

# Language-in-Education Planning: The Florida Consent Decree After 25 Years

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## Abstract

The Florida Consent Decree (“Decree”), a legal document delineating guidelines for the preparation of teachers of English learners (ELs) in the state of Florida, was signed into law in 1990. Although this policy is among the most far-reaching in the United States, requiring all teachers to have preparation for ELs, 25 years have passed with little known about its impact on meeting the learning needs of EL students. This research brief reviews the empirical research on preservice and inservice teacher education under the Decree between 1991 and 2016. We offer recommendations for preparing teachers of ELs in the 21<sup>st</sup> century.

**Keywords:** educational policy, teacher education, English learners, language policy

## Introduction

The Florida Consent Decree (“Decree”) was signed into Florida rule on August 14, 1990. The Decree was the result of a legal settlement between a coalition of fifteen named groups and individuals, and several named defendants led by the state of Florida Board of Education. Also known as the META Decree named after the Multicultural Education Training Advocacy group (MacDonald, 2004), the Decree was the direct result of acknowledging decades of educational disparities faced by English learners (ELs) across the state. In the plaintiff’s argument, EL students were not receiving adequate instruction, denied access to equal educational programs and services, and were subsequently failing to learn. After a process of arbitration, the Decree became a binding legal agreement—written in five separate sections—that required the Florida Department of Education to ensure that Florida’s ELs receive adequate and appropriate instruction in school (FL DOE, 1990).

The most forward reaching section of the Decree at the time was the preparation of language and content area teachers to teach EL students. Teacher education for Florida’s ELs was aligned to five professional development areas: applied linguistics, cross-cultural communication, English to Speakers of Other Languages (ESOL) methods, ESOL curriculum and materials development, and ESOL testing and evaluation. The inservice requirements for teachers were subsequently extended to teacher candidates participating in any credentialed teacher education program in a Florida public university. However, rather than taking five separate areas of preparation, preservice teacher programs could ‘infuse’ EL content throughout their coursework (Govoni, 2011). In 2003, educational leaders and school counselors were added to personnel required to have ESOL preparation. To examine the impact of the Decree on ELs in Florida, this research brief examines the empirical literature on EL students since the 1990 signing of the Decree. We offer suggestions and future directions for policymakers and scholars in the field of EL education.

## Context: Florida’s ELs Since the Decree

Florida has the third largest number of EL students in the United States, following California and Texas (Ruiz Soto, Hooker, & Batalova, 2015), and the academic success of EL students is often considered an indicator of education quality and equity. Prior to the Decree there was no systematic process for identifying EL students via a language proficiency test, nor was there a standard mechanism to screen students who required additional English language learning services. In the late 1980s, the growing number of EL students in Florida was met with the official English political stance. Official English, which was written into the Florida constitution, sent a social and political message that languages other than English were less valuable. Today, although there are more than 285,000 identified ELs in Grades K–12 (FL DOE, 2019a), the state of Florida clings to its official English status, despite the fact that school districts continue to build educational programs in two languages (dual language, two-way immersion programs) throughout the state (Coady, 2019a). These examples demonstrate the tensions that arise under restrictive language policies alongside the reality of increasing linguistic diversity and the growth of multilingualism worldwide (Coady, 2019b).

### ***Achievement of Florida’s ELs***

In 2014, Florida replaced the Florida Comprehensive Assessment Test (FCAT) with the Florida Standards Assessments (FSA). In 2015–16, data from the FSA demonstrated a persistent achievement gap between EL and non-EL students in Florida (see Table 1). The gap between Grade 5 ELs and native English speakers in English language arts and mathematics persists, and a similar trend is striking among Grade 10 students. For instance, only 7.9% of Grade 10 EL students were proficient in English language arts compared to 52% of non-EL students. This represents a gap of 44.1 percentage points (FL DOE, 2017).

Data from state standardized tests raise a critical language policy question regarding the preparation of teachers of ELs subsequent to the 1990 Decree: *Does preparing all teachers for EL students make a difference in EL student learning?* We know that teacher effectiveness has at best a modest association with student achievement (Berliner, 2017). In this review we examine how teacher education since the Decree has influenced EL students.

