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Financing Dual Language Learning

INTRODUCTION

Dual Language Learning

Dual language learners make up a sizeable—and growing—portion of the student population, particularly in some states and school districts with large immigrant populations. Over a dozen states in the last survey conducted by the U.S. Census Bureau had populations in which more than 20 percent of individuals spoke a language other than English at home (see Figure 1).

Yet the federal role in helping states and school districts to teach and support those students remains rather limited. Congress contributes just 1 percent of the U.S. Department of Education's budget to English Language Acquisition grants for states.[1] Those funds, allocated through Title III of the Elementary and Secondary Education Act (ESEA), provide virtually all of the federal support for dual language learning students.

Furthermore, little is known about the history of financing for that program, how those funds are distributed to states and localities, or whether they are meeting the needs of dual language learners in the United States. This issue brief, which was published as a blog series at EdCentral.org in November 2014, sought to demystify the funding structure for Title III dollars. As policymakers in Congress explore ESEA reauthorization, they should consider the complicated history of Title III funding.

Figure 1. Share of State Population That Speaks a Language Other Than English at Home
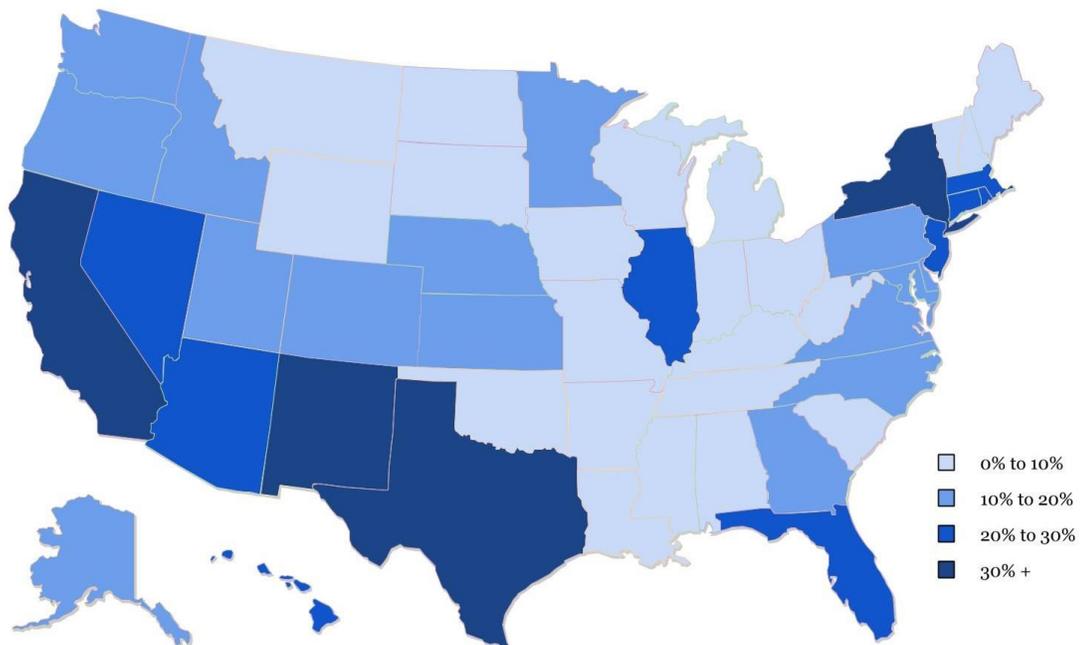
Source: U.S. Census Bureau 2010 American Community Survey. Chart by New America.

I. HERE'S HOW IT WORKS

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States are facing considerable challenges in meeting all children's educational needs, especially given growing numbers of low-income and dual language learners (DLLs) in schools. For the most part, states and school districts bear the responsibility for serving DLLs. But the federal government, although it pitches in only about $723 million, has taken on a growing role in educating DLLs—albeit a still-controversial one.[2]

Since 1968, shortly after ESEA first became law, lawmakers provided competitive grants to states for the development of bilingual education efforts.[3] But by 2001, it was clear that the ranks of students who didn't speak English fluently weren't being well served by the districts and states in which they attended school. Subpar academic outcomes remained a persistent problem. With No Child Left Behind's emphasis on improving outcomes for all students—including subgroups of students who were low-income, minority, or had limited English proficiency—it was clear that states would need to step up their game. So in that law, lawmakers transformed the federal program entirely.

