

Department of Education
ENGLISH LANGUAGE ACQUISITION
Fiscal Year 2008 Budget Request

CONTENTS

	<u>Page</u>
Appropriations Language.....	G-1
Analysis of Language Provisions and Changes.....	G-2
Amounts Available for Obligation.....	G-3
Obligations by Object Classification.....	G-3
Authorizing Legislation.....	G-4
Appropriations History.....	G-5
Activity:	
Language acquisition State grants	G-6
State table.....	G-12

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009,¹ except that 6.5 percent of such amount shall be available on October 1, 2007 and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).²

NOTES

A regular 2007 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. 109-289, Division B, as amended). The amounts included for 2007 in this budget reflect the levels provided by the continuing resolution.

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.

ENGLISH LANGUAGE ACQUISITION

Analysis of Language Provisions and Changes

Language Provision	Explanation
¹ <u>...which shall become available on July 1, 2008, and shall remain available through September 30, 2009,</u>	This language provides for a portion of the funds to be appropriated on a forward-funded basis for English Language Acquisition State Grants. The specified amount represents the amount of funds that would be distributed to the States under the formula, and Native American discretionary grants.
² <u>...except that 6.5 percent of such amount shall be available on October 1, 2007 and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).</u>	This language provides for 6.5 percent of the funds to be appropriated on a 2-year basis for the English Language Acquisition State Grants. The specified amount 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).

ENGLISH LANGUAGE ACQUISITION

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

	2006	2007	2008
Discretionary appropriation:			
Appropriation.....	\$675,765	0	\$670,819
Across-the-board reduction.....	-6,758	0	0
CR annual rate.....	<u>0</u>	<u>\$670,819</u>	<u>0</u>
Subtotal, appropriation	669,007	670,819	670,819
Unobligated balance, start of year	8,818	7,006	0
Unobligated balance, expiring.....	0	0	0
Unobligated balance, end of year	<u>-7,006</u>	<u>0</u>	<u>0</u>
Total, direct obligations	670,819	677,825	670,819

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

	2006	2007	2008
Contractual services and supplies:			
Research and Development	\$1,980	\$2,000	\$2,000
Peer review	<u>50</u>	<u>80</u>	<u>50</u>
Subtotal	2,030	2,080	2,050
Grants, subsidies, and contributions.....	<u>668,789</u>	<u>675,745</u>	<u>668,769</u>
Total, obligations.....	670,819	677,825	670,819

ENGLISH LANGUAGE ACQUISITION

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

Activity	2007 Authorized	2007 Estimate	2008 Authorized	2008 Request
Language Acquisition State grants (ESEA-III-A)	Indefinite ¹	\$670,819	Indefinite ^{1,2}	\$670,819
<u>Unfunded authorizations:</u>				
Program development and enhancement (ESEA-III-B-1)	Indefinite	0	Indefinite ³	0
Research, evaluation, and dissemination (ESEA-III-B-2)	Indefinite	0	Indefinite ³	0
Professional Development (ESEA-III-B-3)	Indefinite	0	Indefinite ³	0
Immigrant Education (ESEA-III-B-4)	Indefinite	<u>0</u>	Indefinite ³	<u>0</u>
Total definite authorization	0		0	
Total appropriation (request subject to reauthorization)		670,819		670,819

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 GEPA extension applies through September 30, 2008; however, additional authorizing legislation is sought.

³ The GEPA extension applies through September 30, 2008. The Administration is not seeking reauthorizing legislation.

ENGLISH LANGUAGE ACQUISITION

Appropriations History (\$000s)

	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
1999	\$387,000	\$354,000	\$354,000	\$380,000
2000	415,000	380,000	394,000	406,000
2001	460,000	406,000	443,000	460,000
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			670,819 ¹
2008	670,819			

¹ A regular 2007 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. 109-289, Division B, as amended). The amounts included for 2007 in this budget reflect the levels provided by the continuing resolution.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

(Elementary and Secondary Education Act of 1965, Title III, Part A)

FY 2008 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

<u>2007</u>	<u>2008</u>	<u>Change</u>
\$670,819	\$670,819	0

¹ The GEPA extension applies through September 30, 2008; however, additional authorizing legislation is sought.

PROGRAM DESCRIPTION

Title III, Part A of the ESEA authorizes formula grants to States to serve limited English proficient students, as well as 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 and activities.

