

**Department of Education**  
**ENGLISH LANGUAGE ACQUISITION**  
**Fiscal Year 2009 Budget Request**

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## ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, [\$712,848,000] \$730,000,000, which shall become available on July 1, [2008] 2009, and shall remain available through September 30, [2009] 2010,<sup>1</sup> except that 6.5 percent of such amount shall be available on October 1, [2007] 2008, and shall remain available through September 30, [2009] 2010, to carry out activities under section 3111(c)(1)(C).<sup>2</sup> (*Department of Education Appropriations Act, 2008.*)

Note.— 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
<sup>1</sup> ...which shall become available on July 1, [2008] <u>2009</u> , and shall remain available through September 30, [2009] <u>2010</u> ,	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 Native American discretionary grants.
<sup>2</sup> ...except that 6.5 percent of such amount shall be available on October 1, [2007] <u>2008</u> , and shall remain available through September 30, [2009] <u>2010</u> , to carry out activities under section 3111(c)(1)(C).	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).

**ENGLISH LANGUAGE ACQUISITION**

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

	2007	2008	2009
Discretionary appropriation:			
Appropriation.....	\$669,007	\$712,848	\$730,000
Across-the-board reduction.....	<u>0</u>	<u>-12,453</u>	<u>0</u>
Subtotal, appropriation .....	669,007	700,395	730,000
Unobligated balance, start of year .....	7,006	9,818	0
Unobligated balance, expiring.....	-1	0	0
Unobligated balance, end of year .....	<u>-9,818</u>	<u>0</u>	<u>0</u>
Total, direct obligations .....	666,194	710,213	730,000

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

	2007	2008	2009
Contractual services and supplies:			
Research and Development .....	\$2,000	\$2,000	\$2,000
Peer review .....	<u>60</u>	<u>50</u>	<u>0</u>
Subtotal .....	2,060	2,050	2,000
Grants, subsidies, and contributions.....	<u>664,134</u>	<u>708,163</u>	<u>728,000</u>
Total, obligations.....	666,194	710,213	730,000

**ENGLISH LANGUAGE ACQUISITION**

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

Activity	2008 Authorized	2008 Estimate	2009 Authorized	2009 Request
Language Acquisition State grants ( <i>ESEA-III-A</i> )	Indefinite <sup>1,2</sup>	\$700,395	Indefinite <sup>1,2</sup>	\$730,000
<u>Unfunded authorizations</u>				
Program development and enhancement ( <i>ESEA-III-B-1</i> )	Indefinite <sup>3</sup>	0	Indefinite <sup>3</sup>	0
Research, evaluation, and dissemination ( <i>ESEA-III-B-2</i> )	Indefinite <sup>3</sup>	0	Indefinite <sup>3</sup>	0
Professional Development ( <i>ESEA-III-B-3</i> )	Indefinite <sup>3</sup>	0	Indefinite <sup>3</sup>	0
Immigrant Education ( <i>ESEA-III-B-4</i> )	Indefinite <sup>3</sup>	<u>0</u>	Indefinite <sup>3</sup>	<u>0</u>
Total definite authorization	0		0	
Total appropriation (request subject to reauthorization)		700,395		730,000

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

<sup>3</sup> 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
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	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			

<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.

## ENGLISH LANGUAGE ACQUISITION

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### Language acquisition State grants

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

FY 2009 Authorization (\$000s): Indefinite<sup>1</sup>

Budget Authority (\$000s):

<u>2008</u>	<u>2009</u>	<u>Change</u>
\$700,395	\$730,000	+\$29,605

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

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### 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 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. As the Census Bureau implements the ACS survey more widely, these year-to-year fluctuations in State child counts and allocations should decline. The Department will also consider the reliability of using State-reported data for future years' allocations. To date, States have not reported data consistently or completely and, thus, data reported by States have not been considered a reliable source for making allocations.

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 on how the district will meet the State annual achievement targets for LEP students. From that 95 percent, States also 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

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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, the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (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 National Clearinghouse collects, analyzes, synthesizes, and disseminates research-based information about instructional methods, strategies, and programs for LEP students. In addition, 0.5 percent of the appropriation is set aside, from the 6.5 percent, for evaluation activities.