Table 1. *EL Versus Non-EL FSA Scores 3 or Higher (2015–16)*

<b>Status</b>	<b>English Language Arts, Grade 5</b>	<b>English Language Arts, Grade 10</b>	<b>Mathematics, Grade 5</b>	<b>Mathematics, Grade 8*</b>
EL	16.1%	7.9%	28.6%	26.7%
Non-EL	55.6%	52.0%	58.3%	49.8%

\*Eighth is the highest grade taking the FSA in mathematics; high schools use End of Course (EOC) examinations for content such as Algebra, Geometry, Calculus

## **Theoretical Framework**

### ***Language and Personnel Planning***

Language planning is a systematic approach taken by individuals, groups, or organizations, including governmental and non-governmental organizations, to influence language use or development (Robinson, 1988). An example of language planning is the declaration of official languages by government agencies or policymakers. In the United States, individual states determine the official status of languages using political mechanisms and legislation, and only one state, Hawaii, is officially bilingual and has declared more than one language official

(Hawaiian and English). In Florida, despite having almost 300,000 identified ESOL students (FL DOE, 2019a) and a long history of bilingual education (Coady, 2019a), English was declared the state's only official language in 1988 under ballot Amendment 11.

Educational settings are frequently the venue to enact official language policies (Corson, 1999), because schools directly interact with students, families, and the community. Teachers' instructional practices, choices of school textbooks, and the languages used in the classroom for student learning are avenues for implementing language policies in educational settings (Kaplan & Baldauf, 2005). In the case of the Florida Consent Decree, planning for personnel, such as the teacher preparation guidelines written into the Decree, is a direct example of how language policies are enacted through the preparation of personnel. The FL DOE's restrictive policy of actively refusing the use of native languages to assess EL students' content knowledge by invoking the official English amendment contradicts decades of research on valid assessments for ELs (Abedi, Hofstetter, & Lord, 2004; Abedi & Ewers, 2013).

Importantly, language policies and language planning activities are embedded in the sociopolitical environment, which can either support the development of multiple languages or restrict language policies and practices (Crawford, 2000). The current sociopolitical climate in the United States, which lacks a coherent, logical approach to issues surrounding immigration, positions immigrants as terrorists, gang members, and drug lords. Political tweets have become the new mechanism through which political policies are promulgated. This environment affects how personnel planning—that is, the preparation of teachers—for second language learners is addressed in schools (Coady, Heffington, & Marichal, 2017). Changes to language policies, planning, and practices must always consider the sociopolitical climate in which they are situated.

## Methodology

This Brief is an examination of the literature on EL student learning since the enactment of the Florida Consent Decree in 1990. We reviewed 25 years of empirical research on EL student learning in Florida. To begin our review, we searched for empirical research studies that explicitly addressed EL teacher education, either preservice or inservice, in Florida. We defined “student learning” broadly to include student performance on state standardized tests, English- or first-language proficiency tests, student graduation or dropout rates, and other qualitative measures of student learning such as EL students' satisfaction or perceptions of their learning.

Our original intent was to conduct a meta-analysis of quantitative studies. Our inclusion criteria were studies that (a) were conducted between 1991 and 2016 in the state of Florida; and (b) focused on teacher education and EL students. We eliminated studies conducted by scholars in Florida who showed up in the search but whose research did not include Florida students. Because we found few published quantitative studies that associated teacher education with EL student learning, we changed our work to a literature review of empirical studies that met our inclusion criteria. We organized and analyzed the studies with regard to (a) methodological design and sample; (b) findings; and (c) implications for EL teacher education as discussed by the authors.

## Findings

Findings from our review are organized into two categories: studies conducted on or with inservice teachers of ELs in Florida and studies with preservice teachers who subsequently work with ELs in Florida. A total of sixteen peer-refereed studies (nine on inservice teacher education and seven on preservice teacher candidates' education) were found in academic journals. The findings are organized into two categories below to illuminate the focus and intent of the teacher education program.

