

Department of Education
ENGLISH LEARNER EDUCATION
Fiscal Year 2012 Budget Request

CONTENTS

	<u>Page</u>
Appropriations Language.....	H-1
Amounts Available for Obligation.....	H-2
Obligations by Object Classification	H-2
Authorizing Legislation.....	H-3
Appropriations History.....	H-4
Significant Items in FY 2011 Appropriations Reports.....	H-5
Activity:	H-6
Language acquisition State grants.....	H-6
State Table.....	H-15

ENGLISH LEARNER EDUCATION

NOTE

A regular 2011 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111-322, Dec. 22, 2010; 124 Stat 3518) that provides funding through March 4, 2011. No new language is included for this account. All programs are authorized under the expired Elementary and Secondary Education Act; when new authorizing legislation for the Elementary and Secondary Education Act is enacted, a budget request for these programs will be proposed.

ENGLISH LEARNER EDUCATION

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

	2010	2011 CR	2012
Discretionary Appropriation.....	\$750,000	\$750,000	\$750,000
Unobligated balance, start of year	16,540	23,548	12,588
Unobligated balance, expiring	0	0	0
Unobligated balance, end of year	<u>-23,548</u>	<u>-12,588</u>	<u>-91,213</u>
Total, direct obligations	742,992	760,960	671,375

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

	2010	2011 CR	2012
Contractual services and supplies:			
Research and Development	\$1,224	\$1,756	\$1,000
Peer review	0	80	0
Advisory and Assistance Services.....	<u>3,591</u>	<u>4,750</u>	<u>7,000</u>
Subtotal	4,815	6,586	8,000
Grants, subsidies, and contributions	<u>738,177</u>	<u>754,374</u>	<u>663,375</u>
Total, obligations.....	742,992	760,960	671,375

NOTE

The Administration is proposing to reauthorize the Elementary and Secondary Education Act. FY 2012 funds for affected programs are proposed for later transmittal and will be requested once the legislation is reauthorized.

ENGLISH LEARNER EDUCATION

**Authorizing Legislation
(\$000s)**

Activity	2011 Authorized	2011 CR Actual	2012 Authorized	2012 Request
Language acquisition State grants <i>(proposed legislation)</i>	Indefinite ^{1,2}	\$750,000	Indefinite ³	\$750,000
<u>Unfunded authorizations</u>				
Program development and enhancement <i>(ESEA-III-B-1)</i>	Indefinite ⁴	0	Indefinite ⁴	0
Research, evaluation, and dissemination <i>(ESEA-III-B-2)</i>	Indefinite ⁴	0	Indefinite ⁴	0
Professional development <i>(ESEA-III-B-3)</i>	Indefinite ⁴	0	Indefinite ⁴	0
Immigrant education <i>(ESEA-III-B-4)</i>	Indefinite ⁴	<u>0</u>	Indefinite ⁴	<u>0</u>
Total definite authorization	0		0	
Total appropriation (request subject to reauthorization)		750,000		750,000

NOTE: The Administration is proposing to reauthorize the Elementary and Secondary Education Act. FY 2012 funds for affected programs are proposed for later transmittal and will be requested once the legislation is enacted.

¹ 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.

² The program is authorized in FY 2011 through appropriations language.

³ The GEPA extension expired September 30, 2008; reauthorizing legislation is sought for FY 2012.

⁴ The GEPA extension expired September 30, 2008. The Administration is not seeking reauthorizing language.

ENGLISH LEARNER EDUCATION

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

	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
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 ¹	N/A ¹	669,007 ¹
2008	670,819	774,614	670,819	700,395
2009	730,000	730,000 ²	730,000 ²	730,000
2010	730,000	760,000	750,000 ³	750,000
2011	800,000	750,000 ⁴	800,000 ³	750,000 ⁵
2012	750,000			

¹ 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.

² 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.

³ The level for the Senate allowance reflects Committee action only.

⁴ The level for the House allowance reflects the House-passed full-year continuing resolution.

⁵ The level for appropriation reflects the continuing resolution (P.L. 111-322) passed December 22, 2010.

ENGLISH LANGUAGE ACQUISITION

Significant Items in FY 2011 Appropriations Reports

English Language Acquisition State grants

Senate: Report 111-243. The Committee directs the Department to consult with the authorizing and appropriations committees of the Senate and House of Representatives prior to any announcement of allocations made for this program from the 2011 appropriation.

