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*Senate: Sens. Marco Rubio (R-FL), Chris Murphy (D-CT), Rick Scott (R-FL), Richard Blumenthal (D-CT)*

## **The Ensuring Linguistic Excellence and Vocational Aptitude by Teaching English (ELEVATE) Act**

### **Summary**

- The ELEVATE Act will improve the statutory formula that the U.S. Department of Education uses to allocate funding to states under the “English Language Acquisition” grant program. The current formula does not fully capture the number of K-12 students who relocate to a state from Puerto Rico, even though the primary language of instruction in Puerto Rico’s public schools is Spanish.
- This change will help ensure that school districts in the states receive the federal support they need to provide high-quality instruction to students learning English, whether the students come from Puerto Rico or any other location.
- It is critical for children living in the U.S. to master English in addition to their native language. Being proficient in English—and being bilingual—opens many economic and social doors that would otherwise remain sealed shut.

### **Background**

- Under Title III of the Elementary and Secondary Education Act (ESEA), the U.S. Department of Education provides annual English Language Acquisition grants to State Educational Agencies (SEAs), based on a statutory formula Congress has established.
- SEAs, in turn, provide most of that funding to Local Educational Agencies (LEAs) in the state. LEAs use these grants to hire qualified teachers and acquire resources to help K-12 public school students who are trying to learn English—a population known as English Learners.
- There is a flaw in the current allocation formula. Each state’s allocation is based on two criteria: (1) the number of English Learners in the state as a percentage of the national total of English Learners (80% of funds are allocated pursuant to this formula), and (2) the number of “immigrant children and youth” in the state as a percentage of the national total of immigrant children and youth (20% of funds are allocated pursuant to this formula).
- The problem is with the second part of the formula. The ESEA defines “immigrant children and youth” as children and youth born outside of the 50 states, the District of Columbia, and Puerto Rico. This is problematic because the primary language of instruction in Puerto Rico’s public schools is Spanish. Therefore, a state gets no credit under the second part of the formula for English Learner students who have relocated to the state from Puerto Rico. This harms both schools and students in that state.

### **The ELEVATE Act**

- The ELEVATE Act corrects the flaw in the allocation formula so that students who relocate from Puerto Rico to a state will be fully and fairly counted in the annual grant that the state receives under the English Language Acquisition grant program.
- The bill makes this change in a way that recognizes and respects that families that relocate from Puerto Rico are American citizens moving from one U.S. jurisdiction to another U.S. jurisdiction.
- The bill includes a one-year “hold-harmless” provision. The new formula will apply starting in FY 2022, unless the new formula would result in any state receiving a lower English Language Acquisition grant in FY 2022 than it received in FY 2021. In that case, the new formula will apply starting in Fiscal Year 2023.