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AN EXPLORATION OF FEDERAL, STATE OF FLORIDA, AND LOCAL
POLICIES AND CLASSROOM IMPLEMENTATION OF ENGLISH
LANGUAGE LEARNER IN EARLY CHILDHOOD EDUCATION

by
BRITTANY BAGGALEY

A thesis submitted in partial fulfillment of the requirements
for the degree of Bachelor's in Early Childhood Education
in the School of Teacher Education
in the College of Community Innovation and Education
at the University of Central Florida
Orlando, Florida

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Thesis Chair: Dr. Sara Michael Luna

Abstract

This thesis identifies the English Language Learners (ELL) policies according to federal, state, and districts and compares these policies to what is currently implemented in Orange County Public Schools in the state of Florida. The introduction includes vocabulary for ELL and personal rationale. They are followed by the history of the court cases and policies pertaining to the state of Florida that create a timeline. Immediately after, a literature review compares policies to what is being implemented in various states across the United States. Next, interviews with two former or retired Orange County Public Schools (OCPS) were conducted with findings supporting the information in the literature review. Results suggest there are inconsistencies in implementation across states. Two factors include vagueness of the wording of policies, and the power of implementing policies rests with the state and local districts. Furthermore, teachers report not being adequately trained to teach ELL students. In conclusion, the researcher proposes finding ways to elicit more consistency from federal, state, and local districts to advocate for the educational success of English Language Learners.

Keywords: English Language Learner, Florida, Orange County, ELL, ELL policies, ELL court cases

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Chapter One: Introduction

Purpose

This thesis explores the English Language Learner policies at the federal, state, and district levels. Also, how policies are implemented by teachers of English Language Learners in classrooms in Orlando, Florida, in support of English Language Learners.

The terms English for English Language Learners (ELL), Speakers of Other Languages (ESOL), and English Learner (EL) may be used interchangeably throughout this paper as they have synonymous meanings.

Definitions of Terms and Vocabulary

ESL - English as a Second Language (U.S. Department of Education)

ESOL - English for Speakers of Other Languages

EAP – English as a Second Language for Academic Purposes (includes ESL and ESOL)

ELL- English Language Learner (U.S. Department of Education)

LEP – Limited English Proficiency (U.S. Department of Education)

Personal rationale

At the beginning of the year, the researcher conducted observations of ESOL students as part of clinical experience. As the researcher worked to understand how best to provide instruction to English Language Learners in an Early Education classroom. During this time, the quality of ESOL education came into question from the following conversations the researcher had with current teachers. The researcher began to question the quality of education that ESOL students were receiving. Based on the promotion policies explained to the researcher, the quality

of education ELs received became alarming because diversity and each child receiving a high quality of education are crucial in the education field.

Observation 1: Ms. Anderson is a first-grade teacher with five years of early childhood experience. She is a graduate of the University of Central Florida, Cocoa campus.

Ms. Anderson sat at the small group table with me. "ESOL students leave the classroom to go to the ESOL teacher," she informed me as she watched the class. "They go daily, but that isn't enough." Ms. Anderson said as she motioned in the direction of the student. "He is not ready for the next grade, so I am working with his parents to hold him back."

Observation 2: Ms. Williams works with Ms. Anderson as a unit of teachers in first grade. Ms.

Williams has been teaching for over 20 years in early childhood education.

Ms. Williams explained, "Students must be in the ESOL program for three years before they can be retained," as she spoke with me. "If a child starts the program in Kindergarten, retention isn't possible until second grade."

"The only way to hold a child back is if the parent requests the child to repeat the grade." Ms. Williams clarified. "I have a student who at the beginning of the year had temper tantrums because she was struggling. Now she takes on new challenges without fear or hesitation."

Growing demographics of ELLs in the U.S. and Florida

General statement of the problem

As the population of English Language Learners (ELL) in public schools in the United States continues to increase (National Center for Educational Statistics, 2016), the education field should adapt to the change. The National Center for Education Statistics (2016) states that the percentage of English Language Learners enrolled in schools for the fall of 2016 was higher than the fall of 2000 by 4.9 million or 9.4%. (National Center for Educational Statistics, 2016).

Most English Language Learners are enrolled in grades Kindergarten through third grade compared to middle school and high school (English Language Learners in public schools, 2019). With an increase in English as a Second Language (ESOL) students, they must receive a high-quality education in the English language, but also the academic preparation to be college and career ready (Florida state standards, 2015). The observations from the classrooms above suggest that current policy regarding promotion to the next grade level may hinder ESOL students' progress in acquiring English proficiency and content area preparation. The purpose of this paper is to analyze federal, state, and local district English Language Learner policies as well as their implementation in classrooms to answer the research questions: (1). What policies are in place to assist English Language Learners in acquiring English proficiency? And (2). How are the policies applied to ELL students in an ECE classroom?

The following chapter provides a review of the related research literature.

Chapter Two: Literature Review

English Language Learner (ELL) policy has been written at the federal, state, and local levels. However, a great deal of the impactful research describing these policies and its implementation was described at the local and state levels (Cassel Johnson, 2014; Hornberger & Johnson, 2007; Menken, 2014). While the framework of ESOL policy has established at the Federal Court Rulings, such as *Lau v. Nichols* (1974), the federal ESOL policy left the details of implementation open to interpretation and execution by the State and the local school district departments of education. Therefore, ESOL policy is unevenly implemented not only nationally, but also within states. At the federal level, there are no set standards for policies that affect ESOL students. Therefore, states implement policies as they see fit, often differently than neighboring states (Johnson & Johnson, 2014).

This policy discrepancy focused on local implementation is reflected in the following literature review. The first two sections of this chapter primarily focus on the federal policies, laws, and court cases that establish ESOL policy: (1) History of ESOL Policy at the Federal level, and (2) Federal Implementation of ESOL policy. The final two sections address the state of Florida and the local school district (Orange County Public Schools) and their interpretation and implementation of the federal ESOL policies under the headings State and Local ESOL policy and Exiting ESOL programs policy.

History of ESOL Policy

The United States of America has always been a nation of immigrants, many of whom did not speak English upon arrival. According to Gándara and Escamilla (2017), the United States accepted non-English speaking immigrants in the 1800s but insisted they learn English. During this time, the German language was so widespread that states began making bilingual language laws. In 1839, Ohio became the first state to adopt a bilingual education law to teach a German-English curriculum. A few states followed suit, Louisiana in 1847 and New Mexico Territory in 1850 for French and English and Spanish and English, respectively. However, in 1870 when the recession hit the positive attitude towards various languages dissolved. The Naturalization Act of 1906 passed after 36 years, and it swore off bilingualism by only allowing citizenship to those who could speak English (Gándara & Escamilla, 2017).

The first federal ESOL policies or English immersion from the 1920s to 1960s stated minority speaking students were either going to “sink or swim” (The Texas Educational Agency, 2015). Sink or swim meant schools offered no support to ELLs and worse had students repeat a grade until they mastered enough English to move to the next grade (The Texas Educational Agency, 2015). In the early 1960s, Dade County, Florida, implemented a two-way bilingual program for Cuban refugees (Gándara & Escamilla, 2017). The two-way bilingual program at Coral-Way Elementary taught both English and Spanish speaking students through dual language instruction to preserve the Spanish culture. This success inspired federal legislation changes in favor of bilingual education, known as the Bilingual Education Act of 1968 (Everett-Haynes, 2018). In 1963, the Federal Civil Rights Act was adopted into legislation. Under the act

is Title VI, which makes it illegal in federally assisted programs to discriminate based on race, color, or national origin (The Texas Educational agency, 2015).

