out subpar. (D) which read as follows: “such sums as may be necessary to make continuation awards under paragraph (2).”

Subsec. (c)(2). Pub. L. 114-95, §3003(b)(2)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which related to continuation awards.

Subsec. (c)(2)(A). Pub. L. 114-95, §3003(b)(2)(D)(i), substituted “section 6801” for “section 6801(a)” in introductory provisions.

Subsec. (c)(2)(A)(i). Pub. L. 114-95, §3003(b)(2)(D)(ii), substituted “English learners in the State bears to the number of English learners in all States, as determined in accordance with paragraph (3)(A); and” for “limited English proficient children in the State bears to the number of such children in all States; and”.

Subsec. (c)(2)(A)(ii). Pub. L. 114-95, §3003(b)(2)(D)(iii), inserted “, as determined in accordance with paragraph (3)(B)” before period at end.

Subsec. (c)(3). Pub. L. 114-95, §3003(b)(2)(E), added par. (3). Former par. (3) redesignated (2).

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 programs 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 purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

**(d) Required reservation**

A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under section 6821(c)(2) of this title to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average

of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) shall equally consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth; and

(B) shall consider the quality of each local plan under section 6826 of this title and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

(Pub. L. 89-10, title III, §3114, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1696; amended Pub. L. 114-95, title III, §3003(e), Dec. 10, 2015, 129 Stat. 1958.)

#### PRIOR PROVISIONS

A prior section 3114 of Pub. L. 89-10 was classified to section 6814 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(e)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “After making the reservation required under subsection (d)(1) of this section, each State educational agency receiving a grant under section 6821(c)(3) of this title shall award subgrants for a fiscal year by allocating 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 limited English proficient children in schools served by the eligible entity bears to the population of limited English proficient children in schools served by all eligible entities in the State.”

Subsec. (d)(1). Pub. L. 114-95, §3003(e)(2), substituted “section 6821(c)(2)” for “section 6821(c)(3)” and struck out “preceding the fiscal year” before “for which the subgrant is made”.

#### 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.

### § 6825. Subgrants to eligible entities

#### (a) Purposes of subgrants

A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of English learners by assisting the children to learn English and meet the challenging State academic standards. In carrying out activities with such funds, the eligible entity shall use effective approaches and methodologies for teaching English learners and immigrant children and youth for the following purposes:

(1) Developing and implementing new language instruction educational programs and academic content instructional programs for English learners and immigrant children and

youth, including early childhood education programs, elementary school programs, and secondary school programs.

(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instructional programs for English learners and immigrant children and youth.

(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for English learners and immigrant children and youth.

#### (b) Direct administrative expenses

Each eligible entity receiving funds under section 6824(a) of this title for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.

#### (c) Required subgrantee activities

An eligible entity receiving funds under section 6824(a) of this title shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

- (A) English language proficiency; and
- (B) student academic achievement;

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of English learners;

(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;

(C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the

teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and

(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—

(A) shall include parent, family, and community engagement activities; and

(B) may include strategies that serve to coordinate and align related programs.

**(d) Authorized subgrantee activities**

Subject to subsection (c), an eligible entity receiving funds under section 6824(a) of this title may use the funds to achieve any of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

(1) Upgrading program objectives and effective instructional strategies.

(2) Improving the instructional program for English learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

(3) Providing to English learners—

(A) tutorials and academic or career and technical education; and

(B) intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators.

(4) Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English language proficiency and academic achievement of English learners.

(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to English learners and their families—

(A) to improve the English language skills of English learners; and

(B) to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Improving the instruction of English learners, which may include English learners with a disability, by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Offering early college high school or dual or concurrent enrollment programs or courses designed to help English learners achieve success in postsecondary education.

(9) Carrying out other activities that are consistent with the purposes of this section.

