

From: <Sandra_Cook@ed.gov>
To: <skress@akingump.com>; "Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD])"; "Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO])"
Subject: : FW: Final draft of the Language Minority proposal
Date: Monday, March 19, 2001 4:18 PM

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR:"Cook, Sandra" <Sandra_Cook@ed.gov> ("Cook, Sandra" <Sandra_Cook@ed.gov> [UNKNOWN])
CREATION DATE/TIME:19-MAR-2001 16:18:57.00
SUBJECT:: FW: Final draft of the Language Minority proposal
TO:'Sandy Kress' <skress@akingump.com> ('Sandy Kress' <skress@akingump.com> [UNKNOWN])
READ:UNKNOWN
TO:Sarah E. Youssef (CN=Sarah E. Youssef/OU=OPD/O=EOP [OPD])
READ:UNKNOWN
TO:Townsend L. McNitt (CN=Townsend L. McNitt/OU=WHO/O=EOP [WHO])
READ:UNKNOWN
End Original ARMS Header

> -----Original Message-----
> From: Hansen, Randy
> Sent: Tuesday, March 13, 2001 12:30 PM
> To: Cook, Sandra
> Cc: Kristy, Jack; Riddle, Paul; Corwin, Thomas; Chapman, John G;
> Cichowski, Carol; Jones, Lonna; Wetmore, Cynthia; Boothby, Clayton
> Subject: Final draft of the Language Minority proposal
> Importance: High

>
>
>
> Sandra, I believe this is ready to be sent to Sally.

>
> <<b-esea-lep2.doc>>
> - att1.htm - b-esea-lep2.doc
ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_88861004_OPD.TXT_1>

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_88861004_OPD.TXT_2>

**The following document is attachment
P_88861004_OPD.TXT_1**

-----Original Message-----

From: Hansen, Randy

Sent: Tuesday, March 13, 2001 12:30 PM

To: Cook, Sandra

cc: Kristy, Jack; Riddle, Paul; Corwin, Thomas; Chapman, John G; Cichowski, Carol; Jones, Lonna; Wetmore, Cynthia; Boothby, Clayton

Subject: &nb sp; Final draft of the Language Minority p roposal

Importance: High

Sandra, I believe this is ready to be sent to Sall y.

<<b-esea-lep2.doc>> < /FONT>

**The following document is attachment
P_88861004_OPD.TXT_2**

1

2 Draft 3/13/01

3 SEC. 301. Part A of Title III is amended to read as follows:

4 "PART A — LANGUAGE MINORITY STUDENTS

5 "FINDINGS, POLICY, AND PURPOSE

6 "SEC. 3101. (a) FINDINGS. Congress makes the following findings:

7 "(1)(A) Educating limited English proficient students, including
8 recent immigrant children, is an urgent goal for many local educational agencies,
9 but that goal is not being achieved.

10 "(B) Each year, 640,000 limited English proficient students
11 are not served by any sort of program targeted to the students' unique needs.

12 "(C) In 1998, only 15 percent of local educational agencies
13 that applied for bilingual education enhancement grants and comprehensive
14 school grants (as those programs were authorized by the Bilingual Education
15 Act) received such funding.

16 "(2)(A) In 1999, the school dropout rate for Hispanic students, the
17 largest group of limited English proficient students, was approximately 29
18 percent, and was approximately 44 percent for Hispanics born outside of the
19 United States.

20 "(B) A Department of Education report regarding school
21 dropout rates states that language difficulty `may be a barrier to participation in
22 United States schools'.

1 "(C) Reading ability is a key predictor of graduation and
2 academic success.

3 "(3) Through fiscal year 2001, bilingual education capacity and
4 demonstration grants under the Bilingual Education Act—

5 "(A) have spread funding too broadly to make an impact on
6 language instruction educational programs implemented by State educational
7 agencies and local educational agencies;

8 "(B) have not provided sufficient flexibility to State
9 educational agencies and local educational agencies, even though their
10 personnel are the most familiar with the educational needs of their limited English
11 proficient students and are in the best position to determine the most appropriate
12 instructional methods for those students; and

13 "(B) have lacked concrete performance measures.

14 "(4)(A) Since 1979, the number of limited English proficient children
15 in schools in the United States has doubled to more than 3,000,000, and
16 demographic trends indicate that the population of limited English proficient
17 children will continue to increase.

