

**Department of Education**  
**ENGLISH LEARNER EDUCATION**  
**Fiscal Year 2011 Budget Request**

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## ENGLISH LEARNER EDUCATION

[For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$750,000,000, which shall become available on July 1, 2010, and shall remain available through September 30, 2011,<sup>1</sup> except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C):<sup>2</sup> *Provided*, That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.<sup>3</sup>] (*Department of Education Appropriations Act, 2010.*)

### NOTES

All language in this account for programs authorized by the Elementary and Secondary Education Act is deleted because the Administration is proposing reauthorizing legislation for that Act. When new authorizing language is enacted, resources will be requested.

Each language provision that is followed by a footnote reference is explained in the Analysis of Language Provisions and Changes document, which follows the appropriation language.

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### Analysis of Language Provisions and Changes

Language Provision	Explanation
<p><sup>1</sup>[...which shall become available on July 1, 2010, and shall remain available through September 30, 2011,]</p>	<p>This language provides for a portion of the funds for English Language Acquisition State Grants to be appropriated on a forward-funded basis. The forward-funded portion includes the amount of funds that would be distributed to the States under the State grants formula and the Native American discretionary grants.</p>
<p><sup>2</sup>[...except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C).]</p>	<p>This language provides for 6.5 percent of the funds for the English Language Acquisition State Grants to be appropriated on a 2-year basis. The 6.5 percent of funds appropriated represents funds that would be used for national activities (National Professional Development grants, National Clearinghouse for English Language Acquisition, and evaluation) under section 3111(c)(1)(C).</p>
<p><sup>3</sup>[<i>Provided</i>, That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.]</p>	<p>This language permits the Secretary to use the annual 3-year estimates provided by the Census Bureau in order to determine the State allocations. Under the authorizing statute, the Department would use 1-year estimates, which are not as reliable and produce more volatility in the allocations from year to year. Fiscal year 2010 appropriations language directed the Secretary to use Census Bureau 3-year period counts.</p>

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**Amounts Available for Obligation  
(\$000s)**

	2009	2010	2011
Discretionary Appropriation.....	\$730,000	\$750,000	\$800,000
Unobligated balance, start of year .....	6,309	16,540	0
Unobligated balance, expiring .....	0	0	0
Unobligated balance, end of year .....	<u>-16,540</u>	<u>0</u>	<u>0</u>
Total, direct obligations .....	719,769	766,540	800,000

**Obligations by Object Classification  
(\$000s)**

	2009	2010	2011
Contractual services and supplies:			
Research and Development .....	\$1,981	\$1,980	\$1,981
Peer review .....	0	0	50
Advisory and Assistance Services .....	<u>3,650</u>	<u>3,591</u>	<u>3,900</u>
Subtotal .....	5,631	5,571	5,931
Grants, subsidies, and contributions .....	<u>714,138</u>	<u>760,969</u>	<u>794,069</u>
Total, obligations.....	719,769	766,540	800,000

NOTE

The Administration is proposing to reauthorize the Elementary and Secondary Education Act. FY 2011 funds for affected programs are proposed for later transmittal and will be requested once the legislation is reauthorized.

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### Authorizing Legislation (\$000s)

Activity	2010 Authorized	2010 Actual	2011 Authorized	2011 Request
Language Acquisition State grants <i>(proposed legislation)</i>	Indefinite <sup>1,2</sup>	\$750,000	Indefinite <sup>3</sup>	\$800,000
<u>Unfunded authorizations</u>				
Program development and enhancement <i>(ESEA-III-B-1)</i>	Indefinite <sup>2</sup>	0	Indefinite <sup>3</sup>	0
Research, evaluation, and dissemination <i>(ESEA-III-B-2)</i>	Indefinite <sup>2</sup>	0	Indefinite <sup>3</sup>	0
Professional Development <i>(ESEA-III-B-3)</i>	Indefinite <sup>2</sup>	0	Indefinite <sup>3</sup>	0
Immigrant Education <i>(ESEA-III-B-4)</i>	Indefinite <sup>2</sup>	<u>0</u>	Indefinite <sup>3</sup>	<u>0</u>
Total definite authorization	0		0	
Total appropriation (request subject to reauthorization)		750,000		800,000

NOTE: The Administration is proposing to reauthorize the Elementary and Secondary Education Act. FY 2011 funds for affected programs are proposed for later transmittal and will be requested once the legislation is enacted.

<sup>1</sup> This section nominally applies to the entire title, including the unfunded authorizations. However, section 3001(b)(1) clarifies that only Part A will be in effect in any year in which the appropriation equals or exceeds \$650 million.

<sup>2</sup> The program is authorized in FY 2010 through appropriations language.

