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# Washington Budget Battle Adds Dose of Uncertainty to K-12 Education Funding

Notwithstanding the budget drama playing out in Washington, D.C., school budgeters' eyes are more likely to be focused on the statehouse, not the nation's capital. This makes sense, given the fact that the state contribution to local budgets far exceeds the federal and some states, like California, face unmatched fiscal crises.

"The federal uncertainty is dwarfed by state and local tax revenue uncertainty and the certainty of the funding cliff," said Bruce Hunter, associate

executive director for advocacy, policy and communications for the American Association of School Administrators. "I was in three states last week, and the state and local issues and the funding cliff were all that people talked about."

The "funding cliff" to which Hunter refers is the imminent end of the stimulus funding appropriated by the American Recovery and Reinvestment Act (ARRA). That money, which boosted local budgets in 2009 and 2010, is scheduled to expire Sept. 30, 2011, adding to the

See Budget, p. 5

## Reauthorization Watch

# ED Launches Equity Commission To Combat School Funding Inequities

When a federal commission meets for the first time, it is customary for members to declare that they don't want their work to "just be another document on a shelf."

And there was much of that determination in evidence recently, when the U.S. Department of Education's (ED's) star-studded Equity and Excellence Commission met for the first time.

"We don't want yet another commission report that sits on a shelf," said Russlyn Ali, ED's assistant secretary for civil rights.

"We're all here, we're all busy, and we want to make a difference," said Christopher Edley, dean of the University of California at Berkeley's law school, and co-chair of the commission.

The first meeting, which will be followed by several regional forums and a completed report expected in December, demonstrated that there was cause for optimism even if the problem is, as Ali put it, a "behemoth."

The good news is that there is a growing sense that the issue's time has

See Reauthorization Watch, p. 2

# Monitor

The Authoritative Report on Compensatory Education

## In This Issue

### Budget

Budget delays in Washington, D.C., undercut state, local Title I planning for the coming school year ..... 1  
A table lists ED's share of the just-enacted budget cuts..... 6  
Even Start finally stops ..... 7  
Surprisingly, all states meet Title I maintenance of effort requirements, avoiding grant reductions..... 5

### Reauthorization Watch

ED launches "Equity and Excellence Commission" to strengthen comparability requirement..... 1

### Technical Assistance

ED wants states, school districts to move away from a checklist-mentality and focus on best practices..... 3

### Title I Q&A

May school districts ask ED to overturn states' McKinney-Vento placement decisions? The Monitor looks at this and other McKinney-Vento questions..... 4

### Title III

A congressionally mandated study by the National Research Council proposes revisions in the Title III formula ..... 8

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## Reauthorization Watch (continued from p. 1)

come. The problem, in a nutshell, is the highly localized way in which U.S. schools are funded, that is, by property taxes. Evidence suggests that this undermines most attempts at reforming schools, particularly reforms aimed at turning around chronically low-performing schools in the nation's most distressed areas. Paradoxically, the children who most need adequate funds and high-quality teachers are those that are least likely to get them.

The chief federal mechanism to deal with this inequity is called comparability. Comparability requires school districts to give their Title I schools state and local resources comparable to those received by their non-Title I counterparts. But it has been repeatedly gutted and minimally enforced since its creation in the late 1960's. In addition to disparities within districts, there are also significant gaps between districts.

It is the commission's charge to develop policy prescriptions for reducing these disparities.

One of the reasons for the current momentum behind "equity" is that the Obama administration has made fixing comparability a priority. States receiving money from the 2009 stimulus, for example, had to agree to make "improvements...in the equitable distribution of teachers for all students, particularly for students who are most in need." The stimulus contained a novel provision requiring school districts to report school-level financial data. That data is expected to provide a foundation for future congressional action.

Various members of the commission framed the issue as both a civil rights issue and one of national security. They spoke of equity as both an extension of the *Brown v. Board of Education* ruling that outlawed school segregation and as a way of maintaining the nation's global competitiveness at a time when U.S. students are falling behind their counterparts around the world on international benchmarks.

The point was made more than once that the U.S. is an outlier in the way it funds its schools via local property taxes. "We're exceptional in a way that is not producing results," said commission member Matt Miller, a senior fellow at the Center for American Progress, a Democratic think tank.

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*"We want you to leave here knowing that you made a dent in the behemoth."*

— Russlyn Ali, Assistant Secretary for Civil Rights,  
U.S. Department of Education

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Another source of optimism is the membership of the commission itself, which features a number of heavy hitters in the world of education policy and business. It includes co-chairman Reed Hastings, co-founder of Netflix; Mike Casserly, executive director of the Council of the Great City Schools; Linda Darling-Hammond, a professor of education at Stanford University; Eric Hanushek, also of Stanford; and Randi Weingarten, president of the American Federation of Teachers.


