

United States Code Annotated
Title 20. Education
Chapter 70. Strengthening and Improvement of Elementary and Secondary Schools (Refs & Annos)
Subchapter I. Improving the Academic Achievement of the Disadvantaged (Refs & Annos)
Part A. Improving Basic Programs Operated by Local Educational Agencies (Refs & Annos)
Subpart 1. Basic Program Requirements (Refs & Annos)

20 U.S.C.A. § 6312

§ 6312. Local educational agency plans

Effective: December 10, 2015

(a) Plans required

(1) Subgrants

A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that--

(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this subchapter), other appropriate school personnel, and with parents of children in schools served under this part; and

(B) as appropriate, is coordinated with other programs under this ~~Act~~ chapter, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.),¹ the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and other Acts as appropriate.

(2) Consolidated application

The plan may be submitted as part of a consolidated application under section ~~7845~~ ~~9305~~ of this title.

(3) State approval

(A) In general

Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

(B) Approval

The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan--

(i) provides that schools served under this part substantially help children served under this part meet the challenging State academic standards; and

(ii) meets the requirements of this section.

(4)Duration

Each local educational agency plan shall be submitted for the first year for which this part is in effect following December 10, 2015, and shall remain in effect for the duration of the agency's participation under this part.

(5)Review

Each local educational agency shall periodically review and, as necessary, revise its plan.

(6)Rule of construction

Consultation required under paragraph (1)(A) shall not interfere with the timely submission of the plan required under this section.

(b)Plan provisions

(1)In general

~~In order to help low achieving children~~ To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging achievement State academic standards and those children who are not meeting such standards, each local educational agency plan shall ~~include~~ describe—

~~(A) a description of high quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use—~~

~~(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);~~

~~(ii) to assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this part to meet State student achievement academic standards and do well in the local curriculum;~~

~~(iii) to determine what revisions are needed to projects under this part so that such children meet the State student academic achievement standards; and~~

~~(iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;~~

~~(B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;~~

~~(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;~~

~~(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;~~

~~(E) [appears below, immediately before its corresponding ESSA replacement.]~~

~~(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment~~

~~of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994; [see related provision as new (c)(3), below]~~

~~(G)~~ [appears below]

~~(H)~~ [appears below]

~~(I)~~ [appears below]

~~(J) a description of how the local educational agency will ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;~~

~~(K)~~ [appears below, immediately before its corresponding ESSA replacement]

~~(L) a description of the actions the local educational agency will take to assist its low achieving schools identified under section 1116 as in need of improvement;~~

~~(M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;~~

~~(N) a description of how the local educational agency will meet the requirements of section 1119;~~

~~(O)~~ [appears below, immediately before its corresponding ESSA replacement]

~~(P)~~ [appears below, immediately before its corresponding ESSA replacement]

~~(Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school year extension programs;~~

(1) how the local educational agency will monitor students' progress in meeting the challenging State academic standards by--

(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

(B) identifying students who may be at risk for academic failure;

(C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; and

(D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

(2) how the local educational agency will identify and address, as required under State plans as described in section 6311(g)(1)(B) of this title, any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;

(3) how the local educational agency will carry out its responsibilities under paragraphs (1) and (2) of section 6311(d) of this title;

~~(G)~~**(4) the poverty criteria that will be used to select school attendance areas under section 6313 of this title;**

~~(H)~~**(5) a in general description of,** the nature of the programs to be conducted by such agency's schools under sections 6314 and 6315 of this title and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day

school programs;

~~(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—~~

~~(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;~~

~~(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);~~

(6) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 6313(c)(3)(A) of this title, to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the local educational agency is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.);

~~(P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and~~

(7) the strategy the local educational agency will use to implement effective parent and family engagement under section 6318 of this title;

~~(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—~~

~~(i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and~~

~~(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;~~

(8) if applicable, how the local educational agency will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs;

~~(H)~~(9) a description of how teachers and school leaders, in consultation with parents, administrators, and pupil services personnel, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance schools program under section 6315 of this title, will identify the eligible children most in need of services under this part;

(10) how the local educational agency will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable--

(A) through coordination with institutions of higher education, employers, and other local partners; and

(B) through increased student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

(11) how the local educational agency will support efforts to reduce the overuse of discipline practices that remove students from the classroom, which may include identifying and supporting schools with high rates of discipline, disaggregated by each of the subgroups of students, as defined in section 6311(c)(2) of this title;

(12) if determined appropriate by the local educational agency, how such agency will support programs that coordinate and integrate--

(A) academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State; and

(B) work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit; and

(13) any other information on how the local educational agency proposes to use funds to meet the purposes of this part, and that the local educational agency determines appropriate to provide, which may include how the local educational agency will--

(A) assist schools in identifying and serving gifted and talented students; and

(B) assist schools in developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

(c)Assurances

(1) In general

Each local educational agency plan shall provide assurances that the local educational agency will--

~~(A) inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;~~

~~(B) provide technical assistance and support to schoolwide programs;~~

~~(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;~~

~~(D) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);~~

~~(E) [see below]~~

~~(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;~~

~~(G) [see below]~~

~~(H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;~~

~~(I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;~~

~~(J) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;~~

~~(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school;~~

~~(L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low income students and minority students are not taught at higher rates than other students by unqualified, out of field, or inexperienced teachers;~~

