

# CRS Report for Congress

## English Language Acquisition Grants Under the No Child Left Behind Act: Analysis of State Grant Formula and Data Options

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## Summary

The number of limited English proficient (LEP) students enrolled in K-12 education increased by 60.8% from the 1994-1995 school year to the 2004-2005 school year, while total student enrollment increased by 2.6% over the same time period. Given this tremendous growth in the LEP student population and the likelihood that Congress will consider legislation to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLBA; P.L. 107-110), during the 110<sup>th</sup> Congress, this report examines the formula used to provide grants to states under the English Language Acquisition program, authorized by Title III of the ESEA. This program provides grants to states to help ensure that LEP and recent immigrant students attain proficiency in English. Much of the debate surrounding the reauthorization of this program has focused on the data used to determine how many LEP and immigrant students are in each state, as these data are the basis upon which grants are determined.

This report examines the American Community Survey (ACS) data that the U.S. Department of Education has used to calculate state grants since FY2005. It also analyzes state-reported data that could potentially be used to calculate these grants. Differences in LEP and immigrant student counts based on the different data sources are compared, revealing substantial differences in student counts for some states depending on the data source used. FY2007 grants are calculated using both the ACS and state-reported data to examine the potential differences in state grant amounts depending on the data source used. The differences in student counts that exist between the ACS and state-reported data are reflected in the differences in estimated state grant amounts, as some states would receive substantially more or less funding if state-reported data were used to calculate grants rather than the ACS data. Consideration is also given to the drawbacks of using either the ACS or state-reported data and possible alternative strategies for determining state grant awards (e.g., averaging the student counts from the ACS and state-reported data) are discussed.

This report will be updated as warranted by legislative action.

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# English Language Acquisition Grants Under the No Child Left Behind Act: Analysis of State Grant Formula and Data Options

The number of limited English proficient (LEP) students enrolled in K-12 education increased by 60.8% from the 1994-1995 school year to the 2004-2005 school year; total student enrollment increased by 2.6% over the same time period. Given this tremendous growth in the LEP student population and the likelihood that the 110<sup>th</sup> Congress will consider legislation to reauthorize the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLBA; P.L. 107-110), this report examines the formula used to provide grants to states under the English Language Acquisition program, authorized by Title III of the ESEA. This program provides grants to states to help ensure that LEP and recent immigrant students attain proficiency in English. Much of the debate surrounding the reauthorization of this program has focused on the data used to determine how many LEP and immigrant students are in each state, as these data are the basis upon which grants are determined.

This report begins with a general overview of the English Language Acquisition program, focusing specifically on the state grant formula. This is followed by a detailed analysis of the American Community Survey (ACS) data currently used by the U.S. Department of Education (ED) to calculate these grants, as well as state-reported data that could potentially be used to calculate these grants. The third section of the report compares student counts based on ACS data and state data and examines differences in estimated FY2007 state grants if state data were used as the basis for determining the awards. The report concludes with an examination of some of the drawbacks of using either the ACS or state-reported data for determining state grants and other possible alternative strategies for calculating state grants.

## English Language Acquisition State Grants

Title III, Part A of the ESEA authorizes formula grants to states to ensure that limited English proficient (LEP) students and immigrant children develop English proficiency.<sup>1</sup> Prior to determining state grant allocations, statutory language provides

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<sup>1</sup> Statutory language defines a limited English proficient student to be a student (1) who is between the ages of 3 and 21, (2) who is enrolled or is preparing to enroll in an elementary or secondary school, (3) who was not born in the United States or whose native language is a language other than English, who is a Native American or Alaska Native, who is a native of the outlying areas, who comes from an environment where a language other than English has had an impact on the student's level of English language proficiency, or is a

(continued...)

for several reservations of funds. These include reservations for national activities, for schools serving Native American and Alaska Native students, and for the outlying areas.<sup>2</sup> After reserving the required funds, grants to the 50 states, the District of Columbia, and Puerto Rico are determined based on the state's proportional share of LEP students and immigrant students relative to the U.S. population of LEP students and immigrant students.<sup>3</sup> These shares are then weighted, with a higher weight (0.8) being assigned to the state's population of LEP students and a lower weight (0.2) being assigned to the state's population of recent immigrant students. No state can receive a grant less than \$500,000. The grant to Puerto Rico cannot exceed 0.5% of the total available for state distribution.

## Data Availability

In determining the number of LEP and immigrant students in an individual state and in the United States, statutory language directs ED to use "the more accurate" of (1) data available from the American Community Survey (ACS), or (2) the number of children being assessed for English proficiency as required under Title I of the ESEA.<sup>4</sup> In practice, ED has been using the ACS data to make state allocations since FY2005. Title III grants for a specific fiscal year have been based on ACS data from two years prior. For example, FY2007 grants are based on the 2005 ACS data. According to testimony provided by Cornelia Ashby, Director of Education, Workforce, and Income Security Issues at the Government Accountability Office (GAO), ED has not used state data because it believes the state data are incomplete.<sup>5</sup>

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<sup>1</sup> (...continued)

migratory student whose native language is not English and who comes from an environment where English is not the dominant language, and (4) whose difficulties in speaking, reading, writing, or understanding English may prevent the student from reaching the proficient level on state assessments required under Title I, succeeding in classrooms where English is the language of instruction, or participating fully in society (Section 9101). Statutory language defines an immigrant student as an individual 3 to 21 years old who was not born in any state and has not been attending a school in the United States for more than three full academic years (Section 3301). These latter students are referred to as immigrant or recent immigrant students throughout this report.

<sup>2</sup> Through FY2005, a reservation was also made to provide continuation grants for competitive grants awarded prior to the enactment of the NCLBA.

<sup>3</sup> For the purposes of this report, the term "state" includes the District of Columbia and the Commonwealth of Puerto Rico.

<sup>4</sup> More specifically, Section 1111(b)(7) requires states to assess the English language skills of students with limited English proficiency on an annual basis.

<sup>5</sup> Testimony provided by Cornelia M. Ashby to the House of Representatives, Committee on Education and Labor, Subcommittee on Early Childhood, Elementary and Secondary Education. (March 23, 2007). *Impact of NCLB on English Language Learners*. (Hereafter referred to as Ashby testimony.)

For example, ED noted that for the 2004-2005 school year, not every state provided data, and some data included only partial student counts.<sup>6</sup>

## American Community Survey Data

ED obtains the relevant ACS data from the U.S. Census Bureau. The LEP student count is based on the population aged 5 to 21 who reported speaking a language other than English at home and speaking English less than “very well.” The number of immigrant students is based on the number of individuals aged 3 to 21 who reported entering the United States during the two years prior to the survey or during the survey year. For example, for the 2005 ACS, individuals entering the country in 2003 or later were counted as recent immigrant students. According to GAO, these questions were developed for the 1980 census to “obtain information needed about current language use and limited English language proficiency as a result of legislation such as the Civil Rights Act of 1964, the Bilingual Education Act, and the Voting Rights Act.”<sup>7</sup> These questions have not been modified since their inception. Thus, they were not designed specifically for Title III purposes.