Formula grants: The Department makes formula grants to States based on each State's share of the Nation's limited English proficient (LEP) and recent immigrant student population. The Department distributes 80 percent of formula funds based on State shares of LEP students 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 LEP students and data submitted by the States to determine levels of 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 new data source, recent years' allocations have reflected significant shifts in LEP and immigrant student population counts, which then caused a shift in State-by-State formula allocations. The continued use of ACS data should improve the allocation process because the survey captures the most recent, consistent population and language data, an improvement over reliance on decennial Census data (which are frequently out of date) or data submitted by the States (which reflect differences across States in how LEP children are identified). In addition, as the Census Bureau implements the ACS survey more widely, the year-to-year fluctuations in State child counts and allocations should decline.

States must use at least 95 percent of their formula funds for subgrants to school districts, based primarily on each district's share of the State's LEP students and a plan submitted by the subgrantee to the State as to how the district will meet the State annual achievement targets for LEP students. From that 95 percent, States must use up to 15 percent to increase the size of grants to districts that have experienced a significant increase in the percentage or number of recent immigrant students over the preceding 2 years.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

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. However, 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 annual measurable achievement objectives for LEP students that measure the increase in English language proficiency and whether LEP students meet the challenging State academic content and achievement standards. If a school district fails to make progress toward meeting these objectives for 2 consecutive years, the State must require the district to develop an improvement plan. If the district fails to meet annual achievement objectives after 4 consecutive years, the State must require the district to modify the curriculum or method of instruction or replace educational personnel. The State may also terminate assistance to the district.

The statute also establishes a 0.5 percent or \$5 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: Title III 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 highly qualified teachers prepared to serve limited English proficient students and increase the skills of teachers already serving them. The purpose of the National Clearinghouse is to collect, analyze, synthesize, and disseminate research-based information about instructional methods, strategies, and programs for LEP students.

Starting in fiscal year 2006, all National Activities described in the statute are current funded and remain available for 24 months (from October 1, 2005 through September 30, 2007). 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.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

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

	(\$000s)
2003.....	\$683,747
2004.....	681,215
2005.....	675,765
2006.....	669,007
2007.....	670,819

FY 2008 BUDGET REQUEST

The Language Acquisition State Grants program is authorized by the Elementary and Secondary Education Act of 1965 and is, therefore, subject to reauthorization this year. The budget request assumes that the program will be implemented in fiscal year 2008 under reauthorized legislation, and the request is based on the Administration's reauthorization proposal.

For 2008, the Administration requests \$671 million for Language Acquisition State Grants, the same as the 2007 level. The request will support further implementation of the program, which supports the development of statewide capacity, including a system of standards and assessments, to improve educational outcomes for limited English proficient (LEP) students and permits each school district to adopt the scientifically based instructional methods that will enable its LEP students to learn English quickly and effectively.

The No Child Left Behind Act of 2001 established strong accountability requirements for the education of LEP students under both Titles I and III of ESEA. States must have annual measurable achievement objectives for LEP students that measure their success in achieving English language proficiency and meeting State academic content and achievement standards. LEAs are required to assess annually the English language proficiency of LEP students, and States must hold districts accountable for the academic progress of those students in terms of meeting achievement objectives under Title III and making adequate yearly progress under Title I.

Reauthorization

The Administration recognizes the close relationship between the development of language proficiency and academic content proficiency. The Administration's reauthorization proposal will give States new flexibility to adopt Title I adequate yearly progress (AYP) definitions that take into account both LEP students' academic attainment and their progress in learning English when determining whether schools and districts have made AYP. The proposal would also strengthen standards applicable to the teachers and paraprofessionals who educate these students.

Growth in the LEP student population

High rates of immigration over the last two decades have resulted in dramatic increases in the number of LEP students identified by States. According to the U.S. Census Bureau, the number of LEP students has risen from less than 1 million in 1980 to more than 4.6 million in 2004.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

American Community Survey data collected by the Census Bureau in 2005 also show that while California, New York, and Texas enroll 43 percent of the Nation's LEP students, the rate of growth of the LEP student population in other States has far exceeded that of these three largest States.

For example, State-reported data show that the LEP population more than quadrupled between school years 1993-1994 and 2004-2005 in 12 States (Alabama, Arkansas, Delaware, Georgia, Indiana, Kentucky, Missouri, Nevada, New Hampshire, North Carolina, South Carolina, and Tennessee) and more than tripled in another 4 States (Nebraska, Ohio, Pennsylvania, and West Virginia). Many of these States, because of their recent, rapid influx of students, lack experience in serving LEP students. These demographic trends - the overall increase in LEP students and the rapid growth in the LEP population in States lacking an infrastructure for serving LEP students - underscore the need for continued Federal assistance for programs serving limited English proficient students.

