

1 **TITLE III—LANGUAGE INSTRU-**  
2 **CTION FOR ENGLISH LAN-**  
3 **GUAGE LEARNERS AND IMMI-**  
4 **GRANT STUDENTS**

5 **SEC. 301. LANGUAGE INSTRUCTION FOR ENGLISH LAN-**  
6 **GUAGE LEARNERS AND IMMIGRANT STU-**  
7 **DENTS.**

8 Title III (20 U.S.C. 6801 et seq.) is amended to read  
9 as follows:

10 **“TITLE III—LANGUAGE INSTRU-**  
11 **CTION FOR ENGLISH LAN-**  
12 **GUAGE LEARNERS AND IMMI-**  
13 **GRANT STUDENTS**

14 **“SEC. 3001. AUTHORIZATIONS OF APPROPRIATIONS.**

15 “There are authorized to be appropriated to carry out  
16 this title [§\_\_\_\_\_ ] for fiscal year 2008 and such  
17 sums as may be necessary for each of the 5 succeeding  
18 fiscal years.

1 **“PART A—ENGLISH LANGUAGE ACQUISITION,**  
2 **LANGUAGE ENHANCEMENT, AND ACADEMIC**  
3 **ACHIEVEMENT**

4 **“SEC. 3101. SHORT TITLE.**

5 “This part may be cited as the ‘English Language  
6 Acquisition, Language Enhancement, and Academic  
7 Achievement Act’.

8 **“SEC. 3102. PURPOSES.**

9 “The purposes of this part are—

10 “(1) to help ensure that children who are  
11 English language learners attain English proficiency,  
12 develop high levels of academic attainment in  
13 English, and meet the same challenging State aca-  
14 demic content and student academic achievement  
15 standards as all children are expected to meet;

16 “(2) to assist all English language learners, to  
17 achieve at high levels in the core academic subjects  
18 so that those children can meet the same challenging  
19 State academic content and student academic  
20 achievement standards as all children are expected  
21 to meet, consistent with section 1111(b)(1);

22 “(3) to assist State educational agencies and  
23 local educational agencies implement, and to en-  
24 hance their capacity to provide, high-quality instruc-  
25 tional programs designed to prepare English lan-

1 guage learners to attain English proficiency and  
2 meet high standards in core academic subjects;

3 “(4) to assist State educational agencies, local  
4 educational agencies, and schools to build their ca-  
5 pacity to establish, implement, and evaluate edu-  
6 cational programs designed to build students’  
7 English language proficiency and academic content  
8 knowledge;

9 “(5) to implement language instruction edu-  
10 cational programs, based on [scientifically based re-  
11 search] on teaching English language learners, that  
12 State educational agencies and local educational  
13 agencies believe to be the most effective for ensuring  
14 the academic achievement of such students;

15 “(6) to promote parental and community par-  
16 ticipation in language instruction educational pro-  
17 grams for the parents and communities of English  
18 language learners;

19 “(7) to provide professional development in sec-  
20 ond language acquisition and to increase the number  
21 of teachers possessing knowledge in second language  
22 acquisition strategies and activities, in order to im-  
23 prove instruction for English language learners;

24 “(8) to upgrade the qualifications and skills of  
25 noncertified educational personnel, including para-

1 professionals, to enable such personnel to become  
2 qualified to work with English language learners;  
3 and

4 “(9) to hold State educational agencies, local  
5 educational agencies, and schools accountable for in-  
6 creases in English language proficiency and core  
7 academic content knowledge of English language  
8 learners.

9 **“Subpart 1—Grants and Subgrants for English**  
10 **Language Acquisition and Language Enhancement**

11 **“SEC. 3111. GRANTS FOR STATE ACTIVITIES.**

12 “(a) IN GENERAL.—In the case of each State edu-  
13 cational agency having a plan approved by the Secretary  
14 for a fiscal year under section 3113, the Secretary shall  
15 make a grant for the year to the State educational agency  
16 for the purposes specified in subsection (b). The grant  
17 shall consist of the allotment determined for the State  
18 educational agency under subsection (c).

19 “(b) USE OF FUNDS.—

20 “(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The  
21 Secretary may make a grant under subsection (a)  
22 only if the State educational agency involved agrees  
23 to expend not less than **【94 percent】** of the State  
24 educational agency’s allotment under subsection (c)  
25 for a fiscal year—

1           “(A) to award subgrants, from allocations  
2           under section 3114, to eligible entities to enable  
3           the eligible entities to carry out the activities  
4           described in section 3115 (other than section  
5           3115(d)); and

6           “(B) to award subgrants under section  
7           3114(d)(1) to eligible entities that are described  
8           in that section to enable the eligible entities to  
9           carry out the activities described in section  
10          3115(d).

11          “(2) STATE ACTIVITIES.—Subject to paragraph  
12          (3), each State educational agency receiving a grant  
13          under subsection (a) may reserve not more than **【6**  
14          **percent】** of the State educational agency’s allotment  
15          under subsection (c) to carry out each of the fol-  
16          lowing activities:

17                 “(A) Professional development activities,  
18                 and other activities, that assist personnel in  
19                 meeting State and local certification and licens-  
20                 ing requirements for teaching English language  
21                 learners.

22                 “(B) Planning, evaluation, administration,  
23                 monitoring, and interagency coordination re-  
24                 lated to the subgrants referred to in paragraph  
25                 (1), including—

1                   “(i) coordination and collaboration  
2 with—

3                   “(I) teachers, researchers, and  
4 experts in second language acquisi-  
5 tion; and

6                   “(II) teacher and pupil services  
7 personnel participating in other pro-  
8 grams under this Act; and

9                   “(III) other State and local pro-  
10 grams that serve English language  
11 learners;

12                   “(ii) monitoring of eligible entities in  
13 carrying out the requirements of the plan  
14 described in section 3116 and in meeting  
15 the annual measurable achievement objec-  
16 tives under section 3122; and

17                   “(iii) disseminating to eligible entities  
18 in the State, information on exemplary  
19 models with demonstrated effectiveness in  
20 increasing student academic achievement  
21 and the acquisition of English language  
22 proficiency for English language learners,  
23 which may include **【the development and】**  
24 dissemination of such models with or to  
25 local educational agencies in the State.

1           “(C) Providing technical assistance and  
2 other forms of assistance to eligible entities that  
3 are receiving subgrants from a State edu-  
4 cational agency under this subpart, including  
5 assistance in—

6                   “(i) implementing and improving lan-  
7 guage instruction educational programs  
8 and curricula [language to be supplied];

9                   “(ii) helping English language learn-  
10 ers meet the same challenging State aca-  
11 demic content and student academic  
12 achievement standards as all children are  
13 expected to meet;

14                   “(iii) identifying or developing, and  
15 implementing, measures of English pro-  
16 ficiency; and

17                   “(iv) promoting parental and commu-  
18 nity participation in programs that serve  
19 English language learners.

20           “(3) ADMINISTRATIVE EXPENSES.—From the  
21 amount reserved under paragraph (2), a State edu-  
22 cational agency may use not more than 60 percent  
23 of such amount or \$175,000, whichever is greater,  
24 for the planning and administrative costs of carrying  
25 out paragraphs (1) and (2).