**(e) Activities by agencies experiencing substantial increases in immigrant children and youth**

**(1) In general**

An eligible entity receiving funds under section 6824(d)(1) of this title shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;

(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;

(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

**(2) Duration of subgrants**

The duration of a subgrant made by a State educational agency under section 6824(d)(1) of this title shall be determined by the agency in its discretion.

**(f) Selection of method of instruction**

**(1) In general**

To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.

**(2) Consistency**

The selection described in paragraph (1) shall be consistent with sections 6845 through 6847 of this title.

**(g) Supplement, not supplant**

Federal funds made available under this subpart shall be used so as to supplement the level

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

prescribed by the agency, on the activities conducted and children served under such subpart that includes—

(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, which shall include a description of how such programs and activities supplemented programs funded primarily with State or local funds;

(2) the number and percentage of English learners in the programs and activities who are making progress toward achieving English language proficiency, as described in section 6311(c)(4)(A)(ii) of this title, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

(3) the number and percentage of English learners in the programs and activities attaining English language proficiency based on State English language proficiency standards established under section 6311(b)(1)(G)<sup>1</sup> of this title by the end of each school year, as determined by the State's English language proficiency assessment under section 6311(b)(2)(G) of this title;

(4) the number and percentage of English learners who exit the language instruction educational programs based on their attainment of English language proficiency;

(5) the number and percentage of English learners meeting challenging State academic standards for each of the 4 years after such children are no longer receiving services under this part, in the aggregate and disaggregated, at a minimum, by English learners with a disability;

(6) the number and percentage of English learners who have not attained English language proficiency within 5 years of initial classification as an English learner and first enrollment in the local educational agency; and

(7) any other information that the State educational agency may require.

**(b) Use of report**

A report provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency for improvement of programs and activities under this part.

**(c) Special rule for specially qualified agencies**

Each specially qualified agency receiving a grant under subpart 1 shall provide the reports described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

(Pub. L. 89-10, title III, §3121, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1701; amended Pub. L. 114-95, title III, §3003(h), Dec. 10, 2015, 129 Stat. 1962.)

PRIOR PROVISIONS

A prior section 6841, Pub. L. 89-10, title III, §3131, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3644, related to allotment and reallocation of funds, prior to the general amendment of this subchapter by Pub. L. 107-110.

<sup>1</sup> So in original. Probably should be "6311(b)(1)(F)".

A prior section 3121 of Pub. L. 89-10 was classified to section 6831 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 (e) relating to evaluations.

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.

**§ 6842. Repealed. Pub. L. 114-95, title III, § 3001(2)(A), Dec. 10, 2015, 129 Stat. 1953**

Section, Pub. L. 89-10, title III, §3122, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1702, related to achievement objectives and accountability.

A prior section 6842, Pub. L. 89-10, title III, §3132, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3645, related to school technology resource grants, prior to the general amendment of this subchapter by Pub. L. 107-110.

EFFECTIVE DATE OF REPEAL

Repeal 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 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 education 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 technology 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.

Section 6898, Pub. L. 89-10, title III, §3208, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3661, defined terms.

Section 6899, Pub. L. 89-10, title III, §3209, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3661, set forth administrative provisions.

Section 6900, Pub. L. 89-10, title III, §3210, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3661, related to other assistance.

Prior sections 6911 to 6918 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 6911, Pub. L. 89-10, title III, §3211, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1707, related to financial assistance for language instruction educational programs.

Section 6912, Pub. L. 89-10, title III, §3212, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1708, related to program enhancement activities.

Section 6913, Pub. L. 89-10, title III, §3213, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1709, related to comprehensive school and systemwide improvement activities.

Section 6914, Pub. L. 89-10, title III, §3214, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1712, related to grant applications.

Section 6915, Pub. L. 89-10, title III, §3215, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1716, related to capacity building.

Section 6916, Pub. L. 89-10, title III, §3216, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1716, related to programs for Native Americans and Puerto Rico.

Section 6917, Pub. L. 89-10, title III, §3217, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1716, related to evaluations.