"We would not ask you to do something that would be a waste of your time," Ali said.

But the problem didn't evade resolution for three decades for nothing. The biggest issue, as Ali put it, is that education funding decisions are "inherently local." Whatever solution the commission arrives at has to deal with the current political reality: a Congress that wants to reduce, not increase, federal involvement in the nation's schools. Another problem is the recession. Will states and school districts, not to mention the federal government, have the funding to implement the commission's proposals?

"There's a feeling of unease between the budget and the agenda" of the commission, said co-chairman Hastings. And yet, added his counterpart Edley, that reality may change and "the sun will shine again."

Edley encouraged the commission to have "food fights" and get beyond scripted statements. He urged the commission to be "visionary, ambitious, disruptive" and yet steer away from anything that would be "quixotic to the point of irrelevant."

The committee will conduct nine regional meetings. The first will be March 4 in San Jose, Calif., followed by one March 11 in Philadelphia.

"We want you to leave here knowing that you have made a dent in the behemoth," Ali said. 

## Title I Monitor

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# Education Department Encourages States, Districts To Move Beyond the 'Magic' Compliance Checklist

*ED Wants to Promote Best Practices and Innovation in Addition to Legal Requirements*

The U.S. Department of Education (ED) is continuing to ratchet up efforts to improve its technical assistance programs and to urge states and districts to transform their cultures away from rigid compliance and more towards an emphasis on best practices and innovation.

At the recent annual meeting of the National Title I Association in Tampa, Fla., no fewer than four sessions were devoted to technical assistance. Patricia McKee, the acting director of ED's office of Student Achievement and School Accountability, said the department "right now is all about technical assistance. We're really trying to increase the depth and meaningfulness of the TA that we can provide to you all and your school districts."

Ronn Friend, ED's team leader for technical assistance, said the shift means getting state and local officials to move off their "magic checklist" approach to monitoring. It's important to know, for example, why a district missed three of the necessary components in its school improvement plan, he said, but perhaps more important is to ask, "What does a missing component mean, when we're talking about the overall quality of a plan that should be of the nature, as well as the size and scope, to really effect change?"

In keeping with its approach to the topic recently, the department opened up one session at Tampa to hearing from state directors about what has been working for them and the roadblocks they have encountered.

One clear issue is capacity. As one director from a Midwestern state noted, many state staff are far removed from the classroom, and that hinders their ability to provide up-to-the-minute advice

to districts and schools on how to improve. (*The Title I Monitor* reports on National Title I Association meetings with the understanding that state staff will not be quoted by name or affiliation.)

"They've been out of classrooms, essentially, for a long time," she said. "They're not up to date on what is good teaching and learning...And in some cases, when they were teachers, they weren't very good teachers."

Another director said it was difficult to move state personnel off of compliance mode because it has been "drilled into them."

Another director from a Rust Belt state said it was important to keep technical assistance in mind when hiring personnel as a way of building up capacity and a knowledge-base at the state level. She recommended having "point-people" who can lead technical assistance and be the go-to people for questions. "There's no way you're going to know 800 requirements in Title I, or the

**See *Technical Assistance*, p. 10**

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## Title I Q&A

### Appealing a McKinney-Vento Act Decision to ED

**Q:** We disagree with the state's determination that certain children are entitled to continue their enrollment in our school district under the McKinney-Vento Homeless Assistance Act, even though they have moved out of the district. May we appeal the state's determination to the U.S. Department of Education (ED) under the appeals process established under the Elementary and Secondary Education Act (ESEA)?

**A:** No. The reason is that McKinney-Vento is not an ESEA program.

A Michigan school district found this out after it submitted an appeal to ED and had it rebuffed. In a letter dated Oct. 13, 2010, ED said that it could not address the merits of the appeal because the department lacked jurisdiction to address it.

The ESEA offers school districts and other state subgrantees the opportunity to appeal certain state decisions to ED. The process is described in ESEA regulations at 34 CFR Section 299.11. In fact, the state had advised this school district that it could pursue an appeal through this route.

But the McKinney-Vento Act is a separate statute. The provisions governing the education of homeless children and youth are contained in Subtitle B of Title VII of that law.

At issue in this case was McKinney-Vento's mandate that homeless children be allowed to continue their education at their school of origin if they move out of the school's attendance area or even leave the district entirely. Section 722(g)(1)(c) of the law requires states to receive and resolve appeals of district decisions about educational placement of homeless children, but there is no provision for appeal of state decisions to ED.

The confusion between the McKinney-Vento education provisions and the ESEA is understandable. Most federal K-12 programs (aside from special education) are authorized under the ESEA. When the No Child Left Behind Act (NCLB) reauthorized the ESEA in 2001, it reauthorized the McKinney-Vento education program in the same legislation. There are numerous cross-references between the two laws, and close coordination between ESEA programs and McKinney-Vento is required by both statutes.