<sup>3</sup> The GEPA extension expired September 30, 2008; reauthorizing language is sought for FY 2011.

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**Appropriations History  
(\$000s)**

	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2002	460,000	700,000	616,000	665,000
2003	665,000	665,000	690,000	685,515
2003 Supplemental	0	0	0	-1,768
2004	665,000	685,515	669,000	681,215
2005	681,215	681,215	700,000	675,765
2006	675,765	675,765	683,415	669,007
2007	669,007	N/A <sup>1</sup>	N/A <sup>1</sup>	669,007 <sup>1</sup>
2008	670,819	774,614	670,819	700,395
2009	730,000	730,000 <sup>2</sup>	730,000 <sup>2</sup>	730,000
2010	730,000	760,000	750,000 <sup>3</sup>	750,000
2011	800,000			

<sup>1</sup> This account operated under a full-year continuing resolution (P.L. 110-5). House and Senate Allowance amounts are shown as N/A (Not Available) because neither body passed a separate appropriations bill.

<sup>2</sup> The levels for the House and Senate allowances reflect action on the regular annual 2009 appropriations bill, which proceeded in the 110th Congress only through the House Subcommittee and the Senate Committee.

<sup>3</sup> The level for the Senate allowance reflects Committee action only.

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### Language acquisition State grants

(proposed legislation)

FY 2011 Authorization (\$000s): Indefinite<sup>1</sup>

Budget Authority (\$000s):

	<u>2010</u>	<u>2011</u>	<u>Change</u>
	\$750,000	\$800,000	+\$50,000

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<sup>1</sup> The GEPA extension expired September 30, 2008. The program is authorized in FY 2010 through appropriations language; reauthorizing language is sought for FY 2011.

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### PROGRAM DESCRIPTION

Currently, Title III, Part A of the ESEA authorizes formula grants to States to serve English learners (ELs), the National Professional Development Project, discretionary grants for Native American projects, support for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA), and national evaluations. The Administration is proposing reauthorizing legislation for fiscal year 2011.

Formula grants: The Department makes formula grants to States based on each State's share of the Nation's EL and recent immigrant student population. The Department distributes 80 percent of formula funds based on State shares of ELs and 20 percent based on State shares of recent immigrant students. From FY 2002 through FY 2004, the Department used data from the 2000 Census to determine the State shares of ELs and data submitted by the States to determine levels of recent immigrant students. Starting in FY 2005, the Department has used American Community Survey (ACS) data provided by the Census Bureau to determine State allocations. As a result of the transition to this data source, recent years' allocations have reflected significant shifts in EL and recent immigrant student population counts, which then caused a shift in State-by-State formula allocations. As the Census Bureau has implemented the ACS survey more widely in recent years, however, these year-to-year fluctuations in State child counts and allocations have modulated.

To date, the program has not considered State-reported data to be a reliable source for making allocations. However, in consideration of improved State data systems and a recommendation from the Government Accountability Office (GAO) to review this issue, the Department in 2008 initiated a study by the National Academy of Sciences to determine the most reliable data source and methodology for future years' allocations. In addition, in 2009, appropriations language required the Secretary to average 3 years of data in calculating the allocation of any State that would receive greater than a 10-percent reduction from its previous year's allocation. The 2010 appropriations language requires the Department to use data from a 3-year period in calculating the allocations for all States.

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### Language acquisition State grants

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States must use at least 95 percent of their formula funds for subgrants to eligible entities, (mainly school districts), based primarily on each subgrantee's share of the State's ELs and a plan submitted by the subgrantee to the State on how the subgrantee will meet the State's annual measurable achievement objectives (AMAOs) for ELs. From that 95 percent, States also must use up to 15 percent to increase the size of grants to subgrantees that have experienced a significant increase in the percentage or number of recent immigrant students over the preceding 2 years. States may use up to 5 percent of their allocation for State-level activities, such as professional development, planning and evaluation, and the provision of technical assistance. States may not use more than 60 percent of the State set-aside or \$175,000 (whichever is greater) for planning and administrative expenses.

States must develop AMAOs for ELs that measure their improvement in and achievement of English language proficiency and whether ELs meet the State's academic content and achievement standards. If a subgrantee fails to make progress toward meeting these objectives for 2 consecutive years, the State must require the subgrantee to develop an improvement plan. If the subgrantee fails to meet AMAOs after 4 consecutive years, the State must require the subgrantee to modify the curriculum or method of instruction or replace educational personnel. The State may also terminate assistance to the subgrantee.

The statute also establishes a 0.5 percent or \$5.0 million (whichever is greater) set-aside for schools operated predominantly for Native American and Alaska Native children. Under this set-aside, the Department makes competitive awards to tribes, schools funded by the Bureau of Indian Affairs, and other qualifying entities. The statute also sets aside 0.5 percent of the appropriation for the Outlying Areas.

