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The Federal Emergency Immigrant Education Program

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Summary

The Emergency Immigrant Education Program (EIEP), authorized in Title VII, Part C of the Elementary and Secondary Education Act (ESEA), provides formula grants to state educational agencies for distribution to local educational agencies serving large numbers of immigrant children and youth. The term “immigrant children and youth” includes foreign born individuals ages 3-21 who have been attending U.S. schools for less than 3 years. In FY2000, the program received an appropriation of \$150,000,000 and served 862,252 immigrant students. The program received an appropriation of \$150,000,000 for FY2001. Some issues Congress may consider when discussing program reauthorization include: whether the EIEP should be consolidated with other federal education programs serving immigrant pupils; whether criteria should be changed to target LEAs with greatest need for support; and whether increased accountability is necessary to ensure effective use of federal funds. This report will be updated periodically to reflect program developments.

Introduction and Background

The Emergency Immigrant Education Act (EIEA) was first authorized under Title VI of the Education Amendments of 1984 (P.L. 98-511) in response to the challenges facing school districts with large numbers of new immigrant students. The program provides supplemental assistance to states and local educational agencies (LEAs) serving immigrant students. Under the original act, funds were allocated to applicant states, which then distributed the funds to eligible LEAs based on the number of immigrant students enrolled, with a maximum payment of \$500 for each immigrant child. Grants were reduced by the amount of funds made available to state educational agencies through other federal programs having the same purpose as the EIEA program. In 1988, the EIEA was added to the Elementary and Secondary Education Act (ESEA) (P.L. 100-297).

The current EIEP, authorized by Title VII, Part C of the ESEA (as amended by P.L. 103-382 in 1994), provides formula grants to states based on the number of recent immigrant students enrolled in public and nonpublic elementary and secondary schools.

To be eligible for assistance, during the fiscal year, LEAs must have an enrollment of at least 500 immigrant students, or 3% of total enrollment must consist of qualified immigrant students. Students eligible for EIEP services are those children and youth not born in the U.S., between the ages of 3-21, and who have been attending schools in the U.S. for less than 3 school years. Following application and distribution of formula grants to states, the SEAs distribute funds to eligible LEAs within the state according to the number of immigrant children and youth enrolled.¹ The EIEP no longer includes grant reductions or the \$500 per child maximum.

Services

EIEP grants may be used for the following: 1) activities to help increase parental involvement in a child's education; 2) salaries of personnel with specific training in serving immigrant children and youth; 3) tutoring, mentoring or counseling for immigrant students; 4) identification and purchase of curricular materials; and 5) basic instructional services directly related to the presence of immigrant students in the school district. The costs of providing additional classroom supplies, overhead, construction, acquisition or rental of space, transportation, or other services directly attributable to additional basic instructional services are allowed. The U.S. Department of Education (ED) may also authorize other activities related to educating immigrant students, if deemed necessary. Typically students do not receive services aimed specifically at immigrants, but rather are treated as part of the bilingual or ESL program, although no specific educational approach is required in this program.² Bilingual education is an educational program for limited English proficient students that makes instructional use of both English and a student's native language. English as a Second Language (ESL), is an educational program which places little emphasis on the student's native language while expecting a relatively rapid grasp of English (2-3 years).

Allocation Method

Each state applying for assistance must submit a count of the number of immigrant children and youth enrolled during a specific month, specified by ED, during the fiscal year in which the grant will be made. States then receive an allocation equal to the proportion of the number of immigrant students enrolled in eligible LEAs, relative to the overall number of immigrant children and youth enrolled in all states participating in the program. Funds are then allocated to eligible LEAs by formula, based on their enrollment of immigrant students. States may reserve up to 1.5% of the total grant for administrative costs.

If the aggregate amount appropriated to the EIEP for a fiscal year exceeds \$50,000,000, each state educational agency (SEA) may reserve up to 20% of its allocation to conduct a competitive grant process. At least half of these discretionary grants must be made available to eligible LEAs having the highest numbers and percentages of eligible

¹ Proof of legal or permanent residency status is not required for this program.

² COSMOS Corporation. *New Land, New Knowledge: An Evaluation of Two Education Programs Serving Refugee and Immigrant Students*. Prepared for the U.S. Department of Education, Contract No. LC 89022001. Washington, DC. 1993.

immigrant students. The remainder of the funds may be distributed to LEAs experiencing a sudden influx of immigrant students but which are otherwise not eligible for an EIEP formula grant. FY2000 and FY2001 appropriations language overrides this language, allowing states to distribute any or all of their formula allocations through a competitive grant process.