### ***Inservice Teacher Education***

Nine studies addressed inservice teacher professional development (PD) for teaching ELs in Florida, including four from peer-reviewed journals and five dissertations. Among the first studies since the Consent Decree was a study conducted by Johnson (1995), in which he examined a distance learning course and teachers' content knowledge of second language acquisition. Johnson found that there was no statistically significant difference between teachers who participated in the course and those who did not. Moreover, distance learning and the use of media did not appear to correlate with teachers' views of EL students. Hite and Evans (2006) noted similar findings. They investigated teacher beliefs surrounding an inservice PD for EL students, and found that the teachers held high expectations of their ELs. The teachers' strategies included the use of student peers as a primary instructional strategy in classrooms. Hite and Evans further found that, according to the teachers, good teaching strategies were "a springboard for the strategies specifically suitable for their ELLs" (p. 105). Simmons (2008) investigated PD in three Florida school districts. She found an overemphasis on cultural awareness and cross-cultural communication and an absence of addressing ESOL assessment issues and practices. Teachers in Simmons's study described the PD as bureaucratic and "check-it-off-and-move-on" (p. 78). They also expressed frustration, as the trainings were tiresome and time-consuming, and overemphasized culture without practical strategies they could use in classrooms.

McMillen (2009) investigated a vocabulary instruction program that showed promise for practical application in teaching ELs. He found that a vocabulary instruction program in one school was a successful addition to the instructional practice of all teachers in that school. McMillen noted that subsequent to the vocabulary instruction program, there was a later decline in reading scores among EL students. McMillan theorized that the decline was the result of three factors: reductions in school funding, limited instructional time, and inadequate preparation of instructional personnel. In a second study, O'Brien (2011) found that more than 50% of the participating high school social studies teachers stated they had inadequate preparation to teach ELs subsequent to their university coursework. O'Brien found that a small number of teachers exhibited negative attitudes toward ELs in their social studies classrooms, which the teachers attributed to a lack of support they received from the EL support staff at their schools. In 2011, Lewis, Maerten-Rivera, Adamson, and Lee examined third-grade teachers' science instruction with ELs, the perceptions of their practices and their actual practices, based on observations in their classrooms. The authors found that teachers' practices of scientific inquiry correlated with their own knowledge of science content—in other words, teachers' knowledge of the content seemed to relate to their ability to teach the content. However, the authors found no relationship between teachers' self-reported practices and their actual practices in the classroom.

More recent studies focused on English language development. Loeb, Soland, and Fox (2014) investigated variations in teacher effectiveness in classrooms with EL and non-EL students. They found that teachers who are "good" with ELs tended to be good with non-ELs and vice-versa, although some teachers appeared to be more effective with one group more than the other. In addition, they found that bilingual Spanish speaking teachers appeared to be more effective with EL students relative to teaching non-EL students. Uribe (2013) investigated an inservice PD that focused on a curriculum-based reader's theatre. She found that reader's theatre was an effective means for engaging EL students and cautioned that "ESOL strategies should not be taught in isolation" (p. 169) but rather should be one component of a strong, mainstream literacy program. Finally, Rodriguez (2013) examined Hispanic EL kindergarten students' performance on vocabulary learning and storybook comprehension after their teachers were trained to utilize Dialogic Reading (DR) strategies. Rodriguez found an increase in vocabulary and reading comprehension for EL students whose teachers had been trained in DR strategies. In conclusion, we found very limited inservice teacher education studies. Findings from those studies indicate a

need for inservice PD that enhances teachers' attitudes toward EL students and provides practical applications of knowledge about teaching ELs.