1 “(c) RESERVATIONS AND ALLOTMENTS.—

2 “(1) RESERVATIONS.—From the amount appro-  
3 priated under section 3001 for each fiscal year, the  
4 Secretary shall reserve—

5 “(A) 0.5 percent or \$5,000,000 of such  
6 amount, whichever is greater, for payments to  
7 eligible entities that are described under section  
8 3112(a) for activities approved by the Sec-  
9 retary, consistent with this subpart;

10 “(B) 0.5 percent of such amount for pay-  
11 ments to outlying areas, to be allotted in ac-  
12 cordance with their respective needs for assist-  
13 ance under this subpart, as determined by the  
14 Secretary, for activities approved by the Sec-  
15 retary, consistent with this subpart; and

16 “(C) 6.5 percent of such amount for na-  
17 tional activities under sections 3131 and 3203,  
18 except that not more than 0.5 percent of such  
19 amount shall be reserved for evaluation activi-  
20 ties conducted by the Secretary and not more  
21 than \$2,000,000 of such amount may be re-  
22 served for the national clearinghouse described  
23 in section 3203.

24 “(2) STATE ALLOTMENTS.—



1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), from the amount appro-  
3           priated under section 3001 for each fiscal year  
4           that remains after making the reservations  
5           under paragraph (1), the Secretary shall allot  
6           to each State educational agency having a plan  
7           approved under section 3113(c)—

8                   “(i) an amount that bears the same  
9                   relationship to 80 percent of the remainder  
10                  as the number of limited English language  
11                  learners in the State bears to the number  
12                  of English language learners in all States;  
13                  and

14                  “(ii) an amount that bears the same  
15                  relationship to 20 percent of the remainder  
16                  as the number of immigrant children and  
17                  youth in the State bears to the number of  
18                  immigrant children and youth in all States.

19           “(B) MINIMUM ALLOTMENTS.—No State  
20           educational agency shall receive an allotment  
21           under this paragraph that is less than  
22           **【\$500,000】**.

23           “(C) REALLOTMENT.—If any State edu-  
24           cational agency described in subparagraph (A)  
25           does not submit a plan to the Secretary for a

1 fiscal year, or submits a plan (or any amend-  
2 ment to a plan) that the Secretary, after rea-  
3 sonable notice and opportunity for a hearing,  
4 determines does not satisfy the requirements of  
5 this subpart, the Secretary—

6           **【**“(i) shall endeavor to make the  
7 State’s allotment available on a competitive  
8 basis to specially qualified agencies within  
9 the State to satisfy the requirements of  
10 section 3115 (and any additional require-  
11 ments that the Secretary may impose),  
12 consistent with the purposes of such sec-  
13 tion, and to carry out required and author-  
14 ized activities under such section; and**】**

15           “(ii) shall reallocate any portion of such  
16 allotment remaining after the application  
17 of clause (i) to the remaining State edu-  
18 cational agencies in accordance with sub-  
19 paragraph (A).

20           “(D) SPECIAL RULE FOR THE COMMON-  
21 WEALTH OF PUERTO RICO.—The total amount  
22 allotted to the Commonwealth of Puerto Rico  
23 for any fiscal year under subparagraph (A)  
24 shall not exceed 0.5 percent of the total amount  
25 allotted to all States for that fiscal year.

1           “(3) USE OF DATA FOR DETERMINATIONS.—

2           “(A) IN GENERAL.—In making State allot-  
3           ments under paragraph (2), for the purpose of  
4           determining the number of English language  
5           learners in a State and in all States and the  
6           number of immigrant children and youth in a  
7           State and in all States, for each fiscal year, the  
8           Secretary shall use data that will yield the most  
9           accurate, up-to-date numbers of such learners,  
10          children, and youth.

11          “(B) SPECIAL RULE.—The Secretary shall  
12          determine the number of English language  
13          learners in a State and in all States, and the  
14          number of immigrant children and youth in a  
15          State and in all States, using the more accurate  
16          of—

17                  “(i) the data available from the Amer-  
18                  ican Community Survey available from the  
19                  Department of Commerce; or

20                  “(ii) the number of children being as-  
21                  sessed for English proficiency in a State as  
22                  required under section 1111(b)(6).

**【If (A) and (B) conflict, which data should be  
used?】**

1 **“SEC. 3112. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**  
2 **DREN IN SCHOOL.**

3 “(a) **ELIGIBLE ENTITIES.**—For the purpose of car-  
4 rying out programs under this part for individuals served  
5 by elementary schools, secondary schools, and postsec-  
6 ondary schools operated predominately for Native Amer-  
7 ican children and Alaska Native children, the following  
8 shall be considered to be an eligible entity:

9 “(1) An Indian tribe.

10 “(2) A tribally sanctioned educational author-  
11 ity.

12 “(3) A Native Hawaiian or Native American  
13 Pacific Islander native language educational organi-  
14 zation.

15 “(4) An elementary school or secondary school  
16 that is operated or funded by the Bureau of Indian  
17 Affairs, or a consortium of such schools.

18 “(5) An elementary school or secondary school  
19 operated under a contract with a grant from the  
20 **【Bureau of Indian Affairs】**, in consortium with an-  
21 other such school or a tribal or community organiza-  
22 tion.

23 “(6) An elementary school or secondary school  
24 operated by the **【Bureau of Indian Affairs】** and an  
25 institution of higher education, in consortium with  
26 an elementary school or secondary school operated

1 under a contract with a grant from the [Bureau of  
2 Indian Affairs] or a tribal or community organiza-  
3 tion.

4 “(b) SUBMISSION OF APPLICATIONS FOR ASSIST-  
5 ANCE.—Notwithstanding any other provision of this part,  
6 an entity that is considered to be an eligible entity under  
7 subsection (a), and that desires to receive Federal finan-  
8 cial assistance under this subpart, shall submit an applica-  
9 tion to the Secretary.

10 “(c) SPECIAL RULE.—An eligible entity described in  
11 subsection (a) that receives Federal financial assistance  
12 pursuant to this section shall not be eligible to receive a  
13 subgrant under section 3114.

14 **“SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.**

15 “(a) PLAN REQUIRED.—Each State educational  
16 agency desiring a grant under this subpart shall submit  
17 a plan to the Secretary at such time, in such manner, and  
18 containing such information as the Secretary may require.