Participation

In FY2000, 862,252 children were served by the program (**Table 1**). Nearly two-thirds of these children live in five states: California, Florida, Illinois, New York, and Texas. Over 20% of the total student population served was in California. The most recent ED statistics show that during the 1995-96 school year, among the top ten countries of origin (which made up two thirds of EIEP participants), 48% were from Spanish-speaking countries,³ with students of Mexican origin making up 39% of the overall population.

Table 1. Emergency Immigrant Education Program, FY00 State Grants

State	Number of immigrant students, FY99	Number of immigrant students, FY00	Percent change, FY99 to FY00	Grant award for FY00
Alabama	2,846	2,817	-1.0	\$488,550
Alaska	a	a	na	\$0
Arizona	25,765	29,616	14.9	\$5,136,281
Arkansas	1,706	1,833	7.4	\$317,896
California	196,477	192,540	-2.0	\$33,392,069
Colorado	8,653	10,113	16.9	\$1,753,890
Connecticut	4,513	7,748	71.7	\$1,343,730
Delaware	a	a	na	\$0
District of	1,915	2,687	40.3	\$466,004
Florida	98,398	112,098	13.9	\$19,441,073
Georgia	13,714	19,092	39.2	\$3,311,111
Hawaii	2,399	2,201	-8.3	\$381,718
Idaho	2,691	2,428	-9.8	\$421,086
Illinois	57,194	54,828	-4.1	\$9,508,779
Indiana	a	1,696	na	\$294,136
Iowa	3,428	3,730	8.8	\$646,891
Kansas	6,518	6,755	3.6	\$1,171,515
Kentucky	2,313	2,525	9.2	\$437,909
Louisiana	2,645	3,545	34.0	\$614,807
Maine	492	506	2.8	\$87,755
Maryland	9,571	9,745	1.8	\$1,690,068

³ U.S. Department of Education. *Biennial Report to Congress on the Emergency Immigrant Education Program*. Washington, DC. June 5, 1999.

State	Number of immigrant students, FY99	Number of immigrant students, FY00	Percent change, FY99 to FY00	Grant award for FY00
Massachusetts	20,013	21,553	7.7	\$3,737,921
Michigan	7,208	9,763	35.4	\$1,693,190
Minnesota	6,189	7,980	28.9	\$1,383,965
Mississippi	a	a	na	\$0
Missouri	3,386	5,066	49.6	\$878,593
Montana	189	114	-39.7	\$19,771
Nebraska	3,606	4,058	12.5	\$703,776
Nevada	6,309	6,902	9.4	\$1,197,009
New Hampshire	657	1,365	107.8	\$236,731
New Jersey	30,040	32,363	7.7	\$5,612,691
New Mexico	7,700	7,972	3.5	\$1,382,578
New York	120,376	120,779	0.3	\$20,946,612
North Carolina	9,444	10,637	12.6	\$1,844,767
North Dakota	531	586	10.4	\$101,630
Ohio	2,427	2,624	8.1	\$455,078
Oklahoma	2,422	2,397	-1.0	\$415,710
Oregon	6,309	8,065	27.8	\$1,398,707
Pennsylvania	4,674	4,333	-7.3	\$751,469
Puerto Rico	2,933	2,893	-1.4	\$501,731
Rhode Island	7,893	4,986	-36.8	\$864,718
South Carolina	a	2,882	na	\$499,823
South Dakota	a	a	na	\$0
Tennessee	2,832	3,778	33.4	\$655,216
Texas	65,981	75,845	14.9	\$13,153,742
Utah	11,338	15,697	38.4	\$2,722,319
Vermont	277	269	-2.9	\$46,652
Virginia	13,403	13,015	-2.9	\$2,257,182
Washington	18,699	17,895	-4.3	\$3,103,517
West Virginia	a	a	na	\$0
Wisconsin	2,909	3,266	12.3	\$566,420
Wyoming	a	a	na	\$0
American Samoa	1,148	1,022	-11.0	\$177,245
Virgin Islands	1,447	1,370	-5.3	\$237,598
Guam	5,102	4,887	-4.2	\$847,549
Northern Mariana	1,711	1,387	-18.9	\$240,546
Total	808,391	862,252	6.7	\$149,539,722

Source: U.S. Department of Education.

a = There are an insufficient number of immigrant children to qualify for program participation.

na = not applicable

Funding

Funding for the EIEP doubled between FY1996 and FY1997, from \$50,000,000 to \$100,000,000 (**Table 2**). LEAs received, on average, approximately \$173 in EIEP support per immigrant pupil for FY2000. The FY2001 appropriation is \$150,000,000. After adjusting for price level changes, program funding decreased steadily through 1993. However, beginning in FY1994, program funding has increased, resulting in an overall increase, in real terms, of 231% since 1984.

