

## SERVING THE LEARNING NEEDS OF ELLS: A COMPARISON OF FLORIDA AND NEW YORK

Alta Joy Broughton\*  
Xigrad Soto  
Ashley White  
University of South Florida

As the most recent authorization of the Elementary and Secondary Education Act of 1965, the Every Student Succeeds Act (ESSA) of 2015 provides guidelines for states to receive federal funding for education. In this policy brief, we compare and contrast how two states—Florida and New York—address three areas of the ESSA that significantly affect the schooling of English language learners (ELLs), situating them in light of current research-based recommended practices. In our analysis of these guidelines, we contrast plans from Florida and New York State, and discuss three considerations for meeting ESSA requirements and improving states' educational services to ELLs: (a) providing access to native-language assessments and appropriate testing accommodations for students classified as ELL; (b) holding school districts accountable for ELLs' progress toward English language proficiency and academic achievement; and (c) improving the quality of teacher preparation and availability of ongoing professional development for serving ELLs.

**The Every Student Succeeds Act of 2015 (ESSA)**, the most recent authorization of the Elementary and Secondary Education Act of 1965, provides guidelines for states to receive federal funding for education. The aim of this legislation is "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps" (Every Student Succeeds Act of 2015, § 1001. 20 U.S.C. 6301). Funding from the ESSA goes directly toward funding programs for students from rural and low-income schools and for ELL students (e.g., Title I, Part A; Title V), migrant children (Title I, Part C), teacher professional development (Title II, Part A), and English language acquisition (Title III, Part A). In stark contrast to its predecessor, the No Child Left Behind Act of 2001, the ESSA returned control to the states by moving from mandated requirements to requesting that each state tailor a plan for meeting ESSA guidelines. From 2016 to 2018, states have submitted plans, received feedback (e.g., Botel, 2017), and resubmitted in consideration for approval. Florida was the last state to receive approval, on September 26, 2018 (DeVos, 2018).

During the 2017–2018 school year, Hurricane Maria forced the evacuation of approximately 22,250 students from Puerto Rico, who subsequently enrolled in K–12 schools throughout Florida and the northeast states (Meléndez & Hinojosa, 2017; Meléndez, Hinojosa, & Román, 2017). At 51%, Florida absorbed the largest proportion of those students, followed by Pennsylvania (11%), Massachusetts (11%), and New York (9%) (Meléndez, Hinojosa, & Román, 2017). As Florida Education Commissioner Pam Stewart explains, "In almost every case, they are ELL students and those add a challenge . . ." (Ruiter, 2017; see also Postal, 2017). As a state with the third largest population of ELLs in the country, one would expect Florida schools to have the systems and supports to absorb the needs of these evacuees. However, the newly approved state plans, based on the federal regulations of the ESSA, exhibit a wide variation in readiness of states to serve English language learners (ELLs). In particular, the Florida and New York ESSA

plans, despite similarly large ELL populations (Figure 1), show dismaying discrepancies in provisions for serving their ELL students.

Figure 1. Population of ELLs in Florida and New York Compared to U.S. Average



Florida has three times more ELLs than the national average, and these students continue to perform significantly below non-ELL students across the state. National Center on Educational Statistics, 2016.

Under the existing state educational systems, school districts and individual schools face a formidable challenge in meeting the ESSA requirements to provide appropriate training in, access to, and accountability for supporting the educational progress and language acquisition of students classified as ELLs. We highlight the large variation between state plans by comparing and contrasting how two states, Florida and New York, address three areas of the ESSA that significantly affect the schooling of ELLs. We situate these differences in light of current research-based recommended practices. First, we compare access to native-language assessments and appropriate testing accommodations in these states for students classified as ELL. Second, we review the states' plans for district accountability of ELLs' progress toward English language proficiency and academic achievement. Third, we look at how Florida and New York State address the low-quality preparation and professional development available to regular education teachers for serving ELLs in their classrooms.