Starting in fiscal year 2006, all National Activities described in the statute are current funded and remain available for 24 months (from October 1, 2008 through September 30, 2010 for fiscal year 2009). 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:



## ENGLISH LANGUAGE ACQUISITION

### Language acquisition State grants

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	(\$000s)
2004.....	\$681,215
2005.....	675,765
2006.....	669,007
2007.....	669,007
2008.....	700,395

### FY 2009 BUDGET REQUEST

For FY 2009, the Administration requests \$730 million for Language Acquisition State Grants, nearly \$30 million over the FY 2008 level. This request reflects a policy to provide funding increases to selected programs serving disadvantaged populations and programs that have made improvements in performance, management, or efficiency, as demonstrated through the PART process. 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 the growing number of 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 and progress in other subjects.

The Administration believes funding for this program should be increased to (1) address the needs of the dramatically increasing population of LEP students; (2) support States' continued efforts to implement the strong accountability requirements for the education of LEP students under ESEA; and (3) encourage States to invest in research-based approaches to English language instruction.

According to the U.S. Census Bureau, the number of LEP students has risen from less than 1 million in 1980 to more than 4.66 million in 2005. American Community Survey data collected by the Census Bureau in 2005 also show that California, New York, and Texas enroll 43 percent of the Nation's LEP students, but 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 other States (Nebraska, Ohio, Pennsylvania, and West Virginia). Many of these States 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 them -- underscore the need for continued Federal assistance for programs serving limited English proficient students and support the Administration's request for a funding increase for the program.

The Language Acquisition State Grants program is authorized by the Elementary and Secondary Education Act of 1965 and is, therefore, subject to reauthorization. The budget request assumes that the program will be implemented in fiscal year 2009 under reauthorized legislation, and the request is based on the Administration's reauthorization proposal.

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The Administration recognizes the importance of allocating funds in a consistent and fair manner within States. The Administration's reauthorization proposal would require that States use a consistent definition of limited English proficiency when making within-State allocations to eligible entities. The proposal would also strengthen standards applicable to the teachers and paraprofessionals who educate LEP students, requiring that States ensure that all teachers of LEP students are fluent in English or any other language of instruction and that paraprofessionals serving students in Title III classrooms are held to the same standards as those who serve students under Title I.

### Formula Grants

The statute establishes that 0.5 percent of the appropriation or \$5 million (whichever is greater) be set aside for schools operated predominantly for Native American and Alaska Native children. In FY 2009, the Department would make continuation awards for grants awarded in FY 2006 and FY 2008. The remaining amount would be allocated to States based on each State's share of the Nation's LEP and recent immigrant student population, with 0.5 percent set aside for the Outlying Areas.

### National Activities

As required by statute, the Department would set aside 6.5 percent, or \$47.5 million, of the appropriation for national activities, including \$41.8 million for the National Professional Development Project, \$2 million for the National Clearinghouse for English Language Acquisition (NCELA), and \$3.7 million for evaluation.

Under the National Professional Development Project, the Department held a competition in fiscal year 2007 and made 139 new awards to institutions of higher education that have entered into consortium arrangements with State or local educational agencies. Fiscal year 2009 funds will support the third year of funding for those awards as well as, potentially, a small number of new 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 (<http://www.ncela.gwu.edu>) has become the Department's *de facto* resource library on English language acquisition and receives, on average, 1.5 million hits per month. A competition will be held in fiscal year 2008 for the Clearinghouse, so fiscal year 2009 funds will support the second year of a new contract.

In fiscal years 2008 and 2009, the Department would use the evaluation set-aside funds to initiate and then continue a new set of evaluation activities, as the three studies currently being administered by IES will be concluded in 2008 with fiscal year 2007 funds.

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#### PROGRAM OUTPUT MEASURES (\$000s)

	<u>2007</u>	<u>2008</u>	<u>2009</u>
Total Appropriation	\$669,007	\$700,395	\$730,000
State formula grants:			
Language acquisition State grants	\$620,522	\$649,869	\$677,550
Number of States	56	56	56
Native American discretionary grants			
Native American discretionary grants	\$5,000	\$4,950	\$5,000
Peer review for new awards	0	\$50	0
New projects	0	8	0
Continuation projects	22	21	29
National activities:			
National professional development	\$38,100	\$40,024	\$41,800
New projects	139	0	0
Continuation projects	21	159	139
Peer review	\$60	0	0
Clearinghouse	\$1,980	\$2,000	\$2,000
Evaluation	\$3,345	\$3,502	\$3,650

#### 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 2009 and future years, and the resources and efforts invested by those served by this program.