Response: The Department will consult with the committees, as directed, before announcing the FY 2011 allocations for the English Language Acquisition State grants program.

ENGLISH LEARNER EDUCATION

Language acquisition State grants

(proposed legislation)

FY 2012 Authorization (\$000s): Indefinite¹

Budget Authority (\$000s):

<u>2011 CR</u>	<u>2012</u>	<u>Change</u>
\$750,000 ²	\$750,000	0

¹ The GEPA extension expired September 30, 2008. Reauthorizing legislation is sought for FY 2012.

² Funding levels in FY 2011 represent the annualized continuing resolution levels of the 4th Continuing Appropriations Act, 2011 (P.L. 111-322).

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 2012.

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 the counts of both EL and immigrant students. As a result of the transition to this data source, (and, initially, the relatively small size of the ACS sample), several years' allocations 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.

The authorizing statute requires the Secretary to use the more accurate of the data from the ACS or State-reported data on the number of children assessed for English language proficiency. To date, the Department has not considered State-reported data to be the most reliable source for making allocations. However, in consideration of improvements in 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 Research Council of the National Academy of Sciences to determine the most reliable data source and methodology for future years' allocations. Recommendations from that study became available in January 2011 and

ENGLISH LEARNER EDUCATION

Language acquisition State grants

included the recommendation that the Department begin using a combination of ACS and State-reported data for the count of ELs and continue using ACS data for the count of immigrant students. However, this combination of data sources is not permitted under current statute. 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 required the Department to use data from a 3-year period in calculating the allocations for all States. For 2011, the Department requested the flexibility to use 3-year ACS data in calculating the States' allocations.

States must use at least 95 percent of their formula funds for subgrants to eligible entities, (mainly local educational agencies), 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 that measure ELs' improvement in and achievement of English language proficiency and whether ELs meet the State's academic content and academic 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, NCELA, 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 certified or licensed 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).

ENGLISH LEARNER EDUCATION

Language acquisition State grants

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.

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

	(\$000s)
2007	\$669,007
2008	700,395
2009	730,000
2010	750,000
2011 CR	750,000

FY 2012 BUDGET REQUEST

For fiscal year 2012, the Administration requests \$750 million for Language Acquisition State grants, the same as the fiscal year 2011 CR level. This request would support strengthened professional development for educators, stronger accountability, and innovative and effective programs in the program's first year of operation under a reauthorized Elementary and Secondary Education Act. The Department's reauthorization proposal would strengthen the conditions governing States' receipt of formula funds and provide the Secretary with the authority to reserve additional funds for national activities and more flexibility in using those funds to improve outcomes for ELs. This would be done through investments in innovative, promising, and effective practices, such as through competitive grants for innovative projects that support the development and implementation of dual-language, transitional bilingual, and other high-quality programs for ELs. Since the Administration is not requesting an increase in funding for this program in fiscal year 2012, the Secretary would not set aside additional funds for national activities. However, the Department's reauthorization proposal would enhance the ability of this program to drive innovation and advance the field, and the Secretary would use future increases to support the development and implementation of projects that have a significant impact on improving outcomes for ELs.

According to the Census Bureau's ACS data, the number of ELs has risen from less than 1 million in 1980 to nearly 4.6 million in 2008¹ in the States, DC, and Puerto Rico. ACS data from 2008 also show that California, Florida, New Jersey, Illinois, New York, and Texas enroll 54 percent of the Nation's ELs (excluding Puerto Rico), but the rate of growth of the EL student population in other States has exceeded that of these six States. For example, ACS data show that the EL population increased by 26 percent in New Hampshire from 2004 to 2008; Vermont experienced a 32-percent increase; Washington, 40 percent; South Carolina, 53 percent; West Virginia, 67 percent; and Mississippi, 83 percent. Many of these States are not the traditional immigrant gateway States and, thus, may lack the infrastructure and service capacity of States with a longer history of enrolling ELs and immigrant students. The data indicate that immigration has slowed nationally in recent years, but some States experienced large increases in this population. States like Mississippi, Vermont, and West Virginia experienced more than a 150-percent increase during the 2004 – 2008 timeframe. These demographic trends – the overall increase in ELs and the rapid growth in the EL population in States lacking an infrastructure for

¹ Note that 2008 ACS data are estimates from a 3-year period (2006, 2007, and 2008).