**Tables 1 and 2** provide the ACS counts for LEP and immigrant students, respectively, used by ED in determining state grant amounts for FY2005, FY2006, and FY2007. Few states had relatively stable LEP student counts from 2002 to 2003 and 2003 to 2004 (**Table 1**). It was more common for states to experience substantial increases or decreases in their number or percentage of LEP students across the various ACS administrations. For example, the number of LEP students in Arizona declined by over 16,000 students from 2002 to 2003 but increased by nearly 21,000 students from 2004 to 2005, while the number of LEP students in Texas decreased by almost 58,000 students from 2002 to 2003 and increased by almost 25,000 students from 2003 to 2004. In other states, the change in the estimated number of LEP students may have been relatively small, but because some states serve small numbers of LEP students, changes in their student counts can result in large percentage changes. For example, the number of LEP students in Arkansas increased by about 8,000 students from 2002 to 2003 and decreased by about 5,000 students from 2003 to 2004, resulting in percentage changes in student counts of 59.9% and 21.6%, respectively. Although the number of immigrant students identified through the ACS is smaller than the number of LEP students, similar patterns were found in the immigrant student counts across years (**Table 2**).

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<sup>6</sup> U.S. Government Accountability Office. (2006). *No Child Left Behind Act: Education's Data Improvement Efforts Could Strengthen the Basis for Distributing Title III Funds* (GAO-07-140). Available online at [<http://www.gao.gov>]. (Hereafter referred to as GAO, *Basis for Distributing Title III Funds*.)

<sup>7</sup> *Ibid.*, p. 10.

**Table 1. LEP Student Counts from the 2003, 2004, and 2005  
American Community Surveys**

State	ACS 2003 (FY2005 Grants)	ACS 2004 (FY2006 Grants)	ACS 2005 (FY2007 Grants)	Change from 2003 to 2004		Change from 2004 to 2005	
				Number	Percent	Number	Percent
Alabama	15,225	14,970	18,745	-255	-1.7%	3,775	25.2%
Alaska	5,500	5,090	4,225	-410	-7.5%	-865	-17.0%
Arizona	117,530	101,140	121,895	-16,390	-13.9%	20,755	20.5%
Arkansas	13,635	21,800	17,095	8,165	59.9%	-4,705	-21.6%
California	1,050,180	1,075,825	1,097,205	25,645	2.4%	21,380	2.0%
Colorado	66,865	60,430	61,675	-6,435	-9.6%	1,245	2.1%
Connecticut	28,080	33,020	33,165	4,940	17.6%	145	0.4%
Delaware	6,030	7,015	8,355	985	16.3%	1,340	19.1%
District of Columbia	5,835	2,950	3,490	-2,885	-49.4%	540	18.3%
Florida	231,710	235,830	234,505	4,120	1.8%	-1,325	-0.6%
Georgia	93,155	78,495	85,275	-14,660	-15.7%	6,780	8.6%
Hawaii	10,565	12,945	14,230	2,380	22.5%	1,285	9.9%
Idaho	12,485	12,550	9,860	65	0.5%	-2,690	-21.4%
Illinois	176,630	182,210	182,730	5,580	3.2%	520	0.3%
Indiana	57,500	70,380	40,740	12,880	22.4%	-29,640	-42.1%
Iowa	17,370	12,900	16,015	-4,470	-25.7%	3,115	24.1%
Kansas	15,965	17,160	21,115	1,195	7.5%	3,955	23.0%
Kentucky	16,565	17,580	17,160	1,015	6.1%	-420	-2.4%
Louisiana	18,740	15,235	14,165	-3,505	-18.7%	-1,070	-7.0%
Maine	2,590	3,865	3,535	1,275	49.2%	-330	-8.5%
Maryland	38,640	39,900	47,550	1,260	3.3%	7,650	19.2%
Massachusetts	77,685	59,785	64,815	-17,900	-23.0%	5,030	8.4%
Michigan	72,320	49,255	62,675	-23,065	-31.9%	13,420	27.2%
Minnesota	44,530	48,180	39,575	3,650	8.2%	-8,605	-17.9%
Mississippi	7,410	4,775	7,870	-2,635	-35.6%	3,095	64.8%
Missouri	28,600	19,950	21,765	-8,650	-30.2%	1,815	9.1%
Montana	1,515	2,920	2,185	1,405	92.7%	-735	-25.2%
Nebraska	14,100	12,460	14,935	-1,640	-11.6%	2,475	19.9%
Nevada	48,730	58,010	38,540	9,280	19.0%	-19,470	-33.6%
New Hampshire	5,905	5,195	5,000	-710	-12.0%	-195	-3.8%
New Jersey	121,360	100,680	107,955	-20,680	-17.0%	7,275	7.2%
New Mexico	40,205	27,690	28,805	-12,515	-31.1%	1,115	4.0%
New York	388,795	332,065	275,230	-56,730	-14.6%	-56,835	-17.1%
North Carolina	65,600	73,710	70,970	8,110	12.4%	-2,740	-3.7%
North Dakota	2,190	2,095	1,700	-95	-4.3%	-395	-18.9%
Ohio	42,860	48,885	48,005	6,025	14.1%	-880	-1.8%
Oklahoma	31,570	20,575	21,085	-10,995	-34.8%	510	2.5%
Oregon	37,755	43,100	49,910	5,345	14.2%	6,810	15.8%
Pennsylvania	61,600	75,935	74,245	14,335	23.3%	-1,690	-2.2%
Rhode Island	17,865	11,875	12,130	-5,990	-33.5%	255	2.1%
South Carolina	16,155	15,525	22,940	-630	-3.9%	7,415	47.8%
South Dakota	4,055	2,855	4,065	-1,200	-29.6%	1,210	42.4%
Tennessee	25,595	33,180	28,635	7,585	29.6%	-4,545	-13.7%
Texas	603,105	545,330	570,145	-57,775	-9.6%	24,815	4.6%
Utah	19,215	20,590	21,050	1,375	7.2%	460	2.2%
Vermont	1,585	1,140	1,900	-445	-28.1%	760	66.7%
Virginia	53,935	52,640	57,440	-1,295	-2.4%	4,800	9.1%
Washington	58,840	59,350	78,270	510	0.9%	18,920	31.9%
West Virginia	2,465	2,320	3,250	-145	-5.9%	930	40.1%
Wisconsin	44,275	39,665	38,855	-4,610	-10.4%	-810	-2.0%

State	ACS 2003 (FY2005 Grants)	ACS 2004 (FY2006 Grants)	ACS 2005 (FY2007 Grants)	Change from 2003 to 2004		Change from 2004 to 2005	
				Number	Percent	Number	Percent
Wyoming	1,780	1,885	2,130	105	5.9%	245	13.0%
Total	3,942,395	3,792,910	3,828,805	-149,485	-3.8%	35,895	0.9%

**Source:** Table prepared by CRS, June 2007, based on data provided by the U.S. Department of Education (ED), Budget Service.

**Note:** The American Community Survey (ACS) is administered by the U.S. Census Bureau. The Census Bureau provides ED with specific data runs from the most recent ACS to enable ED to calculate Title III grants.

