FUNDING AN EQUITABLE EDUCATION FOR ENGLISH LEARNERS IN THE UNITED STATES

By Julie Sugarman

MPI
MIGRATION POLICY INSTITUTE

The Expert Council of German Foundations
on Integration and Migration

RESEARCH UNIT

Funding an Equitable Education for English Learners in the United States

By Julie Sugarman

August 2016

The Expert Council of German Foundations
on Integration and Migration
RESEARCH UNIT

Acknowledgments

This research was supported by Stiftung Mercator, a private foundation in Germany that seeks to strengthen Europe, increase the educational success of disadvantaged children and youth, further climate change mitigation, and promote science and the humanities. This report is one in a series of three reports that explore the use of supplementary funds to support the education of migrant-background students; the others are a transatlantic comparison and a more in-depth look at approaches used in Germany. The Migration Policy Institute's National Center on Immigrant Integration Policy appreciates the additional support provided for this research by the Carnegie Corporation of New York.

The author thanks Simon Morris-Lange for his work as coresearcher on the transatlantic study. She also thanks Kevin Lee and Keith McNamara for their research assistance and Margie McHugh and Delia Pompa for reviewing the report. She also gratefully acknowledges the administrators and policymakers who were interviewed for this project and who clarified policy details and provided insight into the implementation of funding mechanisms in different systems.

Finally, the author extends her thanks to report editor Lauren Shaw and to Liz Heimann for its layout and cover design.

© 2016 Migration Policy Institute.

All Rights Reserved.

Cover Design and Layout: Liz Heimann, MPI
Photo courtesy of: Catherine/Flickr

No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopy, or any information storage and retrieval system, without permission from the Migration Policy Institute. A full-text PDF of this document is available for free download from www.migrationpolicy.org.

Information for reproducing excerpts from this report can be found at www.migrationpolicy.org/about/copyright-policy. Inquiries can also be directed to: communications@migrationpolicy.org.

Suggested citation: Sugarman, Julie. 2016. *Funding an Equitable Education for English Learners in the United States.* Washington, DC: Migration Policy Institute.

Table of Contents

Executive Summary 1

I. Introduction 3

II. Equity and Adequacy: Key Questions in School Finance 6

A. Leveling the Playing Field with State Funding 6
B. Using Cost Studies to Set Funding Levels 8
C. Challenges in Determining Appropriate Funding Levels 9

III. Pieces of the Funding Puzzle 12

A. Federal Funding 13
B. State Supplementary Funding 16
C. Local Funding 23

IV. Implementing Funding Systems at the State and Local Levels 23

A. Factors that Impact the Cost of EL Education 24
B. Stakeholder Communication and Knowledge 29

V. Implications and Recommendations 34

Appendices 38

Appendix A. Investigatory Questions 38
Appendix B. Supplementary Funding in California, Colorado, and New York 40

Works Cited 43

About the Author 50

Executive Summary

In order to ensure that all students are able to meet high educational standards, school systems have a responsibility to provide them with the necessary resources. With the English Learner (EL) population at nearly 10 percent of U.S. students and growing in both traditional and new immigrant-destination states, many school districts are struggling to develop the capacity to meet the needs of students from immigrant and refugee backgrounds and continue to observe lower achievement and long-term outcomes among ELs. This study illustrates the diverse approaches taken by federal, state, and local systems to provide appropriate funding for the education of these students.

Over the last 50 years, there has been uneven progress in ensuring that the educational opportunities available to different students are not limited by the resources of their local communities, which have long been the primary source of public school funding. State funding is intended to supplement local funding to even out disparities between wealthier and poorer communities, but a number of states fail to ensure equitable funding across school districts. In response to lawsuits over the level of funding provided, many states have used cost studies to provide empirical data on how much funding schools need to achieve the desired educational outcomes. However, few of these studies focus on the specific resource needs of ELs.

Many school districts are struggling to develop the capacity to meet the needs of students from immigrant and refugee backgrounds.

The federal government also plays a role in providing supplementary funding based on student and community need; however, only 11 percent of funding for primary and secondary education originates at the federal level. In fiscal years (FY) 2015 and 2016, the federal government provided $737.4 million through Title III grants for ELs. These funds are distributed to states based on their share of the overall U.S. Limited English Proficient (LEP) and recent immigrant populations, as measured by the American Community Survey (ACS) administered by the U.S. Census Bureau, and then by states to districts on the basis of actual student counts.

States provided between 36 percent and 98 percent of the total state and local school revenue across all 50 states in FY 2014. Most states provide school districts with a base per-pupil allotment that is then adjusted by a number of community characteristics and measures of student need. This is done using different funding mechanisms. About three-quarters of the states that provide supplementary funding for ELs use a weighted formula to calculate an additional percentage or dollar amount added to the base rate for each qualified EL; other states use categorical funding that is granted outside the primary funding formula or reimbursement for qualified expenses. States vary in the degree to which funds come with rules about and close monitoring of spending, and a few states provide special funds to improve the quality of services or to support particular innovations that benefit ELs.

State supplementary funding mechanisms for ELs also vary on a number of points in terms of who qualifies for funding. First, the number of students who are classified as EL depends on the English proficiency criteria set by each state. Furthermore, several states cap the number of years that students can qualify for EL funding, while others adjust funding levels based on the share of ELs in the district, their English proficiency or grade levels, and/or the services received. There is also variation in local school district budget processes, with some districts allocating funds to schools on a per-pupil basis and others allotting staff positions based on enrollment; likewise, some districts hire EL teachers at the district level and assign them to schools based on need, and in others, principals are responsible for

assigning qualified staff to provide EL services. All of these choices have effects on the degree to which districts and schools receive an adequate and equitable level of funding based on their student profile.

Many factors impact the cost of EL services. Staff salaries can diverge widely across localities, with some districts bearing higher-than-average costs due to the cost of living, compensation for teachers with specialized credentials, or efforts to recruit and retain qualified teachers where there are shortages. The program models used to provide EL students with English language and academic content-area instruction also have a significant effect on costs, with models that call for specialist teachers to work in tandem with classroom teachers or small class sizes carrying higher costs. Often, pedagogical priorities conflict with fiscal and human resource efficiency; for example, having students meet with EL teachers in grade-level groups might be pedagogically preferable, if more expensive, than combining two or three small classes across grade levels. Programs for ELs bear a number of additional costs, such as academic support services for students, specialized materials, and socioemotional supports to newcomers and their families.

Another way in which educational costs vary is based on the background and needs of the students. Costs may vary dramatically across grade levels (elementary, middle, and high school) and may be considerably higher for students with limited or interrupted formal education or with low levels of literacy in their native language, as these students require additional and/or more intensive services to catch up academically with their peers. Because districts generally receive the same supplementary funding from their state regardless of the English language proficiency level of their students, districts that have a larger proportion of newcomers with great educational needs will have to stretch the funds received further than other districts.

Often, pedagogical priorities conflict with fiscal and human resource efficiency.

Frequently, those decisionmakers who engage in district and school budgeting are focused on making tradeoffs to maximize scarce resources rather than on creating a plan that reflects ideal pedagogical choices and the exact funding amount needed to implement them. In some communities, nonmandated activities such as sports and Advanced Placement courses may be cut in order to ensure the provision of necessary services, such as EL instruction. Further, a sudden influx of students can put a strain on the physical capacity of districts. It may take years for the construction or expansion of educational facilities to be funded and completed, potentially creating crowded conditions in schools that often already serve a large share of high-need students.

Finally, designing and implementing a budget requires administrators to have a sophisticated understanding of the rules underlying various funding streams, how to weigh priorities and mitigate tradeoffs, and how to leverage discretionary funds to meet the most pressing student needs. With a number of states moving to local control of funding, helping stakeholders—from school staff and parents to the general public—effectively participate in the budgeting and accountability process is a critical communicative challenge. For example, in California, implementation of the recently adopted Local Control Funding Formula has raised concerns about whether stakeholders have the information and skills needed to make informed recommendations.

In light of persistent gaps in access and outcomes for ELs, policymakers are looking for new ways to ensure that schools and districts have appropriate resources to support their students. Although some states design their supplementary funding mechanisms to reflect particular policy priorities, there is little evidence that states have engaged in systematic consideration of the numerous factors that shape state

and local contexts. This report lays out three sets of recommendations to improve supplementary funding for ELs:

- ***Conduct research to provide empirical support for policy choices.*** Research on the range of variables that affect the cost of EL education—including student characteristics, personnel costs, and services provided—would improve the ability of policymakers to develop empirically based funding systems that reflect student needs and local contexts. In particular, shifting immigrant settlement patterns call for research on how costs differ in schools and districts with relatively few EL students compared to those with a higher concentration. As more states shift toward local control, policymakers would also benefit from an analysis of the mechanisms states use to steer districts towards effective practices and to encourage initiatives to improve educator skills once the states are no longer using tightly controlled funding streams for that purpose.

- ***Develop robust data systems and train stakeholders to use the available information.*** States should ensure that stakeholders have access to sufficient information on EL student characteristics and the programs used to serve them. Stakeholders that have input into funding and budgeting decisions should receive training to help them understand the variables that affect cost as well as the likely pedagogical consequences of their decisions.

- ***Consider the lessons learned in comparative analysis for improving state systems.*** Although there is not a single, best funding mechanism, there are three areas in which policymakers might consider alternatives to their current policies. First, states should consider developing funding categories for subpopulations of ELs, such as students with limited or interrupted formal education or different grade levels. Second, states that cut off supplementary funding to ELs after a set number of years should consider whether this still make sense given that schools must continue to provide services for students who need them for an extended period of time and that accountability mechanisms now provide an incentive to exit students from EL services in a timely manner. Third, policymakers should set aside emergency funds to support unexpected inflows of immigrants and refugees to address the emergent needs of schools and districts who face large, unforeseen costs.

These recommendations align with broader trends in U.S. education policy toward data-based decision-making, flexibility in targeting need, local control, and increased stakeholder input. The complexity of designing programs and services for ELs will only grow as student populations change and new research emerges on best practices to serve EL subgroups. Developing more nuanced and robust systems of support will be critical for addressing this complexity in the future.

I. Introduction

One of the responsibilities of the U.S. education system is to ensure that all students have the opportunity to meet their full potential. To this end, federal education law[1] holds as a central principle that it is the obligation of school systems to provide students with the appropriate supports they need to meet the high standards set for all students. Accordingly, the funding systems that support public schools have a variety of ways of providing additional financial support for groups of students that have more intensive or different educational needs than others. English learners (ELs) are one of the populations to whom financial support has been targeted through supplementary funding—the sources and mechanics of which are the topic of this report.

1 The main federal educational law is the *Elementary and Secondary Education Act of 1965* (ESEA), reauthorized in 2001 as the *No Child Left Behind Act* (NCLB) and again in 2015 as the *Every Student Succeeds Act* (ESSA).

Nearly 10 percent of students in the United States—4.9 million children—are classified as ELs, with 68 percent living in the traditional immigrant-destination states of California, Florida, Illinois, New York, and Texas.[2] However, the states that show the greatest growth in the share of children living with immigrant parents are new destination states; Arkansas, Kentucky, North Carolina, South Carolina, and Tennessee each saw their EL population grow more than 100 percent between 2000 and 2014.[3] Additionally, the United States experienced an unexpected increase in the flows of unaccompanied minors from Central America in recent years, with more than 147,000 of these youth arriving between October 2013 and May 2016.[4]

Nearly 10 percent of students in the United States—4.9 million children—are classified as ELs.

Many school districts have reported that they lack the resources and capacities to meet the needs of newcomer students, particularly given that many have limited or interrupted formal education, low or no proficiency in English, physical and mental health needs due to migration conditions or poverty, and families with little knowledge of American school systems.[5] Whether districts are impacted by recent flows of newcomers or not, they may also struggle to determine which services are best suited to meet the needs of different subgroups within the larger EL population, including students:

- born in another country ("first generation") or native born to immigrant parents ("second generation");
- with or without native-language literacy and academic skills;
- at varying levels of English language proficiency;
- who enter the U.S. educational system in younger or older grades;
- with more or less exposure to American cultural norms;
- from more vulnerable immigrant groups such as refugees, unaccompanied minors, or unauthorized immigrants, as compared to children from immigrant families with more secure socioeconomic or legal status; and
- from families that have achieved varying degrees of integration in the United States.

Supporting this diverse and growing population of ELs is primarily the responsibility of states and localities, not the federal government. However, federal education laws (*Elementary and Secondary Education Act of 1965*, or ESEA), civil-rights legislation (Title VI of the *Civil Rights Act of 1964*), and federal court rulings have played a large part in illuminating the barriers to educational access that EL students

2 Ariel G. Ruiz Soto, Sarah Hooker, and Jeanne Batalova, *States and Districts with the Highest Number and Share of English Language Learners* (Washington, DC: Migration Policy Institute, 2015), www.migrationpolicy.org/research/states-and-districts-highest-number-and-share-english-language-learners.

3 Jie Zong and Jeanne Batalova, "Frequently Requested Statistics on Immigrants and Immigration in the United States," *Migration Information Source*, April 14, 2016, www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states.

4 U.S. Customs and Border Protection (CBP), "United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016," accessed June 23, 2016, www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016.

5 Elżbieta M. Goździak, *What Kind of Welcome? Integration of Central American Unaccompanied Children into Local Communities* (Washington, DC: Institute for the Study of International Migration, Georgetown University, 2015), https://isim.georgetown.edu/sites/isim/files/files/upload/Kaplan%20UAC%20Report.compressed%20(2).pdf.

face. For example, the 1974 Supreme Court case *Lau v. Nichols* ruled that schools that failed to provide supports to ELs were denying them access to an equal education under the Title VI prohibition on discrimination based on national origin. As another example, both Title VI and specific ESEA provisions require districts and schools to ensure that they are effectively communicating with families who have limited English proficiency, meaning districts have an obligation to provide translation and interpretation of essential information.[6]

Although schools have made progress in closing gaps between racial groups… those based on family income have increased and wide gaps persist between ELs and their non-EL peers.

There has been considerable policy activity and innovation over the last 50 years to improve educational equity across student populations, particularly since the 2001 reauthorization of ESEA in the form of the *No Child Left Behind Act* (NCLB). NCLB drew attention to the needs of numerous student subgroups, whose underperformance and lack of access to high-quality education has been corroborated by decades of educational research. These included students from minority ethnic groups, ELs, economically disadvantaged students, and students with special education needs. Assessment results since the passage of NCLB have shown mixed results in terms of closing achievement gaps between these groups and White, middle-class students.[7] Although schools have made progress in closing gaps between racial groups (such as Black/White and Hispanic/White), those based on family income have increased[8] and wide gaps persist between ELs and their non-EL peers.[9] Furthermore, compared to the nationwide graduation rate of 82.3 percent in school year (SY) 2013–14, the rate for EL students was 62.6 percent.[10] These continuing disparities have prompted renewed concern that sufficient and equitable resources are still not reaching students at risk of academic failure.

This study provides an overview of supplementary funding that benefits ELs in the United States. It is part of a larger international comparison of funding mechanisms that support students from a migrant background[11] conducted by researchers at the Migration Policy Institute (MPI) National Center on Immigrant Integration Policy and the Expert Council of German Foundations on Integration and Migration (SVR). For this report, examples of state-level policies were drawn from across the country, and additional information on how policies play out at the state and local level was gathered from interviews with administrators and policymakers from California, Colorado, and New York.[12] Further information

6 U.S. Department of Justice and U.S. Department of Education, *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents* (Washington, DC: U.S. Department of Justice and U.S. Department of Education, 2015), www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.

7 White refers to non-Hispanic White students.

8 Sean F. Reardon, "The Widening Income Achievement Gap," *Educational Leadership* 70, no. 8 (2013): 10-16, www.ascd.org/publications/educational-leadership/may13/vol70/num08/The-Widening-Income-Achievement-Gap.aspx.

9 By definition, English Learners (ELs) perform below grade-level in reading, but gaps are persistent in math as well. See David Murphey, *The Academic Achievement of English Language Learners: Data for the U.S. and Each of the States* (Bethesda, MD: Child Trends, 2014), www.childtrends.org/wp-content/uploads/2015/07/2014-62AcademicAchievementEnglish.pdf.

10 National Center for Education Statistics (NCES), "Common Core of Data (CCD)," updated September 4, 2015, http://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2013-14.asp.

11 Julie Sugarman, Simon Morris-Lange, and Margie McHugh. *Improving Education for Migrant-Background Students: A Transatlantic Comparison of School Funding* (Washington, DC: Migration Policy Institute, 2016), www.migrationpolicy.org/research/improving-education-migrant-background-students-transatlantic-comparison-school-funding.

12 These three states are heavily impacted by immigration and refugee resettlement, use a variety of mechanisms for supplementary funding, and have made changes in the last ten years to their funding systems and/or regulations for EL education.

on how funding systems were investigated can be found in Appendix A, with detailed descriptions of the supplementary funding mechanisms in California, Colorado, and New York in Appendix B.

The report begins by discussing how EL funding fits into the larger conversation about funding equity and adequacy. The sections that follow provide an overview of federal, state, and local funding mechanisms and explore two key elements related to the implementation of these mechanisms: factors that impact the cost of EL education and systems of communication and guidance between decisionmakers and other stakeholders. The report concludes with a discussion of the implications of this work and provides recommendations to policymakers and researchers.

II. Equity and Adequacy: Key Questions in School Finance

There is widespread consensus that some students require more resources to educate than others; some need a greater quantity of resources (such as more class time or small-group interventions) and/or a different quality of resources (such as instruction by teachers with special training and credentials).[13] There is also agreement—backed by state court cases—that the quality of education that students receive should not depend on the wealth of their communities.[14] However, over the last 50 years, there has been uneven progress in ensuring that these acknowledged principles are reflected in educational finance systems. This section provides a brief summary of some key issues in school finance that set the context for understanding how and why supplementary funding for ELs is a critical element of the overall school funding system.

A. Leveling the Playing Field with State Funding

Since the inception of universal public education in the United States, localities (such as towns, cities, or counties) have provided the majority of public school funding. States contribute a smaller percentage and act as an equalizer, funding schools according to community and student need—a role that also goes back a considerable way. For nearly a century, states have been using foundation formulas that—in principle—set a minimum level of spending for a basic education and use state funds to subsidize less wealthy communities that cannot meet the per-pupil minimum with local revenue alone.[15] States began using weighted formulas to take into account community and student needs in the 1930s, using additional weights to improve equity and adequacy of funding throughout the latter part of the 20th century.[16]

In response to tepid movement toward school desegregation after the 1954 *Brown v. Board of Education* Supreme Court case, education advocates in the 1970s began to push for more equitable resources for schools in neighborhoods that served predominately poor and minority children.[17] After the Supreme

13 Bruce D. Baker, "The Emerging Shape of Educational Adequacy: From Theoretical Assumptions to Empirical Evidence," *Journal of Education Finance* 30, no. 3 (2005): 259-87.