But McKinney-Vento does not provide the same administrative appeal rights as the ESEA, and the school district will have to accept the state's decision or go to federal court.

### A Charter School LEA's Responsibility For Transporting a Homeless Student

**Q:** We are a charter school that draws students from across the city. Under state law, we are considered to be our own school district. Recently, a homeless student of ours moved to a nearby suburb. We understand that, under McKinney-Vento, we have to allow him to continue to attend school here, if his parents so wish. This does not matter because he continues to draw state and local aid for us. But we have just been informed that we will have to pay at least part of the cost of transporting him to our school! This is an expense for which we had not budgeted. Do we have any alternatives to avoid this cost?

**A:** No. You will simply have to find the money somewhere in your budget. If you have a McKinney-Vento grant, you can use the grant to pay the excess cost of transporting the student, i.e., the costs exceeding the cost of transporting the student if he or she were in the district. Otherwise, you will have to pay for it out of state and local funds.

McKinney-Vento requires that homeless students be provided transportation to their "school of origin," regardless of whether the student remains in the district and regardless of whether the district otherwise provides transportation for other students. If a student moves across district lines, the two districts involved must work out some arrangement to share the transportation costs; if no agreement can be reached, the law requires that the costs be split evenly.

Your state may provide reimbursement for McKinney-Vento transportation costs. If it is proactive, it may have already established a process for negotiating the allocation of costs between districts in cases like these.

### Continuing McKinney-Vento Protections For Foster Care Children

**Q:** We have a student who was identified as homeless when she enrolled because she was awaiting foster care placement. But three weeks later, she was placed in foster care across town. We think it makes sense for her to transfer to her neighborhood school, but her foster parents want her to continue to attend her "school of origin," with the district paying her transportation under McKinney-Vento. It is our understanding that a child in foster care is no longer considered homeless. Is she still entitled to McKinney-Vento protections now that she has been placed with a family?

See Title I Q&A, p. 9

## **Budget** (continued from p. 1)

whiplash experienced by school districts facing huge cuts due to the state and local revenue crisis.

Still, the deadlock in Washington is not helping anything. “[Planning] is always difficult for school officials since state budgets are rarely finalized until July or thereafter, so local budgets can’t be finalized,” said Jeff Simering, director of legislation for the Council of the Great City Schools. “The lack of a final FY 2011 federal appropriations [bill] adds further uncertainty to the local budget picture and the effect on staffing.”

Nancy Connor, Title I director for the Denver City Schools, made the same point. “It is very hard to navigate [during] this uncertain time,” said “All budgets for next year [go] into our budget office next week. It is hard to guess the allocation amount for nearly every grant.”

Normally, by this point, the Student Achievement and School Accountability office at the U.S. Department of Education (ED) would have sent out its preliminary school district allocation tables for school year 2011-12 Title I grants.

The numbers released in late winter are “preliminary” because final figures for roughly 5 percent of the population data in the funding formula are not available until spring. But the biggest single determinant of the formula — the total funding available — typically is settled by Congress at least six months in advance of the school year, meaning that LEAs can plan their programs with some confidence.

But not this year. Congress is still deadlocked over funding for fiscal year 2011.

According to ED, release of the preliminary Title I allocations will depend on when Congress enacts a final FY 2011 appropriation or extends the continuing resolution through to the end of the fiscal year. So, without even preliminary allocations to go by, projecting an LEA’s likely Title I allocation is pretty much guesswork. The problem extends to all other federal formula programs as well.

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*“The federal uncertainty is dwarfed by state and local tax revenue uncertainty and the certainty of the funding cliff.”*

— Bruce Hunter, associate executive director of the American Association of School Administrators

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As these lines were written, it was unclear when the House and Senate will resolve their impasse over the massive gap between the \$61 billion in cuts proposed by House Republicans and the much more modest reductions deemed acceptable by the Democratic-controlled Senate and President Obama.

The House cuts are contained in a comprehensive bill (H.R. 1) that would fund the government for the remainder of the fiscal year. Congress left funding uncertain when it adjourned late last year for the fall elections. With the turnover of control in the House, the 2011 budget — which should have been a done deal — immediately became a battleground. In the meantime, the government has been operating under a “continuing resolution,” or CR, authorizing expenditures at the previous year’s level.

See *Budget*, p. 6

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## **States Maintained Effort in 2010, Department Says**

U.S. Department of Education (ED) officials announced recently that based on preliminary data, all states had met Title I maintenance of effort (MOE) requirements for fiscal year 2010. This means that no state will lose funds under the Education Finance Incentive Grant component of the Title I formula.

The news met with applause when Todd Stephenson, an ED budget specialist, announced it at the recent conference of the National Title I Association in Tampa, Fla.