In 1968, the Bilingual Education Act and Title VII of the Elementary and Secondary Education Act (ESEA) were passed (The Texas Educational Agency, 2015). Under Title VII, the federal policy establishes funds to be allocated for disadvantaged minority students and programs, including teacher training, instructional materials, and parent involvement to assist in educational disadvantages faced by this group of students (The Texas Educational Agency, 2015). The verbiage of this legislation sparked controversy on whether to educate students for proficiency in both languages or to shift to English swiftly. The public thought it was in support of bilingualism (Gándara & Escamilla, 2017). However, the result was to transition to English quickly.

On May 25, 1970, the Office of Civil Rights formed the Health, Education, and welfare Memorandum, which was a compliance review of ESOL programs and monitoring of the quality of education the programs were providing to ESOL students. The Office of Civil Rights created this legislation to ensure Title VI was being implemented in schools across the nation (U.S. Department of Education, 2018). Due to the vagueness of federal policies, interpretation of the policies are left to state departments of education. The legislation of Memorandum is important for the Office of Civil Rights to check each states' compliance with a high-quality education for ELL students. The State of Florida included this legislation in its Consent Decree for a high-quality education for ESOL students (Florida Department of Education, 1990).

In the (*the United States v. Texas*, 1971) court case, the ruling had Texas implement language programs to help students ESOL students learn English and the American culture while

providing support for students to learn Spanish (The Texas Educational Agency; Federal Court paragraph 1, 2015). In a related case, in 1973, the federal government signed into legislation the Rehabilitation Act of 1973 (The Texas Educational Agency,2015). This act included Section 504, in which it was made illegal to discriminate against a student based on disability for programs or activities receiving federal funding. Under Section 504, students with disabilities are guaranteed the right to free public education and full participation in programs and activities (Florida Department of Education,1990) ESOL students were classified and placed in classrooms with students with cognitive disabilities (Sullivan, 2011). Section 504 created equal opportunities for students with disabilities to create an equal education for all students. Due to the importance of quality education for all students, the state of Florida has adopted Section 504 of the Rehabilitation Act into their Consent Decree (Florida Department of Education,1990). That same year (*San Antonio Independent School District v. Rodriguez*,1973), the issue of funding for minority schools came into question. However, the U.S Supreme Court ruled there is no constitutional right to an education, let alone a bilingual one. Following this case, any issues with state funding for ESOL programs would be settled at the state level (Wright, 2019).

In the landmark Supreme Court ruling of (*Lau v. Nichols*,1974), Chinese immigrants sued the city of San Francisco for the right to provide equal opportunity to learn with support in acquiring English proficiency in mainstream public-school classrooms (The Texas Educational Agency, 2015). The 1,856 students argued they were being denied an education because they could not understand the material and were provided with no support (Gándara & Escamilla, 2017). The court ruled in favor of the Chinese students that the school must prove accommodations for these students to become proficient in English. The U.S. government

applied this ruling to ESOL policies. Beforehand, policies for English Language Learners were “sink or swim” (The Texas Educational Agency, 2015). However, the government did not dictate how to teach ELL students (Gándara & Escamilla, 2017). In conjunction with this ruling, the government split the accountability and power of policies to reside with the states. Therefore, the states gained control over how policies are interpreted and applied rather than the federal government (The Texas Educational Agency, 2015). In 1974, after *Lau v. Nichols*, Congress passed the Equal Education Opportunity Act. It became illegal to deny equal educational opportunities to any individual (Welsh, 2008). As quoted by Gándara and Escamilla (2017), requiring school districts to “take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs” (p. 4).

Moreover, New York’s state legislation underwent important legislation in the case of (*Aspira v. New York*, 1975). The judge ruled in favor of the plaintiff, Puerto Rican parents, New York must mandate transitional bilingual programs. A transitional bilingual program teaches the content in the home language of the students while providing English language instruction with the intent of exiting students from the bilingual instruction into English instruction as quickly as possible. This process is also known as the Aspira Consent Decree, which is still in effect to this day (Wright, 2019).

A few years later, in 1978, Puerto Rican parents living in New York filed another suit in New York (*Rios v. Reed*, 1978). This suit stated that the curriculum for bilingual students lacked clear direction with confusing enter and exit criteria. Therefore, teachers lacked proper bilingual training, so there remained disputes on how much bilingualism should be used to teach of each language. Though the ruling did not change or create any new legislation, the federal Office of

Civil Rights followed up to ensure proper changes, such as proper teacher training to create a better environment for ELL students to learn (Wright, 2019).

In 1978, amendments to Title VII expanded eligibility to Limited English Proficient (LEP) students while including native-language instruction for transitioning to English. Additionally, allowing English speaking students in bilingual programs. (The Texas Educational Agency; 2015, The Bilingual Education Act, Title VII, paragraph 2, 2015). In 1982, Title VII had another amendment added, and teacher training was included as well as support for English family literacy and founding for LEP students with special needs (The Texas Educational Agency; 2015, The Bilingual Education Act, Title VII, paragraph 3, 2015).

In 1979, guidelines for Vocational Education Programs were created by the Office of Civil Rights. These guidelines were for programs that received federal money, which offered Vocational Education (U.S.DOE, 2018). These guidelines make it illegal to segregate students by the building that is chosen for Vocational education or in modifications to the building. Under this legislation, students are no longer allowed to be segregated in school settings. Furthermore, this act created more equal opportunities for students. This legislation is used by the state of Florida in their Consent Decree to provide quality education to all students, including ELL students (Florida Department of Education).

Even though *Lau v. Nicols* (1974) granted ESOL students the right to an education with accommodations, it did not include how to supply education. Court cases over bilingual education were halted by outcomes in favor of English instruction. (*Otero v. Mesa County Valley School District*,1980) filed a suit in favor of bilingual education, even though less than 3% of

students could speak and understand Spanish. The judge states that there is no constitutional right to bilingual education (Wright, 2019).

In (*Castañeda v. Pickard*, 1981) clarified the ruling of the Equal Educational Opportunities Act in which “Appropriate action” was clarified with the “three-prong standard test.” The three prongs are as follows: (1) a program based on recognized theory; (2) faithfully implemented according to the theory, including adequate resources for implementation; and (3) that demonstrated effectiveness over time (Gándara & Escamilla, 2017). In the Supreme Court case (*Plyer v. Doe*, 1982), the judge ruled that regardless of the citizenship and immigration status of students or parents/guardians, students could not be denied access to public schools (U.S. Department of Education, 2018). This Supreme Court ruling is one of ten pieces of legislation that creates Florida’s Consent Decree to provide ELL with a high-quality education (Florida Department of Education, 1990).

Two years later, in 1984, The Florida Education Equity Act was signed into legislation. Under the Education Equity Act, discrimination based on race, ethnicity, gender, or national origin against students or teachers is prohibited. Florida has included the Education Equity Act in the consent decree for English Learners programs for maintaining a high-quality education (Florida Department of Education, 2018). Four years following the Florida Education Equity Act, the federal government signed the Title VII amendment, which included a limit of three years in the Title VII program (The Texas Educational Agency; 2015, The Bilingual Education Act, Title VII, paragraph 4, 2015). While its funding increased to state education agencies and expended funding for unique alternatives to schools where only English was used (The Texas Educational Agency; 2015, The Bilingual Education Act, Title VII, paragraph 4, 2015).