**Goal:** To help limited English proficient students 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.*

The Department developed three outcome measures for the program, which are drawn from the "annual measurable achievement objectives" (AMAOs) in the statute: (1) the percentage of LEAs receiving Title III funding making adequate yearly progress (AYP) for LEP students, (2) the percentage of LEP students receiving Title III services who are making progress in English, and (3) the percentage of LEP students receiving Title III services who have attained English

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### Language acquisition State grants

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language proficiency. The Department set a baseline for the first two measures from 2006 data.

For the first of these three measures, in 2006, 38 percent of the LEAs made AYP for LEP students, and the targets have been set to reflect the NCLB goal of 100 percent proficiency by 2014: 45.75 percent in 2007, 53.5 percent in 2008, and 61.25 percent in 2009. For the second of the three measures, States reported 45 percent of the targeted LEP students as making progress in English and the Department set realistic, but challenging targets of 50 percent in 2007, 55 percent in 2008, and 60 percent in 2009. Data for the third measure are contained in the following chart.

<b>Measure:</b> The percentage of LEP students receiving Title III services who have attained English language proficiency.		
Year	Target	Actual
2005		23
2006	29	19
2007	20	
2008	25	
2009	30	

**Assessment of progress:** Targets for this measure were very ambitious initially and were revised starting in 2007 to reflect more realistic goals and to account for the variation among States in the rigor of their English language proficiency (ELP) standards and in the definitions of English language attainment. Also, the nature of the LEP subgroup is that students enter the subgroup with varying levels of English proficiency and content knowledge in their own languages, thus making achievement targets difficult to reach in some LEAs.

In addition to these outcome measures, the Department developed two output measures for the program to assist with program monitoring of States' compliance with the requirements of the statute: (1) the number of States documenting through a self-assessment the alignment of their English language proficiency (ELP) standards with State academic content standards, and (2) the number of States documenting through a self-assessment the alignment of their ELP assessments with their ELP standards. Through the work of the LEP Partnership, an initiative to help States improve their assessments of English language proficiency, reading, and mathematics for LEP students, the Department is in the process of piloting a draft framework for States to use in self-assessing that alignment and to ensure that States comply with these alignment requirements. States will volunteer to pilot the framework in 2008.

### Efficiency Measures

The Department has developed two efficiency measures for the English Language Acquisition State grants program. The first involves the time it takes States to make Title III subgrants to subgrantees. Baseline data have been established for this measure, and the number of days for 2006 was 55. The targets for subsequent years have been set at 52 for 2007, and 46 for 2008 and 2009. The second efficiency measure, developed in 2007, examines the national annual cost per LEP student 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). Baseline data have been established for this measure, and

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the cost in 2006 was \$785 per student. Targets will be set for this measure once an additional year of data has been collected. These measures address the Department's emphasis on risk mitigation and on timely and effective use of Federal funds.

### Other Performance Information

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 in order to determine their feasibility for large-scale adoption, the Department's Institute of Education Sciences (IES) has conducted three impact evaluations, begun in FY 2004 and funded from FY 2003 - FY 2007 appropriations, that are scheduled for completion in FY 2008. 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 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 was 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, however, demonstrated that the program has been successful at mobilizing States to establish language proficiency standards and standardized assessments and aligned instruments to measure students' English proficiency.

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 (IES) on the most prevalent English as a Second Language instructional approaches. IES expects to complete these studies in September 2008. This program may be a candidate for the PART review process again in 2009.

The PART improvement plan recommendations are presented below, followed by a description of the Department's actions to address them.

- *Complete an additional year of data collection for performance measures of student progress and analyze the performance and progress of LEP students in English language attainment and academic content in preparation for a re-PART in 2009.* States report annually on the progress of LEP students in attaining English language proficiency and academic content knowledge. The Department will analyze the data reported over a 3-year time period to determine trends in LEP student achievement.
- *Make the information from the results of the evaluations available through multiple sources.* Once the Department receives the results of the three evaluations being conducted by IES,

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### Language acquisition State grants

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the Department will make those available through NCELA's web site, the Department's web site, and other means.

- *Develop a technical assistance plan, based on information gained from the evaluations, to assist States with the implementation of Title III.* Following the release of the results of the evaluations, the Department intends to create a plan with approaches for technical assistance that will assist States in ways and in areas identified by the evaluations.
- *Working through the LEP Partnership, pilot the draft Framework in a limited number of States to support States' efforts to better align standards and assessments for English Language Learners.* The Department's LEP Partnership has created a draft Framework of High-Quality English Language Proficiency Standards and Assessments to provide States with criteria to help them conduct a self-review of their ELP standards and assessments.