19 “(b) CONTENTS.—Each plan submitted under sub-  
20 section (a) shall—

21 “(1) describe the process that the State edu-  
22 cational agency will use in making subgrants to eli-  
23 gible entities under section 3114, including how the  
24 State educational agency will address the needs of  
25 school systems of all sizes and in all geographic

1 areas, including school systems with rural and urban  
2 schools;

3 “(2) describe how the State educational agency  
4 has adopted standards and objectives for raising the  
5 level of English language learners’ language pro-  
6 ficiency derived from the 4 recognized domains of  
7 speaking, listening, reading, and writing, which  
8 standards and objectives shall be aligned with State  
9 academic content and student academic achievement  
10 standards in reading or language arts consistent  
11 with section 1111(b)(1);

12 “(3) contain an assurance that—

13 “(A) the State educational agency con-  
14 sulted with local educational agencies, edu-  
15 cation-related community groups and nonprofit  
16 organizations, parents, teachers, school admin-  
17 istrators, and experts and researchers in second  
18 language acquisition, in developing the annual  
19 measurable achievement objectives described in  
20 section 3122;

21 “(B) subgrants to eligible entities under  
22 section 3114(d)(1) will be of sufficient size and  
23 scope to allow the eligible entities to carry out  
24 high-quality language instruction educational

1 programs and instruction in core academic sub-  
2 jects for English language learners; and

3 “(C) the State educational agency will re-  
4 quire an eligible entity receiving a subgrant  
5 under this subpart to use the subgrant in ways  
6 that will build the eligible entity’s capacity to  
7 continue to implement and enhance high-quality  
8 language instruction educational programs that  
9 assist English language learners in meeting  
10 challenging State academic content and student  
11 academic achievement standards once assist-  
12 ance under this subpart is no longer available;

13 “(4) describe how the State educational agency  
14 will coordinate the State educational agency’s pro-  
15 grams and activities under this subpart with the eli-  
16 gible entity’s other programs and activities under  
17 this Act and other Acts, as appropriate;

18 “(5) describe how the State educational agency  
19 will hold local educational agencies, elementary  
20 schools, and secondary schools accountable for—

21 “(A) meeting all annual measurable  
22 achievement objectives described in section  
23 3122; and

24 “(B) achieving the purposes of this part;

1           “(6) describe how eligible entities in the State  
2 will be given the flexibility to teach English language  
3 learners—

4           “(A) using a language instruction cur-  
5 riculum that is tied to scientifically based re-  
6 search on teaching English language learners  
7 and that has been demonstrated to be effective;  
8 and

9           “(B) in the manner the eligible entities de-  
10 termine to be the most effective; and

11           “(7) describe how eligible entities in the State  
12 will involve parents of English language learners in  
13 achieving the purposes of this part.

14           “(c) APPROVAL.—The Secretary, after using a peer  
15 review process, shall approve a plan submitted under sub-  
16 section (a) if the plan meets the requirements of this sec-  
17 tion.

18           “(d) DURATION OF PLAN.—

19           “(1) IN GENERAL.—Each plan submitted by a  
20 State educational agency and approved under sub-  
21 section (c) shall—

22           “(A) remain in effect for the duration of  
23 the State educational agency’s participation  
24 under this part; and



1           “(B) be periodically reviewed and revised  
2           by the State educational agency, as necessary,  
3           to reflect changes to the State educational  
4           agency’s strategies and programs carried out  
5           under this part.

6           “(2) ADDITIONAL INFORMATION.—

7           “(A) AMENDMENTS.—If the State edu-  
8           cational agency amends the plan, the State edu-  
9           cational agency shall submit such amendment  
10          to the Secretary.

11          “(B) APPROVAL.—The Secretary shall ap-  
12          prove such amendment to an approved plan,  
13          unless the Secretary determines that the  
14          amendment will result in the State educational  
15          agency not meeting the requirements, or ful-  
16          filling the purposes, of this part.

17          “(e) CONSOLIDATED PLAN.—A plan submitted under  
18          subsection (a) may be submitted as part of a consolidated  
19          plan under section 9302.

20          “(f) TECHNICAL ASSISTANCE FROM THE SEC-  
21          RETARY.—The Secretary shall provide technical assist-  
22          ance, if requested, in the development of English pro-  
23          ficiency standards, objectives, and assessments.

1 **“SEC. 3114. WITHIN-STATE ALLOCATIONS.**

2 “(a) IN GENERAL.—After making the reservation re-  
3 quired under subsection (d)(1), each State educational  
4 agency receiving a grant under section 3111(c)(2) shall  
5 award subgrants for a fiscal year by allocating to each  
6 eligible entity in the State having a plan approved under  
7 section 3116 an amount that bears the same relationship  
8 to the amount received under the grant and remaining  
9 after making the reservation described in subsection (d)(1)  
10 as the population of English language learners in schools  
11 served by the eligible entity bears to the population of  
12 English language learners in schools served by all eligible  
13 entities in the State.

14 “(b) MINIMUM.—A State educational agency shall  
15 not award a subgrant from an allocation made under sub-  
16 section (a) if the amount of such subgrant is less than  
17 \$10,000.

18 “(c) REALLOCATION.—Whenever a State educational  
19 agency determines that an amount from an allocation  
20 made to an eligible entity under subsection (a) for a fiscal  
21 year will not be used by the eligible entity for the purpose  
22 for which the allocation was made, the State educational  
23 agency shall, in accordance with such rules as the State  
24 educational agency determines appropriate, reallocate  
25 such amount, consistent with such subsection, to other eli-  
26 gible entities in the State that the State educational agen-

1 cy determines will use the amount to carry out that pur-  
2 pose.

3 “(d) REQUIRED RESERVATION.—A State educational  
4 agency receiving a grant under this subpart for a fiscal  
5 year—

6 “(1) shall reserve not more than 15 percent of  
7 the State educational agency’s allotment under sec-  
8 tion 3111(c)(2) to award subgrants to eligible enti-  
9 ties in the State that have experienced a significant  
10 increase, as compared to the average of the 2 pre-  
11 ceding fiscal years, in the percentage or number of  
12 immigrant children and youth, who have enrolled,  
13 during the fiscal year preceding the fiscal year for  
14 which the subgrant is made, in public and nonpublic  
15 elementary schools and secondary schools in the geo-  
16 graphic areas under the jurisdiction of, or served by,  
17 such eligible entities; and

18 “(2) in awarding subgrants under paragraph  
19 (1)—

20 【“(A) shall equally consider whether an el-  
21 igible entity that satisfies the requirement of  
22 such paragraph has—】

23 【“(i) limited or no prior experience  
24 serving immigrant children and youth;  
25 and】

1                   【“(ii) a willingness to serve immi-  
2                   grant children and youth; and】

3                   “(B) shall consider the quality of each  
4                   local plan under section 3116 and ensure that  
5                   each such subgrant is of sufficient size and  
6                   scope to meet the purposes of this part.

7   **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

8           “(a) PURPOSES OF SUBGRANTS.—A State edu-  
9   cational agency may award a subgrant to an eligible entity  
10 from funds received by the State educational agency under  
11 this subpart only if the eligible entity agrees to expend  
12 the subgrant funds to improve the education of English  
13 language learners, by assisting the English language  
14 learners to learn English and meet challenging State aca-  
15 demic content and student academic achievement stand-  
16 ards. In carrying out activities with the subgrant funds,  
17 the eligible entity shall use approaches and methodologies,  
18 based on scientifically based research on teaching English  
19 language learners, for the following purposes:

20                   “(1) Developing and implementing new lan-  
21                   guage instruction educational programs to assist  
22                   English language learners 【and immigrant children  
23                   and youth】 in learning English 【language to be sup-  
24                   plied】.

1           “(2) Carrying out highly focused, innovative, lo-  
2           cally designed activities to expand or enhance exist-  
3           ing language instruction educational programs and  
4           academic content instruction programs for such  
5           learners, children, and youth.

6           “(3) Implementing, within an individual school,  
7           schoolwide programs for restructuring, reforming,  
8           and upgrading all relevant programs, activities, and  
9           operations relating to language instruction edu-  
10          cational programs and academic content instruction  
11          for such learners, children, and youth.