The inclusion of Americans with Disabilities Act is relevant to English Learner programs because these students may have a disability and be an English Language Learner. According to the Florida Department of Education, On July 26, 1990, the Americans with Disabilities Act (ADA) was signed into legislation. ADA granted students with disabilities the right to the same opportunities as others. ADA is an equal opportunity act as modeled after the civil rights act of 1964 and section 504 of the rehabilitation act of 1973 (Florida Department of Education, 2015). This legislation is included in Florida's Consent Decree for high-quality education for English Learners (Florida Department of Education, 1990).

In 1994, an improvement of the assessments at the local and state level was made with attention to foreign language instruction and language maintenance while including reinforcement of professional development programs (The Texas Educational Agency;2015, The Bilingual Education Act, Title VII, paragraph 5, 2015). State and local district tests were improved for accurate results of the teaching and maintenance of foreign languages and teacher development programs. Six years later, (*Flores v. Arizona*, 2000) was filed in Arizona state over the inadequate funding for ELL education with the outcome of raising funding for ELL students. However, the state stalled in following court orders then appealed the decision to the Supreme Court with the second ruling in their favor. Thus, instead of being forced to increase the funding, it became a consideration (Wright,2019).

In 2001, the No Child Left Behind Act (NCLB) was signed into legislation. This act releases funds to states to improve the education of LEP students through learning English and meet challenging academic standards and achievement standards. NCLB legislation for LEP students can be found under Title III and reauthorized the Elementary and Secondary Act of

1965. The purpose of No Child Left Behind's was "An Act to close the achievement gap with accountability, flexibility, and choice so that no child is left behind" (U.S Department of Education, 2008).

In 2011 the state of Florida passed a mandate that all teachers need to be certified to teach ESOL students. The number of hours required depends on the subject area that the teacher instructs. For those teaching basic ESOL or primary English and Language Arts (ELA), they need 300 district in-service points or 15-semester college/university endorsement hours. Any teacher of an essential subject needs 60 district in-service points or three-semester college/university certification hours (Florida Department of Education,2011).

In response to NCLB, the Wisconsin Department of Public Education received the Enhanced Assessment Grant. Wisconsin created the World-class Instructional Design and Assessment (WIDA), thus creating English Language Proficiency Standards, leading to ACCESS for ELL testing (WIDA,2020). Florida adopted these standards and the ACCESS test in the 2015-2016 school year. As of 2020, most of the United States has adopted WIDA standards and ACCESS for their ELL students (WIDA,2020).

Fourteen years after NCLB, Every Student Succeeds Act (ESSA, 2015) was signed into effect by President Obama. This legislation mandates that each state create its own clear entrance and exit procedures (US Department of Education, 2016). ESSA requires all Americans to receive a high-quality education, including ELL students. The flexibility of requirements specified by NCLB was granted to states in exchange for plans to close achievement gaps, increase outcomes for all students and improve the quality of instruction (U.S Department of Education, 2016).

Issues related to Policies

In 2001, the federal No Child Left Behind (NCLB) act mandated policies for ESOL programs. Included in NCLB is Title III, which sets the standards of ELL students receiving a high-quality education by attaining English proficiency and meeting the same standards as every student is expected to reach (US Department of Education). Additionally, districts administer tests with four subcategories; listening, speaking, reading, and writing to assist state and federal governments in monitoring each ELL's progress in English proficiency. (Orange County Public Schools).

As Lawton (2009) explained, states developed tests to assess student's progress to satisfy Federal policy. The issue with these tests is that they are written in English, and students are required to complete the test in English and can be denied assistance in their native language. For example, the state of Arizona created The Arizona English-Language Learner Assessment (AZELLA) to satisfy the English Language Learner's policy for student assessment. Students who speak another language at home are mandated to complete this test. The results are then used to group students according to their academic abilities related to English proficiency. This is concerning for students to take high stakes assessments, to determine their English proficiency and placement, in another language, which no other subgroup is required to do (Lawton,2009).

According to Russakoff (2010), NCLB holds every state, district, and school accountable for the progress of English Learners. Results of high-stake assessments presented the extent to which ELLs failed to receive a high-quality education. This shocking finding provoked educators and policymakers to work together to create a better quality of education (Russakoff, 2010).

Every Student Succeeds Act (ESSA) is a US law passed in December 2015 that governs the United States Kindergarten through twelfth-grade public education policy. The law replaced its predecessor, the No Child Left Behind Act (NCLB), and modified but did not eliminate provisions relating to the periodic standardized tests given to students. ESSA grants state and local governments more power and flexibility to manage their education systems while requiring states to balance many decisions (US Department of Education, 2016).

Implementations of ESOL policies

The 1974 Supreme Court ruling of *Lau v. Nichols* became the cornerstone for English Language Learners. This court case had mandated ESOL programs since its inception forty-five years ago. In this case, the judge ruled that English Language Learners (ELLs) could not be placed in mainstream classrooms without additional instructional accommodations (Johnson, Stephens, Nelson, & Johnson., 2017).

However, due to the United States constitution, the power of implementing this decision does not solely rest at one level, the government splits responsibility with all fifty US state departments of education (Johnson, Stephens, Nelson, & Johnson, 2017). Furthermore, power is again distributed to the districts within the states. Creating a power structure of policy implementation from the federal government to state departments of education to local governments to schools to classrooms. Policy implantations get handed down to the next level in the chain, narrowing power and decisions to satisfy previous arbitrators.

Johnson and Johnson (2014) explain that after a policy has been created, there are language policy arbiters who determine how the policy will be interpreted. Thus, due to the

nature of policies being designed with the ability to be openly interpreted, the various levels of power within the policy implementation can change and influence how policies become implemented into the classroom. (Johnson, Stephens, Nelson and Johnson, 2017). Moreover, the implementation process of the ESOL policies contains an imbalance/ disproportionate of power (Johnson & Johnson, 2014). This redistribution of power is limiting to classrooms because of the restrictions from the state department of education they place on district-level policies (Diem, 2019).

An ongoing decision in English Language Learner education is the use of bilingualism in instruction. When the Elementary and Secondary Act passed, it left unclear the implementation of teaching, as to if it was promoting English or bilingualism (Welsh, 2008). The government has created no policy to clarify, either way, instead of giving that decision to the local agencies. Therefore, different districts implement various curriculum; some have chosen to use English, and others have chosen bilingual for their curriculum (Johnson & Johnson, 2014). Though research has shown that students develop English language proficiency at a better rate when bilingualism is used (Johnson & Johnson, 2014). The decision to incorporate bilingualism rests in the hands of arbiters at local levels of power (Johnson & Johnson, 2014). For example, if a powerful language policy arbiter does not support the research on dual/ bilingual education, then the arbiter may implement an English only curriculum for ESOL students.

The findings of which language to incorporate in teaching ELLs to go against the No Child Left Behind Act and Title III (Johnson & Johnson, 2014). NCLB states that English should NOT be transitioned too quickly. *“Recent, educational language policies have become so increasingly restrictive to such an extent that in many states, languages other than English are*

considered forbidden in public schools. At most levels of the implication, process power is disproportionate, henceforth, English speaking parents have more influence than ESOL/Spanish-speaking parents” (Johnson & Johnson, 2014).

Diem (2019) states these restrictions are a result of current political views focusing on acquiring the English language faster. Moreover, oppressive ideologies from the state level also hinder the progress at the district level. Though this study presents a rather depressing look at state-level policies, it is essential to remember that district-level practices affect the state-level policies. Improvements should be made on all levels but should start at the state level.

