

# LOCAL EDUCATIONAL AGENCY ALLOWABLE USE OF FUNDS or ACTIVITIES

## Language Acquisition, Immigrant and Migrant Education

### LANGUAGE ACQUISITION

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.  
(Pages:456-460)

#### **REQUIRED SUBGRANTEE ACTIVITIES**

An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English proficiency of limited English proficient children by providing high quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

“(A) English proficiency; and

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

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

“(A) designed to improve the instruction and assessment of limited English proficient children;

“(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

“(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children’s English 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 one-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.

### IMMIGRANT EDUCATION

SEC. 3247. USES OF FUNDS. (Pages 535-537)

#### **USE OF FUNDS**

Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include:

- (1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- (2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;
- (3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- (4) identification and acquisition of curricular materials, educational software, and technologies;
- (5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and
- (6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

### MIGRANT EDUCATION

SEC. 1306. AUTHORIZED ACTIVITIES.  
(Pages 447-250).

#### **ACTIVITIES**

(1) **FLEXIBILITY.** —In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

(2) **UNADDRESSED NEEDS.** —Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

<p><b><i>AUTHORIZED SUBGRANTEE ACTIVITIES.</i></b>  Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:</p> <p><b>(1)</b> Upgrading program objectives and effective instruction strategies</p> <p><b>(2)</b> Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.</p> <p><b>(3)</b> Providing—</p> <p>(A) tutorials and academic or vocational education for limited English proficient children; and</p> <p>(B) intensified instruction.</p> <p><b>(4)</b> Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.</p> <p><b>(5)</b> Improving the English proficiency and academic achievement of limited English proficient children.</p> <p><b>(6)</b> Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—</p> <p>(A) to improve the English language skills of limited English proficient children; and</p> <p>(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.</p> <p><b>(7)</b> Improving the instruction of limited English proficient children by providing for—</p> <p>(A) the acquisition or development of educational technology or instructional materials;</p> <p>(B) access to, and participation in, electronic networks for materials, training, and communication; and</p> <p>(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.</p> <p><b>(8)</b> Carrying out other activities that are consistent with the purposes of this section.</p>	<p><b>(b) CONSORTIA.</b> —A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.</p>	
	<p><b>(c) SUBGRANTS.</b> —A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.</p>	
	<p><b>(d) CONSTRUCTION.</b> —Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.</p>	<p><b>(3) CONSTRUCTION.</b> —Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.</p>
		<p><b>(4) SPECIAL RULE.</b> —Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the special educational needs of migratory children before using funds under this part for schoolwide programs under section 1114.</p>