12          “(4) Implementing, within the entire jurisdic-  
13          tion of a local educational agency, agencywide pro-  
14          grams for restructuring, reforming, and upgrading  
15          all relevant programs, activities, and operations re-  
16          lating to language instruction educational programs  
17          and academic content instruction for such learners,  
18          children, and youth.

19          “(b) ADMINISTRATIVE EXPENSES.—Each eligible en-  
20          tity receiving subgrant funds under section 3114(a) for  
21          a fiscal year may use not more than 2 percent of the  
22          subgrant funds for the cost of administering this subpart.

23          “(c) AUTHORIZED ACTIVITIES.—Each eligible entity  
24          that receives a subgrant under section 3114(a) shall use  
25          the subgrant funds—

1           “(1) to meet the purposes of this part by imple-  
2           menting and enhancing high-quality language in-  
3           struction educational programs that are based on  
4           scientifically based research demonstrating the effec-  
5           tiveness of the programs in increasing—

6                       “(A) English proficiency; and

7                       “(B) student academic achievement in the  
8           core academic subjects;

9           “(2) to implement and enhance high-quality,  
10          relevant, and ongoing professional development to  
11          classroom teachers (including teachers in classroom  
12          settings that are not the settings of language in-  
13          struction educational programs), principals, adminis-  
14          trators, and other school or community-based orga-  
15          nizational personnel, that—

16                      “(A) is designed to improve the instruction  
17                      and assessment of English language learners;

18                      “(B) is designed to enhance the ability of  
19                      such teachers to understand and use curricula,  
20                      assessment measures, and instruction strategies  
21                      for English language learners;

22                      “(C) is based on [scientifically based re-  
23                      search] demonstrating the effectiveness of the  
24                      professional development in increasing chil-  
25                      dren’s English proficiency or substantially in-

1           creasing the subject matter knowledge, teaching  
2           knowledge, and teaching skills of such teachers;  
3           and

4                   “(D) has a positive and lasting impact on  
5           the teachers’ performance in the classroom, ex-  
6           cept that this subparagraph shall not apply to  
7           an activity that is one component of a long-  
8           term, comprehensive professional development  
9           plan established by a teacher and the teacher’s  
10          supervisor based on an assessment of the needs  
11          of the teacher, the supervisor, the students of  
12          the teacher, or any local educational agency em-  
13          ploying the teacher;

14                   “(3) to supplement and improve available mate-  
15          rials and assessments, in accordance with the needs  
16          of English language learners and consistent with the  
17          purposes of this part; and

18                   “(4) to evaluate the effectiveness of services  
19          and activities administered under this subpart.

20          “(d) ACTIVITIES BY AGENCIES EXPERIENCING SUB-  
21          STANTIAL INCREASES IN IMMIGRANT CHILDREN AND  
22          YOUTH.—

23                   “(1) IN GENERAL.—An eligible entity receiving  
24          funds under section 3114(d) shall use the funds to  
25          pay for activities that implement and enhance en-

1 hanced instructional opportunities for immigrant  
2 children and youth, which may include—

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

7 “(B) support for personnel, including  
8 teacher aides who have been specifically trained,  
9 or are being trained, to provide services to im-  
10 migrant children and youth;

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

14 “(D) identification and acquisition of cur-  
15 ricular materials, educational software, and  
16 technologies to be used in the program carried  
17 out with the subgrant funds;

18 “(E) basic instruction services that are di-  
19 rectly attributable to the presence in the school  
20 district involved of immigrant children and  
21 youth, including the payment of costs of pro-  
22 viding additional classroom supplies, costs of  
23 transportation, or such other costs as are di-  
24 rectly attributable to such additional basic in-  
25 struction services;



1           “(F) other instruction services that are de-  
2           signed to assist immigrant children and youth  
3           to achieve in elementary schools and secondary  
4           schools in the United States, such as programs  
5           of introduction to the educational system and  
6           civics education; and

7           “(G) activities, coordinated with commu-  
8           nity-based organizations, institutions of higher  
9           education, private sector entities, or other enti-  
10          ties with expertise in working with immigrants,  
11          to assist parents of immigrant children and  
12          youth by offering comprehensive community  
13          services.

14          “(2) DURATION OF SUBGRANTS.—The duration  
15          of a subgrant made by a State educational agency  
16          under section 3114(d)(1) shall be determined by the  
17          State educational agency at the State educational  
18          agency’s discretion.

19          “(e) SUPPLEMENT, NOT SUPPLANT.—Federal funds  
20          made available under this subpart shall be used so as to  
21          supplement the level of Federal, State, and local public  
22          funds that, in the absence of such availability, would have  
23          been expended for programs for English language learners  
24          and immigrant children and youth and in no case to sup-  
25          plant such Federal, State, and local public funds.

1 **“SEC. 3116. ELIGIBLE ENTITY LOCAL PLANS.**

2 “(a) PLAN REQUIRED.—Each eligible entity desiring  
3 a subgrant from the State educational agency under sec-  
4 tion 3114 shall submit a local plan to the State edu-  
5 cational agency at such time, in such manner, and con-  
6 taining such information as the State educational agency  
7 may require.

8 “(b) CONTENTS.—Each plan submitted under sub-  
9 section (a) shall include—

10 “(1) a description of the language instruction  
11 educational programs and activities proposed to be  
12 developed, implemented, and administered under the  
13 grant;

14 “(2) a description of how the eligible entity has  
15 consulted with, and assessed the needs of, schools  
16 serving English language learners to determine such  
17 schools’ need for, and the design of, the language in-  
18 struction educational program for which subgrant  
19 funds are sought;

20 “(3) a description of how the language instruc-  
21 tion educational programs and activities to be car-  
22 ried out under the grant will be used to ensure that  
23 English language learners meet challenging State  
24 academic content and student academic achievement  
25 standards and attain English proficiency;

1           “(4) a description of how the eligible entity will  
2           use the subgrant funds to meet all annual measur-  
3           able achievement objectives described in section  
4           3122 and hold elementary schools and secondary  
5           schools receiving funds under this subpart account-  
6           able for meeting such objectives;

7           “(5) a description of how the eligible entity will  
8           promote parental and community participation in  
9           programs for English language learners; and

10           “(6) an assurance that the eligible entity in de-  
11           veloping such plan consulted with—

12                   “(A) teachers;

13                   “(B) researchers;

14                   “(C) school administrators;

15                   “(D) parents;

16                   “(E) if appropriate, education-related com-  
17           munity groups and nonprofit organizations; and

18                   “(F) researchers and experts in second  
19           language acquisition.

20           “(c) **TEACHER ENGLISH FLUENCY.**—Each eligible  
21           entity receiving a subgrant under section 3114 shall in-  
22           clude in the local plan a certification that all teachers in  
23           any language instruction educational program for English  
24           language learners that is, or will be, funded under this  
25           subpart are fluent in English and any other language used

1 for instruction in such program, including having written  
2 and oral communications skills.