18 "(B) Language-minority students in the United States speak
19 virtually all world languages, including many that are indigenous to the United
20 States.

21 "(C) The rich linguistic diversity that language-minority
22 students bring to classrooms in the United States enhances the learning

1 environment for all students and should be valued for the significant, positive
2 impact it has on the entire school environment.

3 "(D) Parent and community participation in educational
4 language programs for limited English proficient students contributes to program
5 effectiveness.

6 "(E) The Federal Government has a special and continuing
7 obligation, as reflected in title VI of the Civil Rights Act of 1964 and section 204(f)
8 of the Equal Educational Opportunities Act of 1974, to ensure that States and
9 local educational agencies take appropriate action to provide equal educational
10 opportunities to limited English proficient children and youth, and other children
11 and youth.

12 "(F) The Federal Government also has a special and
13 continuing obligation to assist States and local educational agencies, as
14 exemplified by programs authorized under this title, to—

15 "(i) develop the capacity to provide programs of
16 instruction that offer equal educational opportunities to limited English proficient
17 children and youth, and other children and youth; and

18 "(ii) implement high-quality instructional programs
19 for limited English proficient children and youth, including recent immigrant
20 children and youth, that are designed to prepare them to enter all-English
21 instructional settings after three consecutive years of enrollment in U.S. schools.

1 "(5) Limited English proficient children and youth face a number of
2 challenges in receiving an education that will enable them to participate fully in
3 society, including—

4 "(A) disproportionate attendance at high-poverty schools, as
5 demonstrated by the fact that, in 1994, 75 percent of limited English proficient
6 students attended schools in which at least half of all students were eligible for
7 free or reduced-price meals;

8 "(B) the limited ability of parents of those children and youth
9 to participate fully in the education of their children because of the parents' own
10 limited English proficiency;

11 "(C) a shortage of teachers and other staff who are
12 professionally trained and qualified to serve those children and youth; and

13 "(D) lack of appropriate performance and assessment
14 standards that distinguish between language ability and academic achievement
15 so that State educational agencies and local educational agencies are equally as
16 accountable for the achievement of limited English proficient students in
17 academic content while the students are acquiring English language skills as the
18 agencies are for enabling the students to acquire those skills.

19 "(b) POLICY. It is the policy of the United States that, in order to ensure
20 equal educational opportunity for all children and youth, and to promote
21 educational excellence, the Federal Government should—

22 "(1) assist States and, through the States, local educational
23 agencies and schools to build their capacity to establish, implement, and sustain

1 programs of instruction and English language development for children and youth
2 with limited English proficiency;

3 "(2) hold States and, through the States, local educational agencies
4 and schools accountable for increases in English proficiency and core content
5 knowledge among limited English proficient students; and

6 "(3) promote parental and community participation in limited English
7 proficiency programs.

8 "(c) PURPOSES. The purposes of this part are—

9 "(1) to assist all limited English proficient students, including recent
10 immigrant students, to attain English proficiency;

11 "(2) to assist all limited English proficient students, including recent
12 immigrant students, to develop high levels of attainment in the core academic
13 subjects so that those students can meet the same challenging State content
14 standards and challenging State student performance standards as all students
15 are expected to meet, as required by section 1111(b)(1);

16 "(3) to assist local educational agencies to develop and enhance
17 their capacity to provide high-quality instructional programs designed to prepare
18 limited English proficient students, including recent immigrant students, to enter
19 all-English instructional settings within three years; and

20 "(4) to provide the assistance described in paragraphs (1), (2), and
21 (3) by—

22 "(A) streamlining language instruction educational programs

1 into a program carried out through a performance-based grant for State and local
2 educational agencies to help limited English proficient students, including recent
3 immigrant students, become proficient in English;

4 "(B) requiring States and, through the States, local
5 educational agencies and schools to—

6 "(i) demonstrate improvements in the English
7 proficiency of those students each fiscal year; and

8 "(ii) make adequate yearly progress with limited
9 English proficient students, including recent immigrant students, in the core
10 academic subjects as described in section 1111(b)(2); and

11 "(C) providing State educational agencies and local
12 educational agencies with the flexibility to implement instructional programs, tied
13 to scientifically based research, that the agencies believe to be the most effective
14 for teaching English.