EFIG constitutes almost one-quarter of all money allocated under the Title I formula. To maintain effort for EFIG purposes, a state must spend per student for the preceding fiscal year not less than 90 percent of the amount it spent for the second preceding fiscal year. Otherwise, it loses EFIG funds in proportion to the shortfall.

“With the state the economy is in...the thought occurred that it’s possible that a state might for the first time miss state MOE,” Stephenson said.

Zollie Stevenson, the former director of ED’s office of Student Achievement and School Accountability, first raised the prospect of states missing MOE in a letter to state Title I directors delivered on August 11. Preliminary data from the National Center on Education Statistics, however, indicates that despite the recession, states made it over the hump. While states may continue to make revisions prior to final statistics being released, Stephenson said, “We do not expect that to change whether any state maintained effort.”

But with states and districts planning on deeper cuts this year, and the U.S. Congress cutting some ED programs (see story, p. 1), the MOE picture could be far more shaky next year. 📌

—Andrew Brownstein

**Budget** (continued from p. 5)

That CR was scheduled to expire March 4, raising the possibility of a government shutdown if no compromise was achieved.

**A \$4 Billion Downpayment**

That crisis was deferred when President Obama signed a compromise CR that extends current funding authority to March 18. But the price of getting a temporary CR, however, was to agree to cut \$4 billion demanded by House Republicans as a down-payment on their proposed larger cuts (see table, below). Over \$700 million of this was drawn from four education programs — Even Start (see related story, p. 7), Striving Readers, the LEAP scholarship program and Smaller Learning Communities — along with hundreds of earmarks for

**Education Cuts in Temporary CR  
(H.J. Res. 44)  
(\$ in millions)**

Programs	
Even Start	66.5
Leveraging Educational Assistance Partnerships (HEA IV-A-4)	63.9
Smaller Learning Communities	88.0
Striving Readers	200.0
<b>Earmarks</b>	
Advance Credentialing (National Board of Professional Teaching Standards)	10.6
Arts in Education	40.0
B.J. Stupak Olympic Scholarships	1.0
Close-Up Fellowships	1.9
Cooperative Education Exchange	10.0
Exchanges with Historic Whaling and Trading Partners	8.8
Fund for the Improvement of Postsecondary Education (approx. 275 named projects)	101.5
National Writing Project	25.6
New Leaders for New Schools	5.0
Reading is Fundamental	24.8
Recording for the Blind and Dyslexic	14.0
Rehabilitation Services Demonstration and Training Programs (19 projects)	5.1
Special Olympics	8.1
Strengthening Alaska Native and Native Hawaiian-Serving Institutions (HEA Title III)	15.1
Teach for America	18.0
Thurgood Marshall Legal Educational Opportunity Program	3.0
Tribally Controlled Postsecondary Career and Technical Institutions	8.2
We the People	21.6
<b>Total</b>	<b>740.7</b>

Source: U.S. Department of Education

named entities like Reading is Fundamental, Inc. and the Special Olympics.

While these cuts are painful enough, they do not affect the core programs on which SEAs and LEAs depend. This is not the case with H.R. 1, which was passed by the Republican majority in the House in mid-February. If LEAs wanted to consider this as the worst-case scenario for estimating their grant allocations, they could consider the following proposed cuts:

- A reduction in Title I LEA grants from \$14.5 billion to \$13.8 billion, a cut of \$693 million, or 4.7%.
- A reduction in School Improvement Grants from \$545 million to \$209 million, or almost two-thirds.
- A \$500 million cut to the Title II teacher training program, from \$2.9 billion to \$2.4 billion.
- The \$102 million Tech-Prep career and technical education program would be zeroed out.
- Head Start would take a mammoth cut, from \$7.2 billion to \$6.1 billion, while the maximum Pell Grant would be cut from \$5,550 to \$4,705, a reduction of 15%.

Of course, neither Race to the Top nor Investing in Innovation (i3) — two administration initiatives launched with funds under the American Recovery and Reinvestment Act (ARRA) — would be funded under the House bill.

Reflecting a long-standing Republican commitment to easing the local burden of educating children with disabilities, state grants for the Individuals with Disabilities Education programs would be untouched. Other programs appealing to Republicans, such as charter schools and teacher incentive grants, also would be level-funded.

It is important to note that these figures represent reductions from the regular 2010 appropriation and do not consider supplemental funds provided under ARRA. For programs that expanded temporarily due to ARRA funding, the actual reduction is considerably larger. As Hunter pointed out, the pain from running off the funding cliff is real, if foreseeable.

According to Rich Long, head of the National Title I Association, “the absolute best we can hope for the upcoming school year is a freeze in Title I spending; however, the likelihood is that we will be cut. ... My advice to folks has been to anticipate that they will be cut, but by how much is hard to tell.”