**Table 2. Immigrant Student Counts from the 2003, 2004, and 2005  
American Community Survey**

State	ACS 2003 (FY2005 Grants)	ACS 2004 (FY2006 Grants)	ACS 2005 (FY2007 Grants)	Change from 2003 to 2004		Change from 2004 to 2005	
				Number	Percent	Number	Percent
Alabama	10,500	10,195	7,710	-305	-2.9%	-2,485	-24.4%
Alaska	1,705	2,415	965	710	41.6%	-1,450	-60.0%
Arizona	20,670	35,400	35,660	14,730	71.3%	260	0.7%
Arkansas	3,485	6,545	4,680	3,060	87.8%	-1,865	-28.5%
California	238,495	229,805	251,275	-8,690	-3.6%	21,470	9.3%
Colorado	18,920	14,840	16,835	-4,080	-21.6%	1,995	13.4%
Connecticut	10,255	10,725	10,670	470	4.6%	-55	-0.5%
Delaware	1,525	2,520	2,495	995	65.2%	-25	-1.0%
District of Columbia	2,125	1,665	1,285	-460	-21.6%	-380	-22.8%
Florida	105,365	100,595	93,535	-4,770	-4.5%	-7,060	-7.0%
Georgia	21,285	25,045	36,945	3,760	17.7%	11,900	47.5%
Hawaii	3,635	5,145	6,645	1,510	41.5%	1,500	29.2%
Idaho	5,730	3,360	5,010	-2,370	-41.4%	1,650	49.1%
Illinois	36,390	43,520	35,965	7,130	19.6%	-7,555	-17.4%
Indiana	8,270	12,940	11,985	4,670	56.5%	-955	-7.4%
Iowa	7,755	2,910	4,150	-4,845	-62.5%	1,240	42.6%
Kansas	4,890	4,305	6,035	-585	-12.0%	1,730	40.2%
Kentucky	4,160	6,965	5,275	2,805	67.4%	-1,690	-24.3%
Louisiana	9,955	3,105	3,185	-6,850	-68.8%	80	2.6%
Maine	735	1,000	995	265	36.1%	-5	-0.5%
Maryland	18,895	18,755	26,765	-140	-0.7%	8,010	42.7%
Massachusetts	19,355	17,520	23,935	-1,835	-9.5%	6,415	36.6%
Michigan	27,330	18,330	20,640	-9,000	-32.9%	2,310	12.6%
Minnesota	12,340	7,180	14,420	-5,160	-41.8%	7,240	100.8%
Mississippi	1,350	1,035	2,695	-315	-23.3%	1,660	160.4%
Missouri	10,585	4,300	7,315	-6,285	-59.4%	3,015	70.1%
Montana	440	980	465	540	122.7%	-515	-52.6%
Nebraska	4,390	4,280	4,130	-110	-2.5%	-150	-3.5%
Nevada	10,410	9,690	9,445	-720	-6.9%	-245	-2.5%
New Hampshire	3,235	1,255	1,155	-1,980	-61.2%	-100	-8.0%
New Jersey	53,080	31,035	38,670	-22,045	-41.5%	7,635	24.6%
New Mexico	5,800	3,900	5,720	-1,900	-32.8%	1,820	46.7%
New York	75,560	87,320	83,310	11,760	15.6%	-4,010	-4.6%
North Carolina	20,495	25,145	27,890	4,650	22.7%	2,745	10.9%
North Dakota	695	770	415	75	10.8%	-355	-46.1%
Ohio	13,805	14,070	13,525	265	1.9%	-545	-3.9%
Oklahoma	10,450	9,740	5,935	-710	-6.8%	-3,805	-39.1%
Oregon	7,900	10,845	10,925	2,945	37.3%	80	0.7%



State	ACS 2003 (FY2005 Grants)	ACS 2004 (FY2006 Grants)	ACS 2005 (FY2007 Grants)	Change from 2003 to 2004		Change from 2004 to 2005	
				Number	Percent	Number	Percent
Pennsylvania	15,835	13,545	16,150	-2,290	-14.5%	2,605	19.2%
Rhode Island	2,570	3,420	4,610	850	33.1%	1,190	34.8%
South Carolina	6,195	4,080	11,865	-2,115	-34.1%	7,785	190.8%
South Dakota	380	790	1,835	410	107.9%	1,045	132.3%
Tennessee	13,740	10,160	9,800	-3,580	-26.1%	-360	-3.5%
Texas	106,445	126,650	130,990	20,205	19.0%	4,340	3.4%
Utah	5,695	8,155	7,410	2,460	43.2%	-745	-9.1%
Vermont	870	300	645	-570	-65.5%	345	115.0%
Virginia	25,800	24,835	25,835	-965	-3.7%	1,000	4.0%
Washington	14,835	21,350	24,375	6,515	43.9%	3,025	14.2%
West Virginia	2,845	235	200	-2,610	-91.7%	-35	-14.9%
Wisconsin	8,880	9,320	8,805	440	5.0%	-515	-5.5%
Wyoming	310	765	1,085	455	146.8%	320	41.8%
Total	1,016,365	1,012,755	1,082,260	-3,610	-0.4%	69,505	6.9%

**Source:** Table prepared by CRS, June 2007, based on data provided by the U.S. Department of Education (ED), Budget Service.

**Note:** The American Community Survey (ACS) is administered by the U.S. Census Bureau. The Census Bureau provides ED with specific data runs from the most recent ACS to enable ED to calculate Title III grants.

## State-Reported LEP Student Counts

There are several potential sources of state-reported data and three types of state LEP student counts: (1) total number of LEP students, (2) number of LEP students receiving services (Title III or non-Title III), and (3) number of LEP students being served in Title III. The National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA) uses data provided by states to ED in their Consolidated State Performance Reports (CSPRs) to produce an annual state-by-state count of the number of LEP students enrolled.<sup>8</sup> The CSPRs collect data on the total number of students identified as LEP. The most recent data available are for the 2004-2005 school year. Missing data and data discrepancies were resolved by NCELA through telephone calls to the relevant states.

The Common Core of Data (CCD) collects data on the total number of students receiving LEP services.<sup>9</sup> This is not limited to Title III services only. Rather, it includes students served in appropriate programs of language assistance. This is somewhat different than the data available from NCELA, as the CCD count does not include students who are identified as LEP but are not receiving services.<sup>10</sup> The most recent data available from the CCD are for the 2004-2005 school year.

<sup>8</sup> Information about how NCELA produces LEP student counts was provided by NCELA staff members, Dr. Judith Wilde and Suzanne Abdelrahim.

<sup>9</sup> The CCD uses the term English language learners (ELL) rather the LEP. The term LEP was used until the 2001-2002 school year. For consistency, the term LEP is used throughout this report.

<sup>10</sup> For example, students may not receive LEP services if their parents do not want them to participate.

A third source of data is the biennial report on Title III performance. The first report was published by ED in 2005 and covered 2002-2004. It included data on the number of LEP students served in Title III programs during the 2002-2003 and 2003-2004 school years. It did not, however, report on the total number of LEP students in the state or the total number of LEP students receiving Title III and non-Title III services. According to staff at NCELA, the second biennial report, expected later this year, will include counts of both the number of LEP students served in Title III programs and the total number of LEP students in the state. They also indicated that much of the data included in the forthcoming second biennial report has been drawn from the annual CSPRs.