The discussion of bilingualism versus English is not the only factor in hindering EL programs. The Equal Education Opportunities Act became the first federal legislation supporting teacher training (Welsh, 2008). However, 45 years later, there is still an issue with proper teacher training. The policy states that teachers should have training for the inclusion of ELLs in the classroom, and most did not. Thus, teachers report feeling frustrated with the task of teaching ELs because of the lack of proper training (Johnson, Stephens, Nelson and Johnson, 2017).

Even without the necessary training, teachers, as well as principles and administrators, have the power to implement the policies as they see fit. However, this does not lead to equal educational opportunities for EL students.

State and Local ESOL Policy

According to the United States Department of Education, it is the responsibility of each state’s department of education to classify students as an English of Speakers of Other Language (US Department of Education). Therefore, The Florida State Department of Education was

consulted to examine ESOL policy. The Florida State Department of Education classifies a student for the ESOL program if they answer yes to any of the following questions.

- 1) Is a language other than English used in the home?
- 2) Did the student have a first language other than English?
- 3) Does the student most frequently speak a language other than English?

However, a student may not be classified as ESOL based on a positive response to question number one alone. An assessment determines English proficiency and further placement of the student. Additionally, all students who indicate yes to any or all questions will be subject to the same assessment to determine their English proficiency for placement (Florida Department of Education, 2015).

Orange County Public Schools begin by having families complete the Home Language Survey (HLS), asking the following questions (Orange County Public Schools, 2016). To assist parents who speak other languages, the HLS can be translated into Spanish, Chinese, Russian, Arabic, Vietnamese, Portuguese, and Haitian Creole (Orange County Public Schools, 2016).

- 1) Is the child between the ages of 3 through 21?
- 2) Was the child born outside of any United States territory, including the District of Columbia and Puerto Rico?
- 3) The child has *not* attended a school in any state for more than three academic years?

After the completion of the registration tools, OCPS analyzes the results and any family answering “yes” to the first three questions, then uses a Programmatic Assessment Questionnaire, completed with the parents at registration, to ensure proper academic placement (Orange County Public Schools, 2016). Once the registration process has identified a student as a possible ELL, Orange County Public Schools conducts a language proficiency test to determine academic placement further. The results of English Proficiency vary from grade level. In Pre-Kindergarten to second grade, if a child is deemed English proficient, then they are no longer subject to additional testing and do not receive ESOL accommodations. However, if English Proficiency is limited or nonexistent, the child would qualify for ESOL accommodations, and no further testing is needed (Orange County Schools ELL Handbook, 2016). Third to twelfth-grade students who demonstrate English proficiency must then complete the reading and writing test. If the student scores above the 33 percentile, they are deemed English proficient and do not qualify for ESOL services. If during the reading and writing test, students score below the 32 percentile, they are deemed eligible for ESOL services. If upon initial assessment of English proficiency, students show limited or nonexistent English proficiency, they are eligible for ESOL services, and no further testing is needed (Orange County Schools ELL Handbook, 2016).

Florida satisfies compliance with the United States Department of Education ESOL policies with the Consent Decree. The Consent Decree (1990) are the rules and legislation Florida follows to ensure ELL students receive a high-quality education. This framework follows the laws and regulations set forth for English Language Learners:

1. Title VI and VII Civil Rights Act of 1964
2. Office of Civil Rights Memorandum (Standards for Title VI Compliance) of May 25,

1970

3. Requirements based on the Supreme Court decision in *Lau v. Nichols*, 1974
4. Equal Education Opportunities Act of 1974
5. Requirements of the Vocational Education Guidelines, 1979
6. Requirements based on the Fifth Circuit Court decision in *Castañeda v. Pickard*, 1981
7. Requirements based on the Supreme Court decision in *Plyler v. Doe*, 1982
8. Americans with Disabilities Act (PL 94-142)
9. Florida Education Equity Act, 1984
10. Section 504 of the Rehabilitation Act of 1973.

Due to the laws and legislations of English Language Learner programs and how power is distributed to the states, Florida holds the power to decide how to implement federal laws and legislation. The ten pieces featured above dictate what guidelines that the ESOL program follows, the majority of which are federal laws and legislation mandating English for Speakers of Other Languages rights to a high-quality education.

Policies pertaining to exiting ESOL programs

For students to qualify to exit the ESOL program, they must meet both Orange County and Florida requirements. There are three requirements for the Orange County Public School ESOL exit:

1. English Language Proficiency (ELP)/State wide English Language proficiency test (ACCESS) for ELLs 2.0 and exit requirements set forth by the state of Florida
“ACCESS for ELLs 2.0 is a secure large-scale English language proficiency assessment administered to Kindergarten through 12th-grade students who have been identified as English language learners (ELLs)” (Orange County Public Schools, 2016, link or page).

For a student to exit the ESOL program, the student must demonstrate passing scores on two assessments for English Proficiency, the district English Language Proficiency Test, and the Statewide English Language Proficiency test.

2. Student meets required minimum test scores on Idea Proficiency Test (IPT)
reevaluations measure: ELL Committee meeting must take place to complete the exit procedures,

To be considered for ESOL program exit, the student must meet the minimum test scores on the Idea Proficiency Test, and then the ELL committee can meet to discuss the exit of the student in the ESOL program.

3. ELL Committee decisions: ELL Committee MUST convene to discuss exits using the

criteria below,

As the decision to exit a student from the ESOL program is important, they look at various other factors to reach a final decision. (Orange County Schools ELL Handbook, Exiting section 2016).

The ELL Committee may decide to exit a student by using two of the five criteria described in the META Consent Decree:

(1) Extent and nature of prior educational and social experiences;

Does the student have the appropriate skills to perform well in a mainstream classroom?

(2) Written recommendation and observation by current and previous instructional and supportive services staff;

The committee meets to decide if the student is ready to be exited and takes into account various people's observations of the child.

(3) Level of mastery of basic competencies or skills in English and/or home language according to appropriate local, state and national criterion-referenced standards;

Can the student read and write in English or their home language?

(4) Grades from the current or previous years;

The committee examines the performance of the student on tests and their work in the classroom.

(5) Test results other than those used for placement (Cannot use Idea Proficiency Test)

Test scores are analyzed to determine if the child is making educational progress; however, the initial placement tests cannot be used to make the final decision of the ESOL program exit. (Orange County Schools ELL Handbook, Exiting section 2016).

The Consent Decree states, “No promotion or retention decision may be made for any individual student classified as LEP based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district’s formal assessment process. A formal retention recommendation regarding an LEP student may be made through the action of an LEP Committee.” and “Under no circumstances should lack of language proficiency determine whether a student should be retained “(Florida Department of Education).If a student is successfully exited from the ESOL program, it is under federal legislation that they are monitored for the following two years (U.S. Department of Education, 2018).

Chapter Three: Methodology

Interviews were conducted to investigate the implementation of ELL policies in Orange County Public Schools classrooms. This chapter outlines the methods used for examining prior research and legislation that was included in Chapter Two. Then, the methods used for exploring (1). What policies are in place to assist English Language Learners in acquiring English proficiency? And (2). How are the policies applied to ELL students in an ECE classroom?

Method for the Review of Related Research Literature

An initial literature review on policies affecting English for Speakers of Other Languages was conducted on the EBSCO database. The key search terms “ESOL policies” “ESOL” “ELL policies” and the following ESOL legislation scholars “Sarah Menken” “David Cassel Johnson” and “Nancy Hornberger” produced articles from the following academic resources: *ERIC database, Journal of Education Policy, Educational Measurement Issues and Practice, Education policy, TESOL Quarterly, and Language Policy*. Also, the following government websites through Google were utilized for analysis of current policies pertaining to ESOL students; the United States Department of Education, Florida Department of Education, and Orange County Public Schools (OCPS) website.