### **Consideration 1: Providing Appropriate Accommodations on State Assessments**

Researchers have long asserted that in order for non-native English speakers to meet rigorous academic expectations of state standards, they must acquire proficiency in academic English (Freeman & Freeman, 2009; Hopkins, Thompson, Linqanti, Hakuta, & August, 2013; Scarcella, 2003; Valdés, 2004). In contrast, the ESSA requires the content-area assessment of all ELLs, but does provide states with the latitude to determine whether these assessments are translated into their native language. The purpose of state assessment is to gain an accurate measure of student knowledge in content areas such as English language arts, math, and science. For students who have not yet attained English language proficiency, assessing students' math or science knowledge in their second language evaluates English language proficiency, and could affect the validity of content-area assessments (Francis, Rivera, Lesaux, Kieffer, & Rivera, 2006). Therefore, if no native language assessments are available to ELLs, their ability to demonstrate their content knowledge is apt to be limited to their level of English.

Assessments of content-area subjects in a student's native language provide a more accurate measure of the student's knowledge of these areas (Abedi, Hofstetter, & Lord, 2003). Research supports that native language assessments provide a valid measure of academic achievement while a student is acquiring English language skills (Abedi et al., 2004; August, Shanahan, & Escamilla, 2009; Rivera & Collum, 2014).

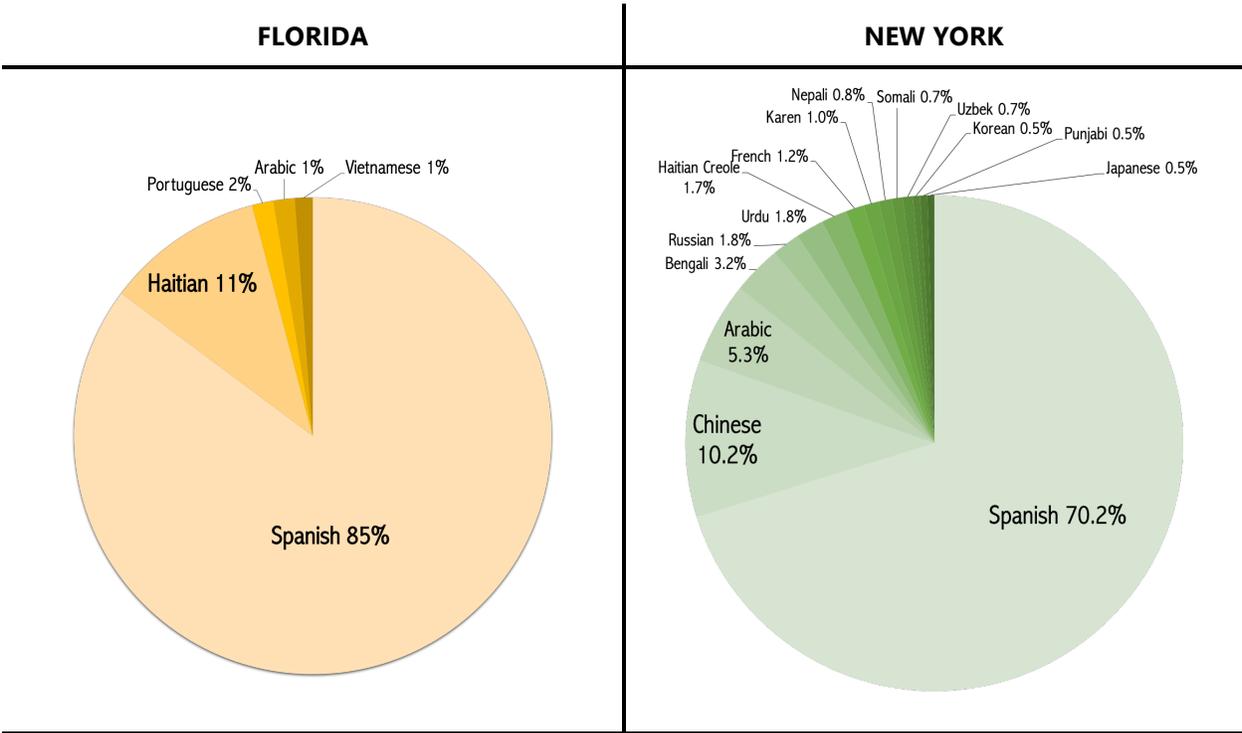
While we recognize that English is the prominent language of instruction across the United States, ELLs represent a wide diversity of language backgrounds and educational histories (Artiles, Rueda, Salazar, & Higareda, 2005). To adequately evaluate the needs of these diverse cultures and populations, educators need to assess students in their native language when appropriate (Francis & Rivera, 2007). State policy can aid schools in providing access to these assessment tools through guidelines for distinguishing students who would benefit from such assessment in their native language over the English version.

