

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMI- GRANT STUDENTS

SEC. 3001. [20 U.S.C. 6801] AUTHORIZATION OF APPROPRIATIONS.

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

- (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.

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

SEC. 3101. [20 U.S.C. 6811] SHORT TITLE.

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

SEC. 3102. [20 U.S.C. 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.

Subpart 1—Grants and Subgrants for English Lan- guage Acquisition and Language Enhancement

SEC. 3111. [20 U.S.C. 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 3113, 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 3114, to eligible entities to carry out the activities described in section 3115 (other than subsection (e)); and

(B) to award subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3115(e).

(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 inter-agency 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 3115 that have significantly improved the achievement and progress of English learners in meeting—

(i) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); 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 3001 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 3112(a) 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 3131 and 3202, 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 3202.

(2) STATE ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under section 3001 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 3113(c)—

(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) **REALLOTMENT.**—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 3115 (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 1111(b)(2)(G), 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.

SEC. 3112. [20 U.S.C. 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 3114.

SEC. 3113. [20 U.S.C. 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 3114(d)(1);

(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 1111(b)(2)(B)(ix) 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 1111(b)(2)(G);

(C) in awarding subgrants under section 3114, 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 3114(d)(1) 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 Act 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 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); 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 3114(d); 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 8302.

(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested by the State, in the development of English proficiency standards and assessments.

SEC. 3114. [20 U.S.C. 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 3111(c)(2) 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 3116 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 3111(c)(2) 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 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

SEC. 3115. [20 U.S.C. 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 3114(a) 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 3114(a) 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 pro-

grams), 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 3114(a) 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 3114(d)(1) 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 3114(d)(1) 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 3124 through 3126.

(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.

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 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 1111(b)(2)(G), consistent with the State's long-term goals, as described in section 1111(c)(4)(A)(ii); 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 1112(e) 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 constitutional law, regarding the education of English learners, consistent with sections 3125 and 3126;

(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 3114 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.

Subpart 2—Accountability and Administration

SEC. 3121. [20 U.S.C. 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 1111(c)(4)(A)(ii), 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 1111(b)(1)(G) by the end of each school year, as determined by the State's English language proficiency assessment under section 1111(b)(2)(G);

(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.

SEC. 3122. [20 U.S.C. 6843] BIENNIAL REPORTS.

(a) STATES.—Based upon the reports provided to a State educational agency under section 3121, 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 3121(a);

(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 3111(b)(2)(D);

(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 8601;

(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.

SEC. 3123. [20 U.S.C. 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.

SEC. 3124. [20 U.S.C. 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.

SEC. 3125. [20 U.S.C. 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.

SEC. 3126. [20 U.S.C. 6847] CIVIL RIGHTS.

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

SEC. 3127. [20 U.S.C. 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.

SEC. 3128. [20 U.S.C. 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.

Subpart 3—National Activities

SEC. 3131. [20 U.S.C. 6861] NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.

The Secretary shall use funds made available under section 3111(c)(1)(C) 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.

PART B—GENERAL PROVISIONS

SEC. 3201. [20 U.S.C. 7011] DEFINITIONS.

Except as otherwise provided, in this title:

(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 organiza-

tion 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 602 of the Individuals with Disabilities Education Act.

(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, 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 103 of the Native American Languages Act.

(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 3112(a) 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 3112(a).

SEC. 3202. [20 U.S.C. 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 educational 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 title.

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

SEC. 3203. [20 U.S.C. 7014] REGULATIONS.

In developing regulations under this title, 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.

TITLE IV—21ST CENTURY SCHOOLS

PART A—STUDENT SUPPORT AND ACADEMIC ENRICHMENT GRANTS

SEC. 4001. [20 U.S.C. 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 title 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 title and conducted in connection with an elementary school or secondary school under this title.

(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.