To understand the student process and program rights were, the researcher conducted searches on past and current policies affecting Florida English Language Learners.

Research design for Interviews

To answer Research Question 2, which was How are the policies applied to ELL students in an ECE classroom? Two early childhood teachers (Kindergarten through third grade) in diverse schools were asked a series of five questions. Appendix A provides the IRB approval obtained. The questions were audio-recorded, and the interviewer took careful field notes. This process took no more than 15 minutes to interview each teacher. The proposed questions used were as followed:

1. Tell me a little about your educational background and how you became an ESOL Teacher?
 - a. How long have you been teaching?
 - b. How long have you been working with ESOL students?
2. Tell me a little about how OCPS ESOL policy on EL accommodations works in your classroom?
 - a. As I was reading the OCPS handbook on ESOL programs. I was confused about the grading portion. Can you explain to me how that works?
 - b. Tell me a little about the assessment tools OCPS uses to measure ESOL English Language Proficiency?
 - i. Do you feel they accurately measure your student's English?
 - ii. What has been your experience with ESOL students passing without English Proficiency?
3. Tell me about your ESOL students' families.

- a. How has OCPS communicated their ESOL policy to parents?
 - b. What kinds of questions do the families ask you about ESOL policy?
4. What ways could OCPS improve your ELLs learning experience?
 5. What additional support do you wish OCPS provided for ELLs?

Additionally, a coordinator of English for Speakers of Another Language in Orange county schools was contacted. A coordinator's interview would have added more depth to the research and provided a clear picture of how the power is distributed in the Orange County Public Schools. A set of questions as follows would have been used. The interview would have taken no longer than 20 minutes.

1. Can you explain your educational background? Did you teach before becoming a coordinator? How long have you been coordinator?
2. Can you describe any changes in ESOL policies that have happened in your time as a coordinator?
3. How can your office facilitate the implication of ESOL policies in classrooms?
4. What is the OCPS position in Dual language schools? Are there schools that teach in English? How do their test scores compare to a school that has adopted a bilingual curriculum?
5. How do you report the progress of students to the state of Florida and the federal government?

6. Can you describe the process of the ELL exit committee? Who is appointed to serve on the committee? Who decides who serves on the committee? Is it a district level or school level committee?
7. What does a typical committee review look like? What assessments are typically presented to prove the students' Academic English levels? Is there an appeal process if the student is not satisfied with the outcome?
8. What suggestions would you make to improve ELL policies?

Procuring participants

Before conducting interviews, it was essential to determine the interviewees' credibility. Criteria had to be met to assess credibility. Criteria included 1) experience working for OCPS and 2) background in education concerning ESOL students.

Process

The interviewer took careful field notes and audio recorded the interview.

In the data phase of the research, it was essential to understand the limitations of the study. Factors to consider include the confidentiality of participants, the experience of participants, time restrictions, and possible researcher biases. During the research portion, it became imperative to emphasize participation is voluntary, and for educational purposes only. The information provided was only shared in the collective with no risk of harm. All names were changed to a pseudonym or excluded from the data to keep the confidentiality and privacy of

participates. During data collection, it was important to include teacher's experiences and backgrounds with ESOL policies. This information added credibility to statements regarding the years exposed to ESOL policies and experience implementing policies in the classroom.

Due to the nature of policies allowing open interpretation, the literature review only provided data on the federal, state, and district policies, not the implications in the classrooms. Furthermore, the interview process allowed for a deeper understanding of how ESOL policies across the United States, Florida, and Orange County were applied to the classroom setting.

Methods

After receiving an IRB from the University of Central Florida, two former Orange County Public Schools early childhood teachers were selected to interview. Each participant was recommended by faculty at the University of Central Florida and/or an administrator in my current school district. The participants were given pseudonyms. Ms. Brown worked for Orange County Public Schools for six years as a Kindergarten teacher. Ms. Brown had a bachelor's degree in Elementary Education and taught for over six years. Ms. Smith got her bachelor's in elementary education as a third-grade general education teacher in Seminole County. Ms. Smith had a significant population of ESOL students in her class. Orange County Public Schools later offered an administrative position. She taught for ten years before taking a job at the University of Central Florida.

.... .. The following chapter offers a timeline of policies and the interviews of the two selected interviewees.

Chapter Four: Findings

To answer RQ1, which states, “What policies are in place to assist English Language Learners in acquiring English proficiency?” The following ELL timeline was created, color-coded with blue for federal policies and legislation and green for state policies and legislation.

Figure 1 here

1839, Bilingual language law first appeared

1906, Naturalization Act

The 1920s-1960s-Sink or swim policy

1960’s-Coral-Way bilingual program

1963, Federal Civil Right Act, Title VI

1968. Bilingual Education Act, Title VII

1970’s, Office of Civil Rights memorandum

1971, United States v. Texas

1973, Rehabilitation Act

1973, San Antonio v. Rodriguez

1974, Lau v. Nichols

1974, Equal Education Opportunity Act

1978, Bilingual Education Act, Title VII

1979, Vocational Educational Programs

1981, Castaneda v. Pickard

1982, Player v. Doe

1984, Florida Education Equality Act

1988, Amendment VII

1990, Americans with Disabilities Act

2000, Flores v. Arizona

2001, No Child Left Behind

2011, Florida mandates each teacher needs to be certified in ESOL

2015, Every Student Succeeds Act

2015, Florida adopts WIDA standards

To answer RQ2, how are the policies applied to ELL students in an ECE classroom? The following findings provided valuable insights.

Before conducting interviews, it was essential to determine the interviewee's credibility. Criteria had to be met to determine the reliability of a potential interviewee. Criteria included 1) experience working for OCPS and 2) background in education in relation to ESOL students. The first participant, Ms. Brown, was a Kindergarten teacher from 2013-2019 at one elementary school in Orange County. Each year she averaged a 30% population of ESOL students. The second participant, Ms. Smith, worked for Seminole County for a few years then transferred to

Orange County to work with ESOL students for ten years. When she transferred over, she didn't expect to make a huge impact, but through her work, she fell in love with ESOL students.

One of the central questions of the research was, how does the policy look in classroom settings? What accommodations are available to ELLs to satisfy policy requirements?

Ms. Smith, who taught ESOL students specifically, broke down what was required for teachers to be certified.

In Orange County, teachers must be certified/endorsed in ESOL, depending on the subject they teach. ELA teachers must have at least 120 hours in ESOL certification, whereas math teachers only need 60 hours. If the teacher was in an inclusion classroom, they would need up to a certain number of hours of certification to be able to teach the ESOL students. If not, the ELL teacher would have to teach and assign grades to the ESOL students. Ms. Smith was involved in an inclusion classroom was able to support the other inclusion teacher.

For teachers in Orange County to teach ESOL students, they need a certain number of certification hours, based on their subject area. Certification might include training on how to grade ELLs work. Through research, it was discovered that Orange County Public Schools does not allow ESOL students to receive a failing grade. Ms. Brown replied,

The OCPS grading policy is based on a Florida mandate. The mandate makes it illegal to give a failing grade to an ESOL student (provided they are putting forth effort). If an ESOL student is failing due to lack of attendance, lack of trying, refusal to complete work, etc. they may receive a failing grade. The teacher will be asked to document the

reasons for the failing grade. However, if the student is trying, they must at least get a D in the class.”

The Florida Mandate states that if a student is trying, they should not receive a failing grade.

In an interview on January 15, 2020, Ms. Smith responded, “The policy was put in place to ensure ESOL students are given the opportunity to acquire the language rather than be punished for not understanding the content before them. When ESOL students are new to the program and up to three years, they are supposed to earn nothing lower than a C.”