### ***Preservice Teacher Preparation***

Over the past 25 years, we identified seven studies conducted on preservice teachers or teacher candidates, who would subsequently work with EL students in Florida schools. Teacher candidates' perceptions toward their knowledge and skills in working with ELs play a vital role in teacher preparation. Evidence of this association was found in two studies conducted with teacher candidates in three different Florida teacher preparation programs. In 2003, Ariza investigated a university teacher preparation program titled the TESOL Tutor Time Homework Center. In this program, teacher candidates volunteered to tutor EL students. Ariza found positive results from the tutoring intervention in three areas: improvement in EL students' comprehension and language proficiency; tutors' increased experiences with language learners; and EL parent engagement. In the third finding, Ariza (2003) noted that "many parents engaged in their first unequivocally positive interaction with American public schools" (p. 715).

Al Otaiba (2005) conducted a mixed methods study that examined a code-based reading tutorial in English for eight beginning level EL students. The EL students worked with teacher candidate tutors. Quantitative data from this study revealed a statistically significant improvement in EL tutees' raw scores in reading, which demonstrated growth across the three measures. Qualitative data revealed that the tutors built strong rapport with their EL tutees, provided individualized instruction and support, and employed scaffolding strategies in order to assist their tutees' comprehension. The teacher candidates uniformly agreed that the experience helped them to develop a repertoire of teaching methods and strategies with ELs.

Hancock (2010) studied graduated teacher candidates' perceptions of their ESOL preparation following a five-year, ESOL infused teacher preparation program. She found that field experiences were important to the experience overall but that more experiences with ELs were needed. Obstacles that the teachers noted were (1) a lack of parental support for the EL students; (2) limited time for the preservice teachers to plan and prepare (3) rigid state mandates of standardized testing that made their jobs difficult; and (4) difficulty that preservice teachers faced in meeting the needs of all students in an inclusive classroom setting. Inclusive classrooms are led by a mainstream teacher with students from diverse backgrounds, including students who have special learning needs, are gifted and talented, and are in the process of learning English.

In their survey study of teacher candidates following an ESOL-infused program, Coady, de Jong, and Harper (2011) found that teacher-graduates felt *least* prepared to write language objectives for their ELs and to learn about ELs' home languages, and they felt *most* prepared to create a positive and welcoming classroom environment for their ELs. Smith (2011) investigated teacher candidates' attitudes toward working with ELs in inclusive classrooms. Smith found that while there appeared to be a positive change in candidates' perceptions of their knowledge and skills for teaching ELs following their teacher preparation program, they did not demonstrate instructional changes in inclusive classroom settings. These studies demonstrate that teachers may hold positive dispositions for teaching ELs but face severe challenges to implementing effective practices for EL students.

A mixed methods study conducted by Shamon (2015) revealed favorable outcomes of teacher candidates' perceptions of ELs. Findings revealed that candidates held varying degrees of knowledge of ELs, with most reporting that they had significant knowledge of ELs and some reported having "just the right amount." The candidates also demonstrated an increase in empathy of ELs after taking the ESOL-infused coursework in their teacher preparation program. Shamon concluded that teacher candidates' perceptions of their knowledge, skills, and preparation to work

with ELs was influenced by the teacher preparation program curriculum, which was anchored on an ESOL-infused model where part of the ESOL coursework was infused into different courses.

Continuing to examine ESOL-infused teacher preparation programs, another study conducted by Coady, Harper, and de Jong (2016) sought to investigate the instructional practices that teacher graduates used in classrooms with ELs subsequent to completing a 300-hour ESOL-infused program. Qualitative data from classroom observations, interviews, and documents revealed that teachers failed to actively pre-plan for EL students and used “on the go” instructional accommodations (p. 14). The authors concluded that despite teachers’ 300 hours of preparation, they engaged in what they felt were good teaching strategies for all students.

These studies of teacher candidates’ preparation and EL students show varied outcomes. Although teacher candidates’ varied field experiences and interactions with ELs appeared to provide them with a positive view and disposition toward working with ELs, findings indicate that teacher candidates fail to implement ESOL strategies subsequent to their preparation.