14 Eric A. Houck, "Intradistrict Resource Allocation: Key Findings and Policy Implications," *Education and Urban Society* 43, no. 3 (2011): 271-95.

15 Deborah A. Verstegen, "Public Education Finance Systems in the United States and Funding Policies for Populations with Special Educational Needs," *Education Policy Analysis Archives* 19, no. 21 (2011): 1-26, http://epaa.asu.edu/ojs/article/view/769.

16 Michael Griffith, *Understanding State School Financing: The First Step toward Quality Reforms* (Denver: Educational Commission of the States, 2012), www.ecs.org/the-progress-of-education-reform-understanding-state-school-funding/.

17 Michael A. Rebell, "Educational Adequacy, Democracy, and the Courts" in *Achieving High Educational Standards for All: Conference Summary*, eds. Timothy Ready, Christopher Edley Jr., and Catherine E. Snow (Washington, DC: The National Academies Press, 2002).

Court found in *San Antonio Independent School District v. Rodriguez* (1973) that education in not a federally protected right within the Constitution, advocates turned to state courts to argue that because the bulk of school spending came from local property taxes, disparities in funding between wealthy and poor neighborhoods violated state constitutional rights.[18] Between 1975 and 1991, state finance systems were found unconstitutional by 12 state supreme courts, with 15 other state courts finding their systems satisfactory.[19]

Today, state funding constitutes between 36 percent and 98 percent of total state and local school revenue across the 50 states.

Three trends in the 1990s shifted the landscape of school finance lawsuits. First, the advocates bringing these suits began to argue that education in lower-resourced schools was not just inequitable but also inadequate. Advocates began to make arguments for vertical equity, or apportioning more resources to students and communities with more need in order to meet the same outcomes as students in more advantaged communities.[20] The success of this argument in state courts rested, to some degree, on the second and third trends: the use of newly available empirical data on student outcomes and actual costs, and the standards movement in education that set increasingly rigorous benchmarks for achievement and graduation. Courts were more likely to find state education finance systems unconstitutional based on the argument that school funding was inadequate to help all students achieve the new, higher standards than earlier arguments based on disparities between districts.[21]

Today, state funding constitutes between 36 percent and 98 percent of total state and local school revenue across the 50 states.[22] In many states, foundation formulas and weights based on community or student need have not been able to make up for the inequities of a system largely funded through local property taxes. One analysis showed that in 16 states, high-poverty districts receive less total state and local funds than wealthy districts, with the difference in six states being greater than 5 percent.[23] Another study showed that supplementary funding for bilingual education in Texas failed to "counter-balance" the effect of low-income communities generating far less revenue for education than high-income communities, so that only wealthy jurisdictions truly experienced the funding as a supplement to a basic education.[24] Additionally while many states cut education spending during the 2008-09 recession, as of 2015 most states had not returned to pre-2008 levels of spending, nor had local property tax revenues in many areas gone back to prerecession levels.[25]

18 Michael J. Hoffman, Richard L. Wiggall, Mary I. Dereshiwsky, and Gary L. Emanuel, "State School Finance System Variance Impacts on Student Achievement: Inadequacies in School Funding," *E-Journal of Education Policy* (Fall 2013): 1-8.

19 David Card and A. Abigail Payne, "School Finance Reform, the Distribution of School Spending, and the Distribution of Student Test Scores," *Journal of Public Economics* 83, no. 1 (2002): 49-82.

20 Houck, "Intradistrict Resource Allocation."

21 Rebell, "Educational Adequacy."

22 The average across the 50 states is 56 percent; these levels are based on data from fiscal year (FY) 2014. See U.S. Census Bureau, *Public Education Finances: 2014* (Washington, DC: U.S. Census Bureau, 2016), 1, http://census.gov/content/dam/Census/library/publications/2016/econ/g14-aspef.pdf.

23 Natasha Ushomirsky and David Williams, *Funding Gaps 2015: Too Many States Still Spend Less on Educating Students Who Need the Most* (Washington, DC: The Education Trust, 2015), https://edtrust.org/resource/funding-gaps-2015/.

24 R. Anthony Rolle and Oscar Jimenez-Castellanos, "An Efficacy Analysis of the Texas School Funding Formula with Particular Attention to English Language Learners," *Journal of Education Finance* 39, no. 3 (2014): 218.

25 Bruce D. Baker, David G. Sciarra, and Danielle Farrie, *Is School Funding Fair? A National Report Card* (Newark, NJ: Education Law Center, 2015), www.schoolfundingfairness.org/National_Report_Card_2015.pdf.

B. *Using Cost Studies to Set Funding Levels*

Policymakers must balance a complicated web of competing priorities in order to develop a state education funding system and to revise it in response to changing circumstances. A variety of data sources may come into play, including the availability of revenue, historical funding levels, average salaries, mandated teacher-student ratios, and—of particular interest to the present study—changing demographics. There is also political pressure from a variety of stakeholders, all requesting increased investment in their area of interest. Occasionally, court orders, consent decrees, or federal rule-making may also constrain the options that policymakers have available to them.

In recent decades, as states responded to lawsuits and enacted reforms in line with their obligation to provide adequate school funding, policymakers increasingly began to commission cost studies. These analyses examine how much it costs to achieve particular outcomes (by looking at the actual spending of effective schools and districts) and/or what the cost would be in a particular jurisdiction to implement research-based practices that would lead to desired outcomes (as defined by standardized test scores). Across the different methodologies these studies use, both adequacy and equity are addressed; the studies determine the base per-pupil funding needed to achieve the desired outcomes as well as what additional expenditures are necessary in different communities and for different learners.[26]

Policymakers must balance a complicated web of competing priorities in order to develop a state education funding system and to revise it in response to changing circumstances.

Despite the increased use of cost studies as a basis for setting funding levels over the last 20 years, Oscar Jimenez-Castellanos and Amelia Topper[27] found that as of 2011 only four of these studies had explicitly focused on the costs associated with EL education: two in Arizona (2001, 2005), one in California (2008), and one in New York (2008).[28] This does not mean that EL education was ignored in the numerous other cost studies that have been done, rather that broader studies have often estimated the increased cost for ELs without careful consideration of EL student needs or the specific services provided in the state for whom the cost study was completed. For example, some studies did not consider ELs as a special population, opting instead to combine them with other at-risk students (such as low-income pupils and those with special education needs), and many others failed to take into consideration the variation within EL populations (such as age, literacy level, and English language proficiency). Another problem arises when cost studies use the spending levels of schools that hit specified student outcome targets as a benchmark when estimating how much it should cost to meets the standards of an adequate education (the successful school model, or SSM). This practice risks setting as standard the costs of a school without many at-risk students, which may be a poor exemplar by which to calculate the base costs of a school that serves a large number of at-risk students.

26 Oscar Jimenez-Castellanos and Amelia M. Topper, "The Cost of Providing an Adequate Education to English Language Learners: A Review of the Literature," *Review of Educational Research* 82, no. 2 (2012): 179-232.

27 Ibid.

28 The four studies are: Arizona Department of Education, *English Acquisition Program Cost Study—Phases I through IV* (Phoenix: Arizona Department of Education, 2001), http://azmemory.azlibrary.gov/cdm/ref/collection/statepubs/id/8727; National Conference of State Legislatures (NCSL), *Arizona English Language Learner Cost Study* (Washington, DC: NCSL, 2005), www.schoolfunding.info/states/az/AZ-NCSLenglanglearn2005.pdf; New York Immigration Coalition (NYIC), *Getting It Right: Ensuring a Quality Education for English Language Learners in New York* (New York: NYIC, 2008), www.edweek.org/media/nyic_ellbrief_final.pdf; Patricia Gándara and Russell W. Rumberger, "Defining an Adequate Education for English Learners," *Education Finance and Policy* 3 (2008): 130-48.

In their review of cost studies, conducted between 1990 and 2011, Jimenez-Castellanos and Topper found that two types of cost study—the professional judgment panel (PJP) and the evidence-based approach (EB)—were used to recommend how much of an additional weight should be added to the basic level of student funding (for example, if ELs cost 50 percent more to educate than other students, that would indicate a weight of 0.50). The studies they looked at suggested a wide range of weights for EL education. PJP studies that did not take district size into account recommended weights for ELs that ranged from 0.50 to 2.0 (the latter suggested by the 2008 New York study). In PJP studies that considered district size, weights ranged from 0.39 to 2.0 (the latter by a different calculation within the same 2008 New York study and the 2005 Arizona study). Studies that took district size into account were evenly split between those that assigned a higher weight (i.e., more per-pupil funding needed) to larger districts and to smaller districts. The weights recommended in the EB studies ranged from $41 to $700 per EL, with two studies suggesting an additional 1.0 or 1.4 teachers per 100 ELs.[29] Some possible explanations and implications for the considerable variation in these findings will be discussed in the next section.

C. *Challenges in Determining Appropriate Funding Levels*

Setting funding levels for at-risk groups like ELs is a process that, in the best cases, expresses the priorities of policymakers who aim to direct funding based on empirical evidence of student need. However, in most cases, weights and appropriations are a fundamentally political calculation based on the availability of funding.[30] Setting a "fair" level of funding can be a major challenge in the face of competing priorities, a lack of research evidence, and even bias and political manipulation.

States may manipulate the parameters of their cost studies, adopt their recommendations in a piecemeal fashion, or make adjustments to formulas that were not financially evaluated. In New York State, for example, the funding formula adopted in response to the judgment in *Campaign for Fiscal Equity v. New York State* (2006) was based on an SSM analysis. This means that the state defined a level of outcome that it deemed adequate, then looked to see how much districts achieving those outcomes spent on education. Bruce Baker and Jesse Levin[31] reported that the state influenced the outcome of this study by, first, using a level of student achievement that was below the current state average; second, by including only districts spending below the state average (thus excluding most New York City and Long Island area schools); and, third, by considering only a partial level of district spending, not their entire operating budget. Even with this manipulation, New York State schools still do not receive the full level of state aid that was initially promised as a result of the lawsuit.

Setting a "fair" level of funding can be a major challenge in the face of competing priorities, a lack of research evidence, and even bias and political manipulation.

Advocates in New York and elsewhere continue to argue that states are not meeting the obligations laid out in their state constitutions to fund an adequate education. Nevertheless, there has been some controversy over the years as to whether increased investments in schools make the intended difference in outcomes. A frequently cited 1986 study by Eric Hanushek indicated that there was inconsistency in whether there is a relationship between spending and outcomes (such as student test scores). This work,

29 Jimenez-Castellanos and Topper, "The Cost of Providing."

30 Griffith, *Understanding State School Financing*, 4.

31 Bruce D. Baker and Jesse Levin, "Rethinking 'Costing out' and the Design of State School Finance Systems: Lessons from the Empirical Era in School Finance" (working paper 2016_01, Rutgers Graduate School of Education, January 2016), https://rugsepolicyworkingpapers.files.wordpress.com/2016/01/baker-levin-adequacyrevisited-rugsewp01_16_16.pdf.

as well as similar analyses by Hanushek and other researchers, have been used to support the position that there is no benefit to increasing spending. Other researchers have demonstrated that outcomes do improve with investments in resources that have a substantial cost (such as increasing teacher salaries and reducing class sizes) and with more equitable distribution of resources among districts and schools.[32]

Proving that spending more money on education—especially on at-risk groups of students—and determining what funding level would be sufficient remain difficult challenges for a number of reasons, including:

- There is no consensus about whether the program models that are funded are effective.[33]
- There cannot be a national standard of adequacy because each state sets its own outcome standards.[34]
- Researchers have identified the factors that might affect the cost of education (district size, student characteristics, teacher quality), but not the ways they interact.[35]
- Empirical analysis of school effectiveness relies on standardized test scores that may vary in their reliability and validity.[36]
- Few states are actually spending at the levels mandated by successful court cases, so the failures of modest spending increases are not evidence of whether the increases recommended by expert panels would be effective.[37]

It is important to emphasize the difficulties inherent in trying to quantify an adequate level of education spending by comparing funding and outcome levels across jurisdictions. Despite widespread comparisons of per-capita spending by states and districts, frequently cited data, such as those from the U.S. Census Bureau,[38] do not take a number of important factors into account, such as cost of living or demographic differences across states and localities. While it is possible at the state level to determine what percent of state aid supports ELs by calculating the number of students receiving the weighted formula or by looking up the amount appropriated to a categorical fund, this does not reflect the true cost of education of ELs. One reason is such calculations do not include the significant portion of school funding that comes from local sources, which ranges from 2 percent to 64 percent across states.[39] Identifying the level of local funding is relevant because different states make different assumptions about whether the state or the locality is primarily responsible for EL education. Comparisons are also complicated by the fact that EL funding does not exist in a vacuum, so an EL in an otherwise more generously funded state could have better services than one in a state with a lower foundation level of per-pupil funding but a similar or higher EL-based allotment. Furthermore, as will be discussed in Section IV.A., there are significant differences in cost for different models of EL education, so what is adequate in one state might be inadequate in another. Finally, the level of funding that is adequate for specific localities will also differ

32 For a discussion of the Hanushek report and other research, see Bruce D. Baker, *Does Money Matter in Education?* 2nd ed. (Washington, DC: The Albert Shanker Institute, 2016), www.shankerinstitute.org/resource/does-money-matter. For the original report, see Eric. A. Hanushek, "Economics of Schooling: Production and Efficiency in Public Schools," *Journal of Economic Literature* 24, no. 3 (1986): 1141-77.

33 Bruce D. Baker, "Living on the Edges of State School-Funding Policies: The Plight of At-Risk, Limited-English-Proficient, and Gifted Children," *Educational Policy* 15, no. 5 (2001): 699-723.

34 Baker, "The Emerging Shape of Educational Adequacy."

35 Ibid.

36 Jimenez-Castellanos and Topper, "The Cost of Providing."

37 Baker and Levin, "Rethinking 'Costing Out.'"

38 U.S. Census Bureau, "Education Revenue Saw its Largest Increase Since 2008, Census Bureau Reports," (news release, June 9, 2016), www.census.gov/newsroom/press-releases/2016/cb16-108.html.

39 This figure includes state and local sources only. Including federal, state, and local sources, the range is 2 percent to 59 percent. See U.S. Census Bureau, *Public Education Finances*.

based on the average English language proficiency level of enrolling students, their age at enrollment, concentration or sparsity factors, and the availability of qualified teachers.

In some areas, public charter schools enroll fewer ELs than traditional public schools, thus increasing the concentration of ELs in district-run schools.

This discussion has thus far focused on the role of the state in defining and funding an adequate education, but another concern raised by some school-funding advocates is that state court rulings generally have not addressed funding disparities within school districts. The concern arises in districts that use the traditional budgeting method of assigning teachers to schools based on a per-pupil ratio (for example, each elementary school is authorized to hire one teacher per 25 students, regardless of the actual teacher salary).[40] Because teachers with more seniority (and higher salaries) often choose to work in lower-need schools, these schools' higher expenditures represent a larger share of district staff funding than that of high-need schools that are staffed predominately by younger, less highly paid teachers. This is the cause of much of the disparity in resources seen within districts, since staff salaries make up the majority of school expenses.[41] Some researchers have argued that instead of budgeting each school on the basis of average salaries (with those budgets overspent where schools have more expensive teachers and underspent in schools with less expensive teachers), that schools receive funds through a weighted formula that provides a base per-pupil allotment plus additional dollars for each student with high needs. This would ensure more comparable spending across individual schools with different levels of need.[42] However, budgeting in this way would not—by itself—guarantee a more "fair" distribution of teacher quality since teachers still have the ability to choose whether to work in a given school or not. Additionally, some advocates have argued that switching to a weighted student funding formula at the school level can have the effect of incentivizing school principals to avoid hiring more expensive, experienced teachers—a choice that would not necessarily be in the best interest of ELs who require specialized services.[43]

The growth of the charter school sector further complicates the question of intradistrict disparities. In some areas, public charter schools enroll fewer ELs than traditional public schools, thus increasing the concentration of ELs in district-run schools and artificially inflating the apparent success of charter schools.[44] Furthermore, Bruce Baker and Gary Miron argue that charter schools have an incentive to discourage the enrollment of students who are the most expensive to educate, using the example of charter schools that admit more students with mild to moderate disabilities compared to neighboring

40 Mike Petko, *Weighted Student Formula (WSF): What Is It and How Does It Impact Educational Programs in Large Urban Districts* (Washington, DC: National Educational Association, 2005), www.nea.org/assets/docs/HE/formula.pdf.

41 Houck, "Intradistrict Resource Allocation."

42 Lindsey Luebchow, *Equitable Resources in Low Income Schools: Teacher Equity and the Federal Title I Comparability Requirement* (Washington, DC: New America Foundation, 2009), www.newamerica.org/education-policy/equitable-resources-in-low-income-schools/.

43 See, for example, Chicago Teachers Union Communications, "CPS Should Rethink Plan to Launch Student-Based Budgeting; Program Invites Discrimination, Raises Oversight Concerns," Chicago Teachers Union blog, March 11, 2013, www.ctunet.com/blog/cps-should-rethink-plan-to-launch-student-based-budgeting-program-invites-discrimination-raises-oversight-concerns; Eric Chasanoff, "Few ATRs Will Be Hired This Year or Next," Chaz's School Daze, June 8, 2014, http://chaz11.blogspot.com/2014/06/few-atrs-will-be-hired-this-year.html.

44 Bruce D. Baker, Ken Libby, and Kathryn Wiley, *Spending by the Major Charter Management Organizations: Comparing Charter School and Local Public District Financial Resources in New York, Ohio, and Texas* (Boulder, CO: National Education Policy Center, 2012), http://nepc.colorado.edu/files/rb-charterspending_0.pdf.

traditional public schools that enroll more students with severe disabilities.[45] In states where all students in need of special education are reimbursed at the same rate, charter schools are likely to more than cover their costs (as the reimbursement is higher than the actual need), while traditional public schools are not (as the need is higher than the reimbursement). The same may be true with ELs. Charter schools may inadvertently discourage newcomer families from enrolling their children due to lengthy application processes or significant parental participation requirements, or they may explicitly tell families during the admission process that their children would be better served by a regular district school.

Many districts and schools are finding that they are unable to meet increasing demands with decreasing overall resources.

All of these factors (inadequate state and local funding, inequitable funding between and within districts, and the complications of funding both traditional public schools and charter schools with public money) make the evaluation of supplementary funding systems for ELs more urgent. Many districts and schools are finding that they are unable to meet increasing demands with decreasing overall resources. When districts with fewer resources are forced to use their general funds to backfill mandated services for ELs or other at-risk groups of students (notably, those in need of special education), there may be insufficient funding for important but nonmandated services such as counseling and extracurricular activities or for new instructional materials. This, along with the effect of additional funds that wealthier schools can more easily raise from parents and area businesses,[46] further exacerbates the gap between poorer and wealthier schools within a district—even though their official expense ledgers may show equality.