~~(M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the end of the 2001–2002 school year;~~

~~(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and~~

~~(O) assist each school served by the agency and assisted under this part in developing or identifying examples of high quality, effective curricula consistent with section 1111(b)(8)(D).~~

(1) ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

~~(E)~~(2) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 6320 of this title, and timely and meaningful consultation with private school officials regarding such services;

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 9622(b)(3) of this title;

(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(5) collaborate with the State or local child welfare agency to--

(A) designate a point of contact if the corresponding child welfare agency notifies the local educational agency, in writing, that the agency has designated an employee to serve as a point of contact for the local educational agency; and

(B) by not later than 1 year after December 10, 2015, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall--

(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 675(4)(A) of Title 42; and

(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if--

(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

(II) the local educational agency agrees to pay for the cost of such transportation; or

(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation; and²

(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

~~(G)~~(7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

~~(e)(2)~~(d) Special rule

~~In carrying out subparagraph (G) of paragraph (1)~~ For local educational agencies using funds under this part for the purposes described in subsection (c)(7), the Secretary shall--

~~(A)(1) shall~~ consult with the Secretary of Health and Human Services and establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subsection ~~paragraph~~;

~~(A)(2) shall~~ disseminate to local educational agencies the ~~Head Start~~ education performance standards in effect under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)), and such agencies affected by such subsection ~~paragraph (c)(7)~~ shall plan ~~for the implementation of~~ to comply with such subsection ~~paragraph~~ (taking into consideration existing State and local laws, and local teacher contracts), including by pursuing the availability of other Federal, State, and local funding sources to assist with such ~~subparagraph~~ compliance.

~~(e)(3)~~ Inapplicability

~~Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of funds under this part.~~

(d) Plan development and duration

~~(1)~~ Consultation

~~Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.~~

~~(2)~~ Duration

~~Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration fo the agency's participation under this part.~~

~~(3)~~ Review

~~Each local educational agency shall periodically review and, as necessary, revise its plan.~~

~~(c) State approval~~

~~(1) In general~~

~~Each local educational agency plan shall be filed according to a schedule established by the State educational agency.~~

~~(2) Approval~~

~~The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan —~~

~~(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and~~

~~(B) meets the requirements of this section.~~

~~(3) Review~~

~~The State educational agency shall review the local educational agency's plan to determine if such agencies activities are in accordance with sections 1118 and 1119.~~

~~(f) Program responsibility~~

~~The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.~~

(e) Parents right-to-know

(1) Information for parents

(A) In general

At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:

(i) Whether the student's teacher--

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher.

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) Additional information

In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student--

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

(2)Testing transparency

(A)In general

At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 6311(b)(2) of this title and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.

(B)Additional information

Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency's website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 6311 of this title, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including--

(i) the subject matter assessed;

(ii) the purpose for which the assessment is designed and used;

(iii) the source of the requirement for the assessment; and

(iv) where such information is available--

(I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and

(II) the time and format for disseminating results.

(C)Local educational agency that does not operate a website

In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.

(3)Language instruction

~~(g)(1)(A)~~(A)Notice

Each local educational agency using funds under this part or subchapter III to provide a language instruction educational program as determined ~~in part C of Title~~ under subchapter III shall, not later than 30 days after the beginning of the school year, inform parents of ~~a limited English proficient child~~ **an English learner** identified for participation or participating in such a program, of--

(i) the reasons for the identification of their child as ~~limited English proficient~~ **an English learner** and in need

of placement in a language instruction educational program;

(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ~~limited-English-proficient-children~~ English learners, and the expected rate of graduation from ~~secondary~~ high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in ~~secondary~~ high schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and

(viii) information pertaining to parental rights that includes written guidance--

(I) detailing ~~(aa)~~ the right that parents have to have their child immediately removed from such program upon their request; ~~and~~

(II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

~~(H)~~(III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

~~(g)(3)~~(B)Special rule applicable during the school year

For those children who have not been identified as English learners ~~limited-English-proficient~~ prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with ~~paragraphs (1) and (2)~~ subparagraph (A).

~~(g)(4)~~(C)Parental participation

(i)In general

Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners ~~limited-English-proficient~~ to inform the parents regarding how the parents can--

(I) be involved in the education of their children; and

(II) be active participants in assisting their children to--

(aa) attain English proficiency;

(bb) achieve at high levels within a well-rounded education ~~in core academic subjects~~; and

(cc) meet the challenging State academic ~~achievement~~ standards expected of all students, ~~including~~.

(ii) Regular meetings

Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or subchapter III.

~~(g)(5)(D)~~ Basis for admission or exclusion

A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

~~(g)(2)~~(4) Notice and format

The notice and information provided to parents ~~in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for limited English proficient children under this subsection~~ shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

CREDIT(S)

(Pub.L. 89-10, Title I, § 1112, as added Pub.L. 107-110, Title I, § 101, Jan. 8, 2002, 115 Stat. 1462; amended Pub.L. 107-279, Title IV, § 404(d)(2), Nov. 5, 2002, 116 Stat. 1985; Pub.L. 109-270, § 2(f)(2), Aug. 12, 2006, 120 Stat. 747; Pub.L. 110-134, § 29(a), Dec. 12, 2007, 121 Stat. 1448; Pub.L. 114-95, Title I, § 1006, Dec. 10, 2015, 129 Stat. 1852.)