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English Language Minority Students and Education Policy: A Focus on the Latinx Population

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English Language Minority
Students and Education Policy: A
Focus on the Latinx Population

Biography

Born in Aguascalientes, Aguascalientes and raised in Encarnacion de Diaz, Jalisco, Ángeles came to the U.S. when she was sixteen years old, Ángeles is a senior at San José State University; after graduation, she plans to obtain her master's and Ph.D. in education policy and become a Latinx political advocator and a faculty member in a higher education setting. Ángeles' research interests include (but are not limited to) Latinx immigrant students, Latinx education policy, language minorities in U.S. secondary schools, and the power dynamics within the Education System in our country. She also wishes to examine district, state level, local, and federal funding as factors in the academic success of underrepresented students. Ángeles hopes to promote the representation of Latinx individuals in higher education, as well as bring more equity, fairness, and cultural capital to the different policies for Latinx students across the nation.

English Language Minority Students and Education Policy: A Focus on the Latinx Population

Abstract

Our federal government allows states to pass and ratify new laws every year. Over the last thirty years, America has experienced a polarized fight over the expansion or reduction of government involvement. In terms of education policy, local districts and governments can play an essential role in the implementation, evaluation, and development of equitable educational opportunities. This paper examines federal and state level policies in the context of English Language Learners' (EL) educational opportunities. In particular, I focus on Mt. Diablo High School, which is located in the Mount Diablo District. According to the California State Department of Education, the percentage of English Language Learners at this school is 33.5%. Out of this percentage, a majority of English Language Learner students at Mt. Diablo High School are Latinx (84.98%). These statistics help to demonstrate that state and district level policies lack inclusivity, student awareness on academic resources, accessibility to career center programs, and a lack of parent and teacher participation. Due to these shortcomings, these policies primarily feed into the undereducation and retention of EL students. By analyzing existing Student Site Council meetings and state-level data sets, I argue that there is a higher need for accountability and support relative to the number of EL students attending Mt. Diablo High School.

Introduction

During 2013-2014, unaccompanied child migration from Central America to the U.S. reached its peak. According to the article, “As immigration resurges, U.S. public schools help children find their footing” published by the Washington Post in 2016, the influx of immigrant children to our public schools has been a challenge—not only for these newcomers, but also for the teachers, staff, parents, and policymakers. However, as many are aware, migration is not a new topic in this country; in 1965, when The Immigration and Naturalization Act abolished some of the xenophobic quotas in previous times, the demographics of the U.S. significantly changed. Today, one in four children in the U.S. are the children of immigrants (Gandara, 2018).

The United States Department of Education faces the great responsibility of educating every child in this nation. One of the programs that attempts to accommodate newcomers into public schools is the English Learner Development program. According to Laura Hill, a researcher at the Institute of Public Policy in California, the number of EL students in the California education system is around 1.3 million. Any student who enrolls in K-12 education in California and speaks a language other than English is automatically considered and classified as an English Learner student—a status that is meant to be temporary. (Hill, 2018)

The current population of EL students in California public schools is large and diverse. Most EL students are born and raised in the United States; nevertheless, if we compare immigrant EL students to EL students born in the States, there is a significant difference between both groups. For example, EL students who, for different reasons, spend more time classified as EL students (more than 3 years) seem to “get stuck” in the system and are less likely to be reclassified as “fluent.” This has been an issue for many districts and state policymakers since the English Learner Development program started. Today, the student population of “ever ELs” has grown to 38 percent in all K-12 institutions in the state of California (Hill, 2018).