National activities

As required by statute, the Department will set aside 6.5 percent, or \$43.6 million, of the appropriation for national activities, including \$38.3 million for the National Professional Development Project, \$2 million for the National Clearinghouse for English Language Acquisition, and \$3.3 million for evaluation.

Under the National Professional Development Project, the Department in 2002 and 2004 made 148 grants to institutions of higher education that have entered into consortium arrangements with State or local educational agencies. Most of these grants ended in fiscal year 2006, so the Department is holding a new competition in fiscal year 2007. FY 2008 funds will support the second year of funding for those awards.

NCELA, operating under a contract with the Department that began in 2003, provides information primarily to teachers and other practitioners on limited English proficient students and research-based instructional methods for serving them. The NCELA web site has become the Department's *de facto* resource library on English language acquisition and receives over 6 million hits per month.

In fiscal year 2008, the Department would also use the evaluation set-aside funds to initiate a new set of evaluation activities, as the three studies currently being administered by IES will be concluded with fiscal year 2007 funds.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

PROGRAM OUTPUT MEASURES (\$000s)

	<u>2006</u>	<u>2007</u>	<u>2008</u>
Total Appropriation	\$669,007	\$670,819	\$670,819
State formula grants	\$620,522	\$622,216	\$622,216
Number of States	56	56	56
Native American discretionary grants	\$4,950	\$5,000	\$4,950
Peer review for new awards	\$50	0	\$50
National activities:			
National professional development	\$38,160	\$38,169	\$38,249
Number of projects	143	151	151
Peer review	0	\$80	0
Clearinghouse	\$1,980	\$2,000	\$2,000
Evaluation	\$3,345	\$3,354	\$3,354

PROGRAM PERFORMANCE INFORMATION

Performance Measures

This section presents selected program performance information, including 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 2008 and future years, and the resources and efforts invested by those served by this program.

The Department developed three outcome measures for the program, which are drawn from the “annual measurable achievement objectives” in the statute: (1) the percentage of LEAs receiving Title III services that make AYP for LEP students, (2) the percentage of LEP students receiving Title III services who have made progress in learning English, and (3) the percentage of LEP students receiving Title III services who have attained English language proficiency. Data from the forthcoming Biennial Report (March 2007) will provide performance levels for 2005 and 2006 and will inform future years’ targets. While the Department will set baselines and targets for these measures based on national data, States are required under the statute’s “annual measurable achievement objectives” to set targets for and report their progress toward meeting these goals at the State level. According to preliminary data, 23 States met their targets for LEP student attainment of English language proficiency in 2006.

In addition, the Department developed two output measures for the program to assist with program monitoring: (1) the number of States that have demonstrated the alignment of their English language proficiency (ELP) standards with State academic content standards, and (2) the number of States that have demonstrated the alignment of ELP assessments with ELP standards. The Department is in the process of developing a plan to ensure that States comply with these alignment requirements.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

Efficiency Measures

The Department has developed two efficiency measures for the English Language Acquisition State grants program. The first involves the time it takes for States that have participated in a Title III on-site monitoring review to resolve Title III compliance issues identified during the review. The second measures the time it takes States to make Title III subgrants to subgrantees. These measures address the Department's emphasis on risk mitigation and on timely and effective drawdown and use of Federal funds. Baselines and targets for these two measures will be established after baseline data are reported in the State Biennial Report in early 2007.

Evaluation

The statute requires that schools implementing Title III programs use curricula that reflect scientifically based research on teaching LEP students. Consistent with its mandate to test the effectiveness of promising practices under a variety of conditions to determine their feasibility for large-scale adoption, IES will continue three impact evaluations begun in FY 2004 (funded from FY 2003–FY 2007 appropriations) and scheduled for completion in FY 2008. These evaluations are, among other things, measuring the impact of interventions and language education program models (e.g. structured English immersion, transitional bilingual education, dual language immersion) on limited English proficient students' 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.

Follow-up on PART Findings and Recommendations

Language Acquisition State Grants is among the programs reviewed using the Program Assessment Rating Tool (PART) in 2006. The program received a rating of "Results not Demonstrated," largely due to the lack of data to document the program's success in improving student outcomes. Findings from the review demonstrate that the program has been successful at mobilizing States to establish language proficiency standards, and using standardized assessment and aligned instruments to measure students' English proficiency. The PART review also found that the Department provides effective program management and strong technical assistance.

