

# ESOL

in Higher Ed

## Teaching English Learners in the P- 12 Classroom



5th  
Edition

[Kendall Hunt Publishing](#)

**ESOL**  
in Higher Ed

# Policies, Practices, and Professionalism



**ESOL In Higher Ed**

### English Language Learners (ELLs) in Florida, and the impact of the **1990 Florida Consent Decree** and **2003 Stipulation Modifying the Decree**



- I. Population of English Language Learners (ELLs) in Florida**
- II. Civil Rights Legislation related to ELLs**
- III. Florida Consent Decree and Stipulation Modifying the Decree**
- IV. Impact on Teacher Preparation Programs**



You should be able to ...

1. describe the **demographic landscape** of ELLs in Florida and the U.S.
2. articulate specific **legislation** for ELLs, including **access to education, language instruction, and academic support**.
3. recognize the **impact of the 1990 Consent Decree** and the **2003 Stipulation to the Decree** on Teacher Education programs in Florida.
4. identify ways to advocate **for ELLs**, including the **role of educators, policymakers, community organizations, and other stakeholders**.

Define an English language learner in 30 seconds.



...one of the most **rapidly growing** student populations across the United States.



# ESOL Students whose 1<sup>st</sup> language is not English

LCD, LEP, LES

DL, EL, ELL

CLD



ESOL



NEP, NES, ML,  
MLL



SLL

SLIFE



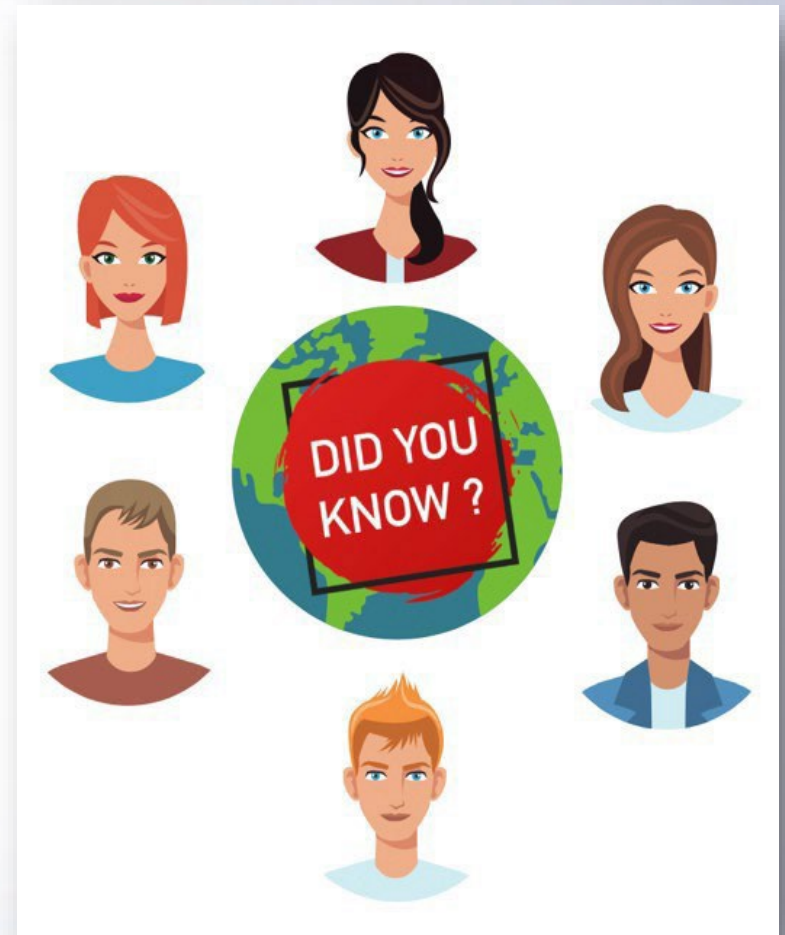
CLD	<u>C</u> ulturally and <u>L</u> inguistically <u>D</u> iverse (student)
DL	<u>D</u> ual <u>L</u> anguage Learner
ELL	<u>E</u> nglish <u>L</u> anguage <u>L</u> earner
EL	<u>E</u> nglish <u>L</u> earner
ESOL	<u>E</u> nglish for <u>S</u> peakers of <u>O</u> ther <u>L</u> anguages
LCD	<u>L</u> inguistically and <u>C</u> ulturally <u>D</u> iverse
LEP	<u>L</u> imited <u>E</u> nglish <u>P</u> roficiency (student)
LES	<u>L</u> imited <u>E</u> nglish <u>S</u> peaker
ML	<u>M</u> inority or <u>M</u> ultilingual <u>L</u> anguage <u>L</u> earner
MLL	<u>M</u> ultilingual <u>L</u> anguage <u>L</u> earner
NEP	<u>N</u> on- <u>E</u> nglish <u>P</u> roficient (student) <u>N</u> on-
NES	<u>E</u> nglish <u>P</u> roficient (student) <u>S</u> econd
SLL	<u>L</u> anguage <u>L</u> earner
SLIFE	<u>S</u> tudent with <u>L</u> imited/ <u>I</u> nterrupted <u>F</u> ormal <u>E</u> ducation

...are students in the U.S. who are acquiring proficiency in English along with learning the grade level academic content.