Grades are essential to the educational system to demonstrate what the student knows. If the question shifts from what the child knows to what their English proficiency is an alternate tool(s) should be used. In an interview on January 18, 2020, Ms. Brown mentions, “Orange County uses the WIDA standards and gives the test at the end of each school year.” Ms. Smith elaborated,

” The whole state of Florida uses WIDA standards. Students are given a screener when they enter schools to see if they qualify for the program, and in Kindergarten, it is called APT, but it’s a WIDA screener then every springtime they are given a test for English proficiency it’s called access for Ls. This is based on WIDA standards on four domains listening, speaking, reading, and writing with six levels. When they reach the sixth level, they can exit the program. Furthermore, the levels can be looked at as beginning, intermediate, and advanced with 1-2 as the beginning, 3-4 as intermediate, and 5-6 as advanced. If they are within third through twelfth grade, there are two forms of assessment to see if they can exit the program. The children would need to get a level 3

or higher on the Florida State Assessment test and proficient on the Access test to be considered for exiting the program. They are officially exited from the program after they have been monitored for two years following this decision.”

Knowing that one size does not fit all in education, she thought that there might not be enough support or the right support for these students. In an interview on January 18, 2020, Ms. Brown discussed the ways that the ESOL assessments fell short of ideal best practice:

“I don’t think I can accurately answer this. The results were not made available to me prior to the end of the year. I also did not have any previous year scores to view since I taught Kindergarten. I can say that my ESOL coordinator often complained about the fact that the Kindergarten test was given one-on-one, which caused some students to get nervous and refuse to answer. This year the coordinator decided to have each teacher give the test to their students. This should help get more accurate results.”

Ms. Brown’s experience was mirrored by Ms. Smith, who also discussed accessing the testing as well as the role of the home language surveys in her experience in Orange County.

“It’s an okay solution; that is what they have. This is what they have, which is like asking a teacher if they like standardized testing. Is it perfect? No. This is like Access testing, it’s a good place to start, but I feel like other things should go along with it. For instance, for primary grades, like VPK, they give them a screener at the end of the year so that they don’t have to give the screen at the beginning of the year like the schools do with students who are brand new to the school or tested prior.”

After comparing the ESOL Assessments to VPK assessments, Ms. Brown explained her experience with the inaccuracy of the home survey results.

“The ESOL teacher is supposed to look at the home language survey, and if the parents indicated another language is spoken at home, they must test the child for the ESOL program. It’s not always accurate. If a grandparent, aunt, or uncle, or even the parent speaks another language at home, and the parents check yes, the child is on the ESOL radar. What if they have never, ever spoken that language with the child? They have already marked yes on the form, so they are on the radar for a lack of better terms.”

The positive of Ms. Brown’s experience that any mention of a language other than English being spoken in the home by a family member triggering the ESOL helped to identify children, even if those children did not speak or understand the language. Ms. Brown continued her description by discussing how ESOL student's tests also flagged them.

“To be a possible ESOL student and if the child is a lower-level student in the English language, in general, chances are they don’t do well on the test anyhow. I’ve had, like if you give that test to native English speakers that know all their chances are there is a handful of them will qualify for the program because they performed poorly on the test. You see a lot of that, where students are in the ESOL program but are not true English learners.”

Ms. Brown’s comments brought up some worrying contradictions. According to her experience, many students were being mislabeled as ESOL due to poor test performance and inaccurate home language surveys. Ms. Brown also pulled in her knowledge of how Florida was

conducting ESOL assessments compared to other states, highlighting the lack of translators for surveys and family support provided by other states:

“So, in that regard, it’s not the greatest, some other states do it better. They have translators, like when the parents are filling out the home language survey [translators] translate word for word, so the parent knows exactly what they are doing. Here in Florida, we don’t do that, it’s just check, check, check, and you’re done. The people who need to sign the form sign. I don’t think compliance wise things are getting done to the level they need to be done. Which also affects the process of screening. I think the test, in general, is a good monitor and to kind of get some sort of gage into where the students are. Is it perfect? Probably not. There needs to be monitoring beyond that.”

Both Ms. Smith and Ms. Brown reflected on the imperfect system of home language surveys and ESOL Assessments as over labeling children as ESOL. When asked, What has been your experience with ESOL students passing without English Proficiency?, their responses provided insights for teachers currently working with ESOL students.

In an interview on January 18, 2020, Ms. Brown explained her experience with ESOL students passing without English proficiency:

“I have had several students come into my class who did not speak any English. Within 2-3 months, their English proficiency was on par with their classmates. Given the opportunity to converse and play with their classmates helped them acquire the language quickly. There was still some complex vocabulary they did not understand, but it did not negatively impact their grades.”

Ms. Brown discussed the role Interactional English (BICs) plays in qualifying a child for Academic English (CALPs) or content instruction in English without ESOL support (Cummins, 1984) when asked, How has OCPS communicated their ESOL policy to parents?

In an interview on January 18, 2020, Ms. Brown discussed her experience in communicating with ESOL families.

“Each family is given a letter (written in their native language) explaining the ESOL program to them. The letter includes the ESOL coordinator’s phone number. They are free to call with any questions they may have. We also have a meeting with each family when they first enter the school to explain the policies.”

Ms. Smith described a patchwork of communication strategies throughout the school district:

“It’s school by school; there is a big ESOL department in Orange county complex district office. They communicate with schools, and then schools communicate with parents. You have your LEP meetings, and you have your meetings with the parents at the beginning of the year. It all depends on the teacher that is on the campus. There are schools where communication is lacking as far as policy and all that other stuff because no one is really monitoring it. I can speak to when I am a teacher, what my parents know. It is very different from school to school, and it depends on if the teacher or school is proactive. You will have some schools where the principal is very supportive, and you can put on a parent event. After school at my school, we can have a heritage festival to relay any information and build community involvement. It is very different within the county from school to school.”

Ms. Smith's experience with the lack of a consistent district level parent-communication policy suggests a place where the district could support not only teachers but also administrators in learning how to support ESOL families. When asked, What kinds of questions do the families ask you about ESOL policy?, in an interview on January 18, 2020, Ms. Brown suggested that "Most parents ask if the ESOL program is going to require their child be pulled from the classroom (like ESE services often do). They are relieved to find out this is not the case. They also ask what benefits of being in the program have. (The benefits include extended testing time, extra time on assignments, the grading policy preventing failure and retention.)"

Ms. Smith elaborated,

'Generally, no, it is just sensitive in away. ESOL is not looked at like duel languages. people are excited about Duel languages and not so excited about ESOL. You might have a parent who wants to know more. Usually useless, you divulge that information first; it usually doesn't get brought up first. I have never had a parent say talk to me about the policies. Basically, they are doing what they are told and not asking too many questions for the most part. You will have a few parents, but the norm is many don't ask questions. I don't know if it's that they don't know, a lot of the times their English proficiency is more limited than the child's. Unless you have someone to support that, I can support my Spanish speakers; I can't support my 35 other languages. I can get it translated, but is it accurate? Google translate works in a bind, but you shouldn't rely on it either.'

Ms. Brown and Ms. Smith discuss the lack of questions parents ask of professionals about the ESOL program. Ms. Smith elaborates on the stigma associated with ELLs and speculates why

parents are less involved. The question, What ways could OCPS improve your ELLs learning experience? allowed Ms. Brown to respond,

“Providing more training for teachers. ELL strategies are generally easy to implement in the Kindergarten and 1st-grade classrooms but can be more difficult in older grades. My school provided one 30-minute training a year that consisted of explaining the grading policy and identifying the ELL students. This meeting simply wasn’t enough. Teachers would benefit from trainings that explain beneficial strategies and show how they can be implemented in the classroom.”