15 "DEFINITIONS

16 "SEC. 3102. Except as otherwise provided, in this part:

17 "(1) CORE ACADEMIC SUBJECT. The term 'core academic
18 subject' has the meaning given the term in [section 2002?].

19 "(2) IMMIGRANT CHILDREN AND YOUTH. The term 'immigrant
20 children and youth' means individuals who—

21 "(A) are aged 3 through 21;

22 "(B) were not born in any State; and

23 "(C) have not been attending one or more schools in any

1 one or more States for more than three full academic years.

2 "(3) LIMITED ENGLISH PROFICIENT STUDENT. The term 'limited
3 English proficient student' means an individual aged 5 through 17 enrolled in an
4 elementary school or secondary school—

5 "(A) who—

6 "(i) was not born in the United States or whose native
7 language is a language other than English;

8 "(ii)(I) is a Native American or Alaska Native, or a
9 native resident of the outlying areas; and

10 "(II) comes from an environment where a
11 language other than English has had a significant impact on such individual's
12 level of English language proficiency; or

13 "(iii) is migratory, whose native language is a
14 language other than English, and who comes from an environment where a
15 language other than English is dominant; and

16 "(B) who has sufficient difficulty speaking, reading, writing, or
17 understanding the English language, and whose difficulties may deny the
18 individual—

19 "(i) the ability to meet the State's proficient level of
20 performance on State assessments described in section 1111(b)(4) in core
21 academic subjects; or

22 "(ii) the opportunity to participate fully in society.

1 "(4) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM. The
2 term 'language instruction educational program' means an instructional course in
3 which a limited English proficient student is placed for the purpose of becoming
4 proficient in the English language.

5 "(5) NATIVE LANGUAGE. The term 'native language,' when
6 used with reference to an individual of limited English proficiency, means
7 the language normally used by the individual or, in the case of a child or
8 youth, the language normally used by the parents of the child or youth.
9
10

11 "(6) SCIENTIFICALLY BASED RESEARCH. The term
12 'scientifically based research' has the meaning given the term in [section 1701(f) /
13 8101(31)?].
14
15
16
17

18 "(7) SPECIALLY QUALIFIED AGENCY. The term 'specially
19 qualified agency' means a local educational agency in a State that does not
20 participate in a program under this part for a fiscal year.
21
22
23
24

25 "(8) STATE. The term 'State' means each of the 50 States of the
26 United States and the District of Columbia.

27 "PROGRAM AUTHORIZED

28 "SEC. 3103. (a) GRANTS AUTHORIZED. The Secretary shall award
29 grants, from allotments under subsection (b), to each State having a State plan
30 approved under section 3105(c), to enable the State to help limited English
31 proficient students become proficient in English.

1 "(b) RESERVATIONS AND ALLOTMENTS.—(1) RESERVATIONS. From
2 the amount appropriated under section 3111 to carry out this part for each fiscal
3 year, the Secretary shall reserve—

4 "(A) 1/2 of 1 percent of such amount for payments to the
5 Secretary of the Interior for activities approved by the Secretary of Education,
6 consistent with this part, in schools operated or supported by the Bureau of
7 Indian Affairs, on the basis of their respective needs;

8 "(B) 1/2 of 1 percent of such amount for payments to outlying
9 areas, to be allotted in accordance with their respective needs for assistance
10 under this part as determined by the Secretary, for activities, approved by the
11 Secretary, consistent with this part; and

12 "(C) 1/2 of 1 percent of such amount for payments to the
13 Commonwealth of Puerto Rico, for activities, approved by the Secretary,
14 consistent with this part.

15 "(2) STATE ALLOTMENTS. From the amount appropriated under
16 section 3111 for any of the fiscal years 2002 through 2006 that remains after
17 making reservations under paragraph (1), the Secretary shall allot to each State
18 having a State plan approved under section 3105(c)—

19 "(A) 67 percent of the remainder according to the same
20 ratio as the number of limited English proficient students in the State bears to the
21 number of such students in all States; and

22 "(B) 33 percent of the remainder according to the same

1 ratio as the number of immigrant children and youth in the State bears to the
2 number of such children and youth in all States.

3 "(3) DATA. For the purpose of determining the number of limited
4 English proficient students in a State and in all States for each fiscal year, the
5 Secretary shall use data that will yield the most accurate, up-to-date numbers of
6 such students, which may include—

7 "(A) data available from the Bureau of the Census; or

8 "(B) data submitted to the Secretary by the States.