ENGLISH LEARNER EDUCATION

Language acquisition State grants

serving them – underscore not only the ongoing need for Federal assistance, but also the need for information on effective instructional practices and for effective educators to serve the EL population so that recipients of Federal funding use their resources in the most efficient and effective manner possible.

Formula and Native American Grants

Under the Department'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 2012, the Department would make continuation awards for the 8 grants awarded in FY 2008 and the approximately 25 grants to be awarded in FY 2011.

FY 2010 appropriations language directed the Secretary to use 3-year ACS data in allocating funds for this program. Three-year period estimates became available for the first time in 2010, and Census has determined that they are more reliable and less volatile than data from a 1-year period. The FY 2011 allocations will represent the 2nd year of using 3-year period estimates to determine States' allocations and, over those two years, States will have experienced less volatility in their allocations than they may have in previous years. The Department's reauthorization proposal includes a provision to grant the Secretary the flexibility to use multiyear data as well as a combination of data from Census and State reports. The National Research Council of the National Academy of Sciences (NRC) has recommended that the Department make State allocations using a combination of both ACS and State-reported data; our reauthorization proposal would allow for that change. The proposal would also strengthen the Title III program by requiring States to use consistent methods for identifying ELs and for exiting them from language instruction educational programs (LIEPs). In order to support the selection of effective programs and to improve existing programs, States would also be required to implement a system that evaluates the effectiveness of LIEPs and to provide information on the achievement of subgroups of ELs. States' inconsistent implementation of the current law is one of the general findings of the policy briefs (described in more detail under "Other Performance Information") that the Department received in 2010.

National Activities

Under the reauthorization proposal, the Secretary would set aside a portion of the 2010 funding level, plus the amount appropriated above that level, to carry out national activities to support advancements in education for ELs. The proposal would give the Secretary the continued authority to use these funds to continue to support NCELA, as well as to make competitive grants, through the National Professional Development project (NPDP) for teacher and paraprofessional preparation and professional development activities to improve classroom instruction for ELs. The proposal would also provide the Secretary with the flexibility to carry out additional discretionary activities to support the field in improving education for English Learners, such as funding demonstration projects to replicate proven practices; supporting research on promising instructional strategies or programs; disseminating findings from research; supporting partnerships of State educational agencies (SEAs) and institutions of higher education (IHEs) or local educational agencies (LEAs) and IHEs to provide fellowships and assistance for individuals completing doctoral programs focused on improving educational services and programs for ELs;

ENGLISH LEARNER EDUCATION

Language acquisition State grants

providing technical assistance to grantees on collecting, analyzing, and using data to improve programs; and promoting school readiness for ELs and their transition from early childhood programs to elementary school.

In FY 2011, the Department plans to award a 5th and final year of funding to 134 NPDP grantees and make approximately 50 new awards under current law. In FY 2012, the Department would award continuation funding to the FY 2011 cohort. The Department also expects to issue a statement of work for a new NCELA in FY 2011, focusing the Center more specifically on meeting the technical assistance needs of the field.

PROGRAM OUTPUT MEASURES (\$000s)

	<u>2010</u>	<u>2011 CR</u>	<u>2012</u>
Total Appropriation	\$750,000	\$750,000	\$750,000
State formula grants:			
Language acquisition State grants	\$696,250	\$696,250	\$696,250
Number of States	57	57	57
Native American discretionary grants	\$5,000	\$4,970	\$5,000
Peer review for new awards	0	\$30	0
New projects	0	20	0
Continuation projects	27	8	28
National activities:			
National professional development	\$37,513	\$43,019	\$15,596
New projects	0	50	0
Continuation projects	136	134	50
Carryover ¹	\$5,507	0	0
Peer review	0	\$50	0
Clearinghouse	\$1,980	\$2,000	\$2,000
Evaluation	\$3,750	\$3,750	\$3,750
Technical Assistance, Research, & Innovative Projects	0	0	\$27,404

¹The Department will carry over to the next fiscal year funds not needed for current-year continuation awards and insufficient to hold a new competition under the NPDP.

ENGLISH LEARNER EDUCATION

Language acquisition State grants

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 2012 and future years, and the resources and efforts invested by those served by this program.

States report their data for the Language Acquisition State (LAS) grant program annually through the Consolidated State Performance Report (CSPR). All 52 States, including DC and Puerto Rico, are required to report. If fewer than 52 States report or in cases where States have reported data that are incomplete or raise questions, the program office works with the States to clear up data discrepancies. Under current law, different States may define “making progress” and “attaining proficiency” differently, even when they use the same assessments.