III. Pieces of the Funding Puzzle

Most funding for public K-12 schools comes from a combination of state and local sources, with federal funding primarily aimed at specific purposes (such as supporting special education, high-poverty schools, or ELs). States are primarily responsible for creating financial regulations and monitoring the use of federal, state, and local funds. School districts and public charter schools, however, are the primary actors when it comes to dispensing funds, as district school boards and charter school boards are responsible for setting annual budgets. In some school districts, principals have autonomy in how they allocate some or all of their budget according to their needs, while in others, schools receive the majority of their funds in the form of allocations for teaching and administrative positions along with a smaller share of discretionary funds for expenses other than staff.

This section provides a detailed description of the funding mechanisms at the federal, state, and local levels that provide supplementary resources for ELs. It begins with a description of Title III grants, the primary federal funding source for ELs and recent immigrants. The second subsection describes the variations in state supplementary funds, and the final part discusses the variety of roles school districts play in spending funds for ELs.

45 Bruce D. Baker and Gary Miron, *The Business of Charter Schooling: Understanding the Policies That Charter Operators Use for Financial Benefit* (Boulder, CO: National Education Policy Center, 2015), http://nepc.colorado.edu/publication/charter-revenue.

46 Oscar Jimenez-Castellanos, "Relationship between Educational Resources and School Achievement: A Mixed Method Intra-District Analysis," *Urban Review* 42, no. 4 (2010): 359.

A. Federal Funding

Overall, the federal government provides only about 11 percent of primary and secondary education funding to U.S. schools, with nearly all of that money passing through states to localities.[47] The primary mechanism by which the federal government supports EL and immigrant education is through grants to the states that are authorized in Title III of the *Every Student Succeeds Act* (ESSA, the most recent reauthorization of ESEA).

The amount of money allocated to state Title III grants is set through yearly congressional appropriations. The federal government budgeted $737.4 million for this purpose in fiscal year (FY) 2015 and again in FY 2016, and $800.4 million in FY 2017.[48] The share provided to each state is determined using the American Community Survey (ACS), which is administered annually by the U.S. Census Bureau.[49] Eighty percent of the appropriation each state receives is based on the number of people ages 5 to 21 who speak English less than "very well"[50] and the remaining 20 percent is based on the number of people ages 3 to 21 who were born abroad and immigrated no more than three years prior to the survey.[51] The minimum state grant is $500,000 and the largest grant in FY 2015 was $146.9 million to California.[52]

Overall, the federal government provides only about 11 percent of primary and secondary education funding to U.S. schools.

Once states receive their formula grant from the federal government, they provide subgrants to local education agencies (LEAs)[53] based on the number of EL students that they report to be enrolled in their schools. Two or more LEAs with small EL populations may form a consortium to receive Title III funds if the individual LEAs would not qualify for a subgrant of at least $10,000 on the basis of their independent enrollment counts. States can also use up to 15 percent of Title III grants to provide subgrants to LEAs that have experienced a substantial increase in the number or percent of immigrant students that they serve (those born outside the United States and attending U.S. schools for not more

47 The 11 percent figure is based on data from fiscal year (FY) 2012 as cited in Organization for Economic Cooperation and Development (OECD), *Education at a Glance 2015: OECD Indicators* (Paris: OECD Publishing, 2015), Table B4.3, http://dx.doi.org/10.1787/eag-2015-en; note that the FY 2012 figure is considerably lower than the 14 percent figure cited for FY 2011 in OECD, *Education at a Glance 2014: OECD Indicators* (Paris: OECD Publishing, 2014), Table B4.3, http://dx.doi.org/10.1787/eag-2014-en.

48 U.S. Department of Education, "State Tables by Program," updated July 6, 2016, www2.ed.gov/about/overview/budget/statetables/17stbyprogram.pdf.

49 U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, *National Evaluation of Title III Implementation—Report on State and Local Implementation* (Washington, DC: U.S. Department of Education, 2012), 107, www2.ed.gov/rschstat/eval/title-iii/national-implementation-report.pdf.

50 The American Community Survey (ACS) asks respondents who speak a language other than English at home if they speak English "not at all," "not well," "well," or "very well." The first three responses are aggregated to create a category of people who are Limited English Proficient (LEP). Note that these categories are self-reported and thus based on respondents' subjective assessments. See Jie Zong and Jeanne Batalova, "The Limited English Proficient Population in the United States," *Migration Information Source*, July 8, 2015, www.migrationpolicy.org/article/limited-english-proficient-population-united-states.

51 National Research Council, *Allocating Federal Funds for State Programs for English Language Learners* (Washington, DC: National Academies Press, 2011), www.nap.edu/catalog/13090/allocating-federal-funds-for-state-programs-for-english-language-learners.

52 U.S. Department of Education, "State Tables by Program."

53 Local education agency (LEA) generally refers to public school districts, and in some contexts, individual public charter schools.

than three full academic years). These subgrants need not be awarded on a formula basis but may take into consideration the capacity of the LEA to serve ELs and the quality of local plans submitted with the grant.[54]

There may be widely different per-pupil allocations among states because the methodology used for determining the formula grant each state receives is different from the one states use to determine the share of funding each LEA receives, and because states have flexibility in how much of the grant goes to LEAs experiencing an increase in immigration. An analysis of FY 2009 data found that the median allocation per EL was $173, with a low of $86 (Alaska) and a high of $457 (Pennsylvania).[55] An expert panel found that both methods (ACS and actual counts) had advantages and disadvantages, and that neither method consistently produced a higher count than the other.[56]

Under Title III, states are responsible for determining policies for and monitoring the implementation of assessment and accountability measures, teacher certification, and acceptable program models, as well as for setting English proficiency standards, providing technical assistance to LEAs, and reporting to the federal government. States may use up to 5 percent of their Title III grant for these types of state-level activities.[57] According to a national survey of LEAs that received Title III funds, the largest proportions of subgrants were spent on instructional staff (45 percent); instructional materials, equipment, and technology (24 percent); and professional development (18 percent), with 5 percent or less going to parent involvement, instructional support staff, and school and district administration.[58]

Under Title III, states are responsible for determining policies for and monitoring the implementation of assessment and accountability measures.

Like other federal grants (including Title I, which provides funding for low-income students), Title III grants operate under three conditions: maintenance of effort (states and localities cannot adjust the share of funding they grant LEAs based on the amount of federal funding LEAs get), comparability (an LEA cannot reduce the share of district funds it grants a school based on the school's share of federal funds), and "supplement not supplant" (federal funds can only cover expenditures that supplement what the district or school would provide even if the federal grant did not exist). The supplement-not-supplant provision is described in nonregulatory guidance as having three tests: an expense would be supplanting local funds with federal grant money if the service is required by law, if it was supported with local or state funds in the past year, or if it is provided to all students.[59]

54 U.S. Department of Education, "Part I: Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program," updated June 26, 2007, www2.ed.gov/programs/sfgp/nrgcomp.html.

55 U.S. Department of Education, *National Evaluation*, 108-09.

56 National Research Council, *Allocating Federal Funds*, 109-10. The panel analyzed additional factors other than the accuracy of the count, and ultimately recommended using both data sources, weighting state counts 25 percent and ACS counts 75 percent, until such time as the state data attained a higher level of quality and cross-state comparability when they could be equally weighted; see National Research Council, *Allocating Federal Funds*, 3-4. ESSA allows for, but does not mandate, this blended count.

57 U.S. Department of Education, "Part I: Non-Regulatory Guidance."

58 U.S. Department of Education, *National Evaluation*, 110.

59 Melissa Junge and Sheara Krvaric, *How the Supplement-Not-Supplant Requirement Can Work against the Policy Goals of Title I: A Case for Using Title I, Part A, Education Funds More Effectively and Efficiently* (Washington, DC: Center for American Progress, 2012), www.fededgroup.com/uploads/FINAL_FedEd_CAP_AEI_titleI_supplement_not_supplant.pdf.

Although the aim of the supplement-not-supplant provision is to ensure that districts use federal funds to provide additional services to at-risk students, it has been criticized for being burdensome (districts must prove that every expense does not supplant local funds) and for stifling innovation. It has also been criticized for making it difficult to implement school-wide programs or services for at-risk students that integrate general education and specialized services, a pedagogical approach that the federal government encourages.[60] The expenses deemed permissible can also differ between states and even between districts based on different interpretations of supplanting and baseline levels of effort. Disagreements about the provisions associated with federal spending figured prominently during the development of regulations for ESSA and are a feature of ongoing policy debates.[61]

When compared to other types of federal education funding, the amount dedicated to ELs and immigrants and refugees is a very small part of the budget.

Other federal funds that may directly impact EL students include the following:

- Programs under the Department of Education's Office of Migrant Education, including the Migrant Education Program, which provides grants to states for the education of children of migrant farm workers ($374.8 million in 2015)[62]
- The Refugee School Impact Program through the Department of Health and Human Services' Office of Refugee Resettlement, which provides grants to states for the education of refugee children ($14.6 million in 2015).[63]

When compared to other types of federal education funding, the amount dedicated to ELs and immigrants and refugees is a very small part of the budget. The two largest sources of federal spending on primary and secondary education are Title I, Part A grants to LEAs with high numbers or high percentages of low-income students ($14.4 billion in 2015) and state grants for special education under the *Individuals with Disabilities Education Act* ($12.3 billion in 2015).[64] These programs served about 21 million and 6.5 million students, respectively, according to the most recent data available.[65] Additionally, the federal government provides impact aid to districts and schools with a large number of "federally involved" students, such as those living on property-tax-exempt federal land including Native American reservations and military bases ($1.2 billion in 2015).[66] Arguably, these other types of educational funds

60 Ibid. This argument was made in reference to Title I, but applies equally to Title III as the same concerns for administrative burden, innovation, and seamless/integrated service delivery apply in the EL context.

61 See, for example, Cory Turner, "The 'Intolerable' Fight over School Money," National Public Radio, May 18, 2016, www.npr.org/sections/ed/2016/05/18/478358412/the-intolerable-fight-over-school-money.

62 U.S. Department of Education, "Department of Education Fiscal Year 2016 Congressional Action Table," updated January 11, 2016, www2.ed.gov/about/overview/budget/budget16/16action.pdf.

63 U.S. Department of Health and Human Services, "School Impact Grants," updated October 27, 2015, www.acf.hhs.gov/programs/orr/resource/schoold-impact-grants.

64 U.S. Department of Education, "Department of Education Fiscal Year 2016 Congressional Action Table."

65 Data on the number of students served by Title I are from school year (SY) 2009-10; see NCES, "Fast Facts: Title I," accessed July 13, 2016, https://nces.ed.gov/fastfacts/display.asp?id=158. And for IDEA they are from SY 2013-14; see NCES, "The Condition of Education: Children and Youth with Disabilities," updated May 2016, http://nces.ed.gov/programs/coe/indicator_cgg.asp.

66 U.S. Department of Education, "Department of Education Fiscal Year 2016 Congressional Action Table."

may also benefit ELs as they target broader categories of at-risk students, but they dwarf the $737 million allotted specifically to the roughly 4.9 million ELs in the country.[67]

B. *State Supplementary Funding*

In most cases, states fund LEAs for instructional and administrative costs[68] based on the number of enrolled students multiplied by weights assigned to a variety of community characteristics like rurality and cost of living and, in some cases, student factors like poverty, special education needs, and EL status. This is referred to as a weighted student count. The weighted student count is then multiplied by a per-pupil dollar amount to arrive at the total foundation grant provided to LEAs to meet their basic education needs.[69]

> *Low-income and EL student needs are generally ... concentrated in the very neighborhoods that have the least ability to raise additional funds for programs to address them.*

Instead of or in addition to using a weighted student count to fund targeted groups, some states may use mechanisms such as "per-student allocations, flat grants, competitive grants, staff allocations, funds for specific services, reimbursements of costs, cost-sharing, and limited eligibility grants (often funding only those districts with high concentrations of a specific student type)."[70] These types of funds can be used to offset the costs of educating students with greater needs. Although some needs, such as gifted and talented classes and special education services, are more likely to be evenly distributed across districts, low-income and EL student needs are generally more concentrated in the very neighborhoods that have the least ability to raise additional funds for programs to address them.[71]

Recognizing that ELs have additional learning needs that come with additional costs, most states provide additional funding to LEAs for EL education.[72] This section describes the distinguishing elements of state supplementary funding mechanisms for ELs, looking at two sets of characteristics: the level of flexibility of the funding mechanism and the rules that states set to limit or vary funding for different subgroups of ELs.

67 Ruiz Soto, Hooker, and Batalova, "States and Districts."

68 Transportation and capital projects are often funded separately and on a project grant or reimbursement basis. They are not discussed in this report. For more information on those expense categories, see Deborah A. Verstegen, "Policy Brief: How Do States Pay for Schools? An Update of a 50-State Survey of Finance Policies and Programs" (policy brief, University of Nevada, Reno, March 2014), https://schoolfinancesdav.files.wordpress.com/2014/04/aefp-50-stateaidsystems.pdf.

69 Seven states fund LEAs based on the number of teaching positions required, which takes into account student-to-teacher ratios and various cost factors; Hawaii operates as a single LEA. See Griffith, *Understanding State School Financing*.

70 Marguerite Roza, Kacey Guin, and Tricia Davis, *What Is the Sum of the Parts? How Federal, State, and District Funding Streams Confound Efforts to Address Different Student Types* (Seattle: Center on Reinventing Public Education, 2008), 11-12, www.crpe.org/sites/default/files/pub_sfrp_weights_jun08_0.pdf.

71 Because supplementary funds are often allocated at a flat rate or percentage of the per-pupil foundation rate (irrespective of differences in real costs across jurisdictions), those funds could result in inequitable resources between localities, as they may cover costs to a greater or lesser degree. See Baker, "Living on the Edges."

72 States also administer Title III federal grants, but in this report, state funding refers to the distribution of funds collected by the state.

1. Varying Levels of Flexibility

There are a number of ways to categorize the types of supplementary funding mechanisms used by states to support ELs. For example, the Education Commission of the States (ECS) defines three primary types of supplementary funding mechanisms:[73]

- ***Weighted formula.*** Weights are added to the primary funding formula according to categories of student need; the weight may take the form of an additional percentage of the foundation per-pupil allocation, a dollar amount, or teacher allocation.
- ***Categorical funding.*** Additional funds for specific purposes are allocated outside the primary funding formula.
- ***Reimbursement.*** Funds are allocated outside the primary funding formula, and states reimburse local education agencies for qualified expenses.

In a 2015 brief and accompanying database of state practices, ECS reported that 34 states distribute supplementary funding for ELs through a weighted formula, 9 through a categorical grant, and 3 via reimbursement, while 4 have no dedicated funding source for ELs although they may have funds for broader categories of at-risk students.[74] The ECS distinction between weighted formula and categorical funds highlights a key difference between the two: whereas weighted formula funding is built into the overall state funding system and only likely to be adjusted during revisions of funding legislation, categorical funding depends on yearly appropriations and may therefore increase, decrease, or be eliminated with little warning.

Another difference between weighted formulas and categorical funds is the amount of regulation that goes along with each. In general, formula funding is associated with unrestricted allotments that can be spent according to local needs, while categorical funding is associated with separately appropriated, lump-sum funds that have rules about what they can be spent on and extensive reporting requirements (as is the case for federal Title III grants). When it comes to supplementary EL funds, a closer look at state practices reveals that the line between these categories is not always clear-cut. The following examples, ordered roughly from the most flexible to the least flexible, demonstrate this range:

- There are some states that fit the typical weighted formulas model, such as Florida, which provides an 18 percent weight for EL students to its per-pupil allocation[75] with no budget, application, or financial tracking of EL-specific expenses required.[76]
- Other states, such as Virginia, provide an additional weight within their primary formula for ELs, but allocate this in the form of additional teaching positions. Thus, there is some restriction of what the money can be used for (that is, teachers rather than expenses like professional development or textbooks).[77]
- Conceptually, the new Local Control Funding Formula (LCFF) in California bridges formula and categorical funding types. Like a typical formula, it provides a weight to its per-pupil foundation

73 Maria Millard, *State Funding Mechanisms for English Language Learners* (Denver: Education Commission of the States, 2015), www.ecs.org/clearinghouse/01/16/94/11694.pdf.

74 Education Commission of the States, "50-State Comparison: English Language Learners," updated November 1, 2014, www.ecs.org/english-language-learners/; Millard, *State Funding Mechanisms.*

75 Florida Department of Education, *2015-16 Funding for Florida School Districts* (Tallahassee, FL: Florida Department of Education, accessed August 16, 2016), www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf.

76 Florida Department of Education, *Financial and Program Cost Accounting and Reporting for Florida Schools* (Tallahassee, FL: Florida Department of Education, 2015), www.fldoe.org/core/fileparse.php/7507/urlt/2015RedBook.pdf.

77 Superintendent of Public Instruction, Virginia Department of Education, "2015 Standards of Quality: §§ 22.1-253.13:1 through 22.1-253.13:10 of the Code of Virginia," (superintendent memo 168-15, July 10, 2015), www.doe.virginia.gov/administrators/superintendents_memos/2015/168-15a.pdf.

formula for an unduplicated count of at-risk students[78] that does not require an application or specific tracking of funds. However, districts must describe in Local Control Accountability Plans how the additional funding for at-risk students will be used to expand or improve services for targeted students and to justify how any planned district- or school-wide use of funds will particularly benefit at-risk students.[79]

- Colorado guides district spending of funds from the two state categorical programs covered by the *English Language Proficiency Act* (ELPA) in the published *Guidelines on Allowable Use of ELPA Funds*,[80] but districts are not required to submit an application or budget and the share of the legislative appropriation provided to each district is lumped into other district revenue sources. Districts report all expenditures to the state through a central data pipeline and ELPA funds have a grant code to which expenses can be assigned.[81]
- The Non-English Speaking Program (NESP)[82] in Indiana is a categorical program that is appropriated outside the state foundation formula. The NESP comes with clear funding restrictions: districts can only use the funds for direct costs related to meeting federally mandated obligations to EL students and their families. Districts that request funding must submit information related to their academic goals and a description of expenses that will be paid in part or in full by NESP funds.[83]
- Finally, Wisconsin provides categorical aid specifically for bilingual/bicultural programs. Schools are reimbursed for a portion of expenses regardless of the number of participating students, but there are strict requirements on the types of expenses that can be reimbursed (such as teachers with bilingual credentials if teaching in a Spanish program or with bilingual or EL credentials if in another language program). Schools are also required to describe in detail how the costs supplement rather than supplant district funds. Only 50 percent of personnel (teacher and administrator) costs may be reimbursed, but resource costs may be 100 percent reimbursed.[84]

In some cases, policymakers provide supplementary funding based not only on student need, but in order to improve the quality of specific services or to support particular innovations. When this is the case, funds have very specific requirements. For example, in addition to its two categorical grants for ELs, Colorado provides one-time ELPA Excellence Awards to ten districts and ten charter schools that have the highest achievement on state content assessments and English language proficiency assessments.[85] Another example of a program that is offered in addition to regular categorical funding is the Idaho English Learner Enhancement Grant. To receive funding in the 2014-17 grant cycle, school districts could

78 In an unduplicated count, students that fit into multiple at-risk categories (including EL, low-income, and foster youth) are counted only once.