9 "(4) HOLD-HARMLESS AMOUNTS. For fiscal year 2002, and for
10 each of the 4 succeeding fiscal years, notwithstanding paragraph (2), the total
11 amount allotted to each State under paragraph (2)(A) shall be not less than 85
12 percent of the total amount the State and entities within the State received under
13 parts A and B of title VII of this Act (as it was in effect on the day before the date
14 of enactment of the [NAME OF ACT]) for fiscal year 2001.

15 "(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—
16 (1) NONPARTICIPATING STATE. If a State educational agency chooses not to
17 participate in a program under this part for a fiscal year, or fails to submit an
18 approvable application under section 3105, a specially qualified agency in such
19 State desiring a grant under this part for the fiscal year shall apply directly to the
20 Secretary to receive a grant under this subsection.

21 "(2) DIRECT AWARDS. The Secretary may award, on a
22 competitive basis, the amount the State educational agency is eligible to receive
23 under subsection (b)(2) directly to specially qualified agencies in the State

1 desiring a grant under this part and having an application approved under section
2 3105(c).

3 "(3) ADMINISTRATIVE FUNDS. A specially qualified agency that
4 receives a direct grant under this subsection may use not more than 1 percent of
5 the grant funds for a fiscal year for the cost of administering this part.

6 "(d) REALLOCATION. Whenever the Secretary determines that any
7 amount of a payment made to a State or specially qualified agency under this
8 part for a fiscal year will not be used by the State or agency for the purpose for
9 which it was made, the Secretary shall, in accordance with such rules as he or
10 she deems appropriate, make such amount available to other States of specially
11 qualified agencies for carrying out that purpose.

12 "WITHIN-STATE ALLOCATIONS

13 "SEC. 3104. (a) GRANT AWARDS. (1) Each State educational agency
14 receiving a grant under this part shall use at least 95 percent of its allocation
15 under section 3103(b)(2) to award subgrants, from allocations under subsection
16 (b), to local educational agencies in the State to carry out the activities described
17 in section 3107.

18 "(2) Notwithstanding paragraph (1), a State educational agency
19 receiving a grant under this part may use not more than 10 percent of its
20 allocation under section 3103(b)(2) to award subgrants to local educational
21 agencies in the State that experience a substantial increase in the number of
22 students enrolled in public elementary and secondary schools under the
23 jurisdiction of the agency who are recent immigrants.

1 "(b) ALLOCATION FORMULA. Each State educational agency receiving
2 a grant under this part shall award grants for a fiscal year by allocating to each
3 local educational agency in the State having a plan approved under section 3106
4 an amount that bears the same relationship to the amount of funds allocated
5 under subsection (a)(1) for the fiscal year as the population of limited English
6 proficient students in schools served by the local educational agency bears to the
7 population of limited English proficient students in schools served by all local
8 educational agencies in the State.

9

10 "(c) RESERVATIONS.—(1) STATE ACTIVITIES. Each State educational
11 agency receiving a grant under this part may reserve not more than 5 percent of
12 the grant funds to carry out activities described in the State plan submitted under
13 section 3105.

14 "(2) ADMINISTRATIVE EXPENSES. From the amount reserved
15 under paragraph (1), a State educational agency may use not more than 2
16 percent for the planning costs and administrative costs of carrying out the
17 activities described in the State plan and providing grants to local educational
18 agencies.

19 "STATE AND SPECIALLY QUALIFIED AGENCY PLANS

20 "SEC. 3105. (a) PLAN REQUIRED. Each State educational agency and
21 specially qualified agency desiring a grant under this part shall submit a plan to
22 the Secretary at such time, in such manner, and containing such information as
23 the Secretary may require.