It is unlikely that the Democratic-dominated Senate will accept all the cuts embodied in the House version of H.R. 1. Indeed, as we went to press, Senate budget leaders were circulating a draft of their version of H.R. 1 that would actually give Title I a modest increase. But pro-

**See Budget, p. 7**

# A Casualty of 2011-12 ED Budget and Poor Evaluations, Embattled Even Start Finally Gets Congressional Axe

The just-enacted continuing resolution has finally ended the long-embattled Even Start Family Literacy program, which has stumbled on for years after being mortally wounded by “ineffective” ratings from multiple evaluations. Funding for the 2011-12 program year was cut as part of the just-adopted two-week funding extension designed to give House Republicans and Senate Democrats time to negotiate a full-year budget for 2011.

“We’re very disappointed,” said Barbara Van Horn, Co-director of the Goodling Institute for Research in Family Literacy at the College of Education at Pennsylvania State University. She noted that the current CR is a temporary one — it only extends to March 18 — and expressed hope that Congress would elect to restore the money when it eventually takes up a bill to fund the remainder of the fiscal year. But she conceded that the chances were slim.

“I have hope that there continues to be support for family literacy at the federal level,” she said. “It doesn’t have to be called ‘Even Start.’ Call it what you want. But don’t kill family literacy.”

## Bill Goodling’s Passion

Even Start’s author was moderate Republican William Goodling of Pennsylvania, then-chairman of the House Education and Labor Committee. He added it to the Elementary and Secondary Education Act as part of the 1988 reauthorization of that law. The program combines early childhood education for disadvantaged children with literacy and basic skills training for their parents to help them achieve self-sufficiency. States receive formula grants, which they subgrant on a competitive basis to local partnerships of nonprofits and schools.

With Goodling’s continuing sponsorship — Van Horn calls “family literacy” his passion — the program prospered in its initial years, eventually reaping \$250 million in funding annually by the start of the George W. Bush administration.

But two lukewarm national evaluations cast a shadow on the program, and Congress amended Even Start in 2000 to improve staff training, stiffen credentialing requirements, and tighten up accountability.

Goodling retired in 2000, and the Bush administration’s signature early literacy program, Reading First, soon overshadowed Even Start. Even so, political support for Even Start did not visibly flag ... until the floor dropped out when the third national evaluation, issued in 2003, once again reported disappointing results. Although that evaluation was based on data collected well before the 2000 reforms were implemented, the perception of the program’s ineffectiveness became common wisdom.

## Cost of Administration

Under steady administration pressure, Even Start’s funding dropped to \$66 million by 2008, a level maintained since then only by support in the Senate. In fact, at least one state dropped out because the funds were not worth the cost of administering the program. The cost of administration in relation to the amount of funding was a problem shared by her state, said JoLynn Berge, federal fiscal policy administrator for Washington state office of superintendent of public instruction and a member of the *Title I Monitor’s* advisory board. “We had received so little funding in the past few years — \$800,000 per year to the entire state — that we were at the point we couldn’t afford to administer it,” she said. “And it only funded a few projects.”

Upon taking office, President Obama joined his predecessor in seeking the termination of the program, although he proposed to replace it with a broader family literacy initiative — a proposal ignored by the Republican House leadership.

Now, the budget-cutting pressure prevailing in Washington has finally put a stop to Even Start. It is unclear whether Even Start projects will come to a screeching halt. Funds from previous appropriations will be available for some time, and there is always the possibility of getting state, local or foundation funding. But this is a tough time for any education program to rattle the tin cup.

“We may have a small amount of carryover,” said Berge, “but I don’t expect that existing projects will be able to operate without new funding, and I don’t think other funding would pick it up.”

So, finally, it looks like Even Start may...stop. 🏠

— Charles Edwards

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## Budget (continued from p. 6)

jecting grant allocations from a pessimistic base might avoid painful surprises later. 🏠

— Charles Edwards

## For More Information

- The U.S. Department of Education budget office promptly updates its funding tables to reflect new congressional action. For action on the 2011 budget, visit <http://www2.ed.gov/about/overview/budget/news.html> and look under the heading “FY 2011.”
- Subscribers who have signed up for their free email alerts will continue to receive our “on the fly” budget insight and analysis as the budget fight continues. If you have not signed up, visit <http://www.thompson.com/edlaert>.

# NRC Recommends Blending Census Bureau, State Data For Allocating Title III Language Acquisition Grants

By Ellen Forte and Molly Faulkner-Bond

The National Research Council has just released a report finding that neither of two key data sources on English learner populations is ideal for allocating state grants under the Title III language acquisition program, but each has its strengths. In light of this result, the NRC recommends that the two be blended to create a weighted count that might produce results that are more accurate than either data source used alone.

