

TESTIMONY

Testimony To: House Committee on Education

Respectfully Submitted by: Anne Bordonaro, Division Director, Federal and Education Support Programs

Subject: EL Education in Vermont

Date: April 7, 2022

Context of EL Education in Vermont

- In a given year, Vermont has approximately 1700-1800 students identified as ELs (meaning not yet proficient in English to a level needed to succeed in meeting the state's academic standards).
- 60% of Vermont LEAs have one or more students defined as EL; this number has increased in recent years and is anticipated to continue to do so as EL families spread out across the state and as the state takes in more refugees in the coming months and years, including into communities that have not hosted refugees before (p. 18 Pupil Weighting TF Report).
- The number of EL students in Vermont also is increasing, although at a slower pace than the growth in their geographic spread (p. 18 Weighting Study).
- LEAs face two types of challenges (p. 19 Pupil Weighting TF Report):
 - LEAs with large numbers of ELs – must meet needs of students from multiple language backgrounds and social/emotional/academic needs of large numbers of recent immigrants, many of whom come from traumatic environments.
 - LEAs with small numbers of ELs – struggle to come up with the funding to adequately support the required programming for their EL students and may lack the in-house expertise to understand and comply with all federal educational requirements.
- Equity is a challenge across the state with the current funding formula. A sample of LEAs reported spending from \$3,000 - \$10,000 per EL student (p. 20 Pupil Weighting TF Report)

Educational Obligations under Federal Law

- School districts are responsible for meeting the requirements of several federal civil rights and educational laws related to instruction of English language learners including:
 - (1964) TITLE VI of the Civil Rights Act – Prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin. 42 U.S.C. § 2000d to d-7.

- (1974) Equal Educational Opportunities Act (EEOA) – Requires State Education Agencies (SEA) and Local Education Agencies (LEA) to take “appropriate action to overcome language barriers that impede equal participation by students in [their] instructional programs.” 20 U.S.C. § 1703(f).
- (2015) ESSA - *EVERY STUDENT SUCCEEDS ACT* – amended the ESEA of 1965 – includes provisions in both Title I and Title III related to proficiency assessment and reporting requirements, standards and other language programming components, parental involvement, and other elements of instructional requirements for EL students.
- These obligations must be met regardless of the size of the EL population in a school or district and regardless of whether the LEA qualifies for federal funding for EL programming under Title III (see next section).
- Furthermore, EL programming must enhance not reduce equitable access by ELs to the full educational program offered to all students. This includes the requirement that federal funding for EL programming supplement not supplant other funding.

Federal EL Grant Funding

- Title III of ESSA includes a formula grant program specifically designed to support EL assessment, instruction, parental engagement, and other required activities.
- In Vermont, an LEA must have 50 or more students to qualify to apply for a minimum \$10,000 Title III grant. Grants award amounts are determined by formula, based on student counts. Six districts in Chittenden County consistently have the highest number of eligible EL students in the state and qualify for these grants each year. Barre used to qualify but no longer does.
- The federal rules mean that 46 of the state’s 52 LEAs do NOT qualify for this additional EL assistance.
- The total Vermont SEA allocation is approximately \$510,000, which includes the set aside for grant administration and a major contract with our EL assessment and professional learning vendor. From the remaining amount, each year, the AOE grants out about \$308,000 in Title III grants to LEAs. In 2021, the grant awards ranged from \$25,000 to \$125,000 across the six LEAs.

AOE Role

- The AOE has for many years had one FTE devoted to EL work including assessment administration, data collection and reporting, Title III grants management, and technical assistance/capacity building, even as the federal requirements related to EL programming, assessment, and reporting have continued to increase.
- LEAs across the state with fewer EL students – who often do not have any full-time dedicated EL staff – rely disproportionately on the AOE to enable them to understand and meet all federal requirements as well as to provide guidance regarding best instructional practices, professional learning opportunities for educators, etc.

Suggested Changes to Language of S. 287

Sec. 7. 16 V.S.A. § 4013 is added to read: § 4013.

ENGLISH LANGUAGE LEARNERS; STATE AID

(a) Definitions. As used in this section:

(1) “~~ELL~~ services” means instructional and support personnel and services that are required under the Equal Education Opportunity~~ies~~ Act, 20 U.S.C. § 1703, **Title VI of the Civil Rights Act of 1964 (42 USC § 2000), and Titles I and III of the Elementary and Secondary Education Act of 1965 (20 USC § 6301)** for ~~ELL~~ students and their families, which shall include:

(A) licensed **EL** teachers, paraprofessionals, translators, and cultural liaisons;

(B) high-quality instructional materials, such as books and digital resources;

(C) family support and education, with assistance from cultural liaisons who speak the student’s native language; and

(D) community outreach, education, and engagement.

(2) “~~ELL~~ students” means students ~~who are English language learners and for whom English is not their primary language~~ **who have been identified as English language learners through screening protocols.**

(b) Required ~~ELL~~ services. Each school districts shall:

(1) screen students to determine which students are ELs and therefore qualify for EL services,

2) assess and monitor the progress of EL students,

~~(3) provide ELL services;~~

~~(24) budget sufficient resources through a combination of State and federal categorical aid and local education spending to provide ~~ELL~~ services;~~

~~(53) report expenditures on ~~ELL~~ services annually to the Agency of Education through the financial reporting system as required by the Agency; and~~

(46) evaluate the effectiveness of their EL programs and report on educational outcomes of ~~ELL~~ students as required by the Agency **and applicable federal laws.**

(c) Agency of Education support and quality assurance. The Agency of Education shall:

(1) provide guidance and program support to all school districts with ~~ELL~~ students as required under the Equal Education Opportunity~~ies~~ Act, **20 U.S.C. § 1703, Title VI of the Civil Rights Act of 1964 (42 USC § 2000), and Titles I and III of the Elementary and Secondary Education Act of 1965 (20 USC § 6301)**, including:

(A) **provide** professional development resources for ~~ELL~~ ~~instructors~~ ~~teachers~~ and support personnel; and

(B) **provide** information on best practices and ~~WIDA~~ **nationally recognized** language development standards; and

(2) prescribe, collect, and analyze financial and student outcome data from school districts to ensure that districts are providing high quality ELL services and expending sufficient resources to provide these services.

(d) Categorical aid. In addition to the ELL weight under section 4010 of this title, a school district that has, as determined annually on October 1 of the year:

(1) one to five ELL students enrolled, shall receive State aid of \$25,000.00 for that school year; or (2) six to 25 ELL students enrolled, shall receive State aid of \$50,000.00 for that school year.

(e) Annual appropriation. Annually, the General Assembly shall include in its appropriation for statewide education spending under subsection 4011(a) of this title an appropriation to provide aid to school districts for ELL services under this section.

(f) Payment. On or before November 1 of each year, the State Treasurer shall withdraw from the Education Fund, based on warrant of the Commissioner of Finance and Management, and shall forward to each school district the aid amount it is owed under this section.