LEP student counts from the NCELA data and CCD data are compared for the 2002-2003, 2003-2004, and 2004-2005 school years (**Table 3**). The NCELA data produced using the CSPRs are more complete than the data available from the CCD, as state data are missing for several states in the CCD data.<sup>11</sup> As the NCELA LEP student count is, in theory, a more comprehensive count than the CCD LEP student count, it would be expected that the NCELA counts would be higher than the CCD counts but not substantially higher, as it is not expected that many parents would choose for their children not to receive services. The data on **Table 3** do not consistently support these theories. For example, for the 2004-2005 school year, the NCELA count is actually lower than the CCD count in 18 states. For Indiana, Louisiana, Oklahoma, Vermont, and West Virginia, the NCELA count is at least 20% lower than the CCD count. Although it was expected that the NCELA count might be somewhat higher than the CCD count, in Florida, Mississippi, New Hampshire, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, and Wisconsin, the NCELA count is at least 20% higher than the CCD count. Similar issues exist with the data from the 2002-2003 and 2003-2004 school years. It is the exception, rather than the rule, that the NCELA data and the CCD data match or differ by a relatively small number of students. In addition, differences between the NCELA data and the CCD data change for some states from year to year with the NCELA count being higher in some years, the CCD count being higher in other years, and the magnitude of the differences between the counts changing from year to year. This raises questions about how states are conducting LEP student counts, whether these counts are being conducted consistently within a state and from year to year, and which students are actually being included in the counts.

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<sup>11</sup> For several states, data are either not available, or data were missing for more than 20% of schools or districts in a state, so the data were not publicly reported.

**Table 3. Estimated State LEP Student Counts Based on Data Available from the Common Core of Data and the NCELA: 2002-2003, 2003-2004, and 2004-2005**

A State	B 2002-2003 School Year			C 2003-2004 School Year			D 2004-2005 School Year		
	E CCD Data	F NCELA Data	G Difference (Col C - Col B)	H CCD Data	I NCELA Data	J Difference (Col F - Col E)	K CCD Data	L NCELA Data	M Difference (Col I - Col H)
Alabama	10,568	10,566	-2	10,825	13,312	2,487	14,801	15,295	494
Alaska	16,378	20,272	3,894	19,877	21,533	1,656	21,533	20,140	-1,393
Arizona	143,744	149,354	5,610	155,840	144,145	-11,695	194,171	155,789	-38,382
Arkansas	15,146	14,838	-308	17,174	15,581	-1,593	18,647	17,384	-1,263
California	1,599,542	1,599,542	0	1,598,366	1,598,535	169	1,585,647	1,591,525	5,878
Colorado	86,128	86,129	1	97,043	91,751	-5,292	90,372	90,391	19
Connecticut	22,651	22,547	-104	25,959	25,867	-92	27,931	27,580	-351
Delaware	3,449	3,523	74	3,956	4,246	290	4,858	5,094	236
District of Columbia	5,798	5,363	-435	5,727	5,201	-526	5,657	4,771	-886
Florida	203,712	292,077	88,365	196,037	282,066	86,029	214,562	299,346	84,784
Georgia	70,464	59,840	-10,624	65,876	59,126	-6,750	60,334	50,381	-9,953
Hawaii	12,853	12,853	0	12,850	12,850	0	17,017	18,376	1,359
Idaho	18,747	19,753	1,006	19,649	20,541	892	20,987	17,649	-3,338
Illinois	168,727	169,414	687	-	161,700	-	-	192,764	-
Indiana	42,629	22,584	-20,045	42,632	28,741	-13,891	51,212	31,956	-19,256
Iowa	13,961	13,961	0	15,238	15,238	0	14,606	14,421	-185
Kansas	17,942	25,006	7,064	22,399	25,504	3,105	26,041	23,512	-2,529
Kentucky	6,343	6,017	-326	8,446	8,446	0	10,471	11,181	710
Louisiana	11,108	6,854	-4,254	12,175	7,546	-4,629	12,979	7,990	-4,989
Maine	2,632	3,006	374	2,852	3,179	327	2,868	2,896	28
Maryland	27,311	27,422	111	27,695	27,849	154	21,709	24,811	3,102
Massachusetts	51,622	51,622	0	49,297	49,297	0	49,773	49,923	150
Michigan	-	60,479	-	62,025	62,265	240	62,778	64,345	1,567
Minnesota	51,275	52,244	969	53,507	54,878	1,371	56,976	56,829	-147
Mississippi	2,250	2,916	666	2,916	4,681	1,765	3,365	4,152	787
Missouri	13,121	13,121	0	14,855	14,855	0	-	15,403	-
Montana	6,642	7,043	401	6,668	6,948	280	6,716	6,911	195
Nebraska	13,803	13,803	0	15,586	15,586	0	16,124	16,124	0
Nevada	58,753	53,492	-5,261	69,896	58,753	-11,143	71,557	72,117	560
New Hampshire	3,270	3,270	0	2,755	2,755	0	2,569	3,235	666
New Jersey	57,548	57,245	-303	58,349	66,451	8,102	-	61,287	-
New Mexico	65,317	65,317	0	54,528	54,528	0	62,386	70,926	8,540
New York	178,909	302,961	124,052	-	191,992	-	-	203,583	-
North Carolina	59,849	60,149	300	60,967	70,937	9,970	68,381	70,288	1,907
North Dakota	883	6,176	5,293	1,638	6,500	4,862	2,033	4,749	2,716
Ohio	25,782	20,778	-5,004	23,368	23,302	-66	27,499	25,518	-1,981
Oklahoma	40,192	36,508	-3,684	40,042	33,266	-6,776	44,454	33,508	-10,946
Oregon	52,331	52,588	257	64,618	61,695	-2,923	64,676	59,908	-4,768
Pennsylvania	-	38,288	-	-	41,606	-	-	39,847	-
Rhode Island	10,087	11,600	1,513	9,723	9,645	-78	9,001	10,921	1,920
South Carolina	7,467	8,239	772	10,653	12,653	2,000	12,528	15,396	2,868
South Dakota	4,524	3,361	-1,163	4,477	3,433	-1,044	4,194	5,847	1,653
Tennessee	-	14,953	-	-	19,352	-	-	19,355	-
Texas	630,686	630,148	-538	661,052	660,707	-345	684,583	684,007	-576
Utah	43,299	46,342	3,043	49,556	46,521	-3,035	45,027	56,319	11,292
Vermont	1,057	1,052	-5	1,992	1,017	-975	1,990	1,393	-597
Virginia	49,845	49,840	-5	60,301	60,306	5	66,970	67,933	963
Washington	70,431	66,038	-4,393	58,523	69,323	10,800	75,103	75,678	575
West Virginia	1,281	2,103	822	1,477	1,594	117	1,774	1,236	-538
Wisconsin	25,764	34,203	8,439	26,424	35,770	9,346	26,616	35,871	9,255
Wyoming	3,519	3,206	-313	3,475	3,429	-46	3,593	3,742	149
Total	4,029,340	4,340,006	310,666	3,829,284	4,317,002	487,718	3,887,069	4,459,603	572,534

**Source:** Table prepared by CRS, June 2007. The “NCELA data” were provided by the National Clearinghouse on English Language Acquisition and Language Instruction Educational Programs based on an analysis of data reported by states on Consolidated State Performance Reports. The “CCD data” were collected through the Common Core of Data by the National Center for Education Statistics (NCES) at the U.S. Department of Education and reported in a series of annual reports (NCES 2005-314, NCES 2006-307, and NCES 2007-309).