### **Translating State Assessments into Prevalent Languages**

The ESSA requires states to provide access to native language assessments is to ensure accurate assessment of ELLs' content knowledge rather than inadvertently assessing English language proficiency. This rule *does not* require all ELLs to be assessed in their native language; instead, the purpose is to provide students with access to a native language assessment when appropriate to their language background and instructional experience. However, the ESSA *does* require that all states provide definitions for "languages other than English that are present to a significant extent in the participating student population" and to identify the specific languages that meet that definition to determine which languages state assessments should be translated into (Every Student Succeeds Act, 2015; Issue Paper 5a, 2016).

The ESSA Negotiating Rulemaking Committee defines prevalent languages as those spoken by greater than 1,000 students (Issue Paper 5a, 2016). In the 2013–2014 school year, in addition to the number of Spanish speakers, Florida ELLs represented speakers of Haitian Creole (~26,104), Portuguese (~3,547), Arabic (~3,510), and Vietnamese (~2,900); see Figure 2. Under the current Florida ESSA plan, these students will not have access to demonstrate content knowledge of math or science in their native language. The Migration Policy Institute reports that up to 41% of Florida ELLs are born outside of the United States, with a larger share of these students currently in secondary grades (6–12) (Sugarman & Lee, 2017). Such students, who had been educated in their native language, may benefit from taking content-area assessments in that language. In contrast, New York will provide access to native language assessment for those ELLs whose native language is Chinese, Haitian-Creole, Korean, Russian, or Spanish.

Figure 2. Native Languages Spoken by ELLs in Florida and New York



New York State Department of Education, 2016; U.S. Department of Education, 2015

In the 2017–18 school year, nearly 290,000 Florida students were classified as ELLs. As 10.9 percent of the student population within Florida, this group represents a diversity of ethnicities, over 240 different languages, and instructional experiences (Florida Department of Education, 2018). Approximately 250,000 ELL students are identified in New York State, representing 8.8% of the total student population (N.Y.S. Department of Education, 2017). While both states have a wide linguistic diversity in their immigrants, the FDOE last reported only the top five home languages spoken by ELLs in 2014 and no longer requires districts to collect or report this information. In contrast, the N.Y.S. DOE regularly reports home languages spoken by students classified as ELL (Figure 2).

Table 1 contrasts the federal ESSA guidelines and the responses provided by Florida and New York Departments of Education in regard to the need for native language assessment. These states’ perspectives sharply diverge on the importance of native language assessments of the content knowledge of recently arrived ELLs. New York assesses language prevalence within the student population of ELLs, while Florida generalizes the student population to include *all* students participating in the English Language Arts (ELA) state achievement test. Furthermore, New York has already made significant efforts to translate math and science tests in its schools into the five most prevalent languages and intends to translate into eight more when funding becomes available.

Rather than reporting the prevalence of languages within the student population of ELLs, Florida defines the student population as “all ELA test-takers,” thereby misrepresenting the prevalence of other native languages. The current Florida ESSA plan acknowledges Spanish as significantly prevalent (above 5%) within the total student population. However, this represents over 246,500 students, or 85% of ELLs.

In a further difference, the FDOE repeatedly emphasizes throughout its state plan that there is no need for native language assessments (Florida Department of Education, 2018). This assertion is made on the basis of state law and research. The FDOE argues that according to the state constitution, English is the

official state language; therefore, the state government is not obligated to make government documents available in languages other than English. Finally, the FDOE concludes:

Florida does not need such assessments because they would not be valid and reliable and use of such assessments, based upon practice and experience, would slow the transition of ELLs to English language proficiency. (Florida Department of Education, 2018, p. 10)

It is important to recognize that translating state academic assessments into the most prevalent languages follows the precedent set by other states and is supported by research (Abedi et al., 2004; Kieffer, Lesaux, Rivera, & Francis, 2009; Lacelle-Peterson & Rivera, 1994). Currently, Florida is the exception among states with the highest proportion of ELL students (i.e., California, Texas, and New York) (Issue Paper 5a, 2016).