79 California Department of Education, "LCFF Frequently Asked Questions," updated July 25, 2016, www.cde.ca.gov/fg/aa/lc/lcfffaq.asp.

80 Colorado Department of Education, "Guidance on Allowable Use of ELPA Funds," accessed January 20, 2016, www.cde.state.co.us/cde_english/elpa-guidance.

81 Colorado Department of Education, "English Language Proficiency Act (ELPA)," accessed January 8, 2016, www.cde.state.co.us/cde_english/elpa.

82 Note that Indiana has also started including a formula weight in districts with at least 25 percent ELL enrollment. See Shaina Cavazos, "Indiana Charter Schools Miss out on Funding Formula Boost for English Learners," Chalkbeat Indiana, July 28, 2015, http://in.chalkbeat.org/2015/07/28/indiana-charter-schools-miss-out-on-funding-formula-boost-for-english-learners/#.Vp6xtvkrL4Y.

83 Office of English Learning and Migrant Education, Indiana Department of Education, "2015-16 Non-English Speaking Program (NESP)," (presentation, Indiana Department of Education, accessed January 19, 2016), www.doe.in.gov/sites/default/files/elme/2015-2016-nesp-application-presentation.pdf.

84 Wisconsin Department of Public Instruction, "Wisconsin Bilingual-Bicultural Programs," accessed January 20, 2016, http://dpi.wi.gov/english-learners/bilingual-bicultural.

85 Colorado Department of Education, "Guidance on Allowable Use of ELPA Funds."

apply for one or more of three purposes: to support co-teaching; to enhance programs, including those offered before or after school; and to provide teachers with leadership training.[86]

3. Spotlight: Flexibility and Alternative Reporting Structures in New York

In designing funding structures, rules on how money can be spent or accountability measures such as audits or reimbursement are tools policymakers might adopt to ensure that public monies are spent efficiently and for their intended purpose. Two aspects of New York State supplementary funding for ELs demonstrate a way to balance accountability for public funds with local flexibility by focusing on program quality and outcomes.

In New York, supplementary funding for ELs takes the form of a 50 percent weight for each EL student.[87] As this money is incorporated into the total state aid provided to districts, school districts do not have to account separately for their spending of state aid for ELs. However, districts do submit data reports each September that include the number of ELs in each school and the number and qualifications of staff providing services to ELs. With this information, state administrators can determine if schools have hired sufficient staff (with the appropriate credentials) to provide the mandated level of service.[88]

School districts that are consistently low-performing are subject to increased state scrutiny of their budgets and instructional plans under the Contract for Excellence (C4E) program. This program requires districts to target a portion of their state funds to improving or expanding programs for high-needs groups.[89] Districts receiving C4E funds have additional monitoring requirements to demonstrate how funds will be used to improve instruction for targeted groups such as ELs.[90]

Using these two mechanisms, New York State can reduce the burden on state and district administrations to monitor expenses so that they may their focus attention on the services that are provided (by looking at staffing levels) and student outcomes (through EL subgroup accountability measures under ESEA), and provide additional budget scrutiny in the cases that warrant it.

4. Who Qualifies for Funding

Another area of variation among supplementary funding systems is in how they determine who qualifies for funding. Because all districts must identify ELs in order to provide them with services, states have

86 Idaho State Department of Education, "English Learners (EL) Enhancement Grants: Request for Proposals (RFP) 2014-2017," (request for proposals, January 7, 2014), http://idahotc.com/Portals/33/Docs%202014/English%20Learner%20Enhancement%20Grants%20for%202014-2017.docx.

87 New York State Education Department, *State Aid to Schools: A Primer Pursuant to Laws of 2014* (Albany, NY: New York State Education Department, 2014), www.oms.nysed.gov/faru/PDFDocuments/Primer14-15.pdf.

88 The time allotment for EL service varies depending on the instructional program and language proficiency level of the student. For details on New York's requirements for services, see documentation under the CR Part 154-2 Units of Study category on the website: New York State Education Department, "Guidance and Information," accessed June 7, 2016, www.p12.nysed.gov/biling/bilinged/GuidanceDocuments.htm.

89 One of the categories of allowable programs in Contract for Excellence (C4E) is the Model Programs for English Language Learners, through which districts supplement their existing programs with new initiatives in one or more of the following areas: native language support, professional development and curriculum, extended day support, parental involvement, programs for new immigrants, other programs for ELs, and recruitment and retention of bilingual and English as a Second Language (ESL) teachers.

90 New York State Education Department, "Contracts for Excellence," updated July 1, 2013, www.p12.nysed.gov/mgtserv/C4E/.

built-in mechanisms for counting students for funding purposes.[91] Although 45 states use the English language proficiency assessments developed by one of two educational consortia of states, the WIDA Consortium and the ELPA21 Consortium,[92] there is variation across states as to the exact criteria for classification as an EL and for exiting EL status once students are English proficient. Because a student might be categorized as an EL in one jurisdiction and not in another, the count of ELs used for funding purposes could be higher or lower depending on local judgments.[93]

EL identification criteria are intended to guide the provision of services to students who need language support; however, raising or lowering proficiency standards also has an impact on the total number of students counted and therefore funded. In addition, some states enact specific rules in their supplementary funding mechanism to limit the total number of students who can qualify for funding or to provide different levels of funding to different EL subgroups. One of the most straightforward ways to do this is to cap the number of years that EL students can qualify for funding. States that have such a cap include Colorado (five years),[94] Florida (six years),[95] Iowa (five years),[96] Minnesota (six years),[97] and New York (six years).[98] Even when students no longer qualify for supplementary funding, states still require districts and schools to provide services to meet their needs.

---

91 Except for categorical or reimbursement funds that require schools or districts to submit an application to the state to receive the money, the count of EL students is usually handled through the state data system that tracks a variety of demographic and achievement data. In those systems, the number of ELs could be calculated along with the total number of students and the counts of other groups that draw additional funding. States use a variety of systems for counting students, including taking a count on a single day or over multiple days or a count period, average daily membership (average enrollment over a school year), or average daily attendance. Especially where average daily membership or average daily attendance is used, states may use the count from the previous year to establish the current school year funding level. States may also average the counts across several years in order to smooth out increases and decreases in enrollment from year to year. See Griffith, *Understanding State School Financing.*

92 Although "WIDA" was previously used as an acronym with different definitions, it now stands alone as the name of the consortium; ELPA21 stands for the English Language Proficiency Assessment for the 21st Century. More information on these consortia may be found at WIDA, "Mission & the WIDA Story," accessed August 15, 2016, www.wida.us/aboutus/mission.aspx; ELPA, "About," accessed August 15, 2016, www.elpa21.org/about.

93 There is not a national set of criteria for defining who qualifies as an EL. Most states require or suggest that a home language survey be given to all entering students (even those who appear to be native English speakers) in order to determine which students should be assessed for English proficiency. Once identified as a potential EL, students must be assessed using a valid and reliable test of English language proficiency (including listening, speaking, reading, and writing). Even if states use the same assessment, they may vary in the cut-off score used to determine English proficiency. There is also local variation in identification criteria where additional criteria such as portfolios and class work are used to determine English proficiency. In recent years, the Council of Chief State School Officers has been leading an effort to create a framework for developing a common definition of EL. See Robert Linquanti and H. Gary Cook, *Toward a "Common Definition of English Learner:" Guidance for States and State Assessment Consortia in Defining and Addressing Policy and Technical Issues and Options* (Washington, DC: Council of Chief State School Officers, 2013), www.ccsso.org/Resources/Publications/Toward_a_Common_Definition_English_Learner_.html.

94 Colorado Department of Education, "English Language Proficiency Act (ELPA)."

95 Florida Department of Education, *2013-2014 English Language Learners (ELLs) Database and Program Handbook* (Tallahassee, FL: Florida Department of Education, 2013), www.fldoe.org/core/fileparse.php/7750/urlt/0081068-1314-ell-databaseprogramhandbook.pdf.

96 Iowa Department of Education, *Educating Iowa's English Learners (ELs): A Handbook for Administrators and Teachers* (Des Moines: Iowa Department of Education, 2015), www.educateiowa.gov/sites/files/ed/documents/ELHandbook-May2013%28Revised%29.pdf.

97 This limit was raised from five years to six for FY 2015 and 2016 and will be raised to seven for FY 2017. See Research Department, Minnesota House of Representatives, *Minnesota School Finance: A Guide for Legislators* (St. Paul: Minnesota House of Representatives, 2015), www.house.leg.state.mn.us/hrd/pubs/mnschfin.pdf.

98 New York State Education Department, "Office of Bilingual Education and World Languages," updated July 5, 2016, www.p12.nysed.gov/biling/.

A few states have a minimum or maximum allotment of funds or an additional concentration grant for districts with particularly high shares of EL students:

- In addition to the supplemental grant California allots to districts for every at-risk student (a combined category of EL, low-income, and foster students), the state also provides a concentration grant to districts in which at-risk students make up more than 55 percent of the student population, with the grant allocated based on the percent of at-risk students above the 55 percent threshold. For example, a district with 65 percent at-risk students would receive a concentration grant for 10 percent of their students.[99]
- Minnesota sets a minimum level for funding, so that districts with between one and 20 eligible EL students receive an allotment for 20 students. In addition to the $700 per-pupil allotment for ELs, the state also calculates a concentration factor. Districts in which at least 11.5 percent of students are EL receive a maximum of $250 per pupil, while those with lower shares of EL students receive a smaller amount that is proportional to their share of ELs.[100]
- North Carolina provides categorical funding for ELs to districts that have a minimum of 20 students, but the share of funds allotted to a district is capped at a maximum of 10.6 percent of the student population.[101]

Additionally, some states provide different levels of funding based on district or student characteristics:

- In Colorado, the share of funding that goes to each district takes into consideration student English proficiency level, with 75 percent of its two main categorical grants calculated based on the number of non-English proficient and LEP students, and 25 percent based on the number of fluent-English proficient students who have achieved state standards for English proficiency but are still classified as English learners for two additional years.[102]
- Maine attaches a different weight to EL student counts depending on the number of ELs a district serves: Districts with fewer than 15 students get a weight of 70 percent, districts with 16 to 250 get 50 percent, and districts with more than 250 get 52.5 percent.[103]
- Massachusetts effectively provides a different weight for ELs at different grade levels by setting a fixed foundation rate for ELs ($9,303) that is 7 percent higher than the standard high school rate, 34 percent higher than the middle school rate, and 27 percent higher than the elementary school rate.[104]
- North Dakota determines weights based on student scores on a six-level English proficiency assessment. It provides a weight of 30 percent for students at level 1, 20 percent for students at level 2, and 7 percent for students at level 3 (for up to 3 years), with no funding for students at higher levels.[105]

---

99 California Department of Education, "Local Control Funding Formula Overview," updated April 4, 2016, www.cde.ca.gov/fg/aa/lc/lcffoverview.asp.

100 Research Department, Minnesota House of Representatives, *Minnesota School Finance.*

101 Public Schools of North Carolina, *2013-14 Allotment Policy Manual* (Raleigh, NC: Public Schools of North Carolina, 2014), www.ncpublicschools.org/docs/fbs/allotments/general/2013-14policymanual.pdf.

102 These categories reflect the nomenclature established in Colorado law. See Colorado Department of Education, "English Language Proficiency Act (ELPA)."

103 Lawrence O. Picus, Allan Odden, Michael Goetz, Anabel Aportela, and Michael Griffith, *An Independent Review of Maine's Essential Programs and Services Funding Act: Part 2* (North Hollywood, CA: Lawrence O. Picus and Associates, 2013), www.maine.gov/legis/opla/EPS%20Part%202%20Final%20Report.pdf.

104 Massachusetts Department of Elementary and Secondary Education, "FY16 Chapter 70 Aid General Appropriations Act (GAA)," updated July 17, 2015, www.doe.mass.edu/finance/chapter70/chapter-16.pdf.

105 North Dakota Department of Public Instruction, "North Dakota English Language Learners," accessed January 20, 2016, www.nd.gov/dpi/uploads/1318/ELL.pdf.

Finally, while most states provide supplementary funding to ELs regardless of the level or type of services that they receive, some exceptions include:

- Connecticut provides a categorical grant to students enrolled in a bilingual or two-way immersion program. Funds can be spent on ELs who have been in bilingual education for less than 30 months (unless in a two-way immersion program, which has no time limit); ELs enrolled in Connecticut high schools with less than 30 months to graduation; and students past the 30 month time point who are receiving Language Transition Support Services, which serve as a bridge to all-English instruction.[106]
- Georgia provides funding to students enrolled in a minimum of five segments per week of an English as a Second Language (ESL) program that follows an approved model.[107]
- Illinois provides funding to students enrolled in one of its approved programs for ELs who receive at least a moderate level (5-10 periods per week) or high level of service (more than 10 periods per week).[108]

These approaches demonstrate the variety of ways states affirm their policy priorities. For example, a cap on the number of years that students are eligible for EL funding may be used to control costs and eliminate the danger of districts continuing to label students as EL solely for the purpose of collecting supplementary funds. On the other hand, caps may be counterproductive if, on average, students require longer periods of time to reach the English language proficiency criteria set by states.[109] Some allotment methods control costs by only funding students who receive the most intensive services (such as Connecticut, Georgia, and Illinois). In addition to controlling costs, some states acknowledge the different levels of support needed by different types of students, as North Dakota does for students at different English language proficiency levels. By doing so, states avoid overpaying for students in need of fewer services or undersupporting districts with large shares of high-need students.

Caps may be counterproductive if, on average, students require longer periods of time to reach the English language proficiency criteria set by states.

Some states, including California, Minnesota, and North Carolina, adjust their supplementary funding for ELs based on high or low concentrations of EL students. In addition to controlling costs, these approaches allow states to acknowledge that districts with higher shares of EL students are likely to target a greater proportion of their own resources to meeting these student needs.[110] Furthermore, Minnesota and Maine have systems that assume higher funding is needed in districts with a particularly small population of

106 Connecticut State Department of Education, Division of Teaching, Learning and Instructional Leadership, Bureau of Accountability and Improvement, *The Bilingual Education Statute: Questions and Answers* (Hartford, CT: Connecticut State Department of Education, 2010), www.sde.ct.gov/sde/lib/sde/pdf/curriculum/bilingual_education_statute_q_and_a.pdf.

107 Georgia Department of Education, *ESOL / Title III Resource Guide 2016-2017* (Atlanta: Georgia Department of Education, 2016), www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Documents/ESOL/2016-2017%20ESOL%20Title%20III%20Resource%20Guide%20web.pdf.

108 Illinois State Board of Education, "Grants and Funding," (presentation, accessed December 9, 2015), www.isbe.net/bilingual/ppt/dell-grants-funding-pres0815.pdf.

109 H. Gary Cook, Timothy Boals, and Todd Lundberg, "Academic Achievement for English Learners: What Can We Reasonably Expect?" *Phi Delta Kappan* 93, no. 3 (2011): 66-69.

110 This seeming inconsistency in whether states provide more or less support to high concentration districts echoes an earlier finding that cost studies conducted by expert panels were split on whether to assign a higher per-pupil weight to larger or smaller districts. See Section II.B. of this report; Jimenez-Castellanos and Topper, "The Cost of Providing."

ELs (such as when a district needs to offer a full-time ESL teacher position in order to attract a qualified candidate, but that teacher will have a relatively low student caseload).

As these examples show, how students are identified as ELs has ramifications not only for their own education but for the revenue allotted to districts that serve them. The way students are designated in enrollment counts can help systems direct funds more efficiently based on the types of services that are provided, but making smart choices about which method is appropriate requires a great deal of information on student characteristics and an understanding of how they affect program design and costs.

C. *Local Funding*

Once federal and state dollars are apportioned to local school districts, school boards and local administrators create budgets to meet student needs for each school year. Ninety-eight percent of education funding in the United States is dispensed at the local level,[111] meaning that even when funds are earmarked by federal or state policymakers for a particular purpose, schools and school districts make almost all specific spending decisions. Traditionally, district budgets allot teaching positions to individual schools based on their enrollment and grade level (for example, one teacher for every 20 students in kindergarten and first grade, 25 students in grades 2 through 5, and so on). Districts also allocate support personnel based on the enrollment of special populations, including ELs, using special federal and state funds to cover their salaries to the degree possible before adding local funds to account for the remainder of positions needed. Increasingly, school districts are moving to decentralized (or school-based) budgeting, giving individual school principals more control over spending decisions. In these systems, districts use the same types of weighted student funding formulas that some states use to ensure—at least in principle—that individual schools with more need receive more funds.[112]

In addition to the range of ways in which districts receive funds for EL education, there is also variation in how districts spend them. In some districts, such as Aurora, Colorado, ESL teachers are paid by the central district office (with central office administrators taking partial or full responsibility for supervision and professional development of those staff). In others, such as New York City, schools receive a budget based on student need and can use the funds flexibly to hire teachers that meet state staffing requirements and fit with the model(s) of EL education in use at the school. More examples of how school districts use supplementary funds are discussed in the next section.

IV. Implementing Funding Systems at the State and Local Levels

This section investigates two topics related to the implementation of supplementary funding for ELs: factors that impact the cost of EL education and systems of communication and guidance from decisionmakers to other stakeholders around supplementary funding. The discussion is informed in part by interviews with administrators and policymakers from three states—California, Colorado, and New York—that were conducted with a grant of anonymity to allow for greater candor. They provided insight into the implementation of the various state policies used across the United States that have been described thus far.

111 OECD, *Education at a Glance 2014*.

112 Rennie Center for Education Research & Policy, *Smart School Budgeting: Resources for Districts* (Cambridge, MA: Rennie Center for Education Research & Policy, 2012), www.renniecenter.org/research/SmartSchoolBudgeting.pdf.

A. *Factors that Impact the Cost of EL Education*

There are a variety of program models and services that districts and schools provide to ELs to meet their linguistic, academic, and socioemotional needs. Far from a homogenous entity, those who are involved with budgeting for EL education know that many factors have an impact on how much services cost, including variations in staff salaries, program models, and context-specific needs, such as those affected by EL demographics and school or district capacity.

1. Staff Salaries

Looking first at staff salaries, differences in the regional cost of living obviously have a large effect on school budgets across the board, and many state funding systems have a weight for the cost of living in their foundation formula that helps to account for this. Additionally, there are two issues specific to EL education that make salary an important factor in educational budgets. First, there may be a premium to pay for EL teachers with specialized skills and certifications. Some states have strict teacher certification requirements for staff who provide services to ELs. For example, in New York State, students must receive a certain number of minutes of instruction (depending on their English proficiency level) by an ESL[113] or bilingually certified teacher. Students may also receive extra services from a lower-cost teacher's aide, but core services must be provided by fully certified teachers. These requirements set a floor not only for the amount of EL instruction that each student receives, but also affects the cost of the teachers that provide that instruction. Not all states have specific requirements as to the minutes of instruction by an ESL certified teacher, but even without these requirements, there may be a statutory or customary bonus for having specialized credentials and an expectation that all ELs are served to some degree by an ESL certified teacher.