...come from **diverse linguistic and cultural backgrounds** and may include **immigrants, refugees, international students**, and individuals **born in the U.S., but raised in non-English speaking households.**



- ❑ ELLs represent over 5 million K-12 students or approximately 10% of the school population across the nation.
- ❑ Spanish is reported as the most spoken home language.



According to the **Florida Bureau of Student Achievement through Language Acquisition** ([SALA](#)), the **English language learner (ELL)** population is ranked **3<sup>rd</sup> in the nation** with over **300,000 students** speaking more than **243 languages**.







## Class Activity

What resources, policies, and laws are in your state regarding the teaching of ELs? This is one of 65 activities found in the textbook (5<sup>th</sup> ed.).



Choose a state other than where you currently live. Do a quick online search regarding its laws and/or policies regarding ELs, and compare to your current state's laws/policies. Write a summary statement, and be prepared to discuss with classmates.

**YOUR STATE:** \_\_\_\_\_

**OTHER STATE:** \_\_\_\_\_

**YOUR SUMMARY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Let's look at some historical cases.**

**Q: How should teachers begin to become informed of and understand policies and laws related to due process & equal protection for English learners?**

**A: Review the 14th Amendment**, which focuses on **due process and equal protection**. Cases related to English learners are based on the due process and equal protection rights of the 14th Amendment.

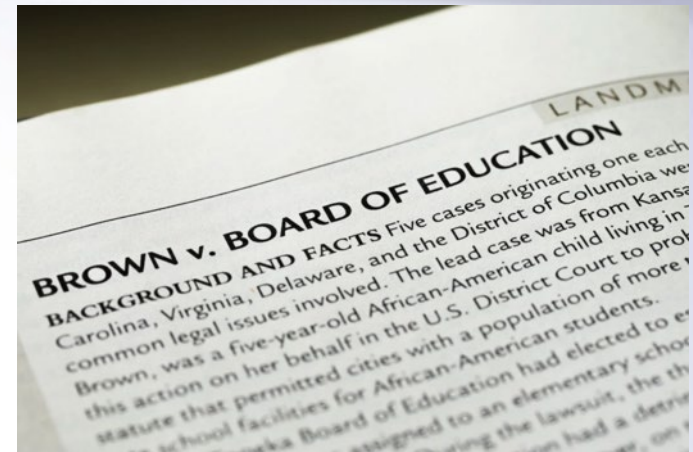
Section I of the 14th Amendment to the United States Constitution (1868) stipulates, “**All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**”

# ESOL Brown v. Board of Education (1954)

Q. What **landmark** Supreme Court case held that “**separate but equal**” educational facilities are **inherently unequal** and violate the protections of the 14th Amendment?

A: **Brown v. Board of Education**

**Oliver Brown** claimed that his **child was denied access to white schools** and filed a case against the **Topeka, Kansas school board**. It was dismissed in federal court, but Brown **appealed to the Supreme Court**, which held that “**segregation of public education based on race instilled a sense of inferiority that had a hugely detrimental effect on the education and personal growth of African American children.**” Chief Justice Earl Warren concluded that “**even if the tangible facilities were equal between the black and white schools, racial segregation in schools is ‘inherently unequal’ and is thus unconstitutional**”