Table 1 <i>Comparison of ESSA State Plans to Address ELLs' Access to Native Language Assessment</i>		
ESSA REQUIRES STATES TO:	FLORIDA	NEW YORK
Provide its definition for: "languages other than English that are present to a significant extent in the participating student population."	Languages spoken by more than 5% of the <i>total</i> student population	A language spoken by 5% or more of New York State's ELLs/MLLs
Identify the specific languages that meet that definition.	Spanish (6.8% of ELA test-takers)	<ul style="list-style-type: none"> <li>Spanish (64.9%)</li> <li>Chinese (9.5%) (NYS ESSA Plan, p. 23)</li> </ul>
Identify any existing assessments in languages other than English, and specify for which grades and content areas those assessments are available.	None	<ul style="list-style-type: none"> <li>Grades 3–8 math assessments and Regents examinations into five languages (Chinese [traditional], Haitian-Creole, Korean, Russian, and Spanish)</li> <li>Elementary- and intermediate-level science assessments into three languages (Chinese [traditional], Haitian-Creole, and Spanish)</li> </ul>
Indicate the languages for which yearly student academic assessments are not available and are needed.	There are no assessments needed in languages other than English	<ul style="list-style-type: none"> <li>Grades 3–8 and high school Native Language Arts/Home Language Arts (NLA/HLA) exams</li> <li>Math and science assessments into the following eight languages: Chinese (traditional), Chinese (simplified), Haitian-Creole, Korean, Russian, Spanish, Arabic, and Bengali</li> </ul>

### **Consideration 2: Holding Schools Accountable for ELL Progress**

According to the 2017 National Report Card of the National Assessment of Educational Progress, only 9% of ELLs who are in fourth grade, and 5% of ELLs who are in eighth grade, are proficient readers in the United States. These statistics are similarly dismal for mathematics. Only 14% of ELLs in fourth grade, and 6% of ELLs in eighth grade, have proficient math skills (U.S. Department of Education, 2017).

Table 2 compares how Florida and New York hold schools accountable for the progress of their ELLs. The FDOE measures the progress of ELLs through assessment of both English language proficiency and academic achievement. In the 2017–18 school year, the FDOE reported that ELLs performed significantly

below non-ELLs across all state achievement tests (Florida Department of Education, 2018). Previously, the FDOE held school districts accountable for the progress of ELLs on three indicators of adequate yearly progress: (a) showing ELL progress in English proficiency, (b) increasing the percentage of ELLs acquiring English proficiency annually, and (c) increasing the percentage of ELLs meeting basic or above on the state academic assessments of reading and math. In the last year (2013–2014) that the U.S. DOE required school districts to report progress on these objectives, 97% of Florida school districts reported no progress for ELLs and failure to meet their annual measurable objectives for that year (U.S. Department of Education, 2015). In contrast, because New York includes ELLs’ progress in its accountability system, such progress can be measured and tracked to help ensure that ELLs are getting the access and support they need. The current Florida ESSA plan, however, rather than seeking to address the problem, focuses on accountability through academic achievement rather than progress toward English proficiency. In addition, the FDOE holds schools accountable through a measure that aggregates all subgroups into one, referred to as “the lowest-performing 25%” (Florida Department of Education, 2018, p. 11). By this decision, the FDOE ESSA plan aims to measure ELL progress within schools based on the achievement gap between ELLs and non-ELLs; “the target is to reduce by one-third the gap” (Florida Department of Education, 2018, p. 58). This indicator sends a misleading message on three counts: (a) measuring an achievement gap provides no information on ELLs’ or non-ELLs’ current levels, (b) measuring alone does not allow for intermediary progress, and (c) measuring cannot make the gap go away (Saunders & Marcelletti, 2013).