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.*

Measure: The percentage of ELs receiving Title III services who are making progress in learning English.		
Year	Target	Actual
2007	50	41
2008	55	42
2009	60	59
2010	65	
2011	67	
2012	69	

Additional information: This measure was instituted in 2006. The Department received 2009 data from 46 States for this measure in 2010. The Department is exploring the large increase from 2008 to 2009 to understand which States are primarily responsible and to ensure that the data are valid.

Measure: The percentage of ELs receiving Title III services who have attained English language proficiency.		
Year	Target	Actual
2007	20	21
2008	25	23
2009	30	33
2010	35	
2011	37	
2012	40	

ENGLISH LEARNER EDUCATION

Language acquisition State grants

Additional information: The Department received 2009 data from 50 States for this measure in 2010.

Measure: The percentage of ELs who score proficient or above on State reading assessments.		
Year	Target	Actual
2008		39
2009	34	40
2010	35	
2011	36	
2012	37	

Additional information: This measure was instituted in 2008. 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. The Department received 2009 data from 51 States for this measure in 2010.

Measure: The percentage of monitored former ELs who score proficient or above on State reading assessments.		
Year	Target	Actual
2008		76
2009	62	73
2010	64	
2011	66	
2012	68	

Additional information: This measure was instituted in 2008. The Department received 2009 data from 50 States for this measure in 2010.

Measure: The percentage of LEAs receiving Title III funding that meet all three AMAOs for ELs.		
Year	Target	Actual
2008		59
2009	57	57
2010	59	
2011	61	
2012	63	

Additional information: The Department revised this measure to make it better aligned with the goals and objectives of the program in 2008. The Department received 2009 data from 49 States for this measure in 2010.

Efficiency Measures

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

ENGLISH LEARNER EDUCATION

Language acquisition State grants

Measure: The average number of days States receiving Title III funds take to make subgrants to subgrantees.		
Year	Target	Actual
2007	52	67
2008	46	65
2009	46	61
2010	45	
2011	45	
2012	45	

Additional information: The Department has worked with States to help them make subgrants in a timely manner. Fifty States responded to this measure for 2009, which is 8 more States than in 2007. The amount of time it takes States to make subgrants ranges from 0 days to 274 days. In 2009, 6 States required more than 100 days to distribute funds to their subgrantees; 3 of those States required 200 days or more.

Measure: The annual cost per English learner attaining English language proficiency.		
Year	Target	Actual
2007	\$783	772
2008	782	771
2009	780	832
2010	775	
2011	770	
2012	770	

Additional information: 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.

Other Performance Information

The statute currently requires that schools receiving LAS funds 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 measured, 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 developed enhanced versions of the program models for kindergarten through grade 3. Each of the 3 grantees submitted a final report to the Department in 2010.

ENGLISH LEARNER EDUCATION

Language acquisition State grants

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.

As part of this study, the Department received three policy briefs in 2010 entitled, "Title III: A State of the States," "Title III: Behind the Numbers," and "Title III Accountability and District Improvement Efforts." These briefs have served as an immediate resource for the Administration, Congress, and other key stakeholders, and helped the Department develop the reauthorization proposal for Title III.

- Expert Study of ESEA Title III Allocations to States – The National Research Council of the National Academy of Sciences (NAS) evaluated the two currently allowable sources of data for determining LAS grant allocations (ACS and State-reported) and made recommendations on the best methodology for computing those allocations in January 2011. The report is available to the public on the NAS web site.
- A Review of Research on the Role of Academic English for ELs in Grades K-12 – The purpose of this review was 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 is available to the public.

FY 2009 and FY 2010 funds also support the following additional activity:

- Language Instruction Education Programs: Lessons from the Research and Profiles of Promising Programs – This project, taking place in FY 2011, will provide a literature review and promising practices guide for educators at the State and district levels, highlighting the components of effective language instruction educational programs. The study will also help educators gain some basic information on how to evaluate these programs at the local level.

The Department's current plan for the use of FY 2010 evaluation funds includes a descriptive study of the National Professional Development project, including an examination of the extent to which NPD projects lead to sustained professional development activities once Federal funding ceases; a study of English Learners with special needs; and a broader professional development project descriptive study.