Additionally, some localities have a scarcity of qualified teachers and must therefore pay a premium to recruit and retain them.[114] These shortages are sometimes felt most acutely in rural areas or states that have not traditionally received a significant number of newcomers; however, some of the states with the highest shares of ELs, such as Illinois, New York, and Texas, were among the 32 states that reported ESL/bilingual teacher shortages in 2015.[115]

2. Program Models

The program model(s) used or scope of services schools offer EL students also have a considerable effect on school budgets. Conversely, budget limitations may constrain the types of services that districts or schools can implement, regardless of what may be the most pedagogically appropriate approach. The aspect of the program model that has the biggest effect on cost is the role of EL teachers and the size of the group or class they work with. Frequently, school districts and even individual schools use several models to serve learners with different proficiency or grade levels, or those who have particular needs, such as limited literacy in their home language.

---

113 For the sake of consistency, this report uses the term ESL to refer to the classes in which English proficiency is the subject matter or to a particular teacher role or certification type. Some states use the terms English for Speakers of Other Languages (ESOL) or English as a New Language (ENL), which have effectively the same meaning as ESL.

114 Teacher scarcity can be exacerbated by the use of categorical funds that are voted on through yearly legislative appropriations, as it is difficult to attract teachers to take positions for which funding is only guaranteed for one year. Similarly, in states where budgets are not approved by the legislature until late spring, districts might be notified of the availability of supplementary funds too late in the hiring season to attract the best teachers (who, for example, might take a classroom position in February rather than waiting until July to see what EL teaching positions might become available).

115 U.S. Department of Education, Department of Postsecondary Education, *Teacher Shortage Areas Nationwide Listing. 1990-1991 through 2015-2016* (Washington, DC: U.S. Department of Education, 2015), www2.ed.gov/about/offices/list/ope/pol/tsa.pdf.

Instructional models that group students into EL-only classrooms may have minimal extra personnel costs, as the main classroom teacher also provides specialized language instruction and support for academic content. The exception is when these models are designed to have smaller class sizes and thus may have somewhat higher per-pupil costs than mainstream classrooms. Pull-out or push-in models describe systems in which specialist teachers provide direct instructional services to small groups of students by taking them out of their general education classroom for part of the day or by joining them in their general education classroom. These models have higher costs, since additional staffers are necessary to provide instruction to language learners in addition to the main classroom teacher.

Schools are increasingly moving away from pull-out models in favor of co-teaching and specialist support within the general education classroom.

Another cost-intensive model is coteaching, wherein a general education and a specialist language teacher are jointly responsible for classroom instruction. In schools that implement sheltered instruction (a model where English language instruction is integrated with grade-level content), specialist teachers may also provide instructional support to general education teachers by co-planning and developing adaptations to daily lessons to meet individual student needs. Schools are increasingly moving away from pull-out models in favor of co-teaching and specialist support within the general education classroom. Some of the costs associated with these approaches may be avoided as more general education teachers become certified and qualified to provide English language development support to ELs within the mainstream classroom, but other costs will remain, including those for EL specialists co-teaching, co-planning, and completing administrative duties related to EL monitoring and assessment.

There are fiscal efficiencies to be found in certain grouping strategies, such as by consolidating ELs into certain schools or classrooms, especially when the alternative is having one itinerant teacher serve a number of low-incidence schools or having class or group sizes that are smaller than they need to be. However, educational priorities often conflict with fiscal and human resource efficiency. These priorities include a desire to allow all students to attend their neighborhood school or to have students enrolled in general education classes (rather than segregated EL classes) as much as possible. Likewise, a low-incidence school (with, say, 15 ELs across kindergarten through grade 5) might weigh the cost benefits of having multi-age groupings of EL students against the value of having students meet in grade-level groups so that the EL teacher can align ESL lessons with classroom instruction more directly.

New York state recently encountered the need to balance pedagogical priorities and efficiency as it updated its instructional guidelines in 2014. In addition to standalone ESL classes, ELs are now required to have a specified amount of integrated ESL, which (like other sheltered instruction approaches) integrates language instruction with grade-level content. These classes must be taught by a team of teachers, one with an ESL/bilingual credential and one with a general education credential in the appropriate grade level or content area—or by one teacher with both certifications. Where there are not enough dually certified teachers to cover all the necessary classes, co-teaching can be an expensive solution to the state-mandated pedagogical approach. However, a state administrator pointed out that for high schools, co-teaching may actually save a considerable amount of money; many standalone ESL courses incur costs but do not confer general education credits, so integrated co-taught classes mean EL students may earn credits and graduate more quickly than they would by taking noncredit-bearing ESL courses.[116]

116 Author interview with New York state administrator, November 18, 2015.

Regardless of the model used, programs for language learners will bear a variety of costs, including the cost of staff for additional learning time (such as afterschool activities, summer programs, and tutoring); staff to conduct language assessments and provide academic counseling; initiatives to recruit and retain talented staff; acquisition of instructional materials, bilingual dictionaries, assessments, and other materials in students' native languages; and professional development for teachers and other staff (including general education teachers that have language learners in their classrooms).[117]

In addition to linguistic and academic supports, school systems often provide a number of socioemotional supports to newcomer students. These can include mental health services, mentoring, and referrals to additional social services. Helping immigrant parents understand and become involved in their children's education may also carry extra costs if parents are not familiar with the American school system or require a translator or interpreter to communicate with teachers and staff. In the United States, schools are legally required to provide oral or written translations of key documents and interactions, including parent-teacher conferences, as needed. Many schools, especially those that serve linguistically diverse student populations, have systems in place for hiring qualified translators and interpreters or using telephone-enabled interpretation, all of which can be costly.

In addition to linguistic and academic supports, school systems often provide a number of socioemotional supports to newcomer students.

3. Demographic Context and Capacity

Most states with supplementary funding for ELs provide a single level of funding to all qualifying students, with exceptions such as Colorado, Massachusetts, and North Dakota (see Section III.B.3). While this is efficient from the point of view of the state, it does not take into consideration factors such as the different needs of EL subgroups and variations in district capacity. Districts are usually in a position to be more flexible about resource allocation than a state, which is helpful since the need to differentiate funding levels by EL subgroups is even more acute when looking at district distribution of resources to individual schools.

Educational costs may vary dramatically between groups of EL students, and particularly between those in primary and secondary school. For example, newcomers who arrive at age 15 and have little prior education may require one or more semesters of intensive language and academic instruction before they can join more mainstream ESL classes. They may also require teachers with specific skills to work with smaller groups of students than EL students with more academic language and literacy skills in order to fill gaps in their education, perform grade-level work, and meet course requirements for graduation. One-on-one support may also be required to help these students develop good study habits, understand school culture, and plan for postsecondary transitions.

Where there is an influx of new migrant-background families (whether because of new employment opportunities or an event like the influx of Central American minors in 2014), schools may incur large, unbudgeted increases in costs for serving ELs. Growing student populations also put a strain on the physical capacity of districts. It can take years for the construction or expansion of educational facilities to be funded and completed, leaving some of the highest-need schools enrolled over capacity. There may also be a strain on the human resource capacity of the district: if a school cannot hire new EL teachers quickly, those already in place will need to increase group sizes or decrease the amount of time they

117 Patricia Gándara and Russell W. Rumberger, *Resource Needs for California's English Learners* (N.p.: University of California, Linguistic Minority Research Institute, 2006), http://cepa.stanford.edu/sites/default/files/22-Gandara-Rumberger%283-07%29.pdf.

spend with each student in order to meet the increased demand. An administrator in one district highly impacted by the 2014 influx of Central American minors said of SY 2015-16, "We're basically subsidizing the cost of teaching staff so that schools are fully staffed for the number of students they're projected to receive since newcomers arrive throughout the year. Last year we thought we were prepared and we were really caught off guard."[118] Even with this planning, the district had to open an emergency program for newcomer high school students in the fall of 2015 as existing schools ran out of space.

Where there is an influx of new migrant-background families ... schools may incur large, unbudgeted increases in costs for serving ELs.

The impact of different contexts yielding different costs can be felt at both the district and the school level. Some districts have a higher percentage of newcomer students who are at the beginner ESL level than others, especially in more affordable areas where new immigrants tend to settle before moving elsewhere once they are more established. Although one district may serve mostly beginners while its neighbor serves students with higher English proficiency levels, in most states, they are allocated the same supplementary funding even though the former district has higher actual costs. At the school level, complicated decisions are made about how to divide up limited resources. One district administrator said that her district made a policy choice to allocate at least one part-time ESL teacher to each school, even schools with low EL enrollment, so that every school has at least one dedicated staff member to serve ELs.[119] Districts frequently employ expert judgment rather than a strict formula so that their staff allocation can take into account variables such as higher student need (in terms of English language proficiency level or lack of prior schooling), overall staff capacity (such as how many general education teachers have EL certifications or training), or the greater likelihood of a particular school to enroll newcomers mid-year.

More often than not, administrators responsible for district and school budgeting are focused on how to use scarce resources and balance the necessary tradeoffs rather than on creating a plan that reflects ideal pedagogical choices and then applying the exact dollar amount to cover it. One rural superintendent reported having only one ESL instructor to serve more than 70 students in kindergarten through grade 12, but that the instructor focused primarily on the students in grades 6 through 12 who needed more language support.[120] Eventually, with an increase in state funds, the district expanded its staff to include three full-time teachers, one for elementary, one for secondary, and one to work with mainstream teachers on incorporating language learning into content lessons. This example illustrated how changes in funding can affect more than just the number of hours a student can be served; in this district, increased funding also allowed for a shift in pedagogical approach (in this case, more support for grade-level academic content).

Several administrators pointed out that as EL education is required by statute, when there are insufficient state funds to cover the cost of the EL program, districts and schools often make up the difference with funds from nonmandated programs such as Advanced Placement courses or extracurricular activities. One administrator said that if they had more money, they would extend the instructional day by 45 minutes so that the 40 percent of district students who require EL services could get their mandated 45-minute ESL period without missing other instruction.[121] Other activities that administrators would have liked to fund included expanded summer programs, support for programs to recruit and train

118 Author interview with California district administrator, September 15, 2015.

119 Author interview with Colorado district administrator, August 10, 2015.

120 Author interview with Colorado district administrator, October 30, 2015.

121 Author interview with Colorado district administrator, August 10, 2015.

paraprofessionals and other support staff, and additional time for co-teaching in addition to using the pull-out model to provide direct instruction to ELs.

4. Spotlight: The Use of Funds in Two Neighboring Districts—Denver and Aurora, Colorado

Denver, Colorado, and its immediate neighbor to the east, Aurora, are an interesting pair of districts to compare in terms of how they use their federal and state funds. Each district's population is approximately 40 percent EL and about 70 percent of students receive free and reduced-price lunch,[122] although the total student population in Denver is a little more than twice that in Aurora.[123] Despite their demographic similarities, they each have found different solutions to using their various sources of funds for ELs.

In 2013, the U.S. Department of Justice Office of Civil Rights issued a consent decree (which modified agreements dating back to 1984) to Denver Public Schools (DPS) detailing all of the language acquisition program components—including instruction, teacher and principal training, language tutors, and program evaluation—that the district agreed to provide in order to meet its legal obligations to serve EL students. Because of federal supplement-not-supplant regulations, districts are barred from using their Title III allocation to pay for whatever the district considers to be core services. This applies to all school districts, but the comprehensiveness of the federal consent decree restricts DPS budgetary discretion to a larger extent than it might elsewhere. In DPS, Title III funds are used to pay for expenses such as summer school, instructional coaches, extended training for principals, book studies with leadership teams, and piloting a new English language development curriculum; these activities are supplementary to the core English language acquisition services as described in the consent decree.

State categorical funds (collectively referred to as ELPA, after the state *English Language Proficiency Act*, re-enacted in 2014) cover a large part of core service costs, including the extensive DPS teacher training program. All teachers are required to have an English Language Acquisition-Transitional (ELA-T) qualification, and if they directly serve ELs, an ELA-English or ELA-Spanish qualification (the latter for bilingual teachers). The district provides coursework leading to these qualifications directly or pays for courses through local universities. ELPA and the general district fund also pay for native language tutors and Spanish instructional assistants, and general district funds cover classroom and EL teacher salaries. As all classroom teachers must have the ELA-T qualification, they are all considered to be teachers of language acquisition. Principals then have the flexibility to designate which teachers with appropriate qualifications will provide targeted services.

Aurora Public Schools (APS), by contrast, uses its Title III funding primarily for staff professional development and other supports provided to schools by the district. Although also held to the same supplement-not-supplant rules, APS does not have a consent decree defining professional development as a core service, so Title III funds can be used to cover those expenses. Like Denver, Aurora has a mandatory certificate program for all of its teachers to be trained to work with ELs. Due to high teacher turnover rates, the district has fairly substantial costs each year as new teacher cohorts begin the course sequence. The training was originally implemented through neighboring universities, but as grants ended, APS took on more of the training, shifting district staff responsibilities to make time for in-house courses, as well as hiring teacher consultants to provide the training.

With staff training costs covered by Title III, APS uses nearly all of its ELPA allocation to fund EL teacher salaries. The ELPA allocation is not sufficient to fully fund the number of EL teachers needed, however, so the district makes a significant contribution to EL teacher salaries and purchases instructional materials out of its general fund. Under an agreement between APS and the U.S. Department of Education Office

122 A count of students who qualify for free or reduced-price lunch is a commonly used proxy for poverty in the United States.

123 Aurora Public Schools, "Demographics," updated August 3, 2016, http://aurorak12.org/about-aps/fast-facts/demographics/; Denver Public Schools, "Current and Historical Enrollment," accessed February 17, 2016, http://planning.dpsk12.org/enrollment-reports/standard-reports.

of Civil Rights, EL students must receive 45 or 55 minutes (for elementary and secondary students, respectively) of direct English language instruction, so allocations for EL teachers must account for the services that students in each school require.

Core services that must be funded by state and local—rather than federal—funds may be defined differently in neighboring districts.

This comparison of APS and DPS demonstrates how difficult it is to compare education spending efforts, even between districts within the same state. Core services that must be funded by state and local—rather than federal—funds may be defined differently in neighboring districts, and different jurisdictions may need to abide by different rules about program models, which may constrain some budgetary choices. As will be discussed further in the next section, school and district staff who navigate these resource channels require a sophisticated understanding of the rules associated with various funding sources.

B. Stakeholder Communication and Knowledge

In a large and decentralized educational system like that of the United States, communication among different administrators and stakeholder groups is essential to ensuring that the underlying goals of a policy are understood and carried out by the many individuals who play a role in directing funds to specific purposes. Communication and guidance about funding regulations are thus critical to helping schools and districts stay within the bounds of the law. Yet, even when the specifics of a funding system are straightforward, communication and training are necessary to support administrators in using their funds efficiently and effectively. This section explores how insufficient communication, guidance, and practitioner knowledge can have a negative impact on the local implementation of supplementary funding mechanisms; it is based on concerns brought to light in interviews conducted for this study with administrators and policymakers from California, Colorado, and New York.

1. The Importance of Administrator Savvy

As noted in previous sections, categorical funds are targeted to specific purposes, a characteristic that allows policymakers to identify specific needs and monitor whether districts are using the funds appropriately. However, when categorical or reimbursement funds require administrative action such as an application—or even when the funds are automatically allocated to the district but require paperwork to claim—some decisionmakers may not see the benefit of taking the time to do the paperwork or know how to leverage the funds. For example, a California administrator reported that under the system of categorical funding for ELs in place up to 2013, some new or less savvy school administrators did not know how to integrate the use of these funds into their general spending practices and therefore did not take full advantage of them.[124]

On the other hand, maximizing the value of formula funds also requires administrative savvy. In SY 2007-08, New York State shifted its supplementary funding for ELs from a categorical fund to a weighted formula. A state education department official noted that although it was well publicized that the change meant that districts would get extra money for EL students, those districts were no longer informed how much state money they were getting specifically for EL education because the state aid calculation consolidated funds for EL and other high-needs student groups. As a result, the administrator noted,

124 Author interview with California district administrator, September 15, 2015.

there are district officials who do not know how much money goes into their district funds as a result of the additional weight for ELs.[125] This has likely exacerbated school leaders' frustration with the recent changes to state requirements regarding services for ELs (described in Section IV.A.2) which were reported to have created "significant fiscal and logistical impacts" in some districts.[126]

Having administrators with good financial management skills can be especially important for the educational success of ELs ... as administrators often need to weave together a number of state, federal, and local funding sources.

With the growing interest in site-based school budgeting (providing principals with lump-sum funds rather than teacher allocations so that they can control at least some of their school budget), principals will increasingly need training in specific financial management skills.[127] An administrator in a district that has been using site-based budgeting for several years noted that it works well with principals who understand budgeting but is harder for new principals.[128] Specifically, administrators with more experience are likely to be more effective in fundraising, to understand regulations and take advantage of loopholes, and to create methods to systematize and streamline funding processes. Another administrator noted that principals prioritizing the needs of ELs can be a critical factor in ensuring that all types of state and district discretionary funds—even those not targeted to a specific population—are leveraged to serve the greatest needs of the school population.[129] Having administrators with good financial management skills can be especially important for the educational success of ELs, a former principal pointed out, as administrators often need to weave together a number of state, federal, and local funding sources (with varying rules and reporting requirements) to fund the specialized programs and services ELs require.[130]

2. Spotlight: California's Local Control Funding Formula

In 2013, California passed a significant reform of school funding that combined dozens of categorical funds into a weighted formula that included supplemental and concentration weights for at-risk students (a combined count of low-income, EL, and foster youth). Under the new Local Control Funding Formula (LCFF), each district is required develop a three-year Local Control Accountability Plan (LCAP) that outlines the actions they will take to meet state educational goals, including increasing or improving services for at-risk students. This plan relies heavily on local stakeholder input and is to be updated annually.[131]

This reform presents a useful illustration of the importance of communication and guidance in implementing a new funding system, especially one that hinges on local and shared decision-making.

125 Author interview with New York state administrator, November 18, 2015.

126 New York State Educational Conference Board, *Urgent Action Necessary to Support English Language Learners* (Lathem, NY: New York State Educational Conference Board, 2016), www.nysut.org/~/media/files/nysut/news/2016/ecb_ell_newsletter_feb9_1.pdf?la=en.

127 Petko, *Weighted Student Formula*.

128 Author interview with California district administrator, October 1, 2015.

129 Author interview with California state administrator, October 20, 2015.

130 Author interview with former New York principal, January 11, 2016.

131 The template districts use to prepare an Local Control Accountability Plan (LCAP) includes a section to describe how they will increase or improve services for at-risk students in proportion to the increase in supplemental and concentration grants they received compared to pre-Local Control Funding Formula (LCFF) funding. In yearly updates, districts analyze how well the services or actions taken improved instruction for all students and for students in the high-need categories of EL, low-income, and foster youth. See Appendix B for additional details.