## The NRC's Charge

When No Child Left Behind (NCLB) was enacted nine years ago, state education agencies were required to use one of two sources of data to determine the size of each state's annual Title III grant: the U.S. Census Bureau's American Community Survey (ACS) or the state-reported counts based on the number of students tested annually for English language proficiency. The U.S. Department of Education (ED) was required to evaluate these two sources within two years of NCLB's implementation to determine which provided the more accurate counts of English learners (ELs) by state; the more accurate source would be used to calculate subsequent awards.

The evaluation was not done in the specified time-frame, although the department began to require use of the ACS data in 2005. In 2006, however, the Government Accountability Office issued a report stating that the population counts yielded by each of the two data sources differ, often significantly. Some states have larger populations according to the ACS, while others have larger EL populations according to their self-reported assessment data. This underscored the importance of evaluating the validity of the data from each data source and selecting the more accurate one. This evaluation would help avoid the distribution of excessive funding to some states while underfunding other states relative to their actual EL population sizes.

## Findings and Recommendations

ED asked the National Research Council (NRC) to convene a panel to evaluate each data source and make recommendations about which to use. The NRC — a congressionally-chartered nonprofit organization charged with advising the federal government on scientific issues — published these findings in a report released on Jan. 10, 2011. The report, entitled *Allocating Federal Funds for State Programs for English Language Learners*, identifies ten "dimensions" by which the pan-



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el assessed the two data sources: conceptual fit, level of geographic detail, timeliness, quality, cost, fairness, stability, insensitivity to policies and methodological differences, transparency, and comparability.

The pattern of ratings across these dimensions for each of the two data sources indicated that each had some strengths and some weaknesses: at present, neither could be selected as the more accurate and, therefore, the single data source that states should use. Thus, the panel recommend implementation of a weighting ratio for the state data and ACS (i.e., the ACS data carries a weight of 75 percent and the state data 25 percent), but also suggested that ED and states improve the quality of state-reported data, such that, eventually, each data source may carry equal weight (50 percent each) in funding determinations.

In practice, this recommendation means that a state's total EL population count would be calculated by multiplying the ACS count by 0.75, multiplying the state's non-proficient count by 0.25, and then adding these two products. For example, if a state's ACS count was 1,000

See NRC, p. 9



## **NRC** (continued from p. 8)

and its non-proficient count was 840, its total EL population count would be:

$$(1,000 \times 0.75) + (840 \times 0.25) = 750 + 210 = 960.$$

In the future, with the 50-50 weighting, the two counts would simply be averaged:  $(1,000 + 840)/2 = 920$ .

## **Two Imperfect Data Sources**

Ideally, the best data to determine Title III awards would be consistent across all states and over time, collected via a methodology that is rigorous, transparent, and resistant to manipulation or error. The data would attend only to the characteristics that are most indicative of a student's actual linguistic capabilities under NCLB's statutory definition of "limited English proficient." In this way, ED would ensure that states are using criteria to identify their EL subgroup that not only are appropriate, but also are consistent and fair across states and across time.

In reality, however, the two existing data sets each satisfy some of these criteria, but fall short of others. Out of 10 dimensions, the ACS data were deemed to be superior in four: quality, fairness, transparency, and comparability (see Fig. 1, p. 11). State data were superior in one dimension, while three dimensions reflected no significant differences and two dimensions presented unique limitations under each of the two sources.

The panel determined that ACS information is consistent across states and across time and is collected using methods that are rigorous, transparent, and formulated to resist statistical skewing or errors. If the ACS provided the right kind of information about EL students, it would be an ideal source, as it is the most consistent and the most fair.

Unfortunately, ACS population estimates rely upon a measurement tool that may not capture valid information. The ACS form asks: "Is a language other than English spoken in the home?" and if the response is yes, the form asks "How well does household member X speak English?" Respondents may choose one of four response choices for each member of their household: "Very well," "Well," "Not well," and "Not at all." The EL population size is determined based on the number of individuals reported between the ages of 5-21 with a response other than "very well."

As such, the ACS is no more rigorous or appropriate than a home language survey (HLS), the same kind of informal instrument that most states and districts use to initially flag students who might be ELs. As we know, there are flaws in many HLS instruments and the ACS lacks the follow-up inquiry used to further investigate ELs' language capabilities.

The ACS instrument asks only two simple questions, to which someone other than the student responds.

These responses are subjective (e.g., the respondent may feel that the child speaks well, but may not have a good basis for making that judgment), the questions address only the speaking modality of language (not reading, listening, or writing), and the instrument cannot yield an indication of whether the student's proficiency is of a level necessary for success in academic settings (e.g., the child may speak English "very well" for social interactions and day-to-day life, but may lack the more formal linguistic constructs and forms used in academic set-

See NRC, p. 10

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## **Title I Q&A** (continued from p. 4)

*A:* She must be allowed to attend her school of origin for the rest of the year, but she is not entitled to free transportation.