3 “(d) OTHER REQUIREMENTS FOR APPROVAL.—Each  
4 local plan shall also contain assurances that—

5 “(1) each local educational agency that is in-  
6 cluded in the eligible entity is complying with section  
7 3202 prior to, and throughout, each school year;

8 “(2) the eligible entity has based the proposed  
9 local plan on **【scientifically based research】** on  
10 teaching English language learners;

11 “(3) the eligible entity will ensure that the pro-  
12 grams will enable children to speak, read, write, and  
13 comprehend the English language and meet chal-  
14 lenging State academic content and student aca-  
15 demic achievement standards;

16 “(4) the eligible entity is not in violation of any  
17 State law, including State constitutional law, regard-  
18 ing the education of English language learners, con-  
19 sistent with sections 3126 and 3127; and

20 “(5) the eligible entity will prepare and submit  
21 annually to the State educational agency a report,  
22 consistent with section 3123, on programs and ac-  
23 tivities carried out by the eligible entity and the ef-  
24 fectiveness of such programs and activities in im-

1       proving the education provided to English language  
2       learners.

3       “(e) SELECTION OF METHOD OF INSTRUCTION.—

4               “(1) IN GENERAL.—To be eligible to receive a  
5       subgrant from a State educational agency under this  
6       subpart, an eligible entity shall select 1 or more  
7       methods or forms of instruction to be used in the  
8       programs and activities undertaken by the eligible  
9       entity to assist English language learners in attain-  
10      ing English proficiency and meeting challenging  
11      State academic content and student academic  
12      achievement standards.

13              “(2) CONSISTENCY.—Such selection shall be  
14      consistent with sections 3125 through 3127.

15      **“Subpart 2—Accountability and Administration**

16      **“SEC. 3121. EVALUATIONS.**

17              “(a) IN GENERAL.—Each eligible entity that receives  
18      a subgrant from a State educational agency under subpart  
19      1 shall annually provide the State educational agency with  
20      an evaluation, in a form prescribed by the State edu-  
21      cational agency, that includes—

22                      “(1) a description of the programs and activi-  
23                      ties conducted by the eligible entity with funds re-  
24                      ceived under subpart 1;

1           “(2) a description of the progress made in  
2           learning the English language and meeting chal-  
3           lenging State academic content and student aca-  
4           demic achievement standards by children served  
5           under this part;

6           “(3) the number and percentage of children in  
7           the programs and activities attaining English pro-  
8           ficiency by the end of each school year, as deter-  
9           mined by a valid and reliable assessment of English  
10          proficiency;

11          “(4) a description of the progress made by chil-  
12          dren served under this part in meeting challenging  
13          State academic content and student academic  
14          achievement standards for each of the 2 years after  
15          such children are no longer receiving services under  
16          this part;

17          “(5) a description of the teaching force serving  
18          students served under this part, including the num-  
19          ber of teachers with certification for working in lan-  
20          guage instruction educational programs;

21          “(6) a description of proven effective strategies  
22          and tools used to increase student achievement in  
23          accordance with the programs and activities under-  
24          taken under this subpart; and

1           “(7) a detailed description of the professional  
2           development provided to teachers and other school  
3           staff under this subpart.

4           “(b) USE OF EVALUATION.—An evaluation provided  
5           by an eligible entity under subsection (a) shall be used  
6           by the eligible entity and the State educational agency—

7           “(1) for improvement of programs and activities  
8           assisted under this part;

9           “(2) to determine the effectiveness of the pro-  
10          grams and activities in assisting English language  
11          learners to attain English proficiency (as measured  
12          consistent with subsection (d)) and in meeting chal-  
13          lenging State academic content and student aca-  
14          demic achievement standards; and

15          “(3) in determining whether or not to continue  
16          funding for specific programs or activities.

17          “(c) EVALUATION COMPONENTS.—An evaluation  
18          provided by an eligible entity under subsection (a) shall—

19          “(1) provide an evaluation of children enrolled  
20          in a program or activity conducted by the eligible en-  
21          tity using funds provided under subpart 1 (including  
22          the percentage of children) who—

23                  “(A) are making progress in attaining  
24                  English proficiency, including the percentage of  
25                  children who have achieved English proficiency;

1           “(B) have transitioned into classrooms not  
2 tailored to English language learners, and have  
3 a sufficient level of English proficiency to per-  
4 mit the children to achieve in English and tran-  
5 sition into classrooms not tailored to English  
6 language learners;

7           “(C) are meeting the same challenging  
8 State academic content and student academic  
9 achievement standards as all children are ex-  
10 pected to meet; and

11           “(D) are not receiving waivers for the  
12 reading or language arts assessments under  
13 section 1111(b)(2)(C); and

14           “(2) include such other information as the  
15 State educational agency may require.

16           “(d) EVALUATION MEASURES.—A State shall ap-  
17 prove evaluation measures for use under subsection (c)  
18 that are designed to assess—

19           “(1) the progress of children in attaining  
20 English proficiency, including a child’s level of com-  
21 prehension, speaking, listening, reading, and writing  
22 skills in English;

23           “(2) student attainment of challenging State  
24 student academic achievement standards on assess-  
25 ments described in section 1111(b)(2); and



1           “(3) progress in meeting the annual measurable  
2           achievement objectives described in section 3122.

3   **“SEC. 3122. ANNUAL MEASURABLE ACHIEVEMENT OBJEC-**  
4           **TIVES AND ACCOUNTABILITY.**

5           “(a) ACHIEVEMENT OBJECTIVES.—

6           “(1) IN GENERAL.—Each State educational  
7           agency receiving a grant under subpart 1 shall de-  
8           velop annual measurable achievement objectives for  
9           English language learners served under this part  
10          that relate to such children’s development and at-  
11          tainment of English proficiency while meeting chal-  
12          lenging State academic content and student aca-  
13          demic achievement standards as required by section  
14          1111(b)(1).

15          “(2) DEVELOPMENT OF OBJECTIVES.—Such  
16          annual measurable achievement objectives shall be  
17          developed in a manner that—

18                 “(A) reflects the amount of time an indi-  
19                 vidual child has been enrolled in a language in-  
20                 struction educational program; and

21                 “(B) uses consistent methods and meas-  
22                 urements to reflect the increases described in  
23                 subparagraphs (A)(i), (A)(ii), and (B) of para-  
24                 graph (3).

1           “(3) CONTENTS.—Such annual measurable  
2 achievement objectives—

3           “(A) shall include—

4               “(i) annual increases in the percent-  
5 age of children making progress in learn-  
6 ing English;

7               “(ii) annual increases in the percent-  
8 age of children attaining English pro-  
9 ficiency by the end of each school year, as  
10 determined by a valid and reliable assess-  
11 ment of English proficiency consistent with  
12 section 1111(b)(6); and

13               “(iii) increases in the percentage of  
14 children meeting the State academic  
15 achievement standards as described in sec-  
16 tion 1111(c)(2) for such children; and

17           “(B) at the discretion of the State edu-  
18 cational agency, may include increases in the  
19 number or percentage of children not receiving  
20 waivers for reading or language arts assess-  
21 ments under section 1111(b)(2)(C), except that  
22 an achievement objective described in this sub-  
23 paragraph shall not be applied to an eligible en-  
24 tity that, in a given school year—

1                   “(i) has experienced a large increase  
2                   in English language learners;

3                   “(ii) enrolls a statistically significant  
4                   number of immigrant children and youth  
5                   from countries where the immigrant chil-  
6                   dren and youth had little or no access to  
7                   formal education; or

8                   “(iii) serves a statistically significant  
9                   number of immigrant children and youth  
10                  who have fled from a war or natural dis-  
11                  aster.