**Note:** While a total is shown for the CCD data for the 2004-2005 school year, a total was not included in the NCES report, as data were missing for more than 15% of all schools or districts nationally.

–: Data were not available or data were missing from more than 20% of schools or districts within a state.

Although not shown in **Table 3**, data from the NCELA and CCD from 2003-2004 were compared with data reported in the biennial report for 2003-2004. As previously discussed, the NCELA data, in theory, provide the most comprehensive count of LEP students, including all identified LEP students. The CCD data, in theory, provide the second most comprehensive count of LEP students by including all students receiving LEP services. The biennial report data, in theory, are the least comprehensive of the three sources of data as they include only the number of LEP students receiving Title III services. A brief examination of data for Alabama, Alaska, Arizona, Arkansas, and California revealed that the biennial LEP student count was higher than the CCD count in Alabama and Arizona. It was also higher than the NCELA count in Arizona. This raises further questions about how LEP students are being counted at the state level and whether state counts are a reliable basis upon which to make state grant allocations.

## **State-Reported Immigrant Student Counts**

Data sources for immigrant student counts are more limited than those available for LEP students. The primary source of this information is the Title III biennial report. States are required to report on the number of immigrant students enrolled and the number of immigrant students served in Title III programs. The most recent biennial report includes these counts for the 2002-2003 and 2003-2004 school years. Neither NCELA nor the CCD produces immigrant student counts. **Table 4** provides the immigrant student counts from the biennial report for the 2002-2003 and 2003-2004 school years, the most recent years for which data are available.

**Table 4. Immigrant Student Counts Based on State-Reported Data in Title III Biennial Reports: 2002-2003 and 2003-2004**

A	B	C	D	E
State	Number of Immigrant Children and Youth During 2002-2003 School Year	Number of Immigrant Children and Youth During 2003-2004 School Year	Difference in the Number of Immigrant Children and Youth (Col C - Col B)	Percent Change
Alabama	5,355	4,166	-1,189	-22.2%
Alaska	1,818	1,163	-655	-36.0%
Arizona	40,721	34,074	-6,647	-16.3%
Arkansas	4,626	4,696	70	1.5%
California	254,450	269,939	15,489	6.1%
Colorado	10,486	15,642	5,156	49.2%
Connecticut	14,977	16,398	1,421	9.5%
Delaware	1,665	1,327	-338	-20.3%
District of Columbia	1,631	1,376	-255	-15.6%
Florida	169,819	158,168	-11,651	-6.9%
Georgia	38,919	40,150	1,231	3.2%
Hawaii	4,678	5,242	564	12.1%
Idaho	-	1,440	-	-
Illinois	61,139	65,629	4,490	7.3%
Indiana	10,686	11,130	444	4.2%
Iowa	3,925	3,284	-641	-16.3%
Kansas	9,184	7,924	-1,260	-13.7%
Kentucky	3,397	5,199	1,802	53.0%
Louisiana	3,848	3,683	-165	-4.3%
Maine	1,129	1,280	151	13.4%
Maryland	18,237	18,156	-81	-0.4%
Massachusetts	21,395	25,740	4,345	20.3%
Michigan	12,236	12,530	294	2.4%
Minnesota	15,414	16,236	822	5.3%
Mississippi	952	1,316	364	38.2%
Missouri	8,020	7,518	-502	-6.3%
Montana	273	348	75	27.5%
Nebraska	5,698	5,635	-63	-1.1%
Nevada	12,565	16,479	3,914	31.2%
New Hampshire	1,991	1,200	-791	-39.7%
New Jersey	54,185	45,814	-8,371	-15.4%
New Mexico	9,631	8,132	-1,499	-15.6%
New York	123,948	116,822	-7,126	-5.7%
North Carolina	31,183	29,232	-1,951	-6.3%
North Dakota	1,007	1,009	2	0.2%
Ohio	12,389	11,687	-702	-5.7%
Oklahoma	9,466	7,622	-1,844	-19.5%
Oregon	7,730	7,455	-275	-3.6%
Pennsylvania	15,519	16,138	619	4.0%
Rhode Island	3,322	2,900	-422	-12.7%
South Carolina	6,254	6,716	462	7.4%
South Dakota	909	1,020	111	12.2%
Tennessee	19,569	16,325	-3,244	-16.6%
Texas	121,064	116,818	-4,246	-3.5%
Utah	14,195	17,145	2,950	20.8%
Vermont	598	567	-31	-5.2%
Virginia	23,432	21,440	-1,992	-8.5%
Washington	21,196	24,997	3,801	17.9%

A	B	C	D	E
State	Number of Immigrant Children and Youth During 2002-2003 School Year	Number of Immigrant Children and Youth During 2003-2004 School Year	Difference in the Number of Immigrant Children and Youth (Col C - Col B)	Percent Change
West Virginia	178	175	-3	-1.7%
Wisconsin	7,548	6,608	-940	-12.5%
Wyoming	191	191	0	0.0%
Total	1,222,748	1,215,881	-6,867	-0.6%

**Source:** Table prepared by CRS, June 2007, based on data provided by states in their Title III biennial reports (*Biennial Evaluation Report to Congress on the Implementation of the State Formula Grant Program, 2002-2004*).

-: Data either not reported or not available.

## ACS Data Compared with State-Reported Data

This section makes direct comparisons between the most recent ACS data and the most recent state data. It begins with a discussion of data limitations in making these comparisons. This discussion is followed by a detailed analysis of differences in LEP and immigrant student counts between the two types of data. The section concludes with an analysis of estimated FY2007 state grants using both data sources and how these grants would differ based on the underlying data used for the calculation.

### Data Limitations

It should be noted that comparisons of student counts have been conducted with state data from two different school years. As the LEP student count accounts for 80% of a state's total grant amount, it was important to have the most recent data available and, if possible, to be using a school year comparable to the year in which the ACS data were collected. The LEP student counts produced by NCELA for the 2004-2005 school year met both these criteria. And, unlike the CCD data for the same school year, they presumably include a more nearly complete count of total LEP student enrollment, as the data were confirmed with state officials as needed. Although one of the primary purposes of this request was to compare the ACS data with state data, it should be noted that the NCELA and ACS data are collected from different respondents using different questions. Again, the NCELA data include the population of students identified as LEP, while the ACS is a sample survey conducted with native and non-native English speaking individuals.

As previously mentioned, data sources for immigrant student counts are more limited, so the latest available data were from the 2003-2004 school year. Thus, in addition to the aforementioned problems of collecting data from different respondents using different questions, the state-reported immigrant data were taken from a different year than the 2005 ACS data.

These caveats must be taken into account when examining student counts and estimated state grants based on these data. The estimated grant amounts discussed

below are only rough estimates of what states might receive if state data were relied upon to make grants.