Under McKinney-Vento, a homeless student must be allowed to stay in the school of origin unless this is contrary to the wishes of the student's parent or guardian, or the district decides it is not feasible for reasons such as safety, the age of the child in relation to the commute or the student's need for special services. If it is decided not to continue the child in the school of origin, the child should be enrolled in any public school that non-homeless students in the attendance area where the student currently resides would be eligible to attend.

Although this student is no longer homeless, the law specifically states that a formerly homeless child must be allowed to remain at the school of origin "for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year."

Although homeless children are entitled to free transportation to their school of origin, the U.S. Department of Education has made clear that *formerly* homeless children are not. In a letter dated Feb. 1, 2005, former ED official Jacquelyn Jackson said, "The provision of transportation to and from a school of origin is based on the student's status as homeless. Therefore, a district is not required to continue to provide or arrange for transportation if the student is no longer homeless. However, we encourage districts to provide the services that formerly homeless students may need in order to attend and succeed in school." So you may wish to provide free transportation.

If you do, you can use Title I funds to pay for it. Title I normally cannot be used for transporting homeless children because Title I's supplement not supplant requirement bars use of funds to provide services mandated by law. Because transportation for this student is not required by McKinney-Vento, however, you will not run afoul of the supplanting prohibition. 

**NRC** (continued from p. 9)

tings). In states and districts, students who are flagged based on parental responses to questions like these usually take an English language proficiency test subsequent to the survey, to provide more specific information about the student's actual linguistic needs. Not every student who is flagged by the survey may need language services, and some students who are initially missed by these questions may yet turn out to be ELs. Lacking this follow-up, the ACS may be prone both to under- and over-identify EL students.

In light of these shortcomings, the panel identified state-reported data, which represent the number of children who took and did not achieve a proficient score on the English language proficiency assessment (ELPA) in the previous year, as the better conceptual fit for the purposes of identifying the Title III population. These data, unlike the ACS, are based on students' actual

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**Technical Assistance** (continued from p. 3)

600 references on what districts need to do for parents in the current legislation," she said.

A director from a Western state suggested using the top ten monitoring findings as a template for technical assistance, focusing the most energy on the most consistent problems.

Yet other directors reflected on the importance of leadership from the state superintendent. A director from an Eastern state said a new superintendent came in with a mandate to create a "customer-driven agency." Under the new superintendent, she said, "You were not to say, 'I don't know anything about that because that's not what I do.' They had to be transferred to somebody, and if you didn't know who to send them to, you went around until you found somebody and called them back."

ED itself is trying to mirror the advice it is giving to states and districts. It has been giving a monthly series of webinars, and it conducted an internal review to make sure "frequently asked questions" and guidance are written in a language that is easily communicated across districts and schools. The goal, Friend said, is to offer directors examples of "the most innovative practices out there."

The department is also trying to make its web site more user-friendly. Friend offered up Louisiana's site as an example of one that other states may want to replicate. The state has redefined its site around the priorities the Obama administration presented in its "blueprint" for reauthorizing No Child Left Behind. That site can be viewed at <http://www.doe.state.la.us/>. 

— *Andrew Brownstein*

linguistic needs and proficiency levels, according to pre-determined standards and criteria set by the state. State data are also guaranteed to represent the public school population only: the ACS uses other responses to triangulate which respondents attend public school (although these are also potentially vulnerable to response errors). While the state numbers represent the previous year's population and cannot necessarily account for population change due to EL students entering and exiting the district, the panel found that the ACS data suffer from a similar lag.

A major obstacle to the sole use of state-reported data is that the criteria used to determine which students take the ELPA and which students are deemed proficient vary from state to state, and even district to district. These data may also vary across time as states change their identification policies, achievement standards or accountability targets. Some states do not document their identification processes well, if at all, and the exact definition of English proficiency may vary widely. For example, states vary in their methods for combining or weighting student scores for different linguistic domains and some states define proficiency based on multiple years of ELPA data. As a result, the state data are non-standard and non-comparable and, therefore, cannot provide for uniformity in funding distributions across states and across time.

**The Policy Implications**

Based on these analyses of the two data sources, the panel found that the ACS provides less-appropriate data that are collected in a more uniform fashion, while state-reported data are more valid conceptually, but far less comparable across states. The proposed weighting formula is the panel's attempt to strike a balance between the strengths and weaknesses of each source while keeping in step with ED's stated purpose for the Title III formula, which is to distribute funds according to the relative state populations of the target audience.