Background and Research on undereducated Immigrant Latinx Students

Pedro R. Portes and Spencer Salas (2014) have an extensive history as researchers in writing and analyzing education policy. In the book, *U.S. Latinos and Education Policy, Research Based Directions for Change*, Portes and Salas raise two important and relevant ideas for this research: 1) despite the multiple reforms that aim to support and increase equal opportunities for quality education for all students, most low-income children (especially from Spanish speaking families) are still undereducated and 2) the fact that “schools remain politically structured to educate and graduate most students subject to group-base inequality below grade level and to house most until they, as a whole, populate the “nation’s underclass” (p.3). The first idea supports the argument that there is a need for government funds to repair the gap of success that affects Latinx English Learner students in California. The second factor emphasizes the need for accountability and scrutiny towards these politically-structured institutions. In order to address Portes and Salas’ ideas, their research asks: why can’t the United States, especially the education system, after decades, organize a better system that effectively and systematically reduces group-based inequality in education outcomes?

Using the term, “undereducation” Portes and Salas explain that this change can occur by “design[ing] a dialectical program” (p.4). This program should be developed and organized by the dominant group and its leadership, whose job is to implement, write, and advocate for policies that maintain the pipeline of undereducated Latinx students in the United States. While Portes and Salas do an excellent job dismantling, explaining, and outlining how policymakers from local to national levels might understand and apply policies for the benefit (or to the detriment) of undereducated children, they do not acknowledge the sources of income for public schools or who controls them. Rather, their intent is to call for politicians, policymakers, and the government to bypass the local level and argue for the need of “scholarship and research to translate how understandings generated therein might be realized at a macrolevel – over the sustained K-12 experiences of Latino children” (p.5). In light of Portes and Salas’ intent, this research will help to address how policymakers interpret and write policies for Latinx students.

Laura Hill (2018) explains the recent reforms made to address the English Learner Achievement Gap. According to Hill, these new reforms aim to alter how California “funds, educates, assesses and holds districts accountable for EL students” (Hill, 2018). The purpose of Hill’s article is to examine the facts on English Language Learners academic performance, the assessments and standards that these students are required to meet for their reclassification, and The Local Control Funding Formula to fund these programs. According to Hill, “40 percent of students in California speak a language other than English at home” (Hill, 2018). During the 2016-2017 academic year, more than 1.3 million students were English Learners; out of this number, 83 percent spoke Spanish.

Rebecca M. Callahan and Dara Shifrer’s (2016) recent study on English Language Learners further examines the concept of undereducated minorities that Portes and Salas (2014) presented in their study of Latinx students. In their study, Callahan and Shifrer had the task of looking at English Learners’ academic exposure in secondary schools. Education policies for English Learner students are meant to fulfil the “linguistic and academic development” of students “without furthering inequity or segregation” (Callahan & Shifrer, 2016). However, despite the policies’ purpose, Callahan and Shifrer found that EL students in secondary schools are still “experiencing significantly less academic exposure” and therefore feeding into the undereducated class of Latinxs in public schools (Callahan & Shifrer, 2016).

Their research looks at the courses that EL students have taken during high school as “evidence of academic equity in access and English Learner program effectiveness” (Callahan & Shifrer, 2016). The researchers detail the challenges that many English Learner students face in order to succeed and attain basic knowledge and skills to fulfill high school requirements. The following are the two main challenges that researchers found. 1) The flexibility and authority that Local Education Agencies (LEAs) have to address the needs of their specific population of English Learner students and 2) the “so-called” “Equity Trap” which, according to Callahan and Shifrer, “occurs when teachers develop a false sense of assurance that validates” English Learner students’ “low academic expectations based on their proficiency in English” (Callahan &

Shifrer, 2016). In other words, due to the focus on helping English Learner students understand and speak English, when teachers see that a student is succeeding—even by a small amount—they feel that their job is done. As a result, this feeds into the undereducation of EL students by reinforcing the concept of not asking them to do too much, just what they can manage. This “pobrecito syndrome” makes an educator a sympathizer instead of an emphaser, thereby making them expect less from EL students in comparison to their peers (Callahan & Shifrer, 2016).