## Discussion

There are three main flaws to implementing language-in-education policies in general and personnel planning for English learners in Florida. First, policies such as the Florida Consent Decree rely on a major assumption that teacher education, whether inservice or preservice, leads directly to changes in instructional practices. Findings from this review of Florida’s practices clearly demonstrate this failed logic, and research that directly associates teacher knowledge with subsequent teacher practices (e.g., Dinsmore & Wenger, 2006) refutes this linear relationship. In contrast, the relationship between teacher education, teacher knowledge, and teacher instructional practices is non-linear and messy, often mediated by teacher beliefs, personal and professional experiences, and is situated in the broader sociopolitical context (Kumaravadivelu, 2012). Teachers from the studies reviewed above indicate the challenges of having enough time to pre-plan for EL students and the resources necessary to implement the strategies they need. In addition, ongoing pressure for EL students to perform on state standardized tests, which are later linked to teachers’ evaluation, is a concern for teachers of EL students.

A second flawed assumption is that state language policies are aligned to EL students’ language learning needs. Florida has about 300,000 ESOL-identified students, and the number of multilingual students is conceivably double that number. Yet the state of Florida has not documented its more than 125 bilingual and dual language education programs (Coady, 2019c) and has set no policies to build upon the irrefutable evidence that bilingual education works for ELs (McField & McField, 2014). In fact, Florida was the last state to have a 2018 approved Every Student Succeeds Act (ESSA) plan for the federal government, because the state, using the language behind its 1988 official English status, refused to provide first language assessments for EL students.

Finally, language-in-education planning and educational policies in Florida suffer from a “geospatial blindness,” in which teacher education programs and all educational settings default to a metro-centric norm in education (Roberts & Green, 2013). For instance, Platt, Harper, and Mendoza’s (2003) study of 29 of Florida K–12 administrator beliefs regarding EL preparation found that the inclusive classroom model for ELs could work provided there are sufficient teacher preparation and resources. However, Florida’s rural districts have inequitable resources, which are based on local property taxes, while rural teachers and administrators are expected to implement the same programs with the same outcomes as urban and suburban schools (Coady, 2019b).

## Conclusion

Based on the data reviewed from these 16 studies over a 25-year period following the Decree, a cohesive plan for research and a re-examination of teacher education across the State is needed. It is time to align language policies in Florida to the realities of a multilingual student population. The Florida Department of Education can provide support for establishing ESOL specialists across the state with a focus on rural settings where specialized expertise is critical. Future research should consider teacher education (preservice and inservice) and the factors that support and impede instructional decisions for EL students. We acknowledge that inservice and preservice EL teacher preparation are qualitatively different, despite the fact that the hours required under the Decree are similar.

Educational policy for EL teacher education in Florida is at a crossroads. It is time that Florida's language policies and planning are aligned to the multilingual realities of students and build upon the strong and effective bilingual education programs that are currently hidden from public view. State level language policies should build upon the linguistic strengths and resources of Florida's students, families, and teachers by supporting bilingual education programs that work and by providing equitable resources to rural schools with EL students. In the case of inclusive classrooms, the most widespread model of instruction for ELs, there is a need for highly prepared educational leaders and specialist teachers who can bridge teacher professional development and classroom instruction. Specialists could provide on-site support particularly for Florida's rural school districts, which represent about 30% of Florida's schools (FL DOE, 2019b), where inclusive classroom teachers are professionally and geographically isolated (Coady, 2019b).

Finally, a cohesive research plan across the state, in collaboration with scholars in Florida, should focus on the relationship between EL teacher education, the factors that affect teachers' practices with ELs, and specific measures of EL student learning, such as English language proficiency tests (currently the WIDA ACCESS 2.0), and various language assessments for students enrolled in bilingual education programs. First language assessments of EL students are necessary in order to assist teachers in making the appropriate instructional decisions on behalf of their EL students. Finally, we also need to know how different geographic spaces (rural, urban, suburban [NCES, 2006]) affect EL student learning needs and outcomes. States that look toward Florida due to the Decree's mandates for EL teacher education should be cautioned that preparing all teachers for ELs is a starting point rather than a finish line for effective instruction and high quality education for ELs.

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