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### Language Acquisition State Grants

State or Other Area	2007 Actual	2008 Estimate	2009 Estimate	Change from 2008 Estimate
Alabama	3,277,453	3,433,098	3,579,907	146,809
Alaska	650,695	681,596	710,743	29,147
Arizona	19,663,715	20,597,535	21,478,345	880,810
Arkansas	2,721,139	2,850,364	2,972,254	121,890
California	169,057,667	177,086,129	184,658,844	7,572,715
Colorado	9,811,642	10,277,592	10,717,091	439,499
Connecticut	5,460,293	5,719,600	5,964,187	244,587
Delaware	1,353,585	1,417,866	1,478,498	60,632
District of Columbia	593,067	621,232	647,797	26,565
Florida	40,669,322	42,600,687	44,422,416	1,821,729
Georgia	15,122,894	15,841,072	16,518,482	677,410
Hawaii	2,578,249	2,700,689	2,816,178	115,489
Idaho	1,832,681	1,919,714	2,001,806	82,092
Illinois	27,485,045	28,790,295	30,021,451	1,231,156
Indiana	6,579,638	6,892,102	7,186,828	294,726
Iowa	2,522,536	2,642,330	2,755,323	112,993
Kansas	3,390,016	3,551,006	3,702,858	151,852
Kentucky	2,797,230	2,930,069	3,055,367	125,298
Louisiana	2,175,829	2,279,159	2,376,622	97,463
Maine	565,795	592,665	618,009	25,344
Maryland	9,134,754	9,568,558	9,977,738	409,180
Massachusetts	11,022,249	11,545,690	12,039,417	493,727
Michigan	10,373,033	10,865,643	11,330,289	464,646
Minnesota	6,707,874	7,026,428	7,326,898	300,470
Mississippi	1,314,288	1,376,703	1,435,574	58,871
Missouri	3,619,007	3,790,872	3,952,981	162,109
Montana	500,000	500,000	500,000	0
Nebraska	2,382,023	2,495,144	2,601,844	106,700
Nevada	6,008,738	6,294,090	6,563,244	269,154
New Hampshire	771,533	808,172	842,732	34,560
New Jersey	18,222,306	19,087,674	19,903,918	816,244
New Mexico	4,338,421	4,544,450	4,738,784	194,334
New York	44,717,282	46,840,882	48,843,934	2,003,052
North Carolina	12,260,541	12,842,788	13,391,983	549,195
North Dakota	500,000	500,000	500,000	0
Ohio	7,684,932	8,049,886	8,394,122	344,236
Oklahoma	3,374,786	3,535,053	3,686,222	151,169
Oregon	7,632,618	7,995,088	8,336,981	341,893
Pennsylvania	11,342,519	11,881,169	12,389,243	508,074
Rhode Island	2,077,669	2,176,337	2,269,403	93,066
South Carolina	4,287,655	4,491,273	4,683,333	192,060
South Dakota	729,310	763,945	796,613	32,668
Tennessee	4,781,381	5,008,446	5,222,622	214,176
Texas	87,895,830	92,069,958	96,007,135	3,937,177
Utah	3,538,312	3,706,344	3,864,838	158,494
Vermont	500,000	500,000	500,000	0
Virginia	10,294,698	10,783,588	11,244,725	461,137
Washington	12,794,542	13,402,148	13,975,263	573,115
West Virginia	500,000	500,000	500,000	0
Wisconsin	5,976,160	6,259,964	6,527,658	267,694
Wyoming	500,000	500,000	500,000	0
American Samoa	1,172,118	1,227,110	1,278,979	51,869
Guam	1,151,455	1,205,477	1,256,433	50,956
Northern Mariana Islands	959,474	1,004,488	1,046,948	42,460
Puerto Rico	3,085,884	3,231,835	3,369,500	137,665
Virgin Islands	61,989	64,897	67,640	2,743
Freely Associated States	0	-	-	0
Indian set-aside	5,000,000	5,000,000	5,000,000	0
Other (non-State allocations)	43,485,478	45,525,645	47,450,000	1,924,355
<b>Total</b>	<b>669,007,350</b>	<b>700,394,545</b>	<b>730,000,000</b>	<b>29,605,455</b>