As of the last ESEA reauthorization in 1994, bilingual education grants were housed in Title VII of the law. They were designed to help school districts improve their instruction of students with limited English proficiency so that they could improve their English fluency (and, the law says, "to the extent possible, their native language") and their academic performance outcomes. Districts, early childhood education programs, and teacher preparation programs were eligible to win the competitive program. The winners got two-year grants to build out their bilingual education programs or five-year grants to implement schoolwide or district-wide programs.

After the No Child Left Behind reauthorization was completed in 2002, it was an entirely different story. Title VII, the English Language Acquisition grants program, was relocated to Title III of the Elementary and Secondary Education Act—and more importantly, it became a formula-funded program, rather than a competitively funded one.

Formula-funded programs, by definition, are designed to ensure greater equity across the country. In a competitive grant program, there are necessarily winners and losers; those who receive funding, and those who don't. A formula program may advantage some districts over others by weighting factors differently, but it provides at

least some base level of funding to all districts. And by requiring some consistency across states in the use of funds (for example, to develop English language proficiency assessments), ensuring all states receive the dollars also broadens federal oversight to all states. So making the dual language learner funding available through a formula rather than a competition meant that virtually all districts had the benefit of those dollars–and all districts could be held accountable for their outcomes.

The new formula awarded funds to all states according to their share of dual language learners compared with the rest of the country (80 percent of the formula) and their proportion of immigrant children compared with the number of immigrant children nationally (20 percent). Even the states with the smallest awards got at least $500,000. States have to distribute the funds to school districts on a similar basis: the share of DLL children in the state identified by each district.

Districts that would receive a grant of less than $10,000 are disqualified from receiving any funds.

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But the new version of the law isn't without problems. A suite of research has demonstrated inconsistencies and inequities in the formula. For more, read Parts II and III of the EdCentral *Financing Dual Language Learning* series in this issue brief.

II. THE DATA MATTER

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Title III, the law that governs federal funding and programs for dual language learners, provides relatively small amounts of money to states. As we explained in part one of our three-part blog series on the financing of dual language learners (DLLs), the formula provides 80 percent of federal dollars on the basis of each state's share of dual language learners, and 20 percent on each state's share of immigrant children.

Importantly, though, when lawmakers rewrote the bilingual education provision as Title III of No Child Left Behind in 2001, they didn't specify which source of data the Department of Education should use to calculate those numbers. Beyond the first several years of implementation, the statute only asks that the Secretary of Education should use the more accurate of two sources: the American Community Survey conducted by the U.S. Census Bureau, or the number of children for whom the state administers annual English proficiency assessments, as required elsewhere in the law.

Today, the Department uses the ACS data rather than state-reported figures–and has since 2005– apparently because the state data were initially incomplete.[5] But while the distinctions may seem pretty insignificant, some say it makes a big difference in funding. According to a 2006 report from the Government Accountability Office (GAO) that simulated the Title III funding formula for fiscal years 2005 and 2006 in 12 states, some states would see dramatic increases in funding if state-reported data were used as compared with ACS data–and some would see declines in funding as high as 40 percent.[6] [See graphic on page 6.] Moreover, variations in the sample sizes of the ACS from year to year could mean big annual ebbs or surges.

Therein lies the rub. Members of Congress are notoriously bad at revising funding formulas, because it creates winners and losers. Editing federal formulas to improve equity is rarely worth the risk of angering constituents or losing votes to lawmakers.