1 "(b) CONTENTS. Each plan submitted under subsection (a) shall—

2 "(1) describe how the State or specially qualified agency will

3 establish standards and benchmarks for English language development that are

4 aligned with the State content and student performance standards described in

5 section 1111(b)(1);

6 "(2) contain an assurance that the—

7 "(A) State educational agency consulted with local

8 educational agencies, education-related community groups and nonprofit

9 organizations, parents, teachers, school administrators, and English language

10 instruction specialists, in setting the performance objectives; and

11 "(B) specially qualified agency consulted with education-

12 related community groups and nonprofit organizations, parents, teachers, and

13 English language instruction specialists, in setting the performance objectives;

14 "(3) describe how—

15 "(A) in the case of a State educational agency, the State

16 educational agency will hold local educational agencies and elementary schools

17 and secondary schools accountable for—

18 "(i) meeting the performance objectives described in

19 section 3109 for English proficiency; and

20 "(ii) making adequate yearly progress with limited

21 English proficient students in the core academic subjects as described in section

22 1111(b)(2); and

1 "(B) in the case of a specially qualified agency, the agency
2 will hold elementary schools and secondary schools accountable for—

3 "(i) meeting the performance objectives described in
4 section 3109 for English proficiency; and

5 "(ii) making adequate yearly progress with limited
6 English proficient students in the core academic subjects as described in section
7 1111(b)(2);

8 "(4) in the case of a specially qualified agency, describe the
9 activities for which assistance is sought, and how the activities will increase the
10 speed and effectiveness with which students learn English;

11 "(5) in the case of a State educational agency, describe how local
12 educational agencies in the State will be given the flexibility to teach English—

13 "(A) using a language instruction curriculum that is tied to
14 scientifically based research and has been demonstrated to be effective; and

15 "(B) in the manner the local educational agencies determine
16 to be the most effective; and

17 "(6) describe how—

18 "(A) in the case of a State educational agency, the State
19 educational agency will—

20 "(i) provide technical assistance to local educational
21 agencies and elementary schools and secondary schools for the purposes of
22 identifying and implementing English language instruction educational programs
23 and curricula that are tied to scientifically based research; and

1 (ii) provide technical assistance to local educational
2 agencies and elementary schools and secondary schools for the purposes of
3 helping limited English proficient students meet the same challenging State
4 content standards and challenging State student performance standards as all
5 students are expected to meet; and

6 (B) in the case of a specially qualified agency, the specially
7 qualified agency will—

8 (i) provide technical assistance to elementary
9 schools and secondary schools served by the specially qualified agency for the
10 purposes of identifying and implementing programs and curricula that are tied to
11 scientifically based research; and

12 (ii) provide technical assistance in elementary
13 schools and secondary schools served by the specially qualified agency for the
14 purposes described in subparagraph (A)(ii).

15 (c) APPROVAL. The Secretary, after using a peer review process, shall
16 approve a State plan or a specially qualified agency plan if the plan meets the
17 requirements of this section, and holds reasonable promise of achieving the
18 purposes described in section 3101(c).

19 (d) DURATION OF THE PLAN.—(1) IN GENERAL. Each State plan or
20 specially qualified agency plan shall—

21 (A) remain in effect for the duration of the State educational
22 agency's or specially qualified agency's participation under this part; and

1 "(1) describe how the local educational agency will use the
2 subgrant funds to meet the English proficiency performance objectives described
3 in section 3109;

4 "(2) describe how the local educational agency will hold elementary
5 schools and secondary schools accountable for—

6 "(A) meeting the performance objectives; and

7 "(B) making adequate yearly progress with limited English
8 proficient students in the core academic subjects as described in section
9 1111(b)(2);

10 "(3) contain an assurance that the local educational agency
11 consulted with teachers (including language instruction specialist), school
12 administrators, education-related community groups and nonprofit organizations,
13 institutions of higher education, parents, in developing the local educational
14 agency plan; and

15 "(4) describe how the local educational agency will use the
16 disaggregated results of the student assessments required under section
17 1111(b)(4), and other measures or indicators available to the agency, to review
18 annually the progress of each school served by the agency under this part and
19 under title I to determine whether the schools are making the adequate yearly
20 progress necessary to ensure that limited English proficient students attending
21 the schools will meet the State's proficient level of performance on the State
22 assessment described in section 1111(b)(4) within 10 years after the date of
23 enactment of the [NAME OF ACT].

1 "USES OF FUNDS

2 "SEC. 3107. (a) ADMINISTRATIVE EXPENSES. Each local educational
3 agency receiving a grant under section 3104 may use not more than 1 percent of
4 the grant funds for a fiscal year for the cost of administering this part.