Helping school administrators and other stakeholders understand the new system has been a central focus for the district and county administrators working to implement it.

a) Building Stakeholder Capacity

Several administrators who were interviewed for this study noted that the LCFF required significant "mindshifts"—thinking about funding in new ways that went beyond learning a new budget procedure. One mindshift was simply that there would be more money available to meet student needs (due to state budget increases as well as the systemic changes), as opposed to the status quo of budgeting by just scraping by.[132] Another interviewee said that the way that the LCAP developed by districts tied student goals to a funding plan was very powerful. She said she felt that it promoted greater awareness of student needs as well as how specific school goals and activities are tied to the ongoing aim of increasing educational equity in inputs and outcomes across the district.[133]

Several district- and county-level administrators also noted that it was of paramount importance that stakeholders understand the basic principle of data-based decision-making that underlies the design of the LCAP. As one stated: "The better job we do of building capacity of leaders to see how this all ties together and there [aren't] separate silos—that instruction and funding are not separate and apart from student achievement—I think school districts can do a better job of monitoring themselves, with some accountability to their stakeholders—not some, but a lot [of accountability] to their stakeholders, and beyond to the state as well."[134] His county approached the technical assistance his office gave to district leaders who were writing or updating their LCAPs as an opportunity to address student academic achievement, not just budget compliance.

In one urban district, a significant amount of effort was spent in helping principals enhance their understanding of how to use supplemental and concentration funds for at-risk students. This was particularly important as the philosophy of the district was to push as many funding decisions to the school level as possible, rather than making specific budget allocations at the district level. In the second year of LCFF implementation, the district was working on guidelines for principals to understand what counted as appropriate expenses to assign to supplemental and concentration funding, as well as on accountability systems to ensure that the money would be spent as designed. A specific challenge for this district—where most schools have very high percentages of at-risk students—is to ensure that the stakeholders who write the LCAP understand how to distinguish between using funds on resources that happen to be used by at-risk students and targeting funds to resources that remediate their at-risk status. As one administrator said: "If they're a high-poverty/high-EL school they might say, 'We're getting computers to support all kids.' Well, yes, but students should have that resource and make sure we have funds for support classes, smaller class size, and supplementary resources that the target groups need."[135] This communicative challenge requires a high level of understanding of and ability to describe the specific connections between activities and expected outcomes. If done well, this exercise has potential for improving services as well as for increasing financial transparency.

In addition to building capacity for principals, efforts were also made to ensure that the various stakeholder groups that would take part in LCAP planning had sufficient understanding to provide well-reasoned opinions. As one administrator commented: "Community engagement is both great and a challenge. It requires [we provide community members] lots of education around where are we trying to go and real, authentic education around what best practices are for ELs so that they are educated about the recommendations. We're not quite there in terms of educating community members to have the most productive conversation; on the other hand, it's important to hear in an organic way how families and

132 Author interview with California county administrator, August 31, 2015.

133 Author interview with California district administrator, September 15, 2015.

134 Author interview with California county administrator, August 31, 2015.

135 Author interview with California district administrator, September 15, 2015.

communities are experiencing schools."[136] Communicating inside the school system and with community stakeholders was made even more challenging by the fact that each locality needed to create its own communication materials. Although there was quite a bit of media attention and reporting by research and advocacy groups about the development of the LCFF in general, the process of communicating with stakeholders created an enormous burden on county and district offices, according to several respondents.

b) Gaps in Guidance and Shared Understanding of Regulations

There have been some significant growing pains in the rollout of the LCFF due at least in part to insufficient guidance on developing LCAPs and the rules around the use of supplemental and concentration funds for at-risk students. A number of California-based organizations have published reports that describe serious shortcomings in the first[137] and second years[138] of LCFF implementation. For example, a report published by Californians Together indicate that the first two years of LCAPs show little evidence of how supplemental and concentration funds would be used to increase and improve education for ELs by building teacher capacity, implementing California's new English Language Development standards, improving services, and using EL-specific data.[139]

District and county administrators who were interviewed for this study identified three difficulties that were directly related to a lack of understanding or differences in interpretation of state guidelines for LCAP Section 3, which deals with supplemental and concentration funds.[140] One county administrator responsible for financial services noted that there was confusion among his peers as to whether to describe all activities and services for ELs in Section 3 or just those funded by the LCFF supplemental and concentration funds.[141] If the LCAP was to be viewed as a goal-setting document, it would seem to lend itself to a full description of services, but as an accountability document, some thought Section 3 should focus on how the state funds (and specifically, the supplemental and concentration grants) would be used.

Second, the aforementioned county administrator also said that the required description of how districts would increase or improve services in proportion to an increase in state funding was confusing and

136 Ibid.

137 Elvira Armas, Magaly Lavadenz, and Laurie Olsen, *Falling Short on the Promise to English Learners: A Report on Year One LCAPs* (Long Beach, CA: Californians Together, 2015), www.ciclt.net/ul/calto/AReportonYearOneLCAPs_2015-04-22.pdf; Carrie Hahnel, *Building a More Equitable and Participatory School System in California: The Local Control Funding Formula's First Year* (Oakland, CA: The Education Trust—West, 2014), http://west.edtrust.org/wp-content/uploads/sites/3/2015/02/ETW-Building-a-More-Equitable-and-Participatory-School-System-in-California-Report_0.pdf; Daniel C. Humphrey and Julia E. Koppich, *Toward a Grand Vision: Early Implementation of California's Local Control Funding Formula* (San Francisco: J. Koppich & Associates, 2014), www.sri.com/sites/default/files/publications/lcff_researchbrief_10-26-14.pdf.

138 Laurie Olsen, Elvira Armas, and Magaly Lavadenz, *A Review of Year 2 LCAPs: A Weak Response to English Learners* (Long Beach, CA: Californians Together, 2016), www.ciclt.net/ul/calto/LCAPSReview2016Web.pdf; Julia E. Koppich, Daniel C. Humphrey, and Julie A. Marsh, *Two Years of California's Local Control Funding Formula: Time to Reaffirm the Grand Vision* (Stanford, CA: Policy Analysis for California Education, 2015), www.edpolicyinca.org/publications/two-years-californias-local-control-funding-formula-time-reaffirm-grand-vision.

139 Armas, Lavadenz, and Olsen, *Falling Short*; Olsen, Armas, and Lavadenz, *A Review of Year 2 LCAPs.*

140 In some cases, the lack of detailed guidance from the state on these points was intentional, as the entire reform was based on the idea of local control over budgeting. In other cases, the state did require certain information be provided but, in its haste to implement the new system under a compressed timeline, did not adequately provide models or guidance on how to do so.

141 Author interview with California county administrator, September 2, 2015.

illogical.[142] He said that there was no clear way to indicate how services were increased or improved because there was no room in the template to describe what constituted baseline services for all students and services offered to at-risk students the year before LCFF took effect. Additionally, he did not see how one could describe services as being increased or improved by a particular percent except by describing how much more money would be spent, which the state said was not the intended metric.[143]

Finally, the state did not initially set strict guidelines on how districts had to justify the use of supplemental and concentration funds for district- or school-wide expenses, other than to say that there must be a justification when funds intended for at-risk students were used for all students. As a result, there have been some public disagreements on the matter. In spring 2015, some school districts argued that the best use of their supplemental and concentration funds was to provide across-the-board raises to teachers with the aim of attracting and retaining talented staff who would serve, among others, their most vulnerable students. Some advocates argued that this violated funding rules, and that school districts were taking undue advantage of the flexibility of the system. In response, the State Superintendent of Public Instruction asserted that this level of flexibility was necessary if districts were to maximize the use of funds according to local needs.[144] A few months later in July 2015, a lawsuit was filed against the Los Angeles Unified School District, alleging that it had inappropriately categorized $450 million of special education costs incurred in the year prior to LCFF implementation as spending on high-need students (EL, low-income, or foster youth). Because that prior-year funding level would become the baseline for determining future spending requirements, the district had in effect reduced its future obligation to target supplemental and concentration funds to high-need students. The school district, for its part, believed its accounting to be within the bounds of LCFF rules, citing that the $450 million was spent on the 79 percent of special-education students who also qualified as high need.[145] In May 2016, the state ruled that the accounting was not permissible, but the district indicated it would challenge the decision.[146]

Throughout the course of its design and rollout, the development of the LCFF has been a remarkably transparent effort, with a great deal of stakeholder feedback and visibility of issues in the legislature and the media. A number of advocacy groups have been actively involved in statewide and local issues, calling attention to areas in which implementation has fallen short of the stated goals. Among other issues, analysis of LCAP implementation has raised important concerns about whether stakeholders have the information and skills needed to make informed recommendations.

142 In the LCAP, districts were directed to describe how they would increase or improve services for at-risk students in proportion to the increase in funding that those students generate through supplemental and concentration funding compared to pre-LCFF funding. The state provided a formula for districts to determine this percentage and, in section 3 of the LCAP template, asked districts to quantitatively or qualitatively describe how they would increase or improve services *at least* in proportion to that amount ("minimum proportionality"). See California Department of Education, "Local Control Funding Formula," updated April 4, 2016, www.cde.ca.gov/fg/aa/lc/.

143 According to the administrator, the state said that because you can increase or improve services without spending money—and conversely, spend money without increasing or improving services—the minimal proportionality justification should not just be expressed in terms of dollars spent (for example, "our minimal proportionality number is 25 percent, so we will spend 25 percent more dollars on EL teachers"). Instead there should be a description of how the services will be, for example, 25 percent better or more effective. Author interview with California county administrator, September 2, 2015.

144 John Fensterwald, "Torlakson Reinterprets Department's Stance on Teacher Raises," EdSource, June 15, 2015, http://edsource.org/2015/torlakson-reinterprets-departments-stance-on-teacher-raises/81528.

145 John Fensterwald, "Suit Claims LA Unified Underfunding Low-Income Kids, English Learners," EdSource, July 1, 2015, https://edsource.org/2015/suit-claims-la-unified-underfunding-low-income-kids-english-learners/82377.

146 John Fensterwald, "State Officials Find LA Unified Shortchanged Students," EdSource, June 1, 2016, https://edsource.org/2016/state-officials-find-la-unified-shortchanged-students.

V. Implications and Recommendations

With rising attention to the need for high-quality education for all students and to persistent achievement and outcome gaps between ELs and their peers, policymakers are increasingly looking for new ways to ensure that schools and districts have appropriate resources to provide ELs with equitable access to primary and secondary education. This study has illustrated the variety of approaches states take to designing supplementary funding as well as how these designs reflect policy priorities, such as targeting dollars to meet the greatest needs, using time limits to signal expectations about how long EL students should take to become proficient, or pushing districts to improve the quality of services or support particular innovations. However, there is little evidence that states have established their supplementary funding mechanisms based on systematic consideration of the numerous factors that shape state and local educational contexts. These factors include:

- ***Student characteristics.*** ELs are not a monolithic group; rather, the intensity of student needs will vary based on aspects such as the grade level at which students enter U.S. schools and the amount of prior education they have had.
- ***Personnel costs.*** State per-pupil funding formulas typically include an adjustment for differences in salary across localities, but supplementary funding for ELs does not typically allow for premiums to recruit and retain teachers with special skills and qualifications, which may be needed in some districts more than others.
- ***Services provided.*** Different instructional models have different costs, and these also vary based on the density of the population (with low-incidence schools often bearing higher per-pupil costs for the same level of direct instruction by an ESL teacher). Some EL programs also provide services such as school- or district-wide professional development for staff or socioemotional supports to students. Districts with greater linguistic diversity may also have higher costs for translation and interpretation than districts with a more homogenous population.

These variables do not exist in isolation; rather, they may affect program costs to different degrees as they overlap. When considering the sufficiency of EL funding, policymakers and administrators must also consider the overall state and local spending efforts. Well-funded districts will be able to contribute more funds to enhance EL programs than districts that are struggling to meet their minimum obligations for general education. Further, the availability of schoolwide programs such as robust academic counseling and family engagement eases the burden of providing these services within EL programs.

Several intersecting trends will have significant impact on the design of supplementary funding mechanisms for ELs. States are moving away from using categorical funding with stringent rules on what the money can be spent on, which had been used as a means of influencing the services provided in districts. Instead, states are relying on disaggregated student outcome data to hold districts accountable for serving ELs and other at-risk student groups. Meanwhile, school administrators and teachers have been experiencing intense scrutiny of their effectiveness coupled with increasingly demanding standards as a result of specific measures written into the federal NCLB law. As decisions about school improvement plans now shift to states under the 2015 ESSA law, district leaders may increasingly press state policymakers to provide the funding necessary to meet the standards that the state now has the authority to set. This is particularly relevant for EL funding, as states are responsible for setting criteria for identifying students as ELs, which determines the total number of students classified as EL. For example, raising the cutoff point on an English language proficiency assessment (that is, making it harder to score as proficient) would increase the number of students who qualify as English learners, and lowering the cutoff point would have the opposite effect.

Another trend is the increased need for funding flexibility, whether due to unexpected influxes of immigrant and refugee children as has been seen over the last few years or to patterns of secondary movement of immigrants within the United States. As new immigrant-receiving communities take steps to develop capacity to serve new student populations, and as communities with a longer history of immigration encounter—with little warning—significant numbers of newcomers, they are constrained by budgets set months in advance, based on out-of-date student counts. With better student data reporting (such as counts of long-term English learners compared to newcomers with limited education), it will be easier to distinguish population differences across districts and across schools, so that funds can be targeted more precisely based on student need.

With better student data reporting ... it will be easier to distinguish population differences across districts and across schools.

Based on the findings of this study, it is clear that determining the additional cost of educating EL students is enormously complex, and that a great deal more research is necessary to help policymakers develop empirically based and fair funding systems to support EL education. This study suggests three areas that merit further investigation:

- ***Expand research on educational costs and the variables that affect them.*** Drawing on the methods already developed to conduct cost studies,[147] both academic researchers and the states that commission such analyses can contribute to developing a better understanding of the costs of EL education. Improving basic research on the variables that affect costs—including student and community characteristics and the instructional models needed to address differences in language proficiency—would provide policymakers with critical information needed to inform policy choices. In turn, state cost studies that focus specifically on EL education would provide data for ongoing comparative research on how costs differ across contexts. Given that there is no one perfect program model, such research must go hand-in-hand with investigations of the effectiveness of particular models in particular contexts, so that a case may be made for implementing a more expensive model where it is warranted.

- ***Focus on low-incidence schools and districts.*** The inquiry suggested in the previous point may address, for instance, shifting immigration patterns that have seen more immigrants settling outside of traditional immigrant-receiving cities. Better information on the cost of educating ELs in low-incidence schools would provide insight into the level of funding needed to offer a quality and quantity of services comparable to schools with high concentrations of ELs. Just as state foundation formulas may include a sparsity factor to support small or isolated schools, so might they include such a factor where ELs enroll in low numbers.

- ***Examine mechanisms used by states to support and evaluate use of effective practices.*** In light of the trend away from using categorical funds to target district spending and toward local control, state policymakers would benefit from comparative studies of what mechanisms other states use to steer districts towards effective practices and improvement of educator skills. With the shift in ESSA toward allowing states more discretion in school improvement planning than they had under NCLB, an opportunity exists for innovation and experimentation in monitoring and evaluating service provision and student outcomes. Particularly in those states shifting to local control and weighted funding formulas, researchers might investigate whether and how states create mechanisms to replace the rules around spending targeted funds.

147 Jimenez-Castallanos and Topper, "The Cost of Providing."

The findings of this study also suggest the following ways to build system capacities to use relevant empirical data in the development of funding formulas:

- ***Expand state data capture.*** In order to better understand the specific needs of EL subgroups, states should systematize the collection of data about ELs that is already frequently captured in local systems but not necessarily uploaded to state databases. Important data points include the program model(s) experienced by the students, the number of years students have been identified as EL in U.S. schools, the age or grade level of students on arrival, and whether students came to U.S. schools with limited or interrupted prior schooling. These factors can then be cross-tabulated with school- and district-level data, such as the concentration of ELs in a given school or district and the qualifications of teachers working with EL students.

- ***Provide relevant training for stakeholders.*** In many areas, school and district administrators are already receiving training on data-based decision making and budgeting—especially in districts employing site-based management. Capitalizing on those efforts already underway, state and district leaders should consider the types of training that various stakeholder groups require to develop and implement funding mechanisms to support EL students. A key type of training concerns the relationship between the student-, program-, and community-level variables discussed in this study and variations in cost. It is critical that policymakers understand these links so as to make informed interpretations of research on program costs in light of state and local contexts. Policymakers must also understand research on EL teaching and learning in order to support the judgments of local educators about what is best for a given community or student. Such training will also help policymakers and administrators explain funding decisions to communities in ways that encourage transparent dialogue.

Finally, although there is not a single, best funding mechanism to be gleaned by comparing practices across states, there are several actions that states can consider taking as they make changes to their financial systems:

- ***Develop better targeted funding systems.*** Just as some state funding formulas have different weights for different levels of special education need (such as mild, moderate, or severe disability),[148] states might also develop funding categories for subpopulations of ELs to address their different levels of need. This might entail setting different levels for all EL students (for example, by recency of arrival or grade level) or creating additional supplementary funding for particularly high-need groups such as students with interrupted formal education.

- ***Fund EL students for as long as they qualify.*** Some states cut off supplementary funding for ELs after a given number of years. This practice is often used to discourage schools and districts from overcounting students for the sole purpose of generating additional revenue. However, strong accountability systems now exist that provide an incentive for schools to ensure that ELs exit from services in a timely manner.[149] Additionally, while caps on funding have been used to signal to schools and districts how long policymakers expect students to take to become proficient, they can be counterproductive if there is a significant disparity between the cap and how long it actually takes most students to achieve state-determined English proficiency benchmarks. Again, because accountability systems put in place under NCLB grant states the authority to set cutoff scores on English language proficiency tests and thus regulate the identification of ELs, states should reconsider whether a cap on the number of years that students qualify for funding continues to make sense.

148 Maria Millard and Stephanie Aragon, *State Funding for Students with Disabilities* (Denver: Education Commission of the States, 2015), www.ecs.org/clearinghouse/01/19/47/11947.pdf.

149 Districts have been required to report EL student progress toward proficiency and their exit rates as a measure of effectiveness under NCLB, and states will be developing similar mechanisms as part of their ESSA state plans.

- ***Set aside emergency funds to support unexpected flows of immigrants and refugees.*** Finally, to address the shifting and emergent needs of schools and districts that receive newcomers throughout the year, policymakers might consider ways to support individual schools or districts that face far larger expenses than originally budgeted. They might, for example, follow the lead of British Columbia, Canada, which supports school districts that receive refugee students after the official student count in the fall but before the mid-year point. For each eligible student, districts receive a half year of the base per-pupil allotment as well as a half-year allotment for language learners (if applicable). This funding rule was put in place as a response to educator concerns about the financial challenges of absorbing new refugee students in the middle of the school year, particularly given the greater needs of these students.[150] Additionally, state policymakers might also consider how to provide new revenue for unexpected flows of immigrants and refugees. In light of the requests made by some localities that the federal government reimburse them for expenses of adjusting systems to serve the 2014 influx of unaccompanied minors,[151] state and federal policymakers may wish to reconsider the degree to which the federal government should take more responsibility for supporting the educational costs associated with students admitted to the United States under federal immigration and refugee policies.