Historically, there are “existing racial and socioeconomic disparities in course taking and achievement” (Callahan & Shifrer, 2016) that impact EL students’ opportunities to an equal education. The results of Callahan and Shifrer’s study show a significant difference between Native English, Language Minorities, and English Learners, showing that only 11% of English Learners completed all the courses for college readiness preparation compared to 31% for Language Minorities and 38% for Native Speakers (Callahan & Shifrer, 2016). Therefore, their study shows that, despite the existing policies that have been implemented in order to help English Language Learners, they still have unequal access to academic access.

To further address this issue, my research will historicize the laws which relate to the English Learner population. In particular we will describe each law and how the policy tries to or address issues of inclusivity, equity and access to an equal and fair education. These policies are: The Elementary and Secondary Education Act Title VII and the 1994 reform, Equal Educational Opportunities Act (EEOA) of 1974, and No Child Left Behind (NCLB) in 2001. In general, these policies and Acts are federal programs that ensure all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach—at a minimum—a proficiency in challenging state academic achievement standards and state academic assessments, especially for English Learners and low-income students.

Federal Law and Policy Impacting English Language Minority Students

In order to better understand the development of Federal and State policies that impact language minority students, it is important to examine

the historical development of different policies. In particular, I will examine the policies and decisions that have influenced the educational policies implemented for English Language Learner students after the 1954 case, *Brown v. Board of Education*. Specifically, I will look at The Elementary and Secondary Education Act, Title VII and the 1994 reform, EEOA in 1974, and NCLB in 2001.

Brown v. Board of Education of Topeka, Kansas (1954) is the starting point for a number of changes to increase equity for all students within the classroom. The court's decision not only affected the lives of African Americans in the education system; it also opened the door for the inclusion of other minority groups such as the Latinx student population. (Contreras & Valverde, 1994). Prior to *Brown v. Board of Education*, the legal segregation of African Americans and Latinx students was present in school systems. In terms of Latinx students, schools could legally refuse their entry into the classroom based on their "Spanish-like-surname" and their "language deficiency" and instead send them to "Mexican Schools" (Contreras & Valverde, 1994, Ferri., & Connor, 2005).

Despite the revolutionary impact that *Brown v. Board of Education* had on the enforcement of equal opportunities for all students notwithstanding their race or color, the fight did not cease. This caused an increase in court cases from different schools, districts, and states in order to fight against the unfair and unequal treatment of students of color. Court cases like those in California (*Romero v. Weakley*, 1955), Colorado (*Keyes v. School District No. 1*, 1973), and Texas (*Cisneros v. Corpus Christi Independent School*, 1970, *United States v. Texas Education Agency*, 1972, and *Morales v. Shannon*, 1975) were important in the constant fight for equal opportunities in education—particularly for English Language Learner students and the policies implemented to assist them (Contreras & Valverde, 1994).

It was not until April 9, 1965 that President Lyndon B. Johnson signed into law the Elementary and Secondary Education Act (ESEA) for the purpose of bringing "equal access to quality of education" (Jefferey, 1978). Three years later, in 1968, Johnson signed into law Title VII of the ESEA. Title VII was primarily meant to address the lack of English language skills among low-income minority children. This new law also became known as "The Bilingual Education Act," which gave monetary

funds “to support educational programs and develop necessary instructional resources” (U.S. Dep. Of Justice, Types of Educational Opportunities Discrimination). The Bilingual Education Act acknowledged the existence of “unique educational disadvantages faced by non-English speaking students” and began to build awareness for the right to an education among EL students. Nevertheless, the educational opportunities for EL students have not been equal to that of non-EL students (Contreras, A., & Valverde, L. 1994). The ESEA is particularly important in the continuation of monetary disbursement for different minority groups, including English Language Learners students. Financial resources have been in place since the Act was passed into law; however, the constant struggle of a lack accountability for resources, as well as the academic outcomes of the EL population has always been a controversial topic for state, district, and federal legislators and researchers. (Glavin, 2016)