5 "(b) ACTIVITIES. Each local educational agency receiving grant funds
6 under section 3104 shall use the grant funds that are not used under subsection
7 (a) for one or more of the following:

8 "(1) To increase limited English proficient students' proficiency in
9 English by providing high-quality language instruction educational programs,
10 such as bilingual education programs and transitional education or English
11 immersion education programs, that are—

12 "(A) tied to scientifically based research demonstrating the
13 effectiveness of the programs in increasing English proficiency; and

14 "(B) approved by the State educational agency.

15 "(2) To provide high-quality professional development activities for
16 teachers of limited English proficient students, including teachers in classroom
17 settings that are not language instruction programs, that are—

18 "(A) designed to enhance the ability of the teachers to
19 understand and use curricula, assessment measures, and instructional strategies
20 for limited English proficient students;

21 "(B) tied to scientifically based research demonstrating the
22 effectiveness of those activities in increasing students' English proficiency or

1 substantially increasing the subject matter knowledge, teaching knowledge, and
2 teaching skills of those teachers;

3 "(C) of sufficient intensity and duration (not to include
4 activities such as 1-day or short-term workshops and conferences) to have a
5 positive and lasting impact on the teachers' performance in the classroom,
6 except that this subparagraph shall not apply to an activity that is one component
7 described in a long-term, comprehensive professional development plan
8 established by a teacher and the teacher's supervisor based on an assessment
9 of the needs of the teacher, the supervisor, the students of the teacher, and the
10 local educational agency.

11 "(3) To provide parent and community participation programs that
12 are designed to improve language instruction educational programs for limited
13 English proficient students.

14 "PROGRAM REQUIREMENTS

15 "SEC. 3108. (a) PROHIBITION. In carrying out this part, the Secretary
16 shall neither mandate nor preclude the use of a particular curricular or
17 pedagogical approach to educating limited English proficient students.

18 "(b) TEACHER ENGLISH FLUENCY. Each local educational agency
19 receiving subgrant funds under section 3104 shall certify to the State educational
20 agency that all teachers in any language instruction educational program for
21 limited English proficient students funded under this part are fluent in English.

1 "PERFORMANCE OBJECTIVES

2 "SEC. 3109. (a) IN GENERAL. Each State educational agency or
3 specially qualified agency receiving a grant under this part shall develop annual
4 measurable performance objectives with respect to helping limited English
5 proficient students become proficient in English. For each annual measurable
6 performance objective, the agency shall specify an incremental percentage
7 increase for the objective to be attained for each of the fiscal years (after the first
8 fiscal year) for which the agency receives a grant under this part, relative to the
9 preceding fiscal year, including increases in the number of limited English
10 proficient students demonstrating an increase in performance on annual
11 assessments.

12 "(b) ACCOUNTABILITY. Each State educational agency or specially
13 qualified agency receiving a grant under this part shall be held accountable for
14 meeting the annual measurable performance objectives under this part and the
15 adequate yearly progress levels for limited English proficient students under
16 section 1111(b)(2)(B). Any State educational agency or specially qualified
17 agency that fails to meet the annual performance objectives shall be subject to
18 sanctions under [section 7001(b)?].

19 "REGULATIONS AND NOTIFICATION

20 "SEC. 3110. (a) REGULATION RULE. In developing regulations under
21 this part, the Secretary shall consult with State educational agencies, local
22 educational agencies, organizations representing limited English proficient

1 individuals, and organizations representing teachers and other personnel
2 involved in the education of limited English proficient students.

3 "(b) PARENTAL NOTIFICATION.—(1) IN GENERAL. Each local
4 educational agency shall notify parents of a student participating in a language
5 instruction educational program under this part of—

6 "(A) the student's level of English proficiency, how that level
7 was assessed, the status of the student's academic achievement, and the
8 implications of the student's educational strengths and needs for age- and grade-
9 appropriate academic attainment, promotion, and graduation;

10 "(B)(i) the programs that are available to meet the student's
11 educational strengths and needs, and how those programs differ in content and
12 instructional goals from other language instruction educational programs; and

13 "(ii) in the case of a student with a disability who
14 participates in the language instruction educational program, how the program
15 meets the objectives of the individualized education program of the student; and

16 "(C)(i) the instructional goals of the language instruction
17 educational program in which the student participates, and how the program will
18 specifically help the limited English proficient student learn English and meet
19 age-appropriate standards for grade promotion and graduation;

20 "(ii) the characteristics, benefits, and past academic
21 results of the language instruction educational program and of instructional
22 alternatives; and