12                  “(b) ACCOUNTABILITY.—

13                   “(1) FOR STATES.—Each State educational  
14                   agency receiving a grant under subpart 1 shall hold  
15                   eligible entities receiving a subgrant under such sub-  
16                   part accountable for meeting the annual measurable  
17                   achievement objectives under subsection (a).

18                   “(2) IMPROVEMENT PLAN.—If a State edu-  
19                   cational agency determines, based on the annual  
20                   measurable achievement objectives described in sub-  
21                   section (a), that an eligible entity has failed to make  
22                   progress toward meeting such objectives for 2 con-  
23                   secutive years, the State educational agency shall re-  
24                   quire the eligible entity to develop an improvement  
25                   plan that will ensure that the eligible entity meets

1 such objectives. The improvement plan shall specifi-  
2 cally address the factors that prevented the eligible  
3 entity from achieving such objectives.

4 “(3) TECHNICAL ASSISTANCE.—During the de-  
5 velopment of the improvement plan described in  
6 paragraph (2), and throughout the improvement  
7 plan’s implementation, the State educational agency  
8 shall—

9 “(A) provide technical assistance to the eli-  
10 gible entity;

11 “(B) provide technical assistance, if appli-  
12 cable, to schools served by the eligible entity  
13 under subpart 1 that need assistance to enable  
14 the schools to meet the annual measurable  
15 achievement objectives described in subsection  
16 (a);

17 “(C) develop, in consultation with the eligi-  
18 ble entity, professional development strategies  
19 and activities, based on scientifically based re-  
20 search, that the State educational agency will  
21 use to meet such objectives;

22 “(D) require such entity to utilize such  
23 strategies and activities; and

24 “(E) develop, in consultation with the eligi-  
25 ble entity, a plan to incorporate strategies and

1 methodologies, based on scientifically based re-  
2 search, to improve the specific program or  
3 method of instruction provided to English lan-  
4 guage learners.

5 “(4) ACCOUNTABILITY.—If a State educational  
6 agency determines that an eligible entity has failed  
7 to meet the annual measurable achievement objec-  
8 tives described in subsection (a)—

9 “(A) for 2 consecutive years, the State  
10 educational agency shall require the eligible en-  
11 tity to modify the eligible entity’s curriculum,  
12 program, and method of instruction; and

13 “(B) for 2 additional years beyond those  
14 years described in subparagraph (A), the State  
15 educational agency shall make a determination  
16 about replacing educational personnel relevant  
17 to the eligible entity’s failure to meet such ob-  
18 jectives.

19 **“SEC. 3123. REPORTING REQUIREMENTS.**

20 “(a) STATES.—Each State educational agency that  
21 receives a grant under this part shall prepare and submit  
22 annually to the Secretary, based upon the evaluations pro-  
23 vided to a State educational agency under section 3121,  
24 a report on programs and activities carried out by the  
25 State educational agency under this part, and the effec-

1 tiveness of such programs and activities in improving the  
2 education provided to English language learners.

3 “(b) SECRETARY.—Every second year, the Secretary  
4 shall prepare and submit to the Committee on Health,  
5 Education, Labor, and Pensions of the Senate and the  
6 Committee on Education and Labor of the House of Rep-  
7 resentatives a report—

8 “(1) on programs and activities that serve  
9 English language learners and are carried out under  
10 this part, and the effectiveness of such programs  
11 and activities in improving the academic achieve-  
12 ment and English proficiency of English language  
13 learners;

14 “(2) on the types of language instruction edu-  
15 cational programs used by eligible entities receiving  
16 funding under this part to teach English language  
17 learners;

18 “(3) containing a critical synthesis of data re-  
19 ported by eligible entities to State educational agen-  
20 cies under section 3121(a);

21 “(4) containing a description of technical assist-  
22 ance and other assistance provided by State edu-  
23 cational agencies under section 3111(b)(2)(C);

24 “(5) containing an estimate of the number of  
25 certified or licensed teachers working in language in-

1 instruction educational programs and educating  
2 English language learners [under this part];

3 “(6) containing the major findings of [scientific-  
4 ically based research] carried out under this part;

5 “(7) containing the number of programs or ac-  
6 tivities, if any, that were terminated under this part  
7 because the entities carrying out the programs or ac-  
8 tivities were not able to reach program goals;

9 “(8) containing the number of English language  
10 learners served by eligible entities receiving funding  
11 under this part who were transitioned out of lan-  
12 guage instruction educational programs funded  
13 under this part into classrooms where instruction is  
14 not tailored for English language learners; and

15 “(9) containing other information gathered  
16 from the evaluations and other reports submitted to  
17 the Secretary under this title when applicable.

18 **“SEC. 3124. COORDINATION WITH RELATED PROGRAMS.**

19 “In order to maximize Federal efforts aimed at serv-  
20 ing the educational needs of children who are English lan-  
21 guage learners, the Secretary shall coordinate and ensure  
22 close cooperation with other entities carrying out pro-  
23 grams serving language minority children and English lan-  
24 guage learners that are administered by the Department  
25 and other agencies.

1 **“SEC. 3125. RULES OF CONSTRUCTION.**

2 “Nothing in this part shall be construed—

3 “(1) to prohibit an eligible entity from serving  
4 English language learners simultaneously with chil-  
5 dren with similar educational needs, in the same  
6 educational settings where appropriate;

7 “(2) to require a State or a local educational  
8 agency to establish, continue, or eliminate any par-  
9 ticular type of instructional program for English  
10 language learners; or

11 “(3) to limit the preservation or use of Native  
12 American languages.

13 **“SEC. 3126. LEGAL AUTHORITY UNDER STATE LAW.**

14 “Nothing in this part shall be construed to negate  
15 or supersede State law, or the legal authority under State  
16 law of any State agency, State entity, or State public offi-  
17 cial, over programs that are under the jurisdiction of the  
18 State agency, entity, or official.

19 **“SEC. 3127. CIVIL RIGHTS.**

20 “Nothing in this part shall be construed in a manner  
21 inconsistent with any Federal law guaranteeing a civil  
22 right.



1 **“SEC. 3128. PROGRAMS FOR NATIVE AMERICAN CHILDREN**  
2 **AND CHILDREN IN THE COMMONWEALTH OF**  
3 **PUERTO RICO.**

4 “(a) NATIVE AMERICAN CHILDREN.—Notwith-  
5 standing any other provision of this part, programs au-  
6 thorized under this part that serve Native American (in-  
7 cluding Native American Pacific Islander) children may  
8 include programs of instruction, teacher training, cur-  
9 riculum development, evaluation, and assessment designed  
10 for Native American children learning and studying Na-  
11 tive American languages, except that an outcome of pro-  
12 grams serving such children shall be increased English  
13 proficiency among such children.