## Student Count Data Comparisons

As shown in **Tables 5** and **6**, there are some substantial differences in LEP and immigrant student counts when the 2005 ACS data are compared with the 2004-2005 LEP student counts available from NCELA and the 2003-2004 immigrant student counts available from the biennial report. With respect to LEP student counts, for example, the state data indicate that there are almost 500,000 more LEP students in California than indicated by the ACS data. Arizona, Colorado, Florida, Nevada, New Mexico, Texas, and Utah each reported at least 25,000 more LEP students than accounted for by the 2005 ACS. At the same time, if state LEP student counts were used instead of ACS LEP student counts, Georgia, New Jersey, New York, and Pennsylvania would have their student counts reduced by 25,000 students or more. If the same data are examined based on the percentage change in student counts if state data were used instead of ACS data, Alaska would experience the largest percentage increase in LEP students (376.7%), followed by Montana (216.3%), North Dakota (179.4%), Utah (167.5%), and New Mexico (146.2%). Although California would experience the largest increase in the number of LEP students, this change would result in a 45.1% increase in LEP student enrollment.<sup>12</sup> West Virginia would experience the largest percentage decrease in enrollment (62.0%), followed by Mississippi (47.2%), Ohio (46.8%), and Pennsylvania (46.3%).

If state data were used in lieu of ACS data for immigrant counts, Florida would experience the largest increase in the number of immigrant students, followed by New York, Illinois, and California (**Table 6**). Overall, increases in immigrant student counts would range from 16 students in Arkansas to 64,633 students in Florida. The largest decreases in the number of immigrant students would occur in Texas, followed by Maryland and Michigan. Overall, decreases in the number of immigrant students would range from 12 students in Pennsylvania to 14,100 students in Texas. In terms of percentage change in student counts, the largest increase in immigrant students would occur in North Dakota (143.1%), followed by Utah (131.4%) and Illinois (82.5%). The greatest decreases would be experienced by Wyoming (82.4%), followed by Idaho (71.3%) and Mississippi (51.2%).

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<sup>12</sup> The percentage change in the number of students is calculated relative to the number of LEP students identified on the ACS. As California has the largest number of students based on the ACS counts, having the largest increase in the number of students based on the state data is not a large enough increase relative to California's initial LEP student count to result in the largest percentage increase among the states.

**Table 5. Comparison of Estimated Limited English Proficient Student Counts from the 2005 American Community Survey and 2004-2005 State-Reported Data**

<b>State</b>	<b>2005 ACS</b>	<b>2004-2005 State Data</b>	<b>Difference (State - ACS)</b>	<b>Percent Difference</b>
Alabama	18,745	15,295	-3,450	-18.4%
Alaska	4,225	20,140	15,915	376.7%
Arizona	121,895	155,789	33,894	27.8%
Arkansas	17,095	17,384	289	1.7%
California	1,097,205	1,591,525	494,320	45.1%
Colorado	61,675	90,391	28,716	46.6%
Connecticut	33,165	27,580	-5,585	-16.8%
Delaware	8,355	5,094	-3,261	-39.0%
District of Columbia	3,490	4,771	1,281	36.7%
Florida	234,505	299,346	64,841	27.7%
Georgia	85,275	50,381	-34,894	-40.9%
Hawaii	14,230	18,376	4,146	29.1%
Idaho	9,860	17,649	7,789	79.0%
Illinois	182,730	192,764	10,034	5.5%
Indiana	40,740	31,956	-8,784	-21.6%
Iowa	16,015	14,421	-1,594	-10.0%
Kansas	21,115	23,512	2,397	11.4%
Kentucky	17,160	11,181	-5,979	-34.8%
Louisiana	14,165	7,990	-6,175	-43.6%
Maine	3,535	2,896	-639	-18.1%
Maryland	47,550	24,811	-22,739	-47.8%
Massachusetts	64,815	49,923	-14,892	-23.0%
Michigan	62,675	64,345	1,670	2.7%
Minnesota	39,575	56,829	17,254	43.6%
Mississippi	7,870	4,152	-3,718	-47.2%
Missouri	21,765	15,403	-6,362	-29.2%
Montana	2,185	6,911	4,726	216.3%
Nebraska	14,935	16,124	1,189	8.0%
Nevada	38,540	72,117	33,577	87.1%
New Hampshire	5,000	3,235	-1,765	-35.3%
New Jersey	107,955	61,287	-46,668	-43.2%
New Mexico	28,805	70,926	42,121	146.2%
New York	275,230	203,583	-71,647	-26.0%
North Carolina	70,970	70,288	-682	-1.0%
North Dakota	1,700	4,749	3,049	179.4%
Ohio	48,005	25,518	-22,487	-46.8%
Oklahoma	21,085	33,508	12,423	58.9%
Oregon	49,910	59,908	9,998	20.0%
Pennsylvania	74,245	39,847	-34,398	-46.3%
Rhode Island	12,130	10,921	-1,209	-10.0%
South Carolina	22,940	15,396	-7,544	-32.9%
South Dakota	4,065	5,847	1,782	43.8%
Tennessee	28,635	19,355	-9,280	-32.4%
Texas	570,145	684,007	113,862	20.0%
Utah	21,050	56,319	35,269	167.5%
Vermont	1,900	1,393	-507	-26.7%
Virginia	57,440	67,933	10,493	18.3%
Washington	78,270	75,678	-2,592	-3.3%
West Virginia	3,250	1,236	-2,014	-62.0%
Wisconsin	38,855	35,871	-2,984	-7.7%



State	2005 ACS	2004-2005 State Data	Difference (State - ACS)	Percent Difference
Wyoming	2,130	3,742	1,612	75.7%
Total	3,828,805	4,459,603	630,798	16.5%

**Source:** Table prepared by CRS, June 2007, based on data provided by the U.S. Department of Education (ED), Budget Service. The 2004-2005 student counts were provided by the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA), based on an analysis of data reported by states on their Consolidated State Performance Reports.

**Note:** The American Community Survey (ACS) is administered by the U.S. Census Bureau. The Census Bureau provides ED with specific data runs from the most recent ACS to enable ED to calculate Title III grants.

**Table 6. Comparison of Estimated Immigrant Student Counts from the 2005 American Community Survey and 2003-2004 State-Reported Data**

State	2005 ACS	2003-2004 State Data	Difference (State - ACS)	Percent Difference
Alabama	7,710	4,166	-3,544	-46.0%
Alaska	965	1,163	198	20.5%
Arizona	35,660	34,074	-1,586	-4.4%
Arkansas	4,680	4,696	16	0.3%
California	251,275	269,939	18,664	7.4%
Colorado	16,835	15,642	-1,193	-7.1%
Connecticut	10,670	16,398	5,728	53.7%
Delaware	2,495	1,327	-1,168	-46.8%
District of Columbia	1,285	1,376	91	7.1%
Florida	93,535	158,168	64,633	69.1%
Georgia	36,945	40,150	3,205	8.7%
Hawaii	6,645	5,242	-1,403	-21.1%
Idaho	5,010	1,440	-3,570	-71.3%
Illinois	35,965	65,629	29,664	82.5%
Indiana	11,985	11,130	-855	-7.1%
Iowa	4,150	3,284	-866	-20.9%
Kansas	6,035	7,924	1,889	31.3%
Kentucky	5,275	5,199	-76	-1.4%
Louisiana	3,185	3,683	498	15.6%
Maine	995	1,280	285	28.6%
Maryland	26,765	18,156	-8,609	-32.2%
Massachusetts	23,935	25,740	1,805	7.5%
Michigan	20,640	12,530	-8,110	-39.3%
Minnesota	14,420	16,236	1,816	12.6%
Mississippi	2,695	1,316	-1,379	-51.2%
Missouri	7,315	7,518	203	2.8%
Montana	465	348	-117	-25.2%
Nebraska	4,130	5,635	1,505	36.4%
Nevada	9,445	16,479	7,034	74.5%
New Hampshire	1,155	1,200	45	3.9%
New Jersey	38,670	45,814	7,144	18.5%
New Mexico	5,720	8,132	2,412	42.2%
New York	83,310	116,822	33,512	40.2%
North Carolina	27,890	29,232	1,342	4.8%