In order to fight the discrimination and unequal treatment of minority groups, the U.S. Department of Justice, under the Civil Rights Division, passed into law The Equal Educational Opportunities Act (EEOA) of 1974. The purpose of this federal law was to “enforce civil rights laws that prohibit the discrimination on the basis of race, color, national origin, language, sex, religion, and disability in public schools and institutions of higher learning” (U.S. Dep. Of Justice, Types of Educational Opportunities Discrimination). After many court cases and different accounts of discrimination, especially for language minority groups, section 1703(f) was added. Section 1703(f) requires State Educational Agencies (SEAs) and school districts to take action in order to dismantle language discrimination barriers and the impediment of an equal education for English Language Learners. Section 1703(f) is also responsible for investigating complaints on SEAs and school districts that do not provide adequate services to English Learner Students. It is worth noting that this Section does not mandate every school to adapt or implement any kind of language acquisition program. Despite the fact that there is flexibility for schools, districts, and states to implement their own “acquisition language programs,” the courts have three criteria when it comes to assessing what an “adequate” program must have:

1. Whether the school's program is based upon sound educational theory or principles;
2. Whether the school's program is reasonably calculated to implement the educational theory effectively; and
3. Whether after a period of time, the results of the program show that language barriers are actually being overcome.

Aside from these three factors, Section 1703(f) also provides examples of conditions which may contradict with the EEOA's "equal and fair opportunity mission" (U.S. Dep. Of Education, Developing Programs for English Language Learners: Services). Should a district have any of these conditions, they may be violating the law:

1. Fails to provide a language acquisition program or adequate language services to its English Learners;
2. Fails to provide resources to implement its language acquisition program effectively;
3. Fails to take steps to identify students who are not proficient in English;
4. Funnels out EL students before they acquire English proficiency from EL services;
5. Fails to meaningfully communicate with non-English-speaking or limited-English-speaking parents and guardians about EL with written or oral translations of important notices or documents;
6. Fails to provide language acquisition assistance to EL students because they receive special education services, or fails to provide special education services to EL students when they qualify for these services; and
7. Excludes ELL students from gifted and talented programs based on their limited English proficiency.

The expanded power and authority that states and districts had over the success of the English Language Learner population was granted by the Every Student Success Act (ESSA) in 2015. This Act is the latest reauthorization of the Elementary and Secondary Education Act of 1965.

After 2001, No Child Left Behind (NCLB) was replaced by the ESSA due to its multiple failures, punitive policies, and its increasing tests on the education system. Under NCLB, there was a mandated set of rules for accountability and standards with little flexibility for the diverse population of students in the U.S. The same approach was implemented in every school across the nation, and the only way for a school to ensure that it was “up to standards” was by devoting most of its time to teaching children how to pass the standardized test instead providing a quality education. This approach was primarily seen in “failing schools,” where there was a higher population of Latinx, Black, and English Language Learner Students.

The Every Student Success Act aims to solve the various issues that the NCLB brought to the U.S. education system. ESSA provides the flexibility that schools and districts require in order to meet a student’s needs for academic growth. The ESSA includes provisions which help to ensure that every student succeeds. A number of these provisions differ from the NCLB’s in relation to English Language Learners; they:

- Advance equity by upholding critical protections for America’s disadvantaged and high-need students;
- Require—for the first time—that all students in America be taught under high academic standards that will prepare them for success in college and future careers;
- Ensure that vital information is provided to educators, families, students, and communities through annual statewide assessments that measure students’ progress by these standards, and;
- Maintain an expectation that there will be accountability and action taken to enact positive change in America’s lowest-performing schools, where groups of students are not making progress, and where graduation rates are low over extended periods of time.

Mt. Diablo High School

Mt. Diablo High School is located in Contra Costa County. It is one of five high schools in the Mt. Diablo Unified District, as well as the oldest. At MDHS, there are five academies, four of which are career-themed California Partnership Academies, where the students “receive cross-curricular instruction that aims to increase the relevance and depth

of learning in traditional core academic subjects.” (WASC Mid-cycle Progress Report, 2018), For my research, I am interested in The “World Academy” population. The World Academy serves students who have just arrived in the U.S. by providing them with access to unique programs which help to accelerate the acquisition of English language skills. It is necessary to point out that the World Academy is also home to students with disabilities and or mental health conditions (WASC Mid-cycle Progress Report, 2018), making them a higher risk population.