Section 6918, Pub. L. 89-10, title III, §3218, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1717, set out rule of construction.

Prior sections 6921 to 6928, which comprised former part C of this subchapter, were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6921, Pub. L. 89-10, title III, §3301, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3663, related to Ready-to-Learn television.

A prior section 3301 of Pub. L. 89-10 was renumbered section 3201 and is classified to section 7011 of this title.

Section 6922, Pub. L. 89-10, title III, §3302, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3663, related to educational programming.

Section 6923, Pub. L. 89-10, title III, §3303, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3664, set forth duties of Secretary.

A prior section 3303 of Pub. L. 89-10 was renumbered section 3202 and is classified to section 7013 of this title.

Section 6924, Pub. L. 89-10, title III, §3304, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3665, related to applications.

A prior section 3304 of Pub. L. 89-10 was renumbered section 3203 and is classified to section 7014 of this title.

Section 6925, Pub. L. 89-10, title III, §3305, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3665, related to reports and evaluation of program activities.

Section 6926, Pub. L. 89-10, title III, §3306, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3665, related to administrative costs.

Section 6927, Pub. L. 89-10, title III, §3307, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3665, defined “distance learning”.

Section 6928, Pub. L. 89-10, title III, §3308, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3666, authorized appropriations.

Prior sections 6931 to 6935 and 6951 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 6931, Pub. L. 89-10, title III, §3221, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1717, related to authority of the Secretary.

Section 6932, Pub. L. 89-10, title III, §3222, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1717; amended Pub. L. 107-279, title IV, §404(d)(5)(A), Nov. 5, 2002, 116 Stat. 1986, related to research.

Section 6933, Pub. L. 89-10, title III, §3223, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1718, related to academic excellence awards.

Section 6934, Pub. L. 89-10, title III, §3224, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1719, related to State grant program.

Section 6935, Pub. L. 89-10, title III, §3225, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1720, related to instruction materials development.

Section 6951, Pub. L. 89-10, title III, §3231, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1720, related to professional development grants.

A prior section 6951, Pub. L. 89-10, title III, §3401, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3666, authorized a national telecommunications-based demonstration project to improve the teaching of mathematics, prior to the general amendment of this subchapter by Pub. L. 107-110.

Prior sections 6952 and 6953 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6952, Pub. L. 89-10, title III, §3402, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3666, required application for demonstration project grant.

Section 6953, Pub. L. 89-10, title III, §3403, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3666, authorized appropriations.

Prior sections 6961 to 6968 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 6961, Pub. L. 89-10, title III, §3241, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1723, related to purpose of former subpart 4 of part B of this subchapter.

Section 6962, Pub. L. 89-10, title III, §3242, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1723, related to State administrative costs.

Section 6963, Pub. L. 89-10, title III, §3243, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1724, related to withholding of funds.

Section 6964, Pub. L. 89-10, title III, §3244, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1724, related to State allotments.

Section 6965, Pub. L. 89-10, title III, §3245, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1725, related to State applications.

Section 6966, Pub. L. 89-10, title III, §3246, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1727, related to administrative provisions.

Section 6967, Pub. L. 89-10, title III, §3247, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1727, related to uses of funds.

Section 6968, Pub. L. 89-10, title III, §3248, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728, related to reports.

Prior sections 6971 to 6979 were omitted in the general amendment of this subchapter by Pub. L. 107-110.

Section 6971, Pub. L. 89-10, title III, §3501, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, set forth short title of the Elementary Mathematics and Science Equipment Act.

Section 6972, Pub. L. 89-10, title III, §3502, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, stated purpose of former provisions.

Section 6973, Pub. L. 89-10, title III, §3503, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, authorized program for the provision of equipment and materials to elementary schools to improve mathematics and science education.

Section 6974, Pub. L. 89-10, title III, §3504, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3667, related to allotments of funds.

Section 6975, Pub. L. 89-10, title III, §3505, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3668, related to State application for an allotment.