State	2005 ACS	2003-2004 State Data	Difference (State - ACS)	Percent Difference
North Dakota	415	1,009	594	143.1%
Ohio	13,525	11,687	-1,838	-13.6%
Oklahoma	5,935	7,622	1,687	28.4%
Oregon	10,925	7,455	-3,470	-31.8%
Pennsylvania	16,150	16,138	-12	-0.1%
Rhode Island	4,610	2,900	-1,710	-37.1%
South Carolina	11,865	6,716	-5,149	-43.4%
South Dakota	1,835	1,020	-815	-44.4%
Tennessee	9,800	16,325	6,525	66.6%
Texas	130,990	116,818	-14,172	-10.8%
Utah	7,410	17,145	9,735	131.4%
Vermont	645	567	-78	-12.1%
Virginia	25,835	21,440	-4,395	-17.0%
Washington	24,375	24,997	622	2.6%
West Virginia	200	175	-25	-12.5%
Wisconsin	8,805	6,608	-2,197	-25.0%
Wyoming	1,085	191	-894	-82.4%
Total	1,082,260	1,215,881	133,621	12.3%

**Source:** Table prepared by CRS, June 2007, based on data provided by the U.S. Department of Education (ED), Budget Service. The 2003-2004 immigrant student counts are based on data provided by states in their Title III biennial reports (*Biennial Evaluation Report to Congress on the Implementation of the State Formula Grant Program, 2002-2004.*)

**Note:** The American Community Survey (ACS) is administered by the U.S. Census Bureau. The Census Bureau provides ED with specific data runs from the most recent ACS to enable ED to calculate Title III grants.

## Estimated FY2007 State Grants

An analysis of the differences in estimated FY2007 grant amounts if the aforementioned state data, rather than the 2005 ACS data, were used to determine grant amounts revealed that grant amounts would change in most states, in some cases increasing or decreasing by substantial amounts. For example, if state data, rather than ACS data, had been used to calculate the FY2007 grant amounts, California's grant amount would have increased by \$34.2 million or 20.2% (**Table 7**). Other states that would have experienced substantial increases in their FY2007 grant amounts include Florida (\$7.8 million or 19.2%), Utah (\$4.4 million or 123.7%), and New Mexico (\$4.3 million or 100.2%). One interesting trend to note is the general reduction in state grant amounts that would occur in Northeast states (e.g., Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island), if state data were used to calculate grant amounts. Overall, increases would have ranged from \$20,000 in South Dakota to \$34.2 million in California. The largest loss of funds would have been experienced by New York (\$10.9 million or 24.3%), followed by New Jersey (\$7.0 million or 38.5%), Georgia (\$5.7 million or 37.5%), and Pennsylvania (\$5.4 million or 47.2%). Overall, the decreases would have ranged from \$12,000 in Kansas to \$10.9 million in New York. With respect to the percentage change in grant amount, Alaska would have received the largest increase (262.1%), and Mississippi would have experienced the largest decrease (55.2%).

**Table 7. Estimated FY2007 State Grants Based on the 2005 American Community Survey and State-Reported Data**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>State</b>	<b>Estimated FY2007 Grants (2005 ACS)</b>	<b>Estimated FY2007 Grants (State Data)</b>	<b>\$ Difference Between FY2007 Grants Based on State Data Versus ACS Data (Col C - Col B)</b>	<b>Percent Difference</b>
Alabama	3,277,000	2,103,000	-1,174,000	-35.8%
Alaska	651,000	2,356,000	1,705,000	261.9%
Arizona	19,664,000	20,623,000	959,000	4.9%
Arkansas	2,721,000	2,387,000	-334,000	-12.3%
California	169,058,000	203,216,000	34,158,000	20.2%
Colorado	9,812,000	11,571,000	1,759,000	17.9%
Connecticut	5,460,000	4,641,000	-819,000	-15.0%
Delaware	1,354,000	695,000	-659,000	-48.7%
District of Columbia	593,000	663,000	70,000	11.8%
Florida	40,669,000	48,478,000	7,809,000	19.2%
Georgia	15,123,000	9,451,000	-5,672,000	-37.5%
Hawaii	2,578,000	2,549,000	-29,000	-1.1%
Idaho	1,833,000	2,105,000	272,000	14.8%
Illinois	27,485,000	27,758,000	273,000	1.0%
Indiana	6,580,000	4,626,000	-1,954,000	-29.7%
Iowa	2,523,000	1,921,000	-602,000	-23.9%
Kansas	3,390,000	3,378,000	-12,000	-0.4%
Kentucky	2,797,000	1,743,000	-1,054,000	-37.7%
Louisiana	2,176,000	1,243,000	-933,000	-42.9%
Maine	566,000	500,000	-66,000	-11.7%
Maryland	9,135,000	4,500,000	-4,635,000	-50.7%
Massachusetts	11,022,000	8,024,000	-2,998,000	-27.2%
Michigan	10,373,000	8,370,000	-2,003,000	-19.3%
Minnesota	6,708,000	7,886,000	1,178,000	17.6%
Mississippi	1,314,000	589,000	-725,000	-55.2%
Missouri	3,619,000	2,435,000	-1,184,000	-32.7%
Montana	500,000	804,000	304,000	60.8%
Nebraska	2,382,000	2,336,000	-46,000	-1.9%
Nevada	6,009,000	9,614,000	3,605,000	60.0%
New Hampshire	772,000	500,000	-272,000	-35.2%
New Jersey	18,222,000	11,208,000	-7,014,000	-38.5%
New Mexico	4,338,000	8,684,000	4,346,000	100.2%
New York	44,717,000	33,853,000	-10,864,000	-24.3%
North Carolina	12,261,000	10,628,000	-1,633,000	-13.3%
North Dakota	500,000	626,000	126,000	25.2%
Ohio	7,685,000	3,961,000	-3,724,000	-48.5%
Oklahoma	3,375,000	4,464,000	1,089,000	32.3%
Oregon	7,633,000	7,391,000	-242,000	-3.2%
Pennsylvania	11,343,000	5,984,000	-5,359,000	-47.2%
Puerto Rico	3,086,000	3,086,000	0	0.0%
Rhode Island	2,078,000	1,495,000	-583,000	-28.1%
South Carolina	4,288,000	2,358,000	-1,930,000	-45.0%
South Dakota	729,000	749,000	20,000	2.7%
Tennessee	4,781,000	3,717,000	-1,064,000	-22.3%
Texas	87,896,000	87,415,000	-481,000	-0.5%
Utah	3,538,000	7,916,000	4,378,000	123.7%

