

118TH CONGRESS
1ST SESSION

H. R. 3138

To amend the Elementary and Secondary Education Act of 1965 to provide for additional activities, resources, and data collection with respect to English learners, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2023

Mr. ESPAILLAT (for himself, Ms. NORTON, Ms. CLARKE of New York, Ms. SÁNCHEZ, Ms. VELÁZQUEZ, Mr. MCGOVERN, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to provide for additional activities, resources, and data collection with respect to English learners, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ESEA AMENDMENTS.**

4 (a) IMPROVING THE ACADEMIC ACHIEVEMENT OF
5 THE DISADVANTAGED.—Section 1111(h)(1)(C) of the El-
6 ementary and Secondary Education Act of 1965 (20
7 U.S.C. 6311(h)(1)(C)) is amended—

1 (1) by redesignating clause (xiv) as clause (xv);

2 and

3 (2) by inserting after clause (xiii) the following:

4 “(xiv) Statistics on the racial, ethnic,
5 gender, and linguistic diversity of the ele-
6 mentary and secondary school teachers
7 working in the State.”.

8 (b) LANGUAGE INSTRUCTION FOR ENGLISH LEARN-
9 ERS AND IMMIGRANT CHILDREN AND YOUTH.—

10 (1) PURPOSES OF THE ENGLISH LANGUAGE AC-
11 QUISSION, LANGUAGE ENHANCEMENT, AND ACA-
12 DEMIC ACHIEVEMENT ACT.—Section 3102(2) of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 6812(2)) is amended to read as follows:

15 “(2) to assist all English learners, including im-
16 migrant children and youth—

17 “(A) to achieve at high levels in academic
18 subjects so that all English learners can meet
19 the same challenging State academic standards
20 that all children are expected to meet; and

21 “(B) to the extent practicable, in a manner
22 that does not separate English learners from
23 students who are not English learners;”.

24 (2) STATE AND SPECIALLY QUALIFIED AGENCY
25 PLANS.—Section 3113(b) of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 6823(b)(8)) is amended—

3 (A) in paragraph (7), by striking “and” at
4 the end;

5 (B) in paragraph (8)(B), by striking the
6 period at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(9) describe how the agency will monitor the
9 progress of students who are former English learn-
10 ers and ensure that such students are continuing to
11 meet the challenging State academic standards.”.

12 (3) AUTHORIZED SUBGRANTEE ACTIVITIES.—
13 Section 3115(d) of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6825(d)) is
15 amended—

16 (A) in paragraph (6)—

17 (i) in subparagraph (A), by striking
18 “and” at the end;

19 (ii) in subparagraph (B), by striking
20 the period at the end and inserting a semi-
21 colon; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(C) to increase the access of English
25 learners and immigrant children and youth and

1 their parents to legal, educational, and financial
2 resources and social services; and

3 “(D) to implement best practices aligned
4 with evidence-based research to uplift English
5 learners and immigrant children and youth.”;

6 (B) in paragraph (7)—

7 (i) by striking “and” at the end of
8 subparagraph (B);

9 (ii) by redesignating subparagraph
10 (C) as subparagraph (D);

11 (iii) in subparagraph (D), as so redesi-
12 gnated, by striking “and (B)” and insert-
13 ing “, (B), and (C)”;

14 (iv) by inserting after subparagraph
15 (B) the following:

16 “(C) culturally competent and responsive
17 training to educators, school administrators,
18 counselors, social workers, and psychologists
19 with respect to how to best support English
20 learners and immigrant children and youth;
21 and”;

22 (C) by redesignating paragraph (9) as
23 paragraph (10); and

24 (D) by inserting after paragraph (8) the
25 following:

1 “(9) Supporting and advocating for the develop-
2 ment of policies that improve educational outcomes
3 for English learners and immigrant children and
4 youth, regardless of immigration status.”.

5 (4) ACTIVITIES BY AGENCIES EXPERIENCING
6 SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN
7 AND YOUTH.—Section 3115(e)(1)(G) of the Elemen-
8 tary and Secondary Education Act of 1965 (20
9 U.S.C. 6825(e)(1)(G)) is amended by striking the
10 period at the end and inserting “, including services
11 that provide for the assessment of State and local
12 laws (including with respect to immigration and edu-
13 cation) that impact English learners and immigrant
14 children and youth and the notification of such par-
15 ents and families of such laws.”.

16 (5) ACCOUNTABILITY AND ADMINISTRATION.—
17 Section 3121(a) of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6841(a)) is
19 amended—

20 (A) in paragraph (2), by inserting “, eth-
21 nicity, race, and native language” before the
22 semicolon;

23 (B) in paragraph (3), by inserting “in the
24 aggregate and disaggregated, at a minimum, by
25 English learners with a disability, ethnicity,

1 race, and native language” before the semi-
2 colon;

3 (C) in paragraph (4), by inserting “in the
4 aggregate and disaggregated, at a minimum, by
5 English learners with a disability, ethnicity,
6 race, and native language” before the semi-
7 colon;

8 (D) in paragraph (5), by inserting “, eth-
9 nicity, race, and native language” before the
10 semicolon; and

11 (E) in paragraph (6), by inserting “in the
12 aggregate and disaggregated, at a minimum, by
13 English learners with a disability, ethnicity,
14 race, and native language” before the semi-
15 colon.

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