Section 6976, Pub. L. 89-10, title III, §3506, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3669, related to local application for a grant.

Section 6977, Pub. L. 89-10, title III, §3507, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3670, set forth program requirements.

Section 6978, Pub. L. 89-10, title III, §3508, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3670, related to Federal administration of programs.

Section 6979, Pub. L. 89-10, title III, §3509, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3671, authorized appropriations.

Prior sections 6981 to 6983 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 6981, Pub. L. 89-10, title III, §3251, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728, related to professional release time.

Section 6982, Pub. L. 89-10, title III, §3252, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728, related to notification of awards.

Section 6983, Pub. L. 89-10, title III, §3253, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1728, related to coordination and reporting requirements.

A prior section 7001, Pub. L. 89-10, title III, §3601, as added Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1711], Dec. 21, 2000, 114 Stat. 2763, 2763A-337, related to limitation on availability of certain funds for schools, prior to the general amendment of this subchapter by Pub. L. 107-110.

Another prior section 7001 and prior sections 7002 to 7005 were repealed by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §708(e)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.

Section 7001, Pub. L. 89-10, title III, §3601, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3671, authorized elementary and secondary school library media resources program.

Section 7002, Pub. L. 89-10, title III, §3602, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3671, related to allocation of funds to States.

Section 7003, Pub. L. 89-10, title III, §3603, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3671, required State plans meeting certain criteria.

Section 7004, Pub. L. 89-10, title III, §3604, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672,

related to distribution of allocations to local educational agencies.

Section 7005, Pub. L. 89-10, title III, §3605, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3672, authorized appropriations.

#### EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

### PART B—GENERAL PROVISIONS

#### CODIFICATION

Pub. L. 114-95, title III, §3001(4), Dec. 10, 2015, 129 Stat. 1953, redesignated part C (§7011 et seq.) of this subchapter as part B of this subchapter.

#### PRIOR PROVISIONS

A prior part B, consisting of sections 6891 to 6894, 6911 to 6918, 6931 to 6935, 6951, 6961 to 6968, and 6981 to 6983 of this title, related to improving language instruction educational programs, prior to repeal by Pub. L. 114-95, title III, §3001(3), Dec. 10, 2015, 129 Stat. 1953.

### § 7011. Definitions

Except as otherwise provided, in this subchapter:

#### (1) Child

The term “child” means any individual aged 3 through 21.

#### (2) Community-based organization

The term “community-based organization” means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

#### (3) Eligible entity

The term “eligible entity” means—

(A) one or more local educational agencies; or

(B) one or more local educational agencies, in consortia or collaboration with an institution of higher education, educational service agency, community-based organization, or State educational agency.

#### (4) English learner with a disability

The term “English learner with a disability” means an English learner who is also a child with a disability, as that term is defined in section 1401 of this title.

#### (5) Immigrant children and youth

The term “immigrant children and youth” means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

#### (6) Indian tribe

The term “Indian tribe” means any Indian tribe, band, nation, or other organized group

or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

#### (7) Language instruction educational program

The term “language instruction educational program” means an instruction course—

(A) in which an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic standards; and

(B) that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

#### (8) Native American and Native American language

The terms “Native American” and “Native American language” shall have the meanings given such terms in section 2902 of title 25.

#### (9) Native Hawaiian or Native American Pacific Islander native language educational organization

The term “Native Hawaiian or Native American Pacific Islander native language educational organization” means a nonprofit organization with—

(A) a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization’s educational programs; and

(B) not less than 5 years successful experience in providing educational services in traditional Native American languages.

#### (10) Native language

The term “native language”, when used with reference to an individual of limited English proficiency, means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

#### (11) Paraprofessional

The term “paraprofessional” means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

#### (12) Specially qualified agency

The term “specially qualified agency” means an eligible entity in a State whose State educational agency—

(A) does not participate in a program under subpart 1 of part A for a fiscal year; or

(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable

notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.