Table 2. Emergency Immigrant Education Program Appropriations

FY	Appropriation	Appropriation in estimated FY2001 dollars ^a	Year to year percentage changes in FY2001 dollars
1984	\$30,000,000	\$45,323,077	—
1985	30,000,000	43,898,672	-3.1%
1986	28,710,000	41,032,736	-6.5%
1987	30,000,000	41,771,075	1.8%
1988	28,722,000	38,743,137	-7.2%
1989	29,640,000	38,491,378	-0.6%
1990	30,144,000	37,713,167	-2.0%
1991	29,277,000	35,323,373	-6.3%
1992	30,000,000	35,377,729	0.2%
1993	29,462,000	33,885,064	-4.2%
1994	38,992,000	43,837,592	29.4%
1995	50,000,000	55,050,454	25.6%
1996	50,000,000	54,010,000	-1.9%
1997	100,000,000	106,214,356	96.7%
1998	150,000,000	157,310,680	48.1%
1999	150,000,000	155,290,397	-1.3%
2000	150,000,000	153,002,833	-1.5%
2001	150,000,000	150,000,000	-2.0%

^a These figures were calculated using the Gross Domestic Product (GDP) deflator to adjust funding data for price level changes.

Program Evaluation

Evaluations of the EIEP, in the form of mandated biennial reports to Congress, provide information regarding program participation and grant expenditures; however, these reports have not provided information regarding the program's overall effectiveness in improving pupil outcomes. Aside from these reports, only one other evaluation of the EIEP has been conducted. A 1993 study by COSMOS Corporation provides background information on the EIEP, along with detailed LEA-level data. However, like the biennial reports, this evaluation did not include information on student outcomes.

Legislation in the 106th and 107th Congresses

The 106th Congress considered several proposals for reauthorizing the ESEA, including the EIEP. Neither of the major House and Senate proposals, H.R. 2 and S. 2, would have made substantive changes to the EIEP. The 107th Congress has again been considering legislation to reauthorize the ESEA, including the EIEP. H.R. 1, the “No Child Left Behind Act of 2001” was passed by the House on May 23, 2001. S. 1, the “Better Education for Students and Teachers Act” was reported in the Senate Committee on Health, Education, Labor and Pensions, and is currently under consideration, as amended by SA358, in the Senate. H.R. 1 would replace the current EIEP and BEA with a consolidated program of formula grants to states for the education of students non-English language backgrounds and having difficulty understanding English, either as recent immigrants or for other reasons. Funds would be distributed based on each state’s share of limited English proficient student enrollment. Currently, the BEA offers discretionary grants, while the EIEP provides formula grants to states. Under S. 1, the EIEP would be unchanged when appropriations fall below \$700 million, and would be consolidated into a state formula grant program when appropriations are above \$700 million. Under the formula program, states would receive a share of funds based 67% on limited English proficient student enrollment and 33% based on immigrant enrollment. States would reserve up to 15% of their formula allocations to provide discretionary grants to LEAs for services to immigrant students, as well as their families.

Reauthorization Issues

Should the EIEP be Consolidated with the BEA? Consolidating the EIEP with the BEA would eliminate the targeting of funds to LEAs serving large numbers of immigrant students. Eliminating the EIEP as a separate program could harm LEAs needing resources to respond to sudden influxes of immigrant children. However, most LEAs combine EIEP funds with funding from other sources for bilingual and English language instruction, that in addition to serving immigrant students, also serve other children. Data reported by states indicate that the majority of EIEP funds (79% in 1993-1994) were used for English language instruction for immigrant students.

Should the LEA Eligibility Criteria be Changed to Target Areas Most in Need of Support? By increasing the percentage or number of immigrant students enrolled within an LEA to be eligible for EIEP funds, the program would target the LEAs *most* in need of EIEP assistance, thus providing more funding for each student served. However, with the increases in funding available per student since FY1997 arguments for this approach may not be persuasive; immigrant students may be served by other programs. In addition, this could harm LEAs with smaller overall student enrollments who may find themselves in need of assistance from the EIEP.

Should There be Increased Accountability for Recipients of EIEP Funds? EIEP evaluations have lacked analysis of the program’s effectiveness. However, it is difficult to determine the effect of the EIEP on student outcomes, since funds are pooled with other resources serving immigrant students.