

Side-by-Side Comparison of the Limited–English Proficient Provisions in Title I and Title II of the 2005 House and Senate Workforce Investment Act Reauthorization Bills

Compiled by the National Immigration Law Center

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TITLE I			
	Current Law	House (H.R. 27)1	Senate (S. 9)
Definitions	No immigrant/LEP provision	No immigrant/LEP provision	Adds the following definitions: 1. <u>Hard-to-Serve Populations</u> : Among other groups, individuals with limited English proficiency (LEP) and individuals who do not meet the definition of literacy, individuals facing substantial cultural barriers, and migrant and seasonal farmworkers. 2. <u>Integrated Training Program</u> : A program that combines occupational skills training with language acquisition.
Title I purpose	No immigrant/LEP provision	No immigrant/LEP provision	Expanded to include: (1) Eliminating training disincentives for hard-to-serve populations and minority workers, including effectively utilizing community programs, services, and agencies; and (2) educating LEP individuals about skills and language so the individuals are employable.
Workforce Investment Boards	No immigrant/LEP provision	No immigrant/LEP provision	Expands role of WIBs to include: (1) To develop statewide strategies for providing effective outreach to individuals, including hard-to-serve populations; (2) to identify and disseminate information on best practices in the business outreach, partnerships, and service delivery strategies, including for hard-to-serve populations; and (3) to increase skills training, employment opportunities, and career advancement for hard-to-serve populations.
Local Workforce Investment Boards	Local boards shall include representatives of CBOs	No immigrant/LEP provision	Local boards shall include representatives of CBOs (including organizations representing hard-to-serve populations).
State Plan	No immigrant/LEP provision	Plan must describe how the state will serve the employment and training needs of LEP individuals.	Plans need to describe (1) how the state will serve hard-to-serve populations, and (2) the technical assistance available to providers and one-stop centers for strategies to serve hard-to-serve populations.

¹ Passed House on March 2, 2005. On March 3, received by the Senate Committee on Health, Education, Labor, and Pensions.

**Side-by-Side Comparison of the LEP Provisions in Title I and
Title II of the 2005 House and Senate WIA Reauthorization Bills**

TITLE I			
	Current Law	House (H.R. 27)1	Senate (S. 9)
Memorandum of Understanding	No immigrant/LEP provision	No immigrant/LEP provision	Local MOUs need to describe the methods to ensure that the needs of hard-to-serve populations are addressed in accessing services through the one-stop system.
Identification of Training Providers	No immigrant/LEP provision	No immigrant/LEP provision	Every state (governor, in consultation with the state WIB) will establish criteria and procedures regarding the eligibility of training providers and services to receive funds. Criterion needs to take into account the providers' ability to provide training services for hard-to-serve populations, which includes persons who are LEP. ²
Youth Participant Eligibility	No immigrant/LEP provision	No immigrant/LEP provision	Youth eligibility is defined under two categories: 1. <u>Out-of-school youth</u> : 16-21 years old, school dropout and/ or a recipient of a secondary school diploma, within the age of compulsory school attendance, but has not attended for at least 1 school year calendar quarter, and who is deficient in basic skills, including English proficiency. 2. <u>In-school youth</u> : 14-21 years old, a low-income individual, and deficient in basic literacy skills, including limited English proficiency.
Statewide and Local Employment and Training Activities	No immigrant/LEP provision	Expands allowable activities to include developing strategies for effectively serving hard-to-serve populations. NOTE: There is no definition of "hard-to-serve" in H.R. 27.	<u>Statewide training activities</u> : Allowable activities include (1) providing technical assistance and capacity-building to local areas, one-stops, and eligible providers that fail to meet local performance measures, to enhance services for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations; and (2) developing strategies to serve harder-to-serve populations. <u>Local training activities</u> : May include customer support to enable members of hard-to-serve populations to navigate among the multiple services and activities for such populations.
Intensive Services	No immigrant/LEP provision	Allowable services do not include specific immigrant/LEP language.	Allowable services include English language acquisition and integrated training programs.

² A local board may establish additional criteria, or require higher levels of performance than required, if deemed beneficial in determining the eligibility of training providers.

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TITLE I			
	Current Law	House (H.R. 27)1	Senate (S. 9)
Training Services	No immigrant/LEP provision	Allowable services include ESL (in combination with other job activities) and programs that integrate language acquisition and occupational skills training as allowable services.	Allowable services include English language acquisition and integrated training programs.
Demonstration, Pilot, and Multi-State Projects	No immigrant/LEP provision	No immigrant/LEP provision	<p>◆ The secretary of Labor will examine issues such as the extent various segments of the labor force have access and utilize technology to identify job openings, taking into account characteristics such as age, gender, race or ethnicity.</p> <p>◆ Authorizes \$10 million demonstration project to analyze integrated workforce training programs for immigrants and LEP persons. At least ten grants will be awarded under the project. Funding will extend for periods of at least 2-4 years. The secretary of Labor must conduct an evaluation, submitted to House and Senate congressional committees on program outcomes, including gains in language proficiency, skills attainment and job advancement for participants.</p>
Adjusted Levels of Performance	No immigrant/LEP provision	Adjusted levels of performance can take into account characteristics of participants in the program, including low levels of literacy or English proficiency.	Adjusted levels of performance can take into account characteristics of participants in the program, including low levels of literacy or English proficiency.
Incentive Grants	No immigrant/LEP provision	Incentive grants will be granted based on the performance of the state in serving in serving "special populations." NOTE: "Special populations" is not defined in the bill.	Incentive grants shall be awarded for exemplary performance in serving hard-to-serve populations.