**(13) State**

The term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**(14) Tribally sanctioned educational authority**

The term “tribally sanctioned educational authority” means—

(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

(B) any nonprofit institution or organization that is—

(i) chartered by the governing body of an Indian tribe to operate a school described in section 6822(a) of this title or otherwise to oversee the delivery of educational services to members of the tribe; and

(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 6822(a) of this title.

(Pub. L. 89–10, title III, § 3201, formerly § 3301, as added Pub. L. 107–110, title III, § 301, Jan. 8, 2002, 115 Stat. 1729; amended Pub. L. 110–315, title IX, § 941(k)(2)(F)(i), Aug. 14, 2008, 122 Stat. 3466; renumbered § 3201 and amended Pub. L. 114–95, title III, §§ 3001(5)(A), 3004(a), Dec. 10, 2015, 129 Stat. 1953, 1965.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (6), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

A prior section 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to repeal by Pub. L. 114–95.

Another prior section 3201 of Pub. L. 89–10 was classified to section 6891 of this title, prior to the general amendment of this subchapter by Pub. L. 107–110.

AMENDMENTS

2015—Pars. (3), (4). Pub. L. 114–95, § 3004(a)(1), (2), added pars. (3) and (4) and struck out former pars. (3) and (4) which defined “community college” and “Director”, respectively.

Par. (5). Pub. L. 114–95, § 3004(a)(1), (3), redesignated par. (6) as (5) and struck out former par. (5) which defined “family education program”.

Par. (6). Pub. L. 114–95, § 3004(a)(3), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Par. (7). Pub. L. 114–95, § 3004(a)(3), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Par. (7)(A). Pub. L. 114–95, § 3004(a)(4), substituted “an English learner” for “a limited English proficient child” and “challenging State academic standards” for “challenging State academic content and student academic achievement standards, as required by section 6311(b)(1) of this title”.

Pars. (8) to (11). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (9) to (12) as (8) to (11), respectively. Former par. (8) redesignated (7).

Par. (12). Pub. L. 114–95, § 3004(a)(3), (5), redesignated par. (13) as (12) and struck out “, as defined in section

6871 of this title,” after “eligible entity” in introductory provisions. Former par. (12) redesignated (11).

Pars. (13), (14). Pub. L. 114–95, § 3004(a)(3), redesignated pars. (14) and (15) as (13) and (14), respectively. Former par. (13) redesignated (12).

2008—Par. (3). Pub. L. 110–315 substituted “the Tribally Controlled Colleges and Universities Assistance Act of 1978” for “the Tribally Controlled College or University Assistance Act of 1978”.

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.

RESEARCH RELATING TO BILINGUAL EDUCATION

Pub. L. 100–297, title VI, § 6211, Apr. 28, 1988, 102 Stat. 429, provided that:

“(a) RESEARCH AND DEVELOPMENT.—The Secretary [of Education] shall, through competitive contracts under this section, provide financial assistance for research and development proposals submitted by institutions of higher education, private for-profit and nonprofit organizations, State and local educational agencies, and individuals.

“(b) AUTHORIZED ACTIVITIES.—Research activities authorized to be assisted under this section shall include—

“(1) studies to determine and evaluate effective models for bilingual education programs;

“(2) studies which examine the process by which individuals acquire a second language and master the subject matter skills required for grade-promotion and graduation, and which identify effective methods for teaching English and subject matter skills within the context of a bilingual education program or special alternative instructional program to students who have language proficiencies other than English;

“(3) longitudinal studies to measure the effect of title VII of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 3281 et seq.] on students enrolled in programs under such title (including a longitudinal study of the impact of bilingual education programs on limited-English proficient students using a nationally representative sample of the programs funded under such title and which provides information including data on grade retention, academic performance, and dropout rates);

“(4) studies to determine effective and reliable methods for identifying students who are entitled to services under such title and for determining when their English language proficiency is sufficiently well developed to permit them to derive optimal benefits from an all-English instructional program;