A big part of the reason for that variation is because the state data are comprised of a straight count of students, while the ACS data require sampling of students. That's especially problematic for small school districts and states with lower DLL populations, where it may be hard to find a fully representative sample. But there are plenty of other differences between the two methods, too, not all of which are a bad thing:

Figure 2. Percentage Differences Between State-Reported Data (2004-05) and 2004 ACS Data in 12 Study States
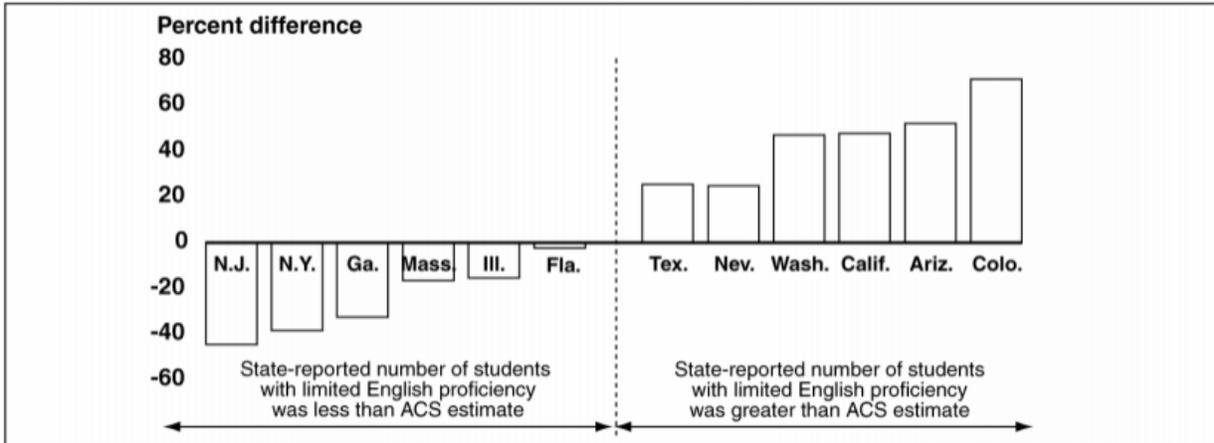
Source: GAO analysis of state and ACS data.

- ACS includes children from age 5 to 21, while the state decides its own range for school-aged children;

- Public and private school students are included in ACS data, while just public-school students qualify for the state counts;

- States conduct assessments of children to determine English language proficiency that cover literacy as well as speaking proficiency, while the ACS simply asks whether the person speaks another language at home, and how well the person speaks English;

- Because the ACS survey is conducted among adults, the child himself is not assessed for English-language proficiency in that method, while state counts are child-focused; and

- The ACS survey is uniformly used across states, while the state counts are determined on the basis of state or local assessments and definitions.

That's a shame, because in this case, the changes could mean a significant difference in the services available to children under Title III. A report for the U.S. Department of Education in 2012 found that per-child funding through Title III totaled less than $120 in seven states, but topped $300 in four states.[7] Particularly in schools with few DLL children, those numbers bear diminishing returns. In the states with the lowest per-pupil federal DLL funding, a school with 10 DLL students could bring in about $1,200–not enough to provide much in the way of dedicated staff, additional services, or new resources.

Figure 3. Census Survey Question

Source: U.S. Census Bureau. http://1.usa.gov/1l3RlVd

And another report found that the variations in state and ACS estimates were significant: For example, Nevada identified 10.96 percent of its public school students as dual language learners; but the ACS data showed a rate of just 6.8 percent.[8] In New Mexico, the state found a rate triple that of the ACS: 18.6 percent in 2008, compared with 6.3 percent. Just two states, New Jersey and West Virginia, had a higher rate of DLL students in the ACS than in their state data—1.0 percent in the ACS, compared with 0.9 percent in the state data, in the case of West Virginia; but the range of variation was substantial from state to state.

And although the report didn't directly address it, states' DLL populations are not static. The size of each state's DLL subgroup rises and falls with each year—and throughout the year—depending on their policies around classifying and reclassifying these students. So methods of assessing students for data collection purposes could have varying effects on states, depending on the frequency and timing of sampling. (For more on reclassification policies, check out our recent publication, Chaos for Dual Language Learners: An Examination of State Policies for Exiting Children from Language Services in the PreK-3rd Grades.)[9]

A report found that the variations between state and ACS estimates [DLLs] were significant

Rational people could disagree on whether the American Community Survey or the state-provided counts are more accurate. States that define English-language proficiency more loosely might be at a distinct advantage for raking in funding from a system that required states to find and count their own DLL students. There are obvious (and concerning) incentives encouraging states to overcount, given that not all districts provide great services to their DLL students. However, it is apparent that certain types of districts are likely at a greater disadvantage because the Department of Education relies on the ACS data. In particular, undersampled states and districts are probably losing out on some funding, and some larger states and districts with more accurate samples included in the ACS may be benefitting as a result.