Decisionmakers face an extremely challenging policy terrain, as student needs and system capacities vary so greatly and change over time. Better understanding of the variables that contribute to the complexity of designing adequate and fair funding formulas will help policymakers ensure the efficient and effective use of public funds and provide the supports needed to help all students meet the high educational standards set for them.

150 Sugarman, Morris-Lange, and McHugh, *Improving Education for Migrant-Background Students*.

151 See, for example, David Smiley, "Miami-Dade School Board to Seek Extra Federal Funds as Unaccompanied Migrant Children Land in Miami," *Miami Herald*, June 18, 2014, www.miamiherald.com/news/local/education/article1967096.html; Julie Zauzmer and Moriah Balingit, "Counties Look at Costs of Educating Unaccompanied Minors Who Crossed Border," *The Washington Post*, October 9, 2014, www.washingtonpost.com/local/education/counties-look-at-cost-of-educating-unaccompanied-minors-who-crossed-border/2014/10/09/1f883fdc-4e6c-11e4-8c24-487e92bc997b_story.html.

Appendices

Appendix A. Investigatory Questions

As part of a larger international comparison of supplementary funding mechanisms, Migration Policy Institute (MPI) and Expert Council of German Foundations on Integration and Migration (SVR) researchers first developed a set of questions with which to investigate the details of how these mechanisms are designed. These questions—listed below—guided analysis of publically available documents, such as state school funding manuals and education legislation, as well as of secondary sources, such as press releases and newspaper reports on policy changes. Researchers also used these questions to inform interviews with state- and local-level administrators and policymakers. The goal of these interviews was to gain insight into the way funding processes operated in practice and to confirm understanding of the funding mechanisms, broader regulations regarding migrant-background students, and the policy goals inherent in those rules and regulations.

Funding Basics

- Is the fund a categorical grant, a weight added to a per-pupil formula, or reimbursement for qualified expenses?
- Is the fund allotted as a percent of base per-pupil funding, a dollar amount per qualified pupil, or the cost of a teaching position per x number of qualified students?
- What can the money be spent on?
  - Any district- or school-level expenses without restriction
  - Any EL-related expenses, including basic ESL teacher staffing
  - Improving or enhancing services, but not basic ESL teacher staffing (as with Title III funds under supplement-not-supplant regulations)
- Are there any restrictions as to the specific types of expenses the fund can or cannot be used for (such as instructional staff, professional development, materials, assessment, or administration)?
- Must the money be spent on qualified ELs only or can it be used for whole-district, whole-school, or whole-class expenses? If the latter, is there a quantifiable measure of the degree to which ELs must benefit?
- How is the amount of funding (per pupil and/or total allocation) decided? What information is used to inform funding levels (such as availability of revenue, historical costs, average salaries, desired teacher–student ratios, cost analysis, student performance, or counts of qualified students)?
- What state or local legal restrictions are relevant (such as court orders or consent decrees)?

Related Funding Sources

- Do ELs generate funding through other mechanisms (for example, a general "at-risk" fund that is allocated on the basis of census data measuring a variety of factors including shares of Limited English Proficient (LEP) or recent immigrant households)?

- What other funds or grants are available that have elements designed to improve programs and services specifically for ELs (such as competitive grants, school improvement grants, professional development funds, or program innovation grants)?
- What other funding sources are likely to benefit ELs (such as funds targeted to students in poverty or with below-grade-level reading skills)?
- Are any funds provided on the basis of EL student achievement (such as rewards for high performance or extra support based on low performance)?

Who Qualifies for Funding

- Is the funding exclusively for ELs or combined with funding for other high-risk students?
- Is there a minimum number or percent of ELs that a district must have to receive funding?
- Is the EL funding weighted for differences in the community context (such as district size or history serving ELs [capacity], density of target population [concentration or sparsity], cost of living, or cost of attracting qualified teachers)?
- Are there different allocations for subgroups of ELs (such as students with interrupted formal education; long-term ELs; recent arrivals; elementary, middle, or high school students; or students at higher or lower English proficiency levels)?
- Do former (exited or reclassified) EL students count toward funding, and if so, for how long?
- Do qualified students have to be enrolled in particular services?
- Is there a limit on the number of years a student is eligible for funding?

How Qualified Students are Identified and Counted

- Are qualified students directly counted (such as the number of students scoring below proficient on a language assessment) or counted through a proxy (such as using census data on the number of limited English proficient or recent immigrant households in a neighborhood)?
- If directly counted, what mechanism is used to identify qualified students (such as home language survey, language assessment, immigration status, or year of entry to the host country)?
- When are student counts done (how often and at what point[s] during the year)?
- Is the student count based on the number of students in the current year, the previous year, or an average of several years?
- Are counts subject to revision throughout the year (such as if additional qualified students enroll after the count date)? If counts are revised, do ELs remain eligible for funding for an entire year even if they are exited from EL status?
- Is there a provision for maintaining a minimum level of funding for target students if an education agency's enrollment goes down from year to year or falls below a specific threshold?

Budgeting, Finance, and Other Managerial Processes

- What must a district do to get the money (such as submit a head count, a detailed count of EL subgroups, or an instructional plan)?

- If a budget is submitted, does it include all spending related to ELs (including federal, state, and local dollars) in addition to spending related to the relevant fund? To what extent must district/school budgets explicitly identify revenue sources for EL-related expenses?
- If the funding mechanism allots different amounts of money to different subgroups, do budgets have to reflect that (that is, to show that more heavily funded subgroups receive a greater proportion of the funds in the form of resources or services)?
- Are there any rules associated with the types of stakeholders that must be consulted in creating a budget?
- What accountability or monitoring requirements specifically tied to funding is the district or school subject to (such as auditing documentation of qualified students, enrollment in and provision of services to qualified students, or expenses)?
- How does the timing of the annual budget cycle affect services (for example, budgets are approved after the optimal time in the year for hiring new staff, or a fund is only appropriated one year at a time so that staff cannot be offered multi-year contracts)?

Appendix B. Supplementary Funding in California, Colorado, and New York

California

In 2013, California overhauled its education finance system and adopted the Local Control Funding Formula (LCFF) to provide base funding to school districts.[152] The LCFF provides a uniform base grant to all districts in the form of a per-student allocation which is adjusted by grade level. The state base grant is intended to supplement local school funding so that each district is able to hit a particular per-student funding target (only 14 percent of districts in California can make the target using local taxes without state funding). The LCFF also functions to restore district funding to at least SY 2007-08 levels (adjusted for inflation).

Previous categorical programs for ELs and other at-risk students were incorporated into the formula through supplemental and concentration grants. Through the supplemental grant, school districts receive an additional 20 percent of the base funding for each student who falls into one or more of three need-based categories—EL, low-income (qualifying for free or reduced-price school meals), or foster youth. Students who fall into multiple categories are counted once. School districts where the total (unduplicated) count of EL, low-income, and foster youth make up more than 55 percent of district enrollment also receive a concentration grant that provides an additional 50 percent of the base grant for each high-need student above the 55 percent threshold. For example, a school district whose student population includes 65 percent at-risk students would receive the additional 50 percent weight for 10 percent of their students. All identified ELs who are enrolled on "census day" (the first Wednesday in October) are counted toward supplemental and concentration grant funding, and there is no time limit for how long an individual student may be eligible to be counted as long as they are identified as an EL. Once the LCFF is fully implemented, the count of EL students will be based on a three-year average (counts of ELs in the current year plus the two previous years).

The 2013 law also required school districts to develop a Local Control Accountability Plan (LCAP), through which districts set goals aligned to eight state priorities, designate actions they will take to meet their goals, and include data evaluating their progress. The eight state priorities include implementation of California's English language development standards and goals for reclassifying ELs as fluent English

152 Information on California in this section comes from the California Department of Education, "LCFF Frequently Asked Questions;" Mac Taylor, *Updated: An Overview of the Local Control Funding Formula* (Sacramento, CA: Legislative Analyst's Office, 2013), www.lao.ca.gov/reports/2013/edu/lcff/lcff-072913.pdf.

proficient. In the LCAP, school districts must outline how they will expand or improve services for at-risk students in proportion to the increased funding they receive from the supplemental and concentration grants, though those funds are not technically earmarked. School districts may include district- or school-wide expenditures in their supplemental and concentration grant budgets as long as they indicate how the resources will be of particular benefit to at-risk students. Writing the LCAP—a three-year plan that must be updated annually—must include a process for community engagement, including consulting with the District-Level English Learner Advisory Committee (a group of parents and guardians, staff, and community members) formed in school districts enrolling more than 50 ELs.

Districts must adopt their LCAP prior to adopting their annual budget plan. Subsequently, the LCAP is submitted to the county office of education for its review. The county approves the LCAP if it fulfills the requirements of the template, sufficient funds are allocated to the goals set, and supplemental and concentration grant funds are appropriately allocated. The county office of education is required to provide assistance to districts whose LCAPs are not approved, who request assistance, or who do not improve student outcomes. The state may also intervene if requested by the county or in cases where districts persistently fail to improve outcomes. In addition to providing assistance through the California Collaborative for Excellence, the state intervention may come in the forms of changes to the district's LCAP or budget.

Each year, districts must update their LCAP with an evaluation of how well the services or actions taken improved instruction pursuant to the stated goals, both for all students and for students in the high-need categories of EL, low-income, and foster youth. They must also indicate estimated actual annual expenditures and indicate the reasons for discrepancies between budgeted and actual expenditures. Districts are also asked to describe what changes are being made to goals, services, actions, and expenditures as a result of the yearly analysis.

Colorado

The *English Language Proficiency Act* (ELPA), revised in May 2014, provides for three categorical funding programs in the state of Colorado: the English Language Proficiency Program (ELPP), the Professional Development and Student Support Program (PDSS), and the ELPA Excellence Award, all of which are funded based on annual legislative appropriations ($18 million, $27 million, and $500,000 respectively in SY 2015-16).[153] These categorical funds are provided in addition to total program funding that comes from state and local sources. Total program funding is calculated using a per-pupil formula that comprises a base rate adjusted by factors such as the cost of living, personnel costs, and the size of the district; additional funding is also added based on the number of students participating in the federal free lunch program. Funding under ELPA is one of six major categories of state categorical funding, which also includes gifted and talented education, small attendance centers, special education, transportation, and vocational education.

Through the ELPP, school districts receive funds to offset the costs of educating ELs, including costs related to identification, assessment, and instruction. In addition to students who score below the English proficient threshold, students continue to qualify for the first two years after they are reclassified as Fluent English Proficient (FEP)—a provision atypical among U.S. states. Students may generate funding for up to five years of enrollment in any school district in Colorado. The state uses the October enrollment count from the prior year to determine current year funding allocation. The PDSS program provides money to support professional development for all educators who work with ELs and to support current and former ELs in academic content areas—in other words, to support ELs outside the formal English language development program. For both the ELPP and the PDSS, 75 percent of the annual allocation is used to provide services to ELs who are not yet English proficient and 25 percent for FEP students. School districts do not have to file an application for funding through those two programs, but there is a funding

153 Information on Colorado in this section comes from Colorado Department of Education, "English Language Proficiency Act (ELPA)."

code for each within the state financial reporting system. The ELPA Excellence Award does require an application, including submission of student data, as it is a one-year grant awarded to the ten school districts and ten charter schools with the highest achievement for current and former ELs.

New York

New York State counts its at-risk populations through a Pupil Needs Index that adds a supplementary percentage to the foundation aid allocated to all students (calculated based on the average daily membership [enrollment] of the previous school year and adjusted for regional differences in the cost of living).[154] The Pupil Needs Index includes the count of EL students (as identified by their schools), the number of students eligible for free or reduced-price lunch, poverty levels in the community (based on the U.S. Census), and a population sparsity factor. EL students generate an additional 50 percent of the base funding level but only for six years, after which they are considered long-term ELs and schools must continue to serve their individual needs.

All school districts receiving state aid must submit a Comprehensive Plan for serving ELs and an annual Data/Information Report which includes the number of ELs in each school along with their grade level, native language, special education status, and instructional program (bilingual education or English as a Second Language [ESL]). The number of long-term ELs is also reported, as is the number and qualifications of teachers and other staff providing support to ELs. School districts that are particularly low-performing may also be subject to increased accountability for a portion of their foundation funds through the Contract for Excellence program. This program requires school districts to target funds to improving or expanding programs for high-needs groups and has accountability requirements according to which schools must demonstrate how they will use funds to improve instruction for targeted groups such as ELs. New York also has a categorical fund ($14.5 million) to support the eight Regional Bilingual Education Resource Networks located across the state, as well as a number of other state initiatives.

Of the three U.S. focal states discussed here, New York has the most detailed guidelines for serving ELs. Schools that have 20 or more students in the same grade that speak the same language must provide bilingual education, and whether in bilingual or ESL programs, there are guidelines for the minimum number of units of study students must have in English language development, specially designed grade-level courses, and native language instruction (if applicable), which must be delivered by teachers with appropriate bilingual or ESL certification. Furthermore, New York schools are required to ensure that at least 15 percent of professional development for mainstream teachers and 50 percent for bilingual/ESL teachers is related to meeting the needs of ELs.

154 Information for New York in this section comes from New York State Education Department, “Contracts for Excellence;” New York State Education Department, “Office of Bilingual Education and World Languages;” New York State Education Department, *State Aid to Schools*.

Works Cited

Arizona Department of Education. 2001. *English Acquisition Program Cost Study—Phases I through IV.* Phoenix: Arizona Department of Education. http://azmemory.azlibrary.gov/cdm/ref/collection/statepubs/id/8727.

Armas, Elvira, Magaly Lavadenz, and Laurie Olsen. 2015. *Falling Short on the Promise to English Learners: A Report on Year One LCAPs*. Long Beach, CA: Californians Together. www.ciclt.net/ul/calto/AReportonYearOneLCAPs_2015-04-22.pdf.

Aurora Public Schools. 2016. Demographics. Updated August 3, 2016. http://aurorak12.org/about-aps/fast-facts/demographics/.

Baker, Bruce D. 2001. Living on the Edges of State School-Funding Policies: The Plight of At-Risk, Limited-English-Proficient, and Gifted Children. *Educational Policy* 15 (5): 699-723.

———. 2005. The Emerging Shape of Educational Adequacy: From Theoretical Assumptions to Empirical Evidence. *Journal of Education Finance* 30 (3): 259-87.

———. 2016. *Does Money Matter in Education?* 2nd edition. Washington, DC: The Albert Shanker Institute. www.shankerinstitute.org/resource/does-money-matter.

Baker, Bruce D. and Jesse Levin. 2016. Rethinking "Costing out" and the Design of State School Finance Systems: Lessons from the Empirical Era in School Finance. Working Paper 2016_01, Rutgers Graduate School of Education, January 2016. https://rugsepolicyworkingpapers.files.wordpress.com/2016/01/baker-levin-adequacyrevisited-rugsewp01_16_16.pdf.

Baker, Bruce D., Ken Libby, and Kathryn Wiley. 2012. *Spending by the Major Charter Management Organizations: Comparing Charter School and Local Public District Financial Resources in New York, Ohio, and Texas*. Boulder, CO: National Education Policy Center. http://nepc.colorado.edu/files/rb-charterspending_0.pdf.

Baker, Bruce D. and Gary Miron. 2015. *The Business of Charter Schooling: Understanding the Policies That Charter Operators Use for Financial Benefit*. Boulder, CO: National Education Policy Center. http://nepc.colorado.edu/publication/charter-revenue.

Baker, Bruce D., David G. Sciarra, and Danielle Farrie. 2015. *Is School Funding Fair? A National Report Card*. Newark, NJ: Education Law Center. www.schoolfundingfairness.org/National_Report_Card_2015.pdf.

California Department of Education. 2016. LCFF Frequently Asked Questions. Updated July 25, 2016. www.cde.ca.gov/fg/aa/lc/lcfffaq.asp.

———. 2016. Local Control Funding Formula. Updated April 4, 2016. www.cde.ca.gov/fg/aa/lc/.

———. 2016. Local Control Funding Formula Overview. Updated April 4, 2016. www.cde.ca.gov/fg/aa/lc/lcffoverview.asp.

Card, David and A. Abigail Payne. 2002. School Finance Reform, the Distribution of School Spending, and the Distribution of Student Test Scores. *Journal of Public Economics* 83 (1): 49-82.

Cavazos, Shaina. 2015. Indiana Charter Schools Miss out on Funding Formula Boost for English Learners. Chalkbeat Indiana, July 28, 2015. http://in.chalkbeat.org/2015/07/28/indiana-charter-schools-miss-out-on-funding-formula-boost-for-english-learners/#.Vp6xtvkrL4Y.

Chasanoff, Eric. 2014. Few ATRs Will Be Hired This Year or Next. Chaz's School Daze, June 8, 2014. http://chaz11.blogspot.com/2014/06/few-atrs-will-be-hired-this-year.html.

Chicago Teachers Union Communications. 2013. CPS Should Rethink Plan to Launch Student-Based Budgeting; Program Invites Discrimination, Raises Oversight Concerns. Chicago Teachers Union blog, March 11, 2013. www.ctunet.com/blog/cps-should-rethink-plan-to-launch-student-based-budgeting-program-invites-discrimination-raises-oversight-concerns.

Colorado Department of Education. N.d. English Language Proficiency Act (ELPA). Accessed January 8, 2016. www.cde.state.co.us/cde_english/elpa.

———. N.d. Guidance on Allowable Use of ELPA Funds. Accessed January 20, 2016. www.cde.state.co.us/cde_english/elpa-guidance.

Connecticut State Department of Education, Division of Teaching, Learning and Instructional Leadership, Bureau of Accountability and Improvement. 2010. *The Bilingual Education Statute: Questions and Answers*. Hartford, CT: Connecticut State Department of Education. www.sde.ct.gov/sde/lib/sde/pdf/curriculum/bilingual_education_statute_q_and_a.pdf.

Cook, H. Gary, Timothy Boals, and Todd Lundberg. 2011. Academic Achievement for English Learners: What Can We Reasonably Expect? *Phi Delta Kappan* 93 (3): 66-69.

Denver Public Schools. N.d. Current and Historical Enrollment. Accessed February 17, 2016. http://planning.dpsk12.org/enrollment-reports/standard-reports.

Education Commission of the States. 2014. 50-State Comparison: English Language Learners. Updated November 1, 2014. www.ecs.org/english-language-learners/.

English Language Proficiency Assessment for the 21st Century (ELPA). N.d. About. Accessed August 15, 2016. www.elpa21.org/about.