“(5) the operation of a clearinghouse which shall collect, analyze, and disseminate information about bilingual education and related programs (and coordinate its activities with the National Diffusion Network);

“(6) studies to determine effective methods of teaching English to adults who have language proficiencies other than English;

“(7) studies to determine and evaluate effective methods of instruction for bilingual programs, taking into account language and cultural differences among students;

“(8) studies to determine effective approaches to preservice and inservice training for teachers, taking into account the language and cultural differences of their students;

“(9) the effect of such title on the capacity of local educational agencies to operate bilingual programs following the termination of assistance under this [such] title; and

“(10) studies to determine effective and reliable methods for identifying gifted and talented students who have language proficiencies other than English.

“(c) CONSULTATION AND DELEGATION OF AUTHORITY.—In carrying out the responsibilities of this section, the Secretary may delegate authority to the Director, and in any event, shall consult with the Director, representatives of State and local educational agencies, appropriate groups and organizations involved in bilingual education, the Committee on Labor and Human Resources [now Committee on Health, Education, Labor, and Pensions] of the Senate, and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives.

“(d) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals in research and development assisted under such title.

“(e) LIMITATION OF AUTHORITY.—Nothing in this section shall be construed as authorizing the Secretary to conduct or support studies or analyses of the content of educational textbooks.”

#### INFORMATION REGARDING BILINGUAL EDUCATION

Pub. L. 100-297, title VI, §6213, Apr. 28, 1988, 102 Stat. 429, as amended by Pub. L. 104-66, title I, §1042(a), Dec. 21, 1995, 109 Stat. 715, provided that: “The Secretary [of Education] shall collect data for program management and accountability purposes regarding—

“(1) a national assessment of the educational needs of children and other persons with limited English proficiency and of the extent to which such needs are being met from Federal, State, and local efforts;

“(2) a plan, including cost estimates, to be carried out during the 5-year period beginning on such date [sic], for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school-children and other persons of limited English proficiency, including a phased plan for the training of the necessary teachers and other education personnel necessary for such purpose;

“(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities; and

“(4)(A) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under such title [sic] and those carried out under other programs for persons of limited English proficiency;

“(B) a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs; and

“(C) the number of other educational personnel needed to carry out programs of bilingual education in the States.”

#### § 7012. Repealed. Pub. L. 114-95, title III, § 3001(5)(B), Dec. 10, 2015, 129 Stat. 1953

Section, Pub. L. 89-10, title III, §3302, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1732, related to parental notification.

A prior section 3302 of Pub. L. 89-10 was classified to section 6922 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 2015 Amendment note under section 6301 of this title.

#### § 7013. National clearinghouse

##### (a) In general

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction edu-

cational programs for English learners, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on—

(A) educational research and processes related to the education of English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners; and

(B) accountability systems that monitor the academic progress of English learners in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this subchapter.

##### (b) Construction

Nothing in this section shall authorize the Secretary to hire additional personnel to execute subsection (a).

(Pub. L. 89-10, title III, §3202, formerly §3303, as added Pub. L. 107-110, title III, §301, Jan. 8, 2002, 115 Stat. 1733; amended Pub. L. 107-279, title IV, §404(d)(5)(B), Nov. 5, 2002, 116 Stat. 1986; renumbered §3202 and amended Pub. L. 114-95, title III, §§3001(5)(C), 3004(b), Dec. 10, 2015, 129 Stat. 1953, 1965.)

#### PRIOR PROVISIONS

A prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3202 of Pub. L. 89-10 was classified to section 6892 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### AMENDMENTS

2015—Pub. L. 114-95, §3004(b)(1), designated existing provisions as subsec. (a) and substituted “English learners” for “limited English proficient children” in introductory provisions.

Subsec. (a)(4)(A). Pub. L. 114-95, §3004(b)(2)(A), substituted “English learners, including English learners with a disability, that includes information on best practices on instructing and serving English learners” for “limited English proficient children”.