ESSA REQUIRES STATES TO:	FLORIDA	NEW YORK
List major racial and ethnic groups the state includes as a subgroup of students. (ESEA § 1111(c)(2))	<ul style="list-style-type: none"> <li>All statutorily required subgroups</li> <li>ELLs’ progress reported to public but not included in accountability system</li> </ul>	<ul style="list-style-type: none"> <li>All statutorily required subgroups</li> <li>ELLs included in accountability system</li> </ul>
Include any additional subgroups other than the statutorily required subgroups.	Lowest performing 25% of students in ELA and mathematics	None
Include English learner subgroup in the results of students previously identified as English learners for the purposes of state accountability. (ESEA § 1111(b)(3)(B))	No, because: <ul style="list-style-type: none"> <li>all students are included in the lowest performing 25% without regard to subgroup membership</li> <li>does not exempt recently arrived ELLs</li> </ul>	Yes, and: <ul style="list-style-type: none"> <li>exemption for recently arrived ELLs/MLLs for one year</li> <li>waiver for year 2 to take ELA as baseline only, not for accountability purposes</li> </ul>
Set long-term goals for English learners making progress in achieving English language proficiency. (ESEA § 1111(c)(4)(A)(ii))	<ul style="list-style-type: none"> <li>Baseline of 60% made progress in 2016–2017</li> <li>66% of ELLs will make progress on the ACCESS for ELLs 2.0 (WIDA) by 2020</li> </ul>	<ul style="list-style-type: none"> <li>Baseline of 43% of NYS ELLs/MLLs meet progress expectations</li> <li>53% of ELLs/MLLs will demonstrate progress on the NYSESLAT by 2022</li> </ul>

### Three Vital Actions

Researchers recommend these three actions in achieving accountability in ELL progress (Crawford, 2004; Hill, Weston, & Hayes, 2014; Hopkins et al., 2013; Robinson-Cimpian, Thompson, & Umansky, 2016): First, disaggregate (i.e., separate) district and school data by subgroup and even within a subgroup; second, track progress of *all* ELLs by measuring progress of students currently receiving services and students reclassified as English speakers; and third, track progress of ELLs in English language proficiency as well as academic achievement in content areas.

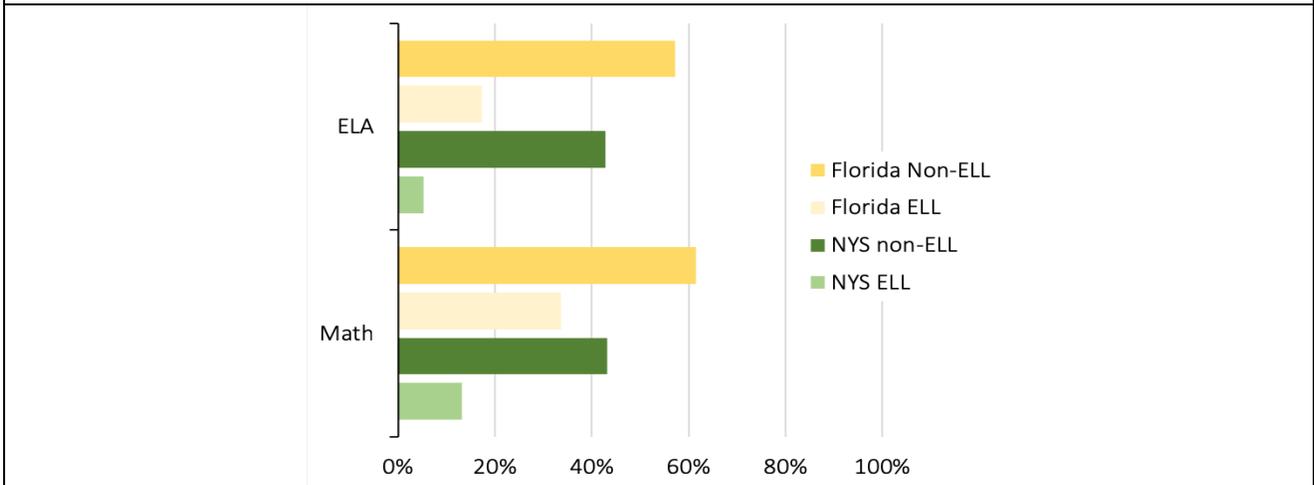
Disaggregating subgroups promotes equity across schools and districts. The ESSA requires states to monitor the progress of all subgroups of students within schools and districts (i.e., race/ethnicity, disability, economic status, and language status). Schools are to be held accountable for any subgroup of students who are consistently underperforming (Every Student Succeeds Act, 2015). Finally, disaggregation of school performance data by subgroups of ELLs (home language, English language proficiency, and academic achievement) provides schools with an exact picture of how their students are progressing and facilitates school leaders in targeting the instructional needs of ELLs (Goldenberg & Rutherford-Quach, 2012).