Fensterwald, John. 2015. Suit Claims LA Unified Underfunding Low-Income Kids, English Learners. EdSource, July 1, 2015. https://edsource.org/2015/suit-claims-la-unified-underfunding-low-income-kids-english-learners/82377.

———. 2015. Torlakson Reinterprets Department's Stance on Teacher Raises. EdSource, June 15, 2015. http://edsource.org/2015/torlakson-reinterprets-departments-stance-on-teacher-raises/81528.

———. 2016. State Officials Find LA Unified Shortchanged Students. EdSource, June 1, 2016. https://edsource.org/2016/state-officials-find-la-unified-shortchanged-students.

Florida Department of Education. 2013. *2013-2014 English Language Learners (ELLs) Database and Program Handbook*. Tallahassee, FL: Florida Department of Education. www.fldoe.org/core/fileparse.php/7750/urlt/0081068-1314-ell-databaseprogramhandbook.pdf.

———. 2015. *Financial and Program Cost Accounting and Reporting for Florida Schools*. Tallahassee, FL: Florida Department of Education. www.fldoe.org/core/fileparse.php/7507/urlt/2015RedBook.pdf.

———. N.d. *2015-16 Funding for Florida School Districts*. Tallahassee, FL: Florida Department of Education. Accessed August 16, 2016. www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf.

Gándara, Patricia and Russell W. Rumberger. 2006. *Resource Needs for California's English Learners*. N.p.: University of California, Linguistic Minority Research Institute. http://cepa.stanford.edu/sites/default/files/22-Gandara-Rumberger%283-07%29.pdf.

———. 2008. Defining an Adequate Education for English Learners. *Education Finance and Policy* 3: 130-48.

Georgia Department of Education. 2016. *ESOL / Title III Resource Guide 2016-2017*. Atlanta: Georgia Department of Education. www.gadoe.org/Curriculum-Instruction-and-Assessment/Curriculum-and-Instruction/Documents/ESOL/2016-2017%20ESOL%20Title%20III%20Resource%20Guide%20web.pdf.

Goździak, Elżbieta M. 2015. *What Kind of Welcome? Integration of Central American Unaccompanied Children into Local Communities*. Washington, DC: Institute for the Study of International Migration, Georgetown University. https://isim.georgetown.edu/sites/isim/files/files/upload/Kaplan%20UAC%20Report.compressed%20(2).pdf.

Griffith, Michael. 2012. *Understanding State School Financing: The First Step toward Quality Reforms.* Denver: Educational Commission of the States. www.ecs.org/the-progress-of-education-reform-understanding-state-school-funding/.

Hahnel, Carrie. 2014. *Building a More Equitable and Participatory School System in California: The Local Control Funding Formula's First Year.* Oakland, CA: The Education Trust—West. http://west.edtrust.org/wp-content/uploads/sites/3/2015/02/ETW-Building-a-More-Equitable-and-Participatory-School-System-in-California-Report_0.pdf.

Hanushek, Eric A. 1986. Economics of Schooling: Production and Efficiency in Public Schools. *Journal of Economic Literature* 24 (3): 1141-77.

Hoffman, Michael J., Richard L. Wiggall, Mary I. Dereshiwsky, and Gary L. Emanuel. 2013. State School Finance System Variance Impacts on Student Achievement: Inadequacies in School Funding. *E-Journal of Education Policy* (Fall 2013): 1-8.

Houck, Eric A. 2011. Intradistrict Resource Allocation: Key Findings and Policy Implications. *Education and Urban Society* 43 (3): 271-95.

Humphrey, Daniel C. and Julia E. Koppich. 2014. *Toward a Grand Vision: Early Implementation of California's Local Control Funding Formula*. San Francisco: J. Koppich & Associates. www.sri.com/sites/default/files/publications/lcff_researchbrief_10-26-14.pdf.

Idaho State Department of Education. 2014. English Learners (EL) Enhancement Grants: Request for Proposals (RFP) 2014-2017. Request for Proposals, January 7, 2014. http://idahotc.com/Portals/33/Docs%202014/English%20Learner%20Enhancement%20Grants%20for%202014-2017.docx.

Illinois State Board of Education. N.d. Grants and Funding. Presentation, accessed December 9, 2015. www.isbe.net/bilingual/ppt/dell-grants-funding-pres0815.pdf.

Iowa Department of Education. 2015. *Educating Iowa's English Learners (ELs): A Handbook for Administrators and Teachers*. Des Moines: Iowa Department of Education. www.educateiowa.gov/sites/files/ed/documents/ELHandbook-May2013%28Revised%29.pdf.

Jimenez-Castellanos, Oscar. 2010. Relationship between Educational Resources and School Achievement: A Mixed Method Intra-District Analysis. *Urban Review* 42 (4): 351-371.

Jimenez-Castellanos, Oscar and Amelia M. Topper. 2012. The Cost of Providing an Adequate Education to English Language Learners: A Review of the Literature. *Review of Educational Research* 82 (2): 179-232.

Junge, Melissa and Sheara Krvaric. 2012. *How the Supplement-Not-Supplant Requirement Can Work against the Policy Goals of Title I: A Case for Using Title I, Part A, Education Funds More Effectively and Efficiently.* Washington, DC: Center for American Progress. www.fededgroup.com/uploads/FINAL_FedEd_CAP_AEI_titleI_supplement_not_supplant.pdf.

Koppich, Julia E., Daniel C. Humphrey, and Julie A. Marsh. 2015. *Two Years of California's Local Control Funding Formula: Time to Reaffirm the Grand Vision*. Stanford, CA: Policy Analysis for California Education. www.edpolicyinca.org/publications/two-years-californias-local-control-funding-formula-time-reaffirm-grand-vision.

Linquanti, Robert and H. Gary Cook. 2013. *Toward a "Common Definition of English Learner": Guidance for States and State Assessment Consortia in Defining and Addressing Policy and Technical Issues and Options.* Washington, DC: Council of Chief State School Officers. www.ccsso.org/Resources/Publications/Toward_a_Common_Definition_English_Learner_.html.

Luebchow, Lindsey. 2009. *Equitable Resources in Low Income Schools: Teacher Equity and the Federal Title I Comparability Requirement.* Washington, DC: New America Foundation. www.newamerica.org/education-policy/equitable-resources-in-low-income-schools/.

Massachusetts Department of Elementary and Secondary Education. 2015. FY16 Chapter 70 Aid General Appropriations Act (GAA). Updated July 17, 2015. www.doe.mass.edu/finance/chapter70/chapter-16.pdf.

Millard, Maria. 2015. *State Funding Mechanisms for English Language Learners*. Denver: Education Commission of the States. www.ecs.org/clearinghouse/01/16/94/11694.pdf.

Millard, Maria and Stephanie Aragon. 2015. *State Funding for Students with Disabilities.* Denver: Education Commission of the States. www.ecs.org/clearinghouse/01/19/47/11947.pdf.

Murphey, David. 2014. *The Academic Achievement of English Language Learners: Data for the U.S. and Each of the States.* Bethesda, MD: Child Trends. www.childtrends.org/wp-content/uploads/2015/07/2014-62AcademicAchievementEnglish.pdf.

National Center for Education Statistics. 2015. Common Core of Data (CCD). Updated September 4, 2015. http://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_2013-14.asp.

———. 2016. The Condition of Education: Children and Youth with Disabilities. Updated May 2016. http://nces.ed.gov/programs/coe/indicator_cgg.asp.

———. N.d. Fast Facts: Title I. Accessed July 13, 2016. https://nces.ed.gov/fastfacts/display.asp?id=158.

National Conference of State Legislatures (NCSL). 2005. *Arizona English Language Learner Cost Study.* Washington, DC: NCSL. www.schoolfunding.info/states/az/AZ-NCSLenglanglearn2005.pdf.

National Research Council. 2011. *Allocating Federal Funds for State Programs for English Language Learners*. Washington, DC: The National Academies Press. www.nap.edu/catalog/13090/allocating-federal-funds-for-state-programs-for-english-language-learners.

New York Immigration Coalition (NYIC). 2008. *Getting It Right: Ensuring a Quality Education for English Language Learners in New York.* New York: NYIC. www.edweek.org/media/nyic_ellbrief_final.pdf.

New York State Education Department. 2013. Contracts for Excellence. Updated July 1, 2013. www.p12.nysed.gov/mgtserv/C4E/.

———. 2014. *State Aid to Schools: A Primer Pursuant to Laws of 2014.* Albany, NY: New York State Education Department. www.oms.nysed.gov/faru/PDFDocuments/Primer14-15.pdf.

———. 2016. Office of Bilingual Education and World Languages. Updated July 5, 2016. www.p12.nysed.gov/biling/.

———. N.d. Guidance and Information. Accessed June 7, 2016. www.p12.nysed.gov/biling/bilinged/GuidanceDocuments.htm.

New York State Educational Conference Board. 2016. *Urgent Action Necessary to Support English Language Learners*. Lathem, NY: New York State Educational Conference Board. www.nysut.org/~/media/files/nysut/news/2016/ecb_ell_newsletter_feb9_1.pdf?la=en.

North Dakota Department of Public Instruction. N.d. North Dakota English Language Learners. Accessed January 20, 2016. www.nd.gov/dpi/uploads/1318/ELL.pdf.

Office of English Learning and Migrant Education, Indiana Department of Education. N.d. 2015-16 Non-English Speaking Program (NESP). Presentation, accessed January 19, 2016. www.doe.in.gov/sites/default/files/elme/2015-2016-nesp-application-presentation.pdf.

Olsen, Laurie, Elvira Armas, and Magaly Lavadenz. 2016. *A Review of Year 2 LCAPs: A Weak Response to English Learners*. Long Beach, CA: Californians Together. www.ciclt.net/ul/calto/LCAPSReview2016Web.pdf.

Organization for Economic Cooperation and Development (OECD). 2014. *Education at a Glance 2014: OECD Indicators*. Paris: OECD Publishing. http://dx.doi.org/10.1787/eag-2014-en.

———. 2015. *Education at a Glance 2015: OECD Indicators*. Paris: OECD Publishing. http://dx.doi.org/10.1787/eag-2015-en.

Petko, Mike. 2005. *Weighted Student Formula (WSF): What Is It and How Does It Impact Educational Programs in Large Urban Districts.* Washington, DC: National Educational Association. www.nea.org/assets/docs/HE/formula.pdf.

Picus, Lawrence O., Allan Odden, Michael Goetz, Anabel Aportela, and Michael Griffith. 2013. *An Independent Review of Maine's Essential Programs and Services Funding Act: Part 2.* North Hollywood, CA: Lawrence O. Picus and Associates. www.maine.gov/legis/opla/EPS%20Part%202%20Final%20Report.pdf.

Public Schools of North Carolina. 2014. *2013-14 Allotment Policy Manual*. Raleigh, NC: Public Schools of North Carolina. www.ncpublicschools.org/docs/fbs/allotments/general/2013-14policymanual.pdf.

Reardon, Sean F. 2013. The Widening Income Achievement Gap. *Educational Leadership* 70 (8): 10-16. www.ascd.org/publications/educational-leadership/may13/vol70/num08/The-Widening-Income-Achievement-Gap.aspx.

Rebell, Michael A. 2002. Educational Adequacy, Democracy, and the Courts. In *Achieving High Educational Standards for All: Conference Summary*, eds. Timothy Ready, Christopher Edley Jr., and Catherine E. Snow. Washington, DC: The National Academies Press.

Rennie Center for Education Research & Policy. 2012. *Smart School Budgeting: Resources for Districts.* Cambridge, MA: Rennie Center for Education Research & Policy. www.renniecenter.org/research/SmartSchoolBudgeting.pdf.

Research Department, Minnesota House of Representatives. 2015. *Minnesota School Finance: A Guide for Legislators.* St. Paul: Minnesota House of Representatives. www.house.leg.state.mn.us/hrd/pubs/mnschfin.pdf.

Rolle, R. Anthony and Oscar Jimenez-Castellanos. 2014. An Efficacy Analysis of the Texas School Funding Formula with Particular Attention to English Language Learners. *Journal of Education Finance* 39 (3): 203-21.

Roza, Marguerite, Kacey Guin, and Tricia Davis. 2008. *What Is the Sum of the Parts? How Federal, State, and District Funding Streams Confound Efforts to Address Different Student Types.* Seattle: Center on Reinventing Public Education. www.crpe.org/sites/default/files/pub_sfrp_weights_jun08_0.pdf.

Ruiz Soto, Ariel G., Sarah Hooker, and Jeanne Batalova. 2015. *States and Districts with the Highest Number and Share of English Language Learners.* Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/states-and-districts-highest-number-and-share-english-language-learners.

Smiley, David. 2014. Miami-Dade School Board to Seek Extra Federal Funds as Unaccompanied Migrant Children Land in Miami. *Miami Herald*, June 18, 2014. www.miamiherald.com/news/local/education/article1967096.html.

Sugarman, Julie, Simon Morris-Lange, and Margie McHugh. 2016. *Improving Education for Migrant-Background Students: A Transatlantic Comparison of School Funding.* Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/improving-education-migrant-background-students-transatlantic-comparison-school-funding.

Superintendent of Public Instruction, Virginia Department of Education. 2015. 2015 Standards of Quality: §§ 22.1-253.13:1 through 22.1-253.13:10 of the Code of Virginia. Superintendent Memo 168-15, July 10, 2015. www.doe.virginia.gov/administrators/superintendents_memos/2015/168-15a.pdf.

Taylor, Mac. 2013. *Updated: An Overview of the Local Control Funding Formula*. Sacramento, CA: Legislative Analyst's Office. www.lao.ca.gov/reports/2013/edu/lcff/lcff-072913.pdf.

Turner, Cory. 2016. The "Intolerable" Fight over School Money. National Public Radio, May 18, 2016. www.npr.org/sections/ed/2016/05/18/478358412/the-intolerable-fight-over-school-money.

U.S. Census Bureau. 2016. Education Revenue Saw its Largest Increase Since 2008, Census Bureau Reports. News Release, June 9, 2016. www.census.gov/newsroom/press-releases/2016/cb16-108.html.

———. 2016. *Public Education Finances: 2014.* Washington, DC: U.S. Census Bureau. http://census.gov/content/dam/Census/library/publications/2016/econ/g14-aspef.pdf.

U.S. Customs and Border Protection (CBP). N.d. United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016. Accessed June 23, 2016. www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016.

U.S. Department of Education. 2007. Part I: Non-Regulatory Guidance on Implementation of Title III State Formula Grant Program. Updated June 26, 2007. www2.ed.gov/programs/sfgp/nrgcomp.html.

———. 2016. Department of Education Fiscal Year 2016 Congressional Action Table. Updated January 11, 2016. www2.ed.gov/about/overview/budget/budget16/16action.pdf.

———. 2016. State Tables by Program. Updated July 6, 2016. www2.ed.gov/about/overview/budget/statetables/17stbyprogram.pdf.

U.S. Department of Education, Department of Postsecondary Education. 2015. *Teacher Shortage Areas Nationwide Listing. 1990-1991 through 2015-2016.* Washington, DC: U.S. Department of Education. www2.ed.gov/about/offices/list/ope/pol/tsa.pdf.

U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. 2012. *National Evaluation of Title III Implementation—Report on State and Local Implementation.* Washington, DC: U.S. Department of Education. www2.ed.gov/rschstat/eval/title-iii/national-implementation-report.pdf.

U.S. Department of Health and Human Services. 2015. School Impact Grants. Updated October 27, 2015, www.acf.hhs.gov/programs/orr/resource/schoold-impact-grants.

U.S. Department of Justice and U.S. Department of Education. 2015. *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents.* Washington, DC: U.S. Department of Justice and U.S. Department of Education. www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf.

Ushomirsky, Natasha and David Williams. 2015. *Funding Gaps 2015: Too Many States Still Spend Less on Educating Students Who Need the Most*. Washington, DC: The Education Trust. www.edtrust.org/resource/funding-gaps-2015/.

Verstegen, Deborah A. 2011. Public Education Finance Systems in the United States and Funding Policies for Populations with Special Educational Needs. *Education Policy Analysis Archives* 19 (21): 1-26. http://epaa.asu.edu/ojs/article/view/769.

———. 2014. Policy Brief: How Do States Pay for Schools? An Update of a 50-State Survey of Finance Policies and Programs. Policy brief, University of Nevada, Reno, March 2014. https://schoolfinancesdav.files.wordpress.com/2014/04/aefp-50-stateaidsystems.pdf.

WIDA. N.d. Mission & the WIDA Story. Accessed August 15, 2016. www.wida.us/aboutus/mission.aspx.

Wisconsin Department of Public Instruction. N.d. Wisconsin Bilingual-Bicultural Programs. Accessed January 20, 2016. http://dpi.wi.gov/english-learners/bilingual-bicultural.

Zauzmer, Julie and Moriah Balingit. 2014. Counties Look at Costs of Educating Unaccompanied Minors Who Crossed Border. *The Washington Post*, October 9, 2014. www.washingtonpost.com/local/education/counties-look-at-cost-of-educating-unaccompanied-minors-who-crossed-border/2014/10/09/1f883fdc-4e6c-11e4-8c24-487e92bc997b_story.html.

Zong, Jie and Jeanne Batalova. 2015. The Limited English Proficient Population in the United States. *Migration Information Source*, July 8, 2015. www.migrationpolicy.org/article/limited-english-proficient-population-united-states.

———. 2016. Frequently Requested Statistics on Immigrants and Immigration in the United States. *Migration Information Source*, April 14, 2016. www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states.

About the Author

Julie Sugarman is a Policy Analyst at the Migration Policy Institute's National Center on Immigrant Integration Policy, where she focuses on issues related to immigrant and English Learner (EL) students in elementary and secondary schools. Among her areas of focus: policies, funding mechanisms, and district- and school-level practices that support high-quality instructional services for these youth, as well as the particular needs of immigrant and refugee students who first enter U.S. schools at the middle and high school levels.

Dr. Sugarman came to MPI from the Center for Applied Linguistics, where she specialized in the evaluation of educational programs for language learners and in dual language/two-way immersion programs. At CAL, she directed comprehensive program evaluations of instruction for ELs in K-12, and contributed to numerous research and evaluation projects, including studies of biliteracy development in two-way immersion programs and the evaluation of the STARTALK program which funds teacher training programs and language instruction for students in grades K-16 in critical languages.

Dr. Sugarman earned a B.A. in anthropology and French from Bryn Mawr College, an M.A. in anthropology from the University of Virginia, and a Ph.D. in second language education and culture from the University of Maryland, College Park.

The Migration Policy Institute is a nonprofit, nonpartisan think tank dedicated to the study of the movement of people worldwide. MPI provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels. It aims to meet the rising demand for pragmatic and thoughtful responses to the challenges and opportunities that large-scale migration, whether voluntary or forced, presents to communities and institutions in an increasingly integrated world.

www.migrationpolicy.org

1400 16th Street NW
Suite 300
Washington, DC 20036

Tel: 001 202-266-1940
Fax: 001 202-266-1900