Ms. Smith then added,

“I really think there needs to be more professional development centered around educating English learners for the general education population. The ESOL department does a fantastic job in making sure their ESOL teachers attend trainings and are the experts, but what happens in an inclusion program? You don’t have the students all the time. Content needs to be taught no matter what level they are at, and the problem is, there are so many content teachers who don’t know what to do with ELL students.

Really, and when I say professional development, I don’t mean sitting through a lecture on WIDA. You need those hands-on specific skills to build the knowledge on how to teach whatever content area. They are skills that are that you need to know for all levels. For instance, does a teacher know how to recast an error from an intermediate level from an intermediate English learner? No matter what subject area, are your science, are you social studies? Very, very developed professional developments and maybe even get,

make leaders in the school that can put on PLCs that are worthwhile for teachers to sit in and grow in to take back to the classroom. “

Ms. Smith explained that all teachers should have professional developments for English Language Learners that are hands-on and detailed that teach skills to bring back to the classroom.

“Compliance, not every school does a good job keeping up with compliance. You might get a folder from another county, and it’s up to date because you know they are compliance is on it. Then you might get folders from other schools where the compliance hasn’t been done correctly. If their compliance is of the data and monitoring on that student is going to be off. Teachers need to be able to monitor students; they have been at a level three for so many years; how do we get them to the next level? When they are a level five for so long, why are they still in the ESOL program? Why can’t we get them up? Starting small with one thing, there is a lot that needs to get done, I think, in Orange County and throughout the state of Florida.”

Ms. Smith shares the patchwork of compliance within a district and how the effects the students monitoring, which impacts their education. When probed with “What additional support do you wish OCPS provide for ELLs?” Ms. Brown says,

“Easy to access interpreters and language dictionaries for students who are not Spanish speakers. Spanish is the most common home language of ELLs, but only having Spanish translators and dictionaries leaves our Creole, Chinese, Vietnamese, etc. students at a disadvantage.”

Ms. Smith added additional suggestions,

“It would be nice to have some sort of English centered extracurricular tutorial type work. I know that if I don’t get it done at my school, it is not getting done, kind of thing. Again, that is another school by school thing. To have more opportunities to practice.”

Ms. Brown and Ms. Smith brainstormed various ideas on how the county could support ELLs, from interpreters and language dictionaries to more practice of speaking English.

Ms. Brown replied

“I have heard that there are some really cool things going on now that UCF is doing with their partners that Orange County and whatever other county decided to take it on, and it’s called a bilingual village. That is an opportunity to make partnerships throughout the community and allow your English learners to practice their skills. Yes, it’s conversational, but when you build your conversational, that only helps your academics eventually, too, so by creating a bigger vocabulary. Doing innovative things to allow English learners to be able to practice and produce the language outside of the school setting. “

Ms. Smith explained a positive event local schools have completed and the benefits for the ELL students.

“More content-based things and maybe looking into some other computer programs that are content-based. That is directed towards intermediate English language learners because they need the foundational skills. Teachers are strapped; they don’t have time to teach foundational skills, especially to a fifth-grader. They need that, but that is not what

classrooms are focused on. They are focused on academics that they should be.

Providing extra support for foundational support is important too.”

Ms. Smith suggested more content support for these students at a foundational level coming from an additional professional other than the general education teacher.

Comprehensively, the findings of the thesis point to the idea that Orange County Public Schools follow the mandates outlined in their ESOL handbook, including those by the state of Florida. Chapter Five provides the concluding reflections regarding educational recommendations based on the findings and ideas for future research.

Chapter Five: Conclusions

The research suggests there are many issues with the quality of education English Language learners are receiving. Findings such as the incohesive implementation of ESOL policies. The federal government splits the power of implementation with state and local districts. Thus, creating an inconsistent program across the United States, states, and districts. Additionally, teachers reported not having the proper training to teach ELL students. Based on the findings, the researcher's suggestions are below.

At the start of this thesis research, questions on policies about ESOL students included: How are ELLs tested for content knowledge? How are ELLs tested for English literacy? and How are teachers supporting them? Just like every other student in the state of Florida, ELLs are required to take the Florida State Assessment test at the end of the year. These scores can affect when they can exit the ESOL program, but for the first three years, it cannot count against them. In addition to Florida State Assessment, ESOL students take the ACCESS test where their English Literacy is tested. Students are given this in the spring, and these scores also affect when the student gets to exit the program. Teachers support these students the best they can, in an inclusion classroom, the primary teacher must have a certain number of endorsement hours to teach ELLs. ESOL policy in Orange County follows the Florida Mandate and there OCPS handbook. The ESOL students are not allowed to get a failing grade when they are in the program. This policy ensures they will not fail based on their knowledge of content base information when they are not yet proficient in the English language.

Educational Recommendations

Recommendations for Dealing with Parents

Throughout the process of researching ESOL policies, several things were made clear. A child could be in the ESOL program without English being their second language. If a parent indicates another language is spoken at home in the home language survey, regardless if it has spoken with the child, the school then must test the student for eligibility into the ESOL program. Now, what if the child doesn't test well? The student would then be labeled and placed into the ESOL program. To repair this situation, Florida could change the wording on the survey to include specifics of whether the child's primary language is English. An alternative would be having a translator work with the parent as they fill out the home survey or to use Google Translate, so they fully understand what they are doing. Schools could also have a follow-up and ask parents, specifically, if the child is bilingual before they administer the Access test. Moreover, after a child is in the program, they are not getting equity in their education. However, this is not done intentionally. Most teachers are unprepared to teach these students. They have not been trained well enough to offer adequate support. Most new teachers are getting this training before stepping into the classroom through their college courses. Veteran teachers do not have this same training. The legislature should add more policies on the education of teachers for ESOL students.

Administrators should organize staff meetings or workshops that are informative so that teachers learn ways to teach this subset of students better. Legislators should add policies that focus on instruction for a more cohesive program for ELLs across the United States. The education a student receives should be consistent if they were to move to another school. Additionally, schools should host events that build community between teachers, staff, and

families. Parents usually do not ask many questions about their child's education, particularly if they are also learning English (Ms. Brown, 2020). Fostering parent-teacher relationships by extending invitations and communications in the home language, and using Google translate or arranging for interpreters for parent events, can make them feel comfortable enough to become more involved in their child's education.

Benefits of ESOL programs

The Benefits of the ESOL program include any accommodations for ESOLs to learn. Even if the accommodations are not perfect, having something is better than nothing. Additionally, a thorough analysis of whether a student is ready to exit the program. Once the student exits the program, they are monitored for two additional years. Additional monitoring allows additional support for the student if they are struggling. For the students who enter the program as true ESOL students, knowing that they will be supported to an extent while they are learning the language without fear of content hindering them is beneficial in becoming literate in English.

Recommendations for Professional Development

Professional developments need to inspire teachers to enhance the quality of education to provide more support for ESOL students. Teach the educators how difficult it is to acquire the language and provide strategies to help support students. Have the teachers question the speed of their speech when talking with students. Administrators/ districts could encourage teachers to learn another language to build compassion for ESOL students.

For administrators, professional developments should include creating consistency within a district and applying rules that all schools must follow, like creating communities that include and celebrate ESOL families. Administrators should fight to include dictionaries or google translator for each student.