### “Ever ELLs”

Typically, ELLs who have been reclassified and exited from services are subsequently grouped with native English speakers and tracked as a group for two years. As a result, reports of ELL progress track them as only one segment of a larger population. However, inclusion of the category of “ever ELLs,” which includes any student who has *ever* been classified as an ELL, would provide school leaders with an accurate picture of how schools are serving ELLs throughout the entirety of their school career. Several studies, in examining the progress of “ever ELLs” at state levels, have revealed positive outcomes, such as high academic achievement and graduation rates (Hopkins et al., 2013; Umansky et al., 2015). The currently defined, narrow category of ELLs misses the opportunity to identify schools wherever ELLs are successful (Hill et al., 2014). The general guidelines of the ESSA allow for states to define subgroups within their state that may be susceptible to underperformance. To ensure an accurate depiction of the ELL experience in schools, states should require districts to report on the progress of all ELLs, not just those enrolled in services (Hopkins et al., 2013).

Nevertheless, Florida proposes an accountability system that aggregates subgroup data to “focus on the lowest performing 25 percent” (Florida Department of Education, 2018, p. 11). Because, however, this method does not allow for the protection of particular subgroups such as ELLs, essentially this policy advocates for a one-size-fits-all approach to meeting the needs of low-performing students, disregarding that each subgroup has unique academic challenges, as can be seen in Figure 3 for Florida and New York.

Figure 3. Percentage of Students Scoring Proficient (Level 3) or Above on the Florida and New York State Assessments in 2016–2017 School Year



Florida Department of Education, 2017; New York State Department of Education, 2017.

### Consideration 3: Improving the Quality of Teacher Preparation and Ongoing Professional Development

To improve teacher quality, scholars recommend addressing both pre- and inservice teacher education (Klingner et al., 2005). For preservice teachers, criteria for obtaining an ESOL endorsement must be developed from a minimal checklist of experiences to rigorous requirements (de Jong & Harper, 2005; Harper & de Jong, 2009). For in-service teachers, a comprehensive system of incentives and opportunities for school-based professional development is needed to maintain teacher expertise throughout their career.