National activities: The Language Acquisition State (LAS) grant program currently requires the Department to set aside 6.5 percent of the appropriation for the following national activities: the National Professional Development Project, the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, and evaluation. Under the National Professional Development Project, the Department makes 5-year awards to institutions of higher education that have entered into consortium arrangements with State or local educational agencies. The purpose of these grants is to increase the pool of highly qualified teachers prepared to serve ELs and increase the skills of teachers already serving them. NCELA collects, analyzes, synthesizes, and disseminates research-based information about instructional methods, strategies, and programs for ELs. In addition, 0.5 percent of the appropriation is set aside, from the 6.5 percent, for evaluation activities.

Starting in fiscal year 2006, funds for all National Activities described in the statute have been available for 24 months (from October 1 through September 30 of the following fiscal year). State formula grants and Native American grants are forward-funded, with funds becoming available on July 1 of the fiscal year in which they are appropriated and remaining available for 15 months through September 30 of the following year.

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Funding levels for the past 5 fiscal years were as follows:

	(\$000s)
2006 .....	\$669,007
2007 .....	669,007
2008 .....	700,395
2009 .....	730,000
2010 .....	750,000

### FY 2011 BUDGET REQUEST

For fiscal year 2011, the Administration requests \$800 million for Language Acquisition State grants, \$50 million over the fiscal year 2010 level. The request would support strengthened professional development for educators, improved accountability provisions, and innovative and effective programs in the program's first year of operation under a reauthorized Elementary and Secondary Education Act. The Administration's reauthorization proposal would strengthen the conditions governing States' receipt of formula funds and would shift more funds to competitive grants in order to support the development and implementation of high-quality programs for ELs, including dual language and transitional bilingual programs.

According to the American Community Survey (ACS) data, the number of ELs has risen from less than 1 million in 1980 to nearly 4.7 million in 2007 in the 52 States, including DC and Puerto Rico. ACS data from 2007 also show that California, Florida, New York, and Texas enroll 46 percent of the Nation's ELs, but the rate of growth of the EL student population in other States has far exceeded that of these four largest States. For example, State-reported data show that the EL population increased by more than 50 percent between school years 2004–2005 and 2007–2008 in 7 States (Arkansas, Georgia, Louisiana, Maine, Maryland, North Carolina, and West Virginia). Many States lack the infrastructure and capacity of the traditional immigrant gateway States to serve ELs. These demographic trends – the overall increase in ELs and the rapid growth in the EL population in States lacking an infrastructure for serving them – underscore the need for increased Federal assistance for programs serving ELs.

#### Formula Grants

Under the Administration's reauthorization proposal, the statute would continue to set aside 0.5 percent of the appropriation or \$5 million (whichever is greater) for schools operated predominantly for Native American and Alaska Native children. In FY 2011, the Department would make continuation awards for the 8 grants awarded in FY 2008 and use the remainder for new awards.

In allocating funds for this program, the Administration proposes granting the Secretary the discretion to use the 3-year ACS data or another data source. Census has determined that data from a 3-year period are more reliable than data from a 1-year period. Using estimates from a 3-year period, rather than a 1-year period, should reduce some of the volatility that occurs in the allocations when the data set changes each year. Depending in part on the recommendations of the National Academy of Sciences study described earlier, the Department may determine that there is a more accurate way of allocating funds than using the 3-year ACS data.

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#### National Activities

Under the Administration's reauthorization proposal, the Secretary would set aside a portion of the 2010 funding level, plus the amount appropriated above that level, for competitive funding to support comprehensive reform and innovative programs for ELs (including replication of proven programs), and research and development.

#### PROGRAM PERFORMANCE INFORMATION

##### Performance Measures

This section presents selected program performance information, including, for example, GPRA goals, objectives, measures, and performance targets and data; and an assessment of the progress made toward achieving program results. Achievement of program results is based on the cumulative effect of the resources provided in previous years and those requested in FY 2011 and future years, and the resources and efforts invested by those served by this program.

**Goal:** To help English learners learn English and reach high academic standards.

**Objective:** *To improve the English proficiency and academic achievement of students served by the Language Acquisition State Grants program.*

<b>Measure:</b> The percentage of ELs receiving Title III services who are making progress in learning English.		
Year	Target	Actual
2006		45
2007	50	41
2008	55	43
2009	60	
2010	65	
2011	67	

**Assessment of progress:** This measure was instituted in 2006. The Department received data from 48 States for this measure in 2008. The Department's release of a *Notice of Final Interpretations* in 2008 will likely change how States collect and report data on ELs, beginning with the 2009 data, which will be available in May 2010.