Demographics of ELD students

The combined student population of re-designated, fluent English Language Learners, new student arrivals, and long-term EL students is 70% of the total student population at Mt. Diablo High School. From 2017-2018, the total number of EL students was 458, which accounts for 33.1% of the total population. In 2019, the number of EL has not drastically changed; there are 466 students who classify as EL. The reclassification of EL students is rare, with only 20 students meeting the requirements in 2018 (WASC Mid-cycle Progress Report, 2018). It is both concerning and worth exploring the reasons why this phenomenon occurs. (WASC Mid-cycle Progress Report, 2018),

Leadership in Practice

At Mt. Diablo High School, the School Site Council is a group of teachers, parents, staff, and students who work together to develop, review, and evaluate school improvement programs and budgets. Members are generally elected by their peers and the duties of School Site Councils vary from state to state. However, in general, Site Councils make decisions or advise the principal on the school budget and the academic or School Improvement Plan. In addition to academic planning, the Mt. Diablo Site Council is responsible for making decisions on parent engagement, safety, and discipline (CA, School Site Council, 2019).

After examining the bigger picture in regard to Mt. Diablo’s progress, the Council and the principal create a plan for improvement. This plan might involve a new academic program, staff member, or parent outreach strategy. For example, one council member might utilize funds to develop a new math program, while another might decide to hire a reading

specialist. Another council member may decide that hiring an additional teacher to reduce class sizes in a particular grade, or a parent liaison to get more parents involved, would be the best use of money. Because school budgets are limited and many funds can only be spent in certain ways, there are always tough decisions to make. The various decisions and plans for Mt. Diablo programs are developed in the Single Plan for Student Achievement (SPSA) (CA, School Site Council, 2019).

The SPSA is a plan of action to increase the academic performance of all students. California Education Code sections 41507, 41572, 64001, and the federal Elementary and Secondary Education Act oblige every school to submit and agree upon all school plans and programs funded through the ConApp and ESEA Program Improvement, into the SPSA. In the SPSA plan, schools are able to submit expenditures of the programs that support students' performance. This plan is tied to the Local Control Accountability Plan, which deals with budget expenditures (California Department of Education, February 2014).

Mt. Diablo High is required, by the state, to form an English Learner Advisory Committee (ELAC) due to the high population of English Language Learner students. Aside from the Student Site Council, the ELAC plays an important part in advocating for EL students, the programs that assist them, their resources, and how these programs will utilize the money to help EL students. The committee is formed by parents, teachers, students, and staff who primarily support English Language Learners (California Department of Education, English Learner Advisory Committee, 2019). According to the California Department of Education, the ELAC has specific responsibilities, which include:

1. Advising the principal and staff on programs and services for English Language Learners and the School Site Council on the development of the SPSA.
2. Assisting the school in the development of:
 - a. The school's needs assessment.
 - b. Ways to make parents aware of the importance of regular school attendance.

Future Direction

Going forward, it would be important to explore the contemporary challenges that English Language Learner students face at Mt. Diablo High School. Future research can be done on agenda setting and the power dynamics of the School Site Council. By attending School Site Council meetings, as well as analyzing how past decisions have or have not made a meaningful impact on the EL community, I believe one can influence a change in the way policymakers propose solutions for existing challenges. Secondly, future research should focus on the leadership, staff, parents, and students who are involved in positions of power, and how they communicate and advocate for the EL community.

Research shows that attending a school like Mt. Diablo High, particularly with their student demographics, teacher turnover rate, and the lack of unawareness on various resources for both students and parents, may be feeding into the “subtractive school system,” (Valenzuela, 1999) where uneducated Latinx students suffer the consequences of a racialized and unequal education system.

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