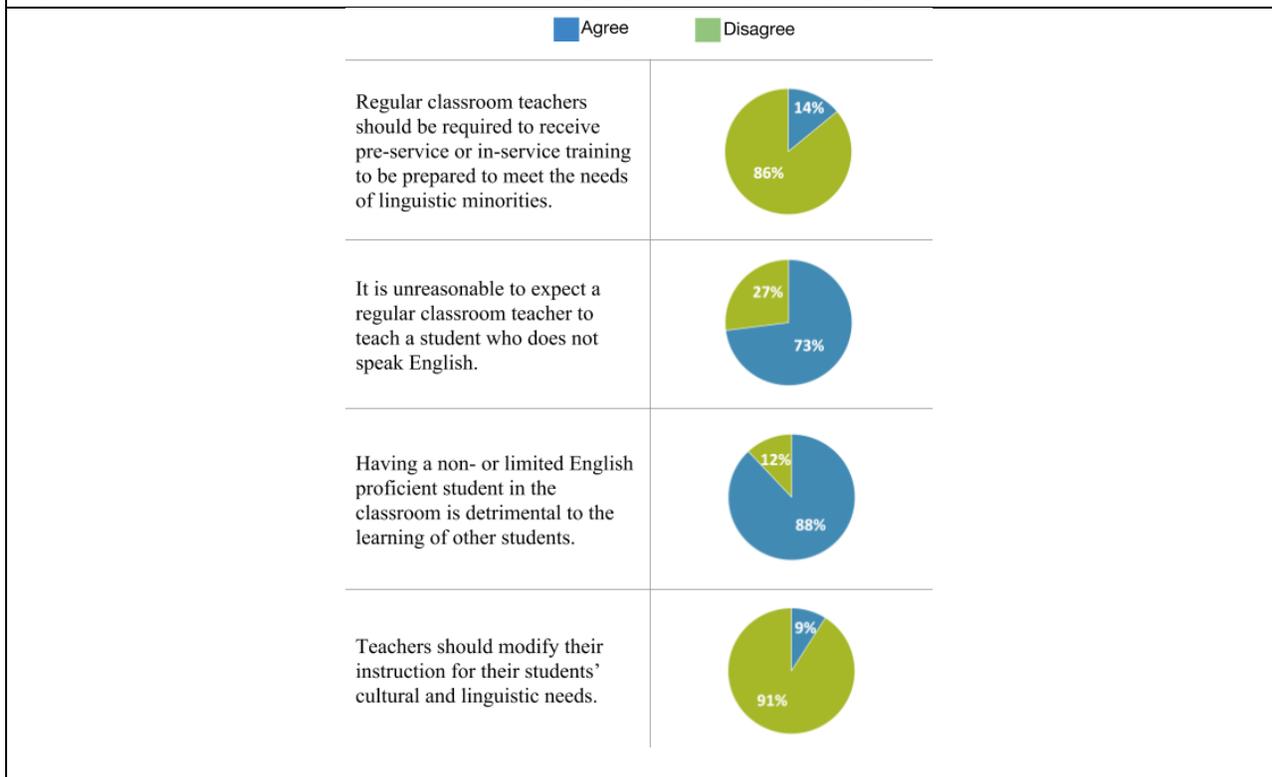
New York and Florida have highly different systems for teacher preparation and ongoing professional development. Table 3 shows that New York, in contrast with Florida, has developed teaching standards that include expectations for “teachers to demonstrate knowledge of current research in learning and language acquisition theories and processes” (N.Y.S. Department of Education, 2018).

Table 3 <i>Comparison of ESSA State Plans for Supporting Effective Instruction</i>		
ESSA FEDERAL REGULATIONS REQUIRE STATES TO:	FLORIDA	NEW YORK
Describe how the state will use Title II, Part A funds.	<ul style="list-style-type: none"> <li>No mention of new programs or any specific to ELLs</li> <li>Emphasizes performance evaluation tools</li> </ul>	<ul style="list-style-type: none"> <li>Highly effective, racially/ethnically/linguistically diverse, and culturally competent teachers, principals, and other school leaders</li> <li>Educator Effectiveness Framework for supporting LEAs* and IHEs*</li> </ul>
Describe use of funds to improve equitable access to teachers in Title 1, Part A.	N/A	Extensive plan to implement Educator Effectiveness Framework
Develop system of certification and licensing.	Two Educator certifications: <ul style="list-style-type: none"> <li>Temporary</li> <li>Professional</li> </ul>	Traditional certification requires: <ul style="list-style-type: none"> <li>Completion of NYS Registered program</li> <li>Institutional recommendation</li> <li>3 certification exams</li> </ul>
Improve skills of educators	<ul style="list-style-type: none"> <li>Content endorsements (ESOL, Reading, Gifted and Talented)</li> <li>Florida Reads Best (professional development project for primary teachers in literacy)</li> </ul>	<ul style="list-style-type: none"> <li>NYS Teaching Standards</li> <li>Continuing Teacher and Leader Education (CTLE) certification</li> <li>CTLE language acquisition</li> </ul>
*LEA = Local Education Agency, IHE = Institute of Higher Education.		