Recommendations for Families

Districts should draft a letter to explain to families the ESOL program. The letter should include the support offered to the student, how this affects their time in a general education class, what training is required for the teacher to support the children, and what resources are available to the student. The district should provide translators at all parent-teacher meetings and registration when the Home Language surveys are filled out. Districts should host events like a bilingual village where ESOL students, and their families can come together and practice English.

Future Research

The quality of ESOL programs has improved since the first federal policy in 1839. However, there is still a way to go before the ESOL program provides these students with a high-quality education. If the federal government wants ELL students to have a high-quality education, why isn't there a curriculum that is consistent across the United States? Once students leave the ESOL program, are they graduating at the same rate as their non-ESOL peers? If not, should there be additional resources available to former ESOL students until they graduate?

APPENDIX A: IRB APPROVAL



UNIVERSITY OF CENTRAL FLORIDA

Institutional Review Board

FWA00000351
IRB00001138
Office of Research
12201 Research Parkway
Orlando, FL 32826-3246

EXEMPTION DETERMINATION

November 12, 2019

Dear Sara Michael Luna:

On 11/12/2019, the IRB determined the following submission to be human subjects research that is exempt from regulation:

Type of Review:	Initial Study, Category 2
Title:	An Exploration of Florida English Language Learner Policies and Classroom Implementation in Early Childhood Education
Investigator:	Sara Michael Luna
IRB ID:	STUDY00000931
Funding:	None
Grant ID:	None

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made, and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request so that IRB records will be accurate.

If you have any questions, please contact the UCF IRB at 407-823-2901 or irb@ucf.edu. Please include your project title and IRB number in all correspondence with this office.

Sincerely,

Racine Jacques, Ph.D.
Designated Reviewer

APPENDIX B: EMAIL RECRUITMENT

Subject line: English Language Learners Research paper

Hello,

My name is Brittany Baggaley, and I am a student at the University of Central Florida. I am an investigator for the research paper: An Exploration of Florida English Language Learner Policies and Classroom Implementation in Early Childhood Education.

Through the help of my faculty advisor, I have found your name and email address and think you could provide great insight into English Language Learner policies in Orange County Public Schools. The study includes retired and former Florida Public School employees.

If you choose to participate, a series of questions will be asked while responses are audio recorded. At the start of the interview, a pseudonym will be assigned to you throughout the interview. A series of up to 8 questions will be asked and should take no more than 20 minutes.

The location of the interview is on the University of Central Florida's main campus in Orlando, Florida.

You must be 18 years or older to participate.

If you have any questions, you can reach me at Brittanymarie62@knights.ucf.edu or by phone at 321-432-3694.

Sincerely,

Brittany Baggaley

References

Aspira v. New York 423 F. Supp. 647 (1976)

Castañeda v. Pickard, 648 F.2d 989 (1981)

Diem, S., (2019) Educational Policy: An Interdisciplinary Journal of Policy and Practice.

Educational Policy, 33 (1) (2019) ISSN: 0895-9048 Online ISSN: 1552-3896

Everett-Haynes, M. (2018, February 19). *How Coral Way, Florida Made History in Two*

Languages, University of Arizona. <https://uanews.arizona.edu/story/howcoral-way-florida-made-history-two-languages>

ESOL Compliance. (2016, November 04). *Orange County Public Schools*

<https://www.ocps.net/cms/one.aspx?portalId=54703&pageId=140036>

Flores v. Arizona, 172 F. Supp. 2d 1225 (2000)

Florida Department of Education. (1990). *Consent Decree*. Florida Department of Education:

<http://fldoe.org/academics/eng-language-learners/consent-decree.stml>

Florida Department of Education. (2018). *Glossary*. [http://www.fldoe.org/schools/higher-ed/fl-](http://www.fldoe.org/schools/higher-ed/fl-college-system/glossary.stml)

[college-system/glossary.stml](http://www.fldoe.org/schools/higher-ed/fl-college-system/glossary.stml)

- Florida Department of Education. (2016). Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners. *Florida Department of Education*. <https://www.flrules.org/gateway/ruleNo.asp?id=6A-6.0902>
- Florida Department of Education. (2011) Technical Assistance for teacher preparation: Meeting the needs of English Language learners in Florida. *Florida Department of Education*. <http://www.fldoe.org/core/fileparse.php/7502/urlt/0071749-mnellf.pdf>
- Gándara, P., & Escamilla, K. (2017). Bilingual Education in the United States. *Bilingual and Multilingual Education*, 439-452. DOI:10.1007/978-3-319-02258-1_33
- Hornberger, N. H., & Johnson, D. C. (2007). Slicing the onion ethnographically: Layers and spaces in multilingual language education policy and practice. *TESOL Quarterly*, 41(3), 509-532. Retrieved 7 9, 2019, <https://onlinelibrary.wiley.com/doi/abs/10.1002/j.1545-7249.2007.tb00083.x>
- Johnson, D. C., & Johnson, E. J. (2014). Power and agency in language policy appropriation. *Language Policy*, 14(3), 221-243. DOI:10.1007/s10993-014-9333-z
- Johnson, D. C., Stephens, C., Nelson, J. J., & Johnson, E. J. (2017). Violating Lau: Sheltered English Instruction programs and equal educational opportunity. *Journal of Education Policy*, 33(4), 488-509. DOI:10.1080/02680939.2017.1380847
- Lau v. Nichols, 72-6520. 414 U.S 563 (1974)
- Lawton, B. S. (2009, May 20). Use and impact of English-Language Learner assessment in Arizona. *Eric Database*. <https://eric.ed.gov/?id=ED530047>

Menken, K., & Solorza, C. (2014). No Child Left Bilingual: Accountability and the elimination of bilingual education programs in New York City schools. *Educational Policy*, 28(1), 96–125. <https://doi-org.ezproxy.net.ucf.edu/10.1177/0895904812468228>

Otero v. Mesa County Valley School District No. 51, 408 F. Supp. 162 (D. Colo. 1975)

Plyler v. Doe 457 U.S. 202 (1982)

Rios v. Reed 404 U.S. 71 (1971)

Russakoff, D. (2010, December 31). PreK-3rd: Raising the Educational Performance of English Language Learners (ELLs). PreK-3rd Policy to Action Brief. *Eric Database*.
<https://eric.ed.gov/?id=ED542859>

San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973)

Sullivan, A. (2011). Disproportionality in special education identification and placement of English language learners. *Exceptional Children*, 77(3), 317-334.

The Center for Education Effectiveness. (October 2014). Performance of Former-ELL Students on Washington high stakes tests *Eric Database*.
<https://files.eric.ed.gov/fulltext/ED573018.pdf>

The Texas Educational Agency. (2015, December 01). *A Chronology of Federal Law and Policy Impacting Language Minority Students*.
<https://www.colorincolorado.org/article/chronology-federal-law-and-policy-impactinglanguage-minority-students>

United States Department of Education. (2008, March 28). Beginning - Elementary and Secondary Education Act (ESEA). *US Department of Education*
<https://www2.ed.gov/policy/elsec/leg/esea02/beginning.html#sec1>

United States Department of Education. (2018, 09 25). *US Department of Education U.S. Department of Education*: <https://www2.ed.gov/about/offices/list/ocr/ell/september27.htm>

Welsh, M. (2008, December 31). ELLs and the Law: Statutes, Precedents. *ED Week*.
<https://www.edweek.org/ew/articles/2009/01/08/17law.h28.html>

Wright, W. E. (2018, January 29). Landmark Court Rulings Regarding English Language Learners. *The Texas Educational Agency*.
<https://www.colorincolorado.org/article/landmark-court-rulings-regarding-englishlanguage-learn>