

# **The ELEVATE Act**

*“Ensuring Linguistic Excellence and Vocational Aptitude by Teaching English Act”*

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## **Summary:**

- The ELEVATE Act will improve the statutory formula that the U.S. Department of Education uses to allocate funding to states through the English Language Acquisition (ELA) grant. The ELA funding 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 states receive the federal support they need to provide high-quality instruction to all students learning English.

## **Background:**

- Under Title III of the Elementary and Secondary Education Act (ESEA), the U.S. Department of Education provides annual ELA grants that Local Education Agencies use 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.
- 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 criteria); and (2) the number of “immigrant children and youth” in the state as a percentage of the national total (20% of funds are allocated pursuant to this criteria).
- The problem is with the second part of the allocation formula. Under current law, only children and youth born outside of the 50 states, the District of Columbia, and Puerto Rico count towards a state’s total. This is problematic because the primary language of instruction in Puerto Rico’s public schools is Spanish. **Therefore, students from Puerto Rico are not counted under the second part of this formula, even though they are English Learners, and states do not receive ELA funding for the costs of supporting these students.** This harms both schools and students in that state.
- The flaw has become particularly problematic in recent years due to the substantial increase of U.S. citizens migrating from Puerto Rico to the U.S. mainland. **In 2010, there were 4.7 million individuals of Puerto Rican heritage living in the states; today there are 5.6 million—a nearly 20% increase.** States like Florida and Connecticut have been particularly affected.

## **ELEVATE Act:**

- The ELEVATE Act corrects the formula flaw and changes the terms used in current law so that students who relocate from Puerto Rico to a U.S. state will be fully and fairly counted in the amount states receive under the U.S. Department of Education’s English Language Acquisition grant program.
- The bill includes a temporary hold-harmless provision. Specifically, if application of this formula change would result in any state receiving a lower ELA grant in Fiscal Year 2020 or Fiscal Year 2021 than it received in Fiscal Year 2019, then the formula change will not apply to any state for that fiscal year. Starting in Fiscal Year 2022, the formula change will apply without exception.