Florida was one of the first states to address teacher quality due to a class-action complaint filed by Multicultural Education, Training, and Advocacy, Inc. (META) (Multicultural Education, Training, and Advocacy, Inc., 1990) on behalf of a coalition of eight minority rights advocacy groups in Florida, including the League of United Latin American Citizens (LULAC). As a result, the FDOC enacted the ESOL Consent Decree, which outlined regulations to ensure ELLs' civil right for equal access to comprehensible instruction. In order to meet the requirements as an ESOL infusion model, university teacher preparation programs were expected to significantly change their curricula and provide faculty with professional development.

Although the FDOE has ensured compliance with Section IV of the Consent Decree, this does not ensure quality preparation for teachers (de Jong, Naranjo, Li, & Ouzia, 2018). Though the ESSA provides the FDOE with the opportunity to direct policy and federal dollars to augment teacher preparation for ELLs, ESOL endorsement alone is insufficient. In 2013, 497 Florida teachers were surveyed on the Language Attitudes Scale (Figure 4). As the responses show, a majority of the teachers surveyed reported negative attitudes toward teaching ELL students; in particular, they reported not taking "culpability or responsibility" for the academic achievement of these students. These attitudes may stem from low self-efficacy and lack of preparedness to teach ELLs.

Figure 4. Florida Teachers' Attitudes Toward Language Diversity (Language Attitude Scale)



Belief and attitudes statements from the Language Attitudes of Teachers Scale delivered to 497 teachers in southwest Florida in 2013 (summarized from Vázquez-Montilla, Just, & Triscari, 2014).

While these requirements and the program folio were extensive, it is unclear how implementation was to be regulated. Therefore, at present, there are too many loopholes allowing programs and teacher candidates to take shortcuts (de Jong et al., 2018); in addition, faculty and inservice teachers are not required to obtain further professional development in this area. As part of the recertification process, the FDOE could require continuing education in teaching English as a second language and second language acquisition.

Currently, Florida teachers are not required to take the ESOL subject-area exam to receive an endorsement. By adding this assessment exam to the endorsement, preservice teachers can be held accountable for acquiring content and pedagogical knowledge specific to teaching ELLs (de Jong, Harper, & Coady, 2013). Other states have adopted a performance-based assessment of instructional strategies specific to teaching English as a second language (Bunch, Aguirre, & Téllez, 2009). This has served as both a formative and a summative assessment, one that motivates awareness in teacher educators throughout teacher preparation programs in a particular state and allows for comparison and accountability of programs.

### Summary

With all state ESSA plans currently approved, this policy brief notes the different levels of support ELLs will receive across state lines, focusing on comparing the programs, requirements, and supports of Florida and New York State to reveal the effect that they will have on ELL progress. For example, in Florida, ELLs will not have access to demonstrate content knowledge in any language other than English, and Florida

schools will not be held accountable for progress toward English language proficiency because ELLs are grouped among other subgroups performing at the bottom 25%. In addition, no specific initiatives will be made to improve teacher understanding of and instructional effectiveness for second language acquisition. For its part, New York State endeavors to adequately support ELLs through access to participate in state assessments with appropriate accommodations, transparent accountability methods that specifically measure progress of ELLs, and motivation in holding teachers to rigorous standards for teaching English as a second language during preparation and through inservice years.

Florida is a state in which bilingualism is a way of life for many citizens, which would seem to position the state to lead the nation in supporting linguistic diversity (de Jong, 2013)—but instead, states such as New York have taken this opportunity to reorient toward increasing equitable education for ELLs. Rather than seizing this situation to celebrate and foster the linguistic resources represented by Florida students, however, the Florida ESSA plan maintains the status quo (Corugedo & Johnson, 2018). Failing to acknowledge ELL students' unique bilingual and biliterate development fails to capture their strengths, thus misrepresenting the linguistic capital they provide to our country (Soto, Olszewski, & Goldstein, in press). Only through intentional and targeted measures can states acknowledge and begin to reverse the long-term disparities in education opportunities between ELLs and non-ELLs (García & Kleifgen, 2018).

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\*Corresponding author: [ajbroughton@usf.edu](mailto:ajbroughton@usf.edu)