The panel's recommendation that states improve practices so that their reported assessment data carry more weight in this formula underscores the panel's recognition that state data are conceptually more valid as an indicator of the EL population within a state. At the same time, the ultimate goal of achieving a 50 percent weight for each data source signals a recognition that state data alone may never be sufficiently stable and uniform to support funding determinations. Although current education policy mandates that all states follow similar processes and set definitions for the same terms and concepts (e.g., 'limited English proficient,' 'English proficient' etc.), it remains unlikely

See NRC, p. 12

**Fig. 1. Comparison of data sources according to the NRC panel’s 10 criteria**

Criterion	ACS Data	State data
<b>Both data sources are comparable:</b>		
<b>Level of Geographic Detail</b> “The state is the key level of detail for which the data should be available.”	Both the ACS and state-provided estimates are available for both states and local education agencies (LEAs).	
<b>Timeliness</b> “The elapsed time between the reference period for the estimates and the period for which the allocations are being made should be as short as possible.”	Both the ACS and the state-provided estimates are available approximately 9 months following the reference period.	
<b>Cost</b>	Both ACS estimates and state-provided counts are available at minimal extra cost.	
<b>State data are a superior source:</b>		
<b>Conceptual Fit</b> “A data element with a good conceptual fit is one that meets the definition provided in the legislation—the number of limited English proficient and immigrant children and youth in a state. In a larger sense... a conceptually fitting data element would provide subnational governments a level of federal funding that is proportional to their need and circumstance.”	The ACS defines need as the numbers of children and youth who are eligible on the basis of their skill in speaking English.	The state-provided counts are more conceptually fit in that they define need as those identified by schools through surveys and assessments, which are increasingly standardized.
<b>ACS data are a superior source:</b>		
<b>Quality</b>	The ACS data meet statistical reliability standards and are of acceptable precision.	The state-provided counts of English language learners, based on administrative data, are not subject to sampling error, but there may be some different interpretation of the instructions for data collection. The state-provided counts of immigrant children and youth rely on LEA judgments and fall short of the quality of ACS estimates.
<b>Fairness</b>	The Census Bureau, which administers the ACS, ensures the data are free from manipulation.	State-provided counts have improved such that data are similarly free from manipulation; however, states’ discretion over various policies may affect perceptions of fairness.
<b>Transparency</b>	The ACS data are collected by professional staff using highly standardized, well-documented methods.	The state-provided counts are collected by varying methods and depend on LEA implementation, meaning that documentation is not readily available.
<b>Comparability</b>	The ACS data are comparable across geographic and demographic dimensions.	The state-provided counts conform to basic federal definitions but are not comparable in their constructs due to differences in state tests and the states’ classification and reclassification criteria.
<b>Neither source is clearly superior to the other:</b>		
<b>Insensitivity to Policies and Methodological Differences</b>	The ACS estimates are not sensitive to administrative practices or policy differences, but they may be sensitive to differences in the demographic composition of respondents.	The state-provided counts are somewhat sensitive to state decisions regarding identification, testing, and program entry and exit policies.
<b>Stability</b>	The 3-year ACS estimates are more stable than the 1-year estimates and the state counts. The 1-year ACS estimates for smaller states are subject to noticeable variation.	The state-provided counts are relatively stable from year to year.


**NRC (continued from p. 10)**

that ED would ever go so far as to require that states use the same definitions, processes and instruments to satisfy these mandates. In other words, although all states must have standards and a definition for “English language proficiency,” ED has not signaled that it intends to impose nationwide standards or a single assessment for all states.

States may nonetheless benefit from improving certain EL-related practices. On a procedural level, improved transparency and documentation in the identification and redesignation of ELs is likely to make life easier for state and district administrators, in addition to meeting this panel’s recommendations to improve the quality of EL data over time. Over and above improving procedures and documentation, there is an increasingly strong argument to be made for actually standardizing certain standards and definitions for EL services across states even in the absence of a federal mandate.

Currently, a student’s status as EL is somewhat contingent upon where he lives, and this does a disservice to all involved. For example, the student may gain or lose services by moving across county or district lines because of the differences in identification processes and proficiency expectations across localities. Schools and districts that receive new students cannot rely on the student’s

previous EL status and must spend time and resources testing new ELs according to their own standards. For the same reasons that states have recently begun a move towards adopting common standards and aligned assessments for content areas through ED-incentivized consortia, states have begun and will likely continue to realize that there is no real utility to states having entirely unique definitions of and expectations for English language proficiency.

This is not to say that all states can or should use exactly the same standards or assessment. ED funded two Race to the Top Assessment consortia to encourage the type of competition that yields innovation and better quality products and services. Nonetheless, *some* commonality and collaboration among states on these fronts would not only benefit students and districts, but also help ensure that states are receiving appropriate award sizes to serve these. Further, more detailed guidance about what states can and should do to improve the rigor of their ELP assessment data would be a helpful next step. 

**For More Information**

The NRC report, *Allocating Federal Funds for State Programs for English Language Learners*, can be downloaded at [http://www.nap.edu/catalog.php?record\\_id=13090](http://www.nap.edu/catalog.php?record_id=13090).

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