Subsec. (a)(4)(B). Pub. L. 114-95, §3004(b)(2)(B), substituted “English learners” for “limited English proficient children”.

Subsec. (b). Pub. L. 114-95, §3004(b)(3), added subsec. (b).

2002—Par. (1). Pub. L. 107-279 substituted “Institute of Education Sciences” for “Office of Educational Research and Improvement”.

#### 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.

### § 7014. Regulations

In developing regulations under this subchapter, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing English learners, and organizations representing teachers and other personnel involved in the education of English learners.

(Pub. L. 89-10, title III, § 3203, formerly § 3304, as added Pub. L. 107-110, title III, § 301, Jan. 8, 2002, 115 Stat. 1734; renumbered § 3203 and amended Pub. L. 114-95, title III, §§ 3001(5)(C), 3004(c), Dec. 10, 2015, 129 Stat. 1953, 1965.)

#### PRIOR PROVISIONS

A prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to repeal by Pub. L. 114-95.

Another prior section 3203 of Pub. L. 89-10 was classified to section 6893 of this title, prior to the general amendment of this subchapter by Pub. L. 107-110.

#### AMENDMENTS

2015—Pub. L. 114-95, § 3004(c), substituted “representing English learners” for “representing limited English proficient individuals” and “education of English learners” for “education of 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.

## SUBCHAPTER IV—21ST CENTURY SCHOOLS

#### CODIFICATION

Title IV of the Elementary and Secondary Education Act of 1965, comprising this subchapter, was originally enacted as part of Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, and subsequently revised, restated, and amended by other public laws. Title IV is shown, herein, as having been added by Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, without reference to earlier amendments because of the extensive revision of the title’s provisions by Pub. L. 107-110. See Codification note preceding section 6301 of this title.

### PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

#### CODIFICATION

Pub. L. 114-95, title IV, § 4001(a)(5)(A), Dec. 10, 2015, 129 Stat. 1966, substituted “Student Support and Academic Enrichment Grants” for “Safe and Drug-Free Schools and Communities” in part heading.

### § 7101. General provisions

#### (a) Parental consent

##### (1) In general

##### (A) Informed written consent

A State, local educational agency, or other entity receiving funds under this subchapter shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this subchapter and conducted in con-

nection with an elementary school or secondary school under this subchapter.

#### (B) Contents

Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last.

#### (C) Limitation

The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 1232g of this title.

#### (2) Exception

Notwithstanding paragraph (1)(A), the written, informed consent described in such paragraph shall not be required in—

(A) an emergency, where it is necessary to protect the immediate health and safety of the child, other children, or entity personnel; or

(B) other instances in which an entity actively seeks parental consent but such consent cannot be reasonably obtained, as determined by the State or local educational agency, including in the case of—

(i) a child whose parent has not responded to the notice described in paragraph (1)(B); or

(ii) a child who has attained 14 years of age and is an unaccompanied youth, as defined in section 11434a of title 42.

#### (b) Prohibited use of funds

No funds under this subchapter may be used for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs.

#### (c) Prohibition on mandatory medication

No child shall be required to obtain a prescription for a controlled substance, as defined in section 802 of title 21 as a condition of—

(1) receiving an evaluation or other service described under this subchapter; or

(2) attending a school receiving assistance under this subchapter.

(Pub. L. 89-10, title IV, § 4001, as added Pub. L. 114-95, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1967.)

#### PRIOR PROVISIONS

A prior section 7101, Pub. L. 89-10, title IV, § 4001, as added Pub. L. 107-110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1734, provided that this part could be cited as the “Safe and Drug-Free Schools and Communities Act”, prior to repeal by Pub. L. 114-95, § 5, title IV, § 4002, Dec. 10, 2015, 129 Stat. 1806, 1967, effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs.

Another prior section 7101, Pub. L. 89-10, title IV, § 4001, as added Pub. L. 103-382, title I, § 101, Oct. 20, 1994,