So how will Congress address these issues? For more, read Part III of the EdCentral *Financing Dual Language Learning* series in this issue brief.

III. THE ROAD AHEAD

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With Republicans poised to take control of both the House and Senate come the January 2015 swearing-in ceremonies, outsiders are starting to look ahead to what will come next. According to Sen. Lamar Alexander (R-TN), soon-to-be-chair of the Senate Health, Education, Labor, and Pensions (HELP) committee, reauthorizing the No Child Left Behind Act (NCLB) is his highest priority–though he's made few, if any, mentions of English language proficiency. That has advocates for dual language learners (DLLs) asking what will come of the English language acquisition grants.

As we explained in parts one and two of our three-part series, federal dollars for dual language learners (Title III funds) are awarded to states on the basis of each state's share of dual language learners (80 percent of the formula) and share of immigrant children (20 percent of the formula). But the larger controversy rests in who counts those children. Federal law permits the Department of Education to use either Census Bureau sampling estimates or state counts of children–and to date, it uses the Census Bureau's American Community Survey (ACS), despite some of the shortcomings of the data.

But those might not always be the choices. In a bill to reauthorize the Elementary and Secondary Education Act (NCLB is the latest iteration of that law), retiring Sen. Tom Harkin, current chair of the HELP Committee, rewrote the data requirements for Title III funding. Instead, his bill would require the use of Census Bureau ACS data in calculating the share of immigrant children in each state. For the larger portion of the formula–each state's share of dual language learners, specifically–the Department of Education would be able to use ACS data, state-reported data, a combination of both sources, or another, more reliable source of data.

That recommendation is similar–though not as prescriptive–as the ones in a 2011 report from the National Research Council.[10] The Department of Education requested that the Committee on National Statistics and Board on Testing and Assessment form a commission to examine the federal funding formula for state DLL programs, and reported back with recommendations.

The resulting report urged the Department of Education to utilize both state counts and Census data for the 80 percent of the formula that asks about states' share of DLL students. Specifically, it called for the Department to weight the state data on students who scored below English proficiency

on a state assessment as 25 percent of the overall data, and ACS data as 75 percent. When (or if) states have better, more comparable data, the report recommends moving towards a 50-50 split between state and national data. For the remaining 20 percent of the formula that awards funds based on states' share of immigrant children, it suggests continuing to use the ACS data. However, the commission also recommends that the Census Bureau begin working to research and ultimately improve its survey question about English language proficiency.

It seems evident that the national data, derived from Census Bureau sampling, are insufficient to reliably and equitably distribute limited federal dollars.

The Harkin proposal makes few efforts to improve the data that states provide, but leaves the option to work state-collected figures into the funding formula open to the U.S. Department of Education. That means it would be on the states to enhance the integrity of their dual language learner data, should they want those numbers factored into the federal funding formula (and in that case, there are clearly plenty of states that would stand to benefit).

But with Sen. Harkin on his way out the door, even his modest proposal may be unlikely to happen.

Sen. Alexander appears to have less interest in revising the formula in his role as incoming chair of the HELP Committee. His Every Child Ready for College or Career Act, an ESEA reauthorization bill introduced last year, made no mention of editing the funding formula, let alone dictating or allowing new or different data sources in the process. In fact, effectively his only mention of the federal program in the bill was to cut the total funds available to states that serve dual language learners. And while Rep. John Kline (R-MN), chair of the House Education and the Workforce Committee, released his own bill that would add an option to combine ACS and state count data in distributing funds, it otherwise scrapped the entire Title III provision, moving the accountability elements to Title I reporting requirements, instead.[11]

It seems evident that the national data, derived from Census Bureau sampling, are insufficient to reliably and equitably distribute limited federal dollars. But the state data should be brought up to snuff before the Department of Education accepts them as valid– a process that has been underway since the release of a 2006 GAO report discussed in Part II. [12] Once that happens, a careful combination of data sources might mean the fairest funding formula possible. We here at New America will be keeping a close eye on Congress as it pursues a long-overdue reauthorization of NCLB–and, perhaps, a much-needed reconsideration of dual language learners' needs.

NOTES

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