A	B	C	D	E
State	Estimated FY2007 Grants (2005 ACS)	Estimated FY2007 Grants (State Data)	\$ Difference Between FY2007 Grants Based on State Data Versus ACS Data (Col C - Col B)	Percent Difference
Vermont	500,000	500,000	0	0.0%
Virginia	10,295,000	9,621,000	-674,000	-6.5%
Washington	12,795,000	10,824,000	-1,971,000	-15.4%
West Virginia	500,000	500,000	0	0.0%
Wisconsin	5,976,000	4,630,000	-1,346,000	-22.5%
Wyoming	500,000	500,000	0	0.0%
Total	617,177,000	617,177,000	0	0.0%

**Source:** Table prepared by CRS, June 2007. Estimated FY2007 state grants based on the American Community Survey (ACS) were calculated by the U.S. Department of Education (ED), Budget Service. Estimated FY2007 state grants based on state-reported data were calculated by CRS using 2004-2005 limited English proficient student (LEP) counts available from the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, and 2003-2004 immigrant student count data available based on data provided by states in their Title III biennial reports (*Biennial Evaluation Report to Congress on the Implementation of the State Formula Grant Program, 2002-2004.*)

**Note:** All data sources used to make these calculations were the most recent data sources available. State-reported data were used from two different years because the LEP student counts account for 80% of a state's grant and more recent data were available for LEP student counts than for immigrant student counts. In addition, the use of the 2004-2005 LEP student count data was more comparable to the 2005 ACS data than the 2003-2004 LEP student count data would have been. Details may not add to totals due to rounding.

**Notice:** These are estimated grants only. In addition to other limitations, much of the data which would be needed to calculate final grants are not yet available. These estimates are provided solely to assist in comparisons of the relative impact of alternative formulas and funding levels in the legislative process. They are not intended to predict specific amounts states will receive.

## Selecting Data on Which To Base the Distribution of Funds

The use of either the ACS or state data for calculating Title III state grants has drawbacks. This section examines the methodological issues associated with using either the ACS data or state data as the basis for distributing state grants. It also examines issues specific to counting LEP students and counting recent immigrant students. The section concludes with a brief discussion of the requirement that ED use the most accurate of these data sources to allocate state grants.

### ACS Data

As previously discussed, the ACS data measure factors that are not necessarily related to student enrollment, and there may be data problems due to the subjective nature of the questions and the reliance on self-reported data. For example, respondents to the ACS may not want to report that they speak English less than "very well," as this may be perceived as a socially undesirable response. Although

these problems are consistent across states, the Census Bureau found some inconsistency in responses to these questions during its reinterview process to examine data quality.<sup>13</sup> In addition, there is no research available that demonstrates how accurately the ACS data represent the population of LEP students.<sup>14</sup> If these data continue to be used as the basis for distributing state grants, developing a better understanding of this relationship may be critical.

The estimates of the number of students who are recent immigrants are also based on self-reported data. However, the question used to make this determination is more objective than the question used to determine whether a student is LEP, as it asks for factual information. Thus, responses to this question may be more consistent than the questions used to determine LEP.<sup>15</sup>

## State-Reported Data

State-reported data also have several problems that could complicate their use as the basis for determining state grants. In responding to a GAO study examining the Title III formula, ED indicated that state data were missing or incomplete for several states.<sup>16</sup> ED also noted that states did not necessarily assess all LEP students, which could result in the number of students identified as being LEP exceeding the number of students assessed annually for English language proficiency (as required by Title I of the ESEA).<sup>17</sup> In addition, ED noted that states may have provided inconsistent data because the instructions to states for providing this information did not include definitions of the data to be included. GAO found that the aforementioned instructions were sufficiently vague as to allow multiple interpretations of the instructions, and reported that ED had indicated that it would clarify the instructions for the 2006-2007 Consolidated State Performance Report (due in December 2007). ED was also in the process of providing feedback to states on the data provided on the 2003-2004 and 2004-2005 CSPRs and expected that this would lead to improved state data for subsequent school years. Until these data are reported by states, however, it is not possible to know how complete these data will be and whether additional followup, such as the efforts conducted by NCELA regarding the 2004-2005 data, will be needed to produce final counts that could be used as the basis for determining state grants.

These issues are further complicated due to the different methodologies used to identify which students are LEP students, as there is no standard methodology by which students with limited English proficiency are identified. Screening instruments used to identify LEP students vary by state and even within states. Even

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<sup>13</sup> Schneider, P. (2004). *Census 2000 Testing, Experimentation, and Evaluation Program* (Topic Report No. 12, TR-12). Washington, DC: U.S. Census Bureau. Available online at [<http://www.census.gov/pred/www/rpts/TR12.pdf>].

<sup>14</sup> GAO, *Basis for Distributing Title III Funds*.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> As previously noted, ED must use the most accurate of either the ACS data or the number of children being assessed for English proficiency as required under Title I.

among states using similar methods, the states may differ in their interpretation of the results. States may also differ in how they determine which students to screen for LEP. Although most states use home language surveys to determine what language is spoken at home, some states may also use strategies such as classroom observations to identify students for screening.

There are also problems with immigrant student counts reported by states. GAO found that state officials question the reliability of the data they collect, as schools and school districts may not be permitted to ask students directly whether they are immigrant students.<sup>18</sup> Rather, some states and districts rely on information about a student's place of birth and date of entry into the school system to determine whether a student is a recent immigrant. These determinations may be further complicated if a student has no prior school documentation, so there is no way to determine based on student records whether the student previously attended another school in the United States and for how long.

It should be noted, however, that if grants are determined on the basis of state-reported data, possibly through the CSPRs, a perverse incentive may be created for states to over-report the number of LEP and immigrant students to gain additional federal funds. As the funds available for this program are limited to a specific appropriation amount, if some states inflate their number of eligible students, other states legitimately serving Title III eligible students may receive less funding than they should receive.

## Data Accuracy

Although statutory language permits ED to choose the most accurate of the ACS or state data, ED told GAO that it has not yet established criteria or a methodology for determining which of these data sources is the most accurate.<sup>19</sup> According to the GAO report, "Education officials state that as the state data improve and become complete, complex analysis will be needed to determine the relative accuracy of these data and the ACS data."<sup>20</sup> Thus, until this analysis is completed by ED or another organization, it may be difficult to determine whether the use of ACS data or state data will result in a grant distribution that most accurately reflects the number of LEP and recent immigrant students by state.

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., p. 13.

## Possible Alternatives

Given the drawbacks in using either the ACS or state-reported data as the basis for determining state grants, other alternatives could be considered. As previously mentioned, no research demonstrates that the ACS data accurately reflect the actual LEP student population. One option may be to require the National Academy of Sciences (NAS) to conduct a study to examine the methodology used to produce the ACS data on which Title III state grants are currently based, the availability of alternative indicators, and the reliability of the data. NAS was required to conduct a similar study of the Small Area Income and Poverty Estimates (SAIPE) data used for Title I purposes (Improving America's Schools Act, P.L. 103-382, Title I, Section 1124(c)(4)). In addition or alternatively, developing a formula based on both the ACS data and the state-reported data could be considered, possibly averaging the student counts from each. This strategy could be used on a long-term basis or as a means of transitioning from the use of ACS data to state data to determine state grants. Using both types of data simultaneously, however, would require state data and ACS data to be available from comparable years. A third alternative, specifically designed to reduce the volatility of the ACS data, would be to average the LEP student counts produced by the ACS for the last two or three available years, and do the same for the ACS immigrant student counts.