TITLE II			
	Current Law	House (H.R. 27)	Senate (S. 9)
Title II Purpose	No immigrant/LEP provision	Expanded to include assisting immigrants who are not proficient in English in improving their reading, writing, speaking, and math skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.	Same as H.R. 27

TITLE II			
	Current Law	House (H.R. 27)	Senate (S. 9)
Incentive Grants for States	Awards are granted to each State that exceeds the expected levels of performance for Title II.	Awards to states are based on meeting or exceeding core indicators of performance and <i>may</i> be based on the performance of the state in serving LEP individuals.	Awards to states are based on the state exceeding its adjusted levels of performance and for exemplary performance in serving hard-to-serve populations (including LEP persons).
State Leadership Activities	No immigrant/LEP provision	Activities include providing technical assistance to providers of English language acquisition programs.	Activities include: (1) integration of literacy and English language instruction with occupational skills training, and promoting linkages with employers; (2) the development of curriculum frameworks and rigorous content standards that specify what adult learners should know in the area of English language acquisition; (3) the development and piloting of new assessment tools and strategies that identify the needs and capture the gains of students at all levels, with particular emphasis on LEP students; and (4) the development and implementation of programs and services to meet the needs of adult learners with learning disabilities or who are LEP.
State Plan	Plan must include a description of how the agency will develop program strategies for “individuals with multiple barriers to educational enhancement,” including LEP individuals.	State plan must include a description of: 1. The process that will be used for public participation and comment with respect to the state plan. The process <i>may</i> include consultation with refugee assistance programs. 2. The state’s strategies for serving LEP individuals, among others. 3. How the state will build the capacity of CBOs to provide adult education, basic skills, and family literacy education programs.	State plan must include a description of: 1. The process that will be used for public participation and comment with respect to the state plan. The process shall include direct providers of family literacy education programs and <i>may</i> include refugee assistance programs and CBOs. 2. How the state will build the capacity of organizations that provide adult education and literacy activities.
Considerations in Awarding Grants or Contracts	In awarding grants, the state agency must consider whether local communities have a demonstrated need for additional English literacy programs.	Providers receiving grants must demonstrate the commitment to serve those most in need of basic academic skills instruction, including LEP individuals, and whether activities are coordinated with other available resources.	Providers receiving the grant must demonstrate (1) the commitment to serve those most in need of skills, including those who are LEP, and (2) whether English language instruction provided is based on the best practices from the most rigorous research available.

TITLE II			
	Current Law	House (H.R. 27)	Senate (S. 9)
National Institute for Literacy	No immigrant/LEP provision	Includes English language acquisition in all authorized activities (research, dissemination of materials, coordination of information sharing and communication, coordination among federal agencies, providing opportunities for technical assistance, meetings and conferences that will foster increased coordination, the visiting scholars program, and the Literacy Advisory Board)	<ul style="list-style-type: none"> ◆ The Institute is authorized to identify rigorous research on the effectiveness of instructional practices and organizational strategies relating to English acquisition. ◆ The Institute's advisory board shall include providers of language acquisition programs.
National Leadership Activities	Activities may include developing and replicating model and innovative programs for LEP adults.	<p>Allowable national leadership activities may include the following:</p> <ul style="list-style-type: none"> ◆ Technical assistance to English acquisition programs. ◆ Research on national literacy basic skill acquisition levels among adults, including the number of LEP individuals functioning at different levels of reading proficiency. ◆ How participation in English language acquisition programs prepares individuals for entry and success in postsecondary education and employment. ◆ Evaluating how different types of providers improve the skills of participants in English language acquisition programs. ◆ Identifying model integrated basic and workplace skills education programs, including programs for LEP individuals. ◆ Initiating other activities designed to improve the measurable quality and effectiveness of English acquisition programs. 	Activities may include developing and replicating best practices and innovative programs, including the identification of effective strategies for working with adults who are LEP.

TITLE II			
	Current Law	House (H.R. 27)	Senate (S. 9)
Integrated Literacy and Civics Education	No immigrant/LEP provision	No immigrant/LEP provision	States will be granted funding for integrated English literacy and civics education programs. Funds will be allocated as follows: 65% on the basis of a state's need for integrated English literacy and civics education as determined by calculating each state's share of a 10-year average of the DHS data for immigrants admitted for legal permanent residence for the 10 most recent years; and 35% on the basis of whether the state experienced growth as measured by the average of the 3 most recent years for which DHS data for immigrants admitted for legal permanent residence are available. No State shall receive an allotment that is less than \$60,000.