Weaknesses identified through the PART process are related to Departmentwide policies and processes, such as whether budget requests are tied to a specific outcome which is generally difficult for education and social service programs to demonstrate. In addition, the Department does not yet have results of three evaluations being conducted by the Institute for Education Sciences on the most prevalent English as a Second Language instructional approaches. IES expects to complete these studies in 2008.

ENGLISH LANGUAGE ACQUISITION

Language acquisition State grants

State or Other Area	2006 Actual	2007 Estimate	2008 Estimate	Change from 2007 Estimate
Alabama	3,174,723	3,286,438	3,286,437	(1)
Alaska	951,490	652,479	652,479	0
Arizona	17,374,634	19,717,623	19,717,615	(8)
Arkansas	3,612,909	2,728,599	2,728,597	(2)
California	166,955,253	169,521,135	169,521,066	(69)
Connecticut	5,571,146	5,475,263	5,475,261	(2)
Delaware	1,212,964	1,357,296	1,357,295	(1)
District of Columbia	583,745	594,693	594,693	0
Florida	42,709,671	40,780,816	40,780,799	(17)
Georgia	13,188,888	15,164,353	15,164,346	(7)
Hawaii	2,298,533	2,585,317	2,585,316	(1)
Idaho	2,030,270	1,837,705	1,837,704	(1)
Illinois	28,836,450	27,560,394	27,560,383	(11)
Indiana	10,667,335	6,597,676	6,597,673	(3)
Iowa	2,020,724	2,529,451	2,529,450	(1)
Kansas	2,740,852	3,399,310	3,399,309	(1)
Kentucky	3,118,830	2,804,898	2,804,897	(1)
Louisiana	2,346,119	2,181,794	2,181,794	0
Maine	621,027	567,346	567,346	0
Maryland	7,437,226	9,159,796	9,159,793	(3)
Massachusetts	9,855,919	11,052,467	11,052,462	(5)
Michigan	8,594,099	10,401,471	10,401,466	(5)
Minnesota	7,098,282	6,726,264	6,726,261	(3)
Mississippi	742,851	1,317,891	1,317,890	(1)
Missouri	3,100,690	3,628,929	3,628,927	(2)
Montana	500,000	500,000	500,000	0
Nebraska	2,130,605	2,388,553	2,388,552	(1)
Nevada	8,673,706	6,025,211	6,025,209	(2)
New Hampshire	823,886	773,648	773,647	(1)
New Jersey	16,783,993	18,272,262	18,272,254	(8)
New Mexico	4,051,960	4,350,314	4,350,312	(2)
New York	53,526,957	44,839,873	44,839,855	(18)
North Carolina	12,582,872	12,294,153	12,294,148	(5)
North Dakota	500,000	500,000	500,000	0
Ohio	8,027,863	7,706,000	7,705,997	(3)
Oklahoma	3,843,474	3,384,038	3,384,037	(1)
Oregon	6,888,009	7,653,543	7,653,540	(3)
Pennsylvania	11,458,626	11,373,614	11,373,610	(4)
Rhode Island	1,950,367	2,083,365	2,083,364	(1)
South Carolina	2,502,240	4,299,409	4,299,408	(1)
South Dakota	500,000	731,310	731,309	(1)
Tennessee	5,523,057	4,794,489	4,794,487	(2)
Texas	85,865,561	88,136,794	88,136,758	(36)
Utah	3,652,520	3,548,012	3,548,010	(2)
Vermont	500,000	500,000	500,000	0
Virginia	9,823,062	10,322,920	10,322,916	(4)
Washington	10,265,825	12,829,618	12,829,613	(5)
West Virginia	500,000	500,000	500,000	0
Wisconsin	6,258,643	5,992,543	5,992,541	(2)
Wyoming	500,000	500,000	500,000	0
American Samoa	1,161,123	1,164,267	1,164,268	1
Guam	1,149,030	1,152,142	1,152,141	(1)
Northern Mariana Islands	957,539	960,133	960,132	(1)
Puerto Rico	3,085,884	3,094,310	3,094,308	(2)
Virgin Islands	77,344	77,554	77,554	0
Freely Associated States	0	0	0	0
Indian set-aside	5,000,000	5,000,000	5,000,000	0
Other (non-State allocations)	43,485,477	43,603,252	43,603,235	(17)
Total	669,007,350	670,819,271	670,819,000	(271)