14 **【(b) CHILDREN IN THE COMMONWEALTH OF PUER-**  
15 **TO RICO.—Notwithstanding any other provision of this**  
16 **part, programs authorized under this part that serve chil-**  
17 **dren in the Commonwealth of Puerto Rico may include**  
18 **programs of instruction, teacher training, curriculum de-**  
19 **velopment, evaluation, and assessment designed for chil-**  
20 **dren of limited Spanish proficiency.】**

21 **“SEC. 3129. PROHIBITION.**

22 “In carrying out this part, the Secretary shall neither  
23 mandate nor preclude the use of a particular curricular  
24 or pedagogical approach to educating English language  
25 learners.

1                                   **“Subpart 3—National Activities**

2   **“SEC. 3131. NATIONAL ACTIVITIES AND PROJECTS.**

3           “(a) NATIONAL ACTIVITIES.—The Secretary shall  
4 use funds made available under section 3111(c)(1)(C) to  
5 award grants, on a competitive basis, for a period of not  
6 more than 5 years, to institutions of higher education,  
7 public or private organizations or agencies, or consortia  
8 of such institutions, organizations, or agencies, with dem-  
9 onstrated expertise in second language acquisition and the  
10 development and evaluation of language instruction edu-  
11 cational programs, to enable such institutions, organiza-  
12 tions, agencies, or consortia to carry out national activities  
13 and projects described in subsections (b) and (c) in order  
14 to enhance the quality of educational programs serving  
15 English language learners.

16           “(b) NATIONAL ACTIVITIES.—In carrying out sub-  
17 section (a) the Secretary shall award grants for—

18                   “(1) identifying, developing, and enhancing,  
19 through **[scientifically based research]**, instructional  
20 methods, techniques, and practices for addressing  
21 the educational needs of, and for improving the ac-  
22 quisition of English by, English language learners;

23                   “(2) carrying out research on effective instruc-  
24 tional practices, professional development strategies  
25 in educating English language learners, and valid  
26 and reliable assessments aligned with challenging

1 State academic content and student academic  
2 achievement standards;

3 “(3) providing for the conduct of an inde-  
4 pendent evaluation and assessment of education ac-  
5 tivities carried out under this part;

6 “(4) demonstrating effective strategies in pro-  
7 viding parents of English language learners with the  
8 information described in section 1111(h) and sub-  
9 section 3202; and

10 “(5) other activities designed to enhance the  
11 quality of education services for English language  
12 learners nationwide.

13 “(c) NATIONAL PROJECTS.—In carrying out sub-  
14 section (a), the Secretary shall award grants for estab-  
15 lishing and implementing national projects designed to  
16 demonstrate effective strategies in—

17 “(1) addressing the needs of immigrant chil-  
18 dren who are English language learners, and have  
19 been attending schools in the United States (except  
20 for the Commonwealth of Puerto Rico) for less than  
21 1 year or have entered the United States after age  
22 12 or grade 8, including—

23 “(A) providing intensive English language  
24 acquisition services; and

1           “(B) providing intensive instructional serv-  
2           ices in reading or language arts and other con-  
3           tent areas for students; or

4           “(2) enhancing the academic achievement of  
5           English language learners through the use and eval-  
6           uation of language instruction programs that draw  
7           upon **【scientifically-based research】**, including such  
8           programs that begin during the preschool years  
9           that—

10           “(A) serve cohorts of English language  
11           learners, which **【shall】** include economically  
12           disadvantaged minority students;

13           “(B) include innovative partnerships be-  
14           tween early childhood programs and local edu-  
15           cational agencies;

16           “(C) align professional development and  
17           training across grade levels, and establish infra-  
18           structure that supports a rigorous assessment  
19           and evaluation system, including professional  
20           development in assessment and data collection;

21           “(D) recruit, train, and continuously de-  
22           velop staff to implement high-quality, language  
23           instruction educational programs;

24           “(E) establish a responsive infrastructure  
25           for positive, active, and ongoing relationships

1 with students' families and the community that  
2 is reflective of the needs of the community  
3 served by such program and the goal of the  
4 program; and

5 “(F) give priority to supporting schoolwide  
6 approaches under this part.

7 **“PART B—GENERAL PROVISIONS**

8 **“SEC. 3201. DEFINITIONS.**

9 “Except as otherwise provided, in this title:

10 “(1) CHILD.—The term ‘child’ means any indi-  
11 vidual aged 3 through 21.

12 “(2) COMMUNITY-BASED ORGANIZATION.—The  
13 term ‘community-based organization’ means a pri-  
14 vate nonprofit organization of demonstrated effec-  
15 tiveness, an Indian tribe, or a tribally sanctioned  
16 educational authority, that is representative of a  
17 community or significant segments of a community  
18 and that provides educational or related services to  
19 individuals in the community. Such term includes a  
20 Native Hawaiian or Native American Pacific Is-  
21 lander native language educational organization.

22 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
23 tity’ means—

24 “(A) 1 or more local educational agencies;

25 or

1           “(B) 1 or more local educational agencies,  
2           in collaboration with a State educational  
3           agency~~[,]~~ an institution of higher education, or  
4           community-based organization with dem-  
5           onstrated expertise in second language acquisi-  
6           tion and the development and evaluation of lan-  
7           guage instruction educational programs.

8           “(4) IMMIGRANT CHILDREN AND YOUTH.—The  
9           term ‘immigrant children and youth’ means individ-  
10          uals who—

11                   “(A) are aged 3 through 21;

12                   “(B) were not born in any State;

13                   “(C) have not been attending 1 or more  
14           schools in any 1 or more States for ~~【a total of】~~  
15           more than 3 full academic years; and

16                   ~~【“(C) in the case of an individual who has~~  
17           attended a school in a State, has attended such  
18           schools for a total of not more than 3 full aca-  
19           demic years.~~】~~

20           “(5) LANGUAGE INSTRUCTION EDUCATIONAL  
21          PROGRAM.—The term ‘language instruction edu-  
22          cational program’ means an instruction course—

23                   “(A) in which an English language learner  
24           is placed for the purpose of developing and at-  
25           taining English proficiency, while meeting chal-

1           lenging State academic content and student  
2           academic achievement standards, as required by  
3           section 1111(b)(1); and

4                   “(B) that may make instructional use of  
5           English and a child’s native language to enable  
6           the child to develop and attain English pro-  
7           ficiency, and may include the participation of  
8           English proficient children if such course is de-  
9           signed to enable all participating children to be-  
10          come proficient in English and a second lan-  
11          guage.

12                   “(6) NATIVE AMERICAN AND NATIVE AMERICAN  
13          LANGUAGE.—The terms ‘Native American’ and ‘Na-  
14          tive American language’ have the meanings given  
15          the terms in section 103 of the Native American  
16          Languages Act.

17                   “(7) NATIVE HAWAIIAN OR NATIVE AMERICAN  
18          PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL  
19          ORGANIZATION.—The term ‘Native Hawaiian or Na-  
20          tive American Pacific Islander native language edu-  
21          cational organization’ means a nonprofit organiza-  
22          tion with—

23                           “(A) a majority of the organization’s gov-  
24                           erning board and employees consisting of fluent  
25                           speakers of the traditional Native American

1 languages used in the organization’s edu-  
2 cational programs; and

3 “(B) not less than 5 years successful expe-  
4 rience in providing educational services in tradi-  
5 tional Native American languages.