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<b>Measure:</b> The percentage of ELs receiving Title III services who have attained English language proficiency.		
Year	Target	Actual
2006	29	19
2007	20	21
2008	25	23
2009	30	
2010	35	
2011	37	

**Assessment of progress:** Targets for this measure were very ambitious initially and were revised in 2007 to reflect more realistic goals. The Department received data from 49 States for this measure in 2008. The Department's release of a *Notice of Final Interpretations* in 2008 will likely change how States collect and report data on ELs, beginning with the 2009 data, which will be available in May 2010.

This program has three additional outcome measures, two that were new in 2008 and one that was revised that year. The Department revised the one measure to make it better aligned with the goals and objectives of the program: the percentage of local educational agencies (LEAs) receiving LAS grant funding meeting all three AMAOs for ELs. In 2008, 54 percent of LAS grant-funded LEAs achieved this goal (48 States reported). The two additional outcome measures are: (1) The percentage of all ELs who score proficient or above on State reading assessments, and (2) The percentage of monitored former ELs who score proficient or above on State reading assessments. States are required to report data on ELs' reading achievement for Title I as well as Title III. However, under current provisions for Title III, States are required to report only on ELs served by Title III. In 2008, States reported 33 percent of all ELs scoring proficient or above on State reading assessments (52 States reported). States reported 52 percent of former ELs scoring proficient or above on State reading assessments in the same year (49 States reported).

### Efficiency Measures

The Department has developed two efficiency measures for the LAS grant program. These measures address the Department's emphasis on risk mitigation and on the timely and effective use of Federal funds.

<b>Measure:</b> The average number of days States receiving Title III funds take to make subgrants to subgrantees.		
Year	Target	Actual
2006		55
2007	52	67
2008	46	65
2009	46	
2010	45	
2011	45	

**Assessment of progress:** The Department has worked with States to help them make subgrants in a timely manner. Fifty States responded to this measure for 2008, which is 8 more

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States than in the prior year. In 2008, 12 States required more than 100 days to distribute funds to their subgrantees; 3 of those States required more than 200 days.

<b>Measure:</b> The annual cost per English learner attaining English language proficiency.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2006</b>		\$785
<b>2007</b>	\$783	772
<b>2008</b>	782	771
<b>2009</b>	780	
<b>2010</b>	775	
<b>2011</b>	770	

**Assessment of progress:** This measure examines the national annual cost per EL attaining English language proficiency (a figure derived by dividing the total amount of funding allocated to States in a given year by the number of students reported as attaining proficiency). The targets are not intended to motivate States to eliminate important services to students but, rather, to encourage efficiencies in order to serve as many students as possible without sacrificing the quality of the services. Forty-nine States reported data to determine the costs for 2008.

### Other Performance Information

The statute currently requires that schools implementing LAS grant programs use curricula that reflect scientifically based research on teaching ELs. Consistent with its mandate to test the effectiveness of promising practices under a variety of conditions in order to determine their feasibility for large-scale adoption, the Department's Institute of Education Sciences has overseen three impact evaluations, begun in FY 2004 and funded from FY 2003 – FY 2007 appropriations. These evaluations are measuring, among other things, the impact of interventions and language education program models (e.g., structured English immersion, transitional bilingual education, dual language immersion) on ELs' acquisition of English and on their academic achievement. All three studies are developing or have developed enhanced versions of the program models for kindergarten through grade 3. The report deadlines for these three studies have been extended and they are now scheduled for completion by early 2010.

Using FY 2008 and a portion of FY 2009 funds, the Department has funded the following three studies that began in fall 2008:

- Evaluation of State and Local Implementation of Title III Standards, Assessments, and Accountability Systems – The purpose of this study is to provide an in-depth picture of the implementation of current ESEA provisions for ELs throughout the Nation. The study includes an analysis of student-level assessment data for information on the relationship between ELs' acquisition of English and their progress in meeting content area standards. The final report is scheduled for completion in spring 2011. In addition, the Department received three policy briefs in 2009 to serve as an immediate resource for the Administration and other key stakeholders.
- Expert Study of ESEA Title III Allocations to States – The National Academy of Sciences (NAS) is evaluating the two currently allowable sources of data for determining LAS grant allocations (ACS and State-reported) and will make recommendations on the best

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methodology for computing those allocations. A draft report will be available in April 2010 with a final report in September 2010.

- A Review of Research on the Role of Academic English for ELs in Grades K-12 – The purpose of this review is to describe how “academic English” has been defined and operationalized; what the different approaches are to teaching academic English; and the characteristics and preparation of teachers who teach academic English. The literature review has been completed and once final edits have been made, the Department will make it available to the public, which is expected to be in February 2010.

A portion of the remaining FY 2009 funds will support additional needs identified through the implementation study.