6 “(8) NATIVE LANGUAGE.—The term ‘native  
7 language’, when used with reference to an English  
8 language learner, means—

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

11 “(B) in the case of a child **【or youth】**, the  
12 language normally used by the parents of the  
13 child or youth.

14 “(9) PARAPROFESSIONAL.—The term ‘para-  
15 professional’ means an individual who is employed in  
16 a preschool, elementary school, or secondary school  
17 under the supervision of a certified or licensed teach-  
18 er, including individuals employed in language in-  
19 struction educational programs, special education,  
20 and migrant education.

21 “(10) STATE.—The term ‘State’ means each of  
22 the 50 States, the District of Columbia, and the  
23 Commonwealth of Puerto Rico.



1           “(11) TRIBALLY SANCTIONED EDUCATIONAL  
2           AUTHORITY.—The term ‘tribally sanctioned edu-  
3           cational authority’ means—

4                   “(A) any department or division of edu-  
5                   cation operating within the administrative  
6                   structure of the duly constituted governing body  
7                   of an Indian tribe; and

8                   “(B) any nonprofit institution or organiza-  
9                   tion that is—

10                           “(i) chartered by the governing body  
11                           of an Indian tribe to operate a school de-  
12                           scribed in section 3112(a) or to otherwise  
13                           to oversee the delivery of educational serv-  
14                           ices to members of the tribe; and

15                           “(ii) approved by the Secretary for  
16                           the purpose of carrying out programs  
17                           under subpart 1 of part A for individuals  
18                           served by a school described in section  
19                           3112(a).

20   **“SEC. 3202. PARENTAL NOTIFICATION.**

21           “(a) IN GENERAL.—Each eligible entity using funds  
22           provided under this title to provide a language instruction  
23           educational program shall, not later than 30 days after  
24           the beginning of the school year, inform a parent or the

1 parents of an English language learner identified for par-  
2 ticipation in, or participating in, such program of—

3 “(1) the reasons for the identification of their  
4 child as an English language learner and in need of  
5 placement in a language instruction educational pro-  
6 gram;

7 “(2) the child’s level of English proficiency, how  
8 such level was assessed, and the status of the child’s  
9 academic achievement;

10 “(3) the method of instruction used in the pro-  
11 gram in which their child is, or will be participating,  
12 and the methods of instruction used in other avail-  
13 able programs, including how such programs differ  
14 in content, instruction goals, and use of English and  
15 a native language in instruction;

16 “(4) how the language instruction educational  
17 program, in which their child is or will be partici-  
18 pating, will meet the educational strengths and  
19 needs of the child;

20 “(5) how the program will specifically help their  
21 child learn English, and meet age appropriate aca-  
22 demic achievement standards for grade promotion  
23 and graduation;

24 “(6) the specific exit requirements for the pro-  
25 gram, the expected rate of transition from the pro-

1       gram into classrooms that are not tailored for  
2       English language learners, and the expected rate of  
3       graduation from secondary school for the program if  
4       funds under this title are used for children in sec-  
5       ondary schools;

6               “(7) in the case of a child with a disability, how  
7       the program meets the objectives of the individual-  
8       ized education program of the child; and

9               “(8) information pertaining to parental rights  
10       that includes written guidance—

11               “(A) detailing—

12                       “(i) the right that parents have to  
13       have their child immediately removed from  
14       the program upon their request; and

15                       “(ii) the options that parents have to  
16       decline to enroll their child in the program  
17       or to choose another program or method of  
18       instruction, if available; and

19               “(B) assisting parents in selecting among  
20       various programs and methods of instruction, if  
21       more than 1 program or method is offered by  
22       the eligible entity under this title.

23       “(b) SEPARATE NOTIFICATION.—In addition to pro-  
24       viding the information required to be provided under sub-  
25       section (a), each eligible entity that is using funds pro-

1 vided under this title to provide a language instruction  
2 educational program, and that has failed to make progress  
3 on the annual measurable achievement objectives de-  
4 scribed in section 3122 for any fiscal year for which part  
5 A is in effect, shall separately inform a parent or the par-  
6 ents of a child identified for participation in the program,  
7 or participating in the program, of such failure not later  
8 than 30 days after such failure occurs.

9       “(c) RECEIPT OF INFORMATION.—The information  
10 required to be provided under subsections (a) and (b) to  
11 a parent shall be provided in an understandable and uni-  
12 form format and, to the extent practicable, in a language  
13 that the parent can understand.

14       “(d) SPECIAL RULE APPLICABLE DURING SCHOOL  
15 YEAR.—For a child who has not been identified for par-  
16 ticipation in a language instruction educational program  
17 prior to the beginning of the school year, the eligible entity  
18 shall carry out subsections (a) through (c) with respect  
19 to the parents of the child not later than 2 weeks after  
20 the child is placed in such a program.

21       “(e) PARENTAL PARTICIPATION.—

22               “(1) IN GENERAL.—Each eligible entity using  
23 funds provided under this title to provide a language  
24 instruction educational program shall implement an  
25 effective means of outreach to parents of English

1 language learners to inform such parents of how the  
2 parents can—

3 “(A) be involved in the education of their  
4 children; and

5 “(B) be active participants in assisting  
6 their children—

7 “(i) to learn English;

8 “(ii) to achieve at high levels in core  
9 academic subjects; and

10 “(iii) to meet the same challenging  
11 State academic content and student aca-  
12 demic achievement standards as all chil-  
13 dren are expected to meet.

14 “(2) RECEIPT OF RECOMMENDATIONS.—The  
15 outreach described in paragraph (1) shall include  
16 holding and sending notice of opportunities for reg-  
17 ular meetings for the purpose of formulating and re-  
18 sponding to recommendations from parents de-  
19 scribed in such paragraph.

20 “(f) BASIS FOR ADMISSION OR EXCLUSION.—A child  
21 shall not be admitted to, or excluded from, any federally  
22 assisted education program on the basis of a surname or  
23 language minority status.

1 **“SEC. 3203. NATIONAL CLEARINGHOUSE.**

2 “The Secretary shall establish and support the oper-  
3 ation of a national clearinghouse that shall collect, ana-  
4 lyze, synthesize, and disseminate information about lan-  
5 guage instruction educational programs for English lan-  
6 guage learners, and related programs. The national clear-  
7 inghouse shall—

8 “(1) be administered as an adjunct clearing-  
9 house of the Educational Resources Information  
10 Center Clearinghouses system supported by the In-  
11 stitute of Education Sciences;

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

15 “(3) develop a system for improving the oper-  
16 ation and effectiveness of federally funded language  
17 instruction educational programs;

18 “(4) collect and disseminate information on—

19 “(A) educational research and processes  
20 related to the education of English language  
21 learners; and

22 “(B) accountability systems that monitor  
23 the academic progress of English language  
24 learners in language instruction educational  
25 programs, including information on academic

1 content and English proficiency assessments for  
2 language instruction educational programs; and  
3 “(5) publish, on an annual basis, a list of grant  
4 recipients under this title.

5 **“SEC. 3204. REGULATIONS.**

6 “In developing regulations under this title, the Sec-  
7 retary shall consult with State educational agencies, local  
8 educational agencies, organizations representing English  
9 language learners, and organizations representing teach-  
10 ers and other personnel involved in the education of  
11 English language learners.”.