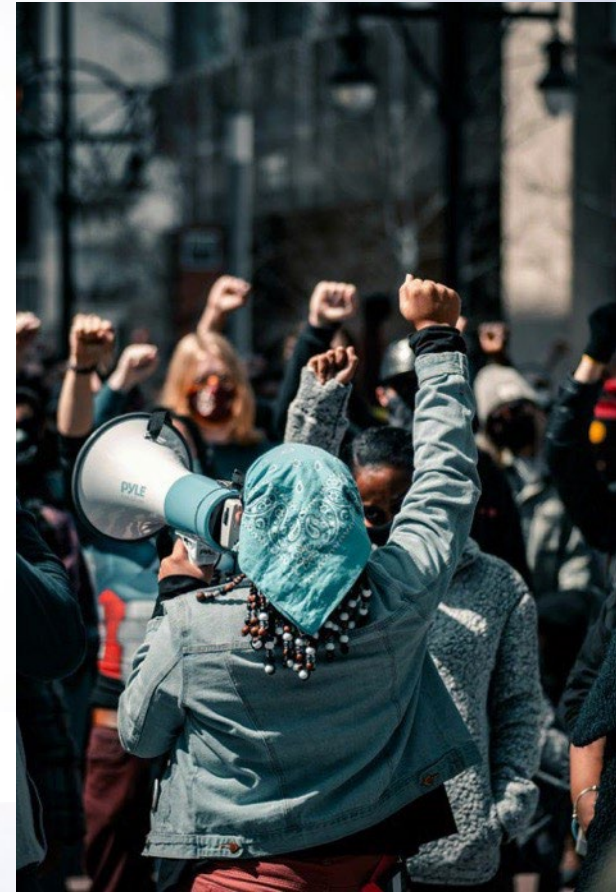




## Civil Rights Act (1964)

“The Civil Rights Act of 1964 prohibits **discrimination** on the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964 requires **recipients of Federal financial assistance** to take **reasonable steps** to make their **programs, services, and activities accessible** by eligible persons with **limited English proficiency.**”



Q: What was the **first official federal recognition** for students whose first language is not English?

A: The 1968 **Bilingual Education Act (BEA)**. It was reauthorized in **1974, 1978, 1984, 1988, 1994**, and in **2001**.

The BEA, Title VII of the Elementary and Secondary Education Act, established **federal policy for bilingual education** for economically disadvantaged language minority students, allocated **funds for innovative programs**, and recognized the **unique educational disadvantages faced by non-English speaking students**.

# ESOL Legislative Acts and Court Cases

- 1974 Supreme Court Case  
\*Lau v. Nichols
- 1981 Federal Court Case  
\*Castañeda v. Pickard
- 1982 Supreme Court Case  
\*Plyler v. Doe





- 2002 No Child Left Behind Act (**NCLB**)
- 2015 Every Student Succeeds Act (**ESSA**) (under President B. Obama, Replaced: NCLB)

*(Initial law: Elementary and Secondary Education Act, ESEA, 1965)*

<https://www.ed.gov/ESSA>





Q: What document defines **Florida's policies** for ELLs?

A: The **Florida Consent Decree (1990)** and the **Stipulation Modifying the Consent Decree (2003)**

The Florida Consent Decree addresses the **civil rights** of ELLs, foremost their rights to **equal access** to all educational programs; it provides a **structure** that ensures the delivery of **comprehensible instruction**, and the **expectations** for all **teachers and personnel**.

The **Consent Decree** is **Florida's framework** for compliance with the following **federal and state laws and jurisprudence** regarding the education of ELLs:

- **14th Amendment** to the United States Constitution, 1868
- Title VI and VII **Civil Rights Act**, 1964
- Office of Civil Rights Memorandum (Standards for Title VI Compliance), 1970
- Section 504 of the Rehabilitation Act, 1973
- Requirements based on the Supreme Court decision in **Lau v. Nichols, 1974**
- **Equal Education Opportunities Act**, 1974
- Americans with Disabilities Act (PL 94-142), 1975
- Requirements of the Vocational Education Guidelines, 1979
- Requirements based on 5<sup>th</sup> Circuit court decision in **Castañeda v. Pickard, 1981**
- Requirements based on the Supreme Court decision in **Plyer v. Doe, 1982**
- Florida Education Equity Act, 1984

Q. What is considered the **most important court decision** regarding the education of language-minority students?

This **landmark case**, brought by parents of **Chinese American students** in the **San Francisco** Unified School District, argued that the **District was not providing an adequate education to their children**.

These students were placed in mainstream classrooms and left to “sink or swim.” It ruled that there was “no equality of treatment just by providing students the same facilities, textbooks, teachers, and curriculum.”

The case concluded that identical education does not constitute equal education **under Title VI of the Civil Rights Act of 1964**.

School districts **must take affirmative steps to overcome educational barriers faced by non-English speakers**.

**Q: What landmark case identified 3 prongs required for educational programming of English learners?**

The **Raymondville Independent School District in Texas** argued that their local district was **segregating students based on race and ethnicity** and that the district **failed to implement a successful bilingual education program for students to learn English.**

The United States Court of Appeals for the Fifth Circuit ruled that districts must establish a **three-prong test** for ensuring that the educational program for ELs is consistent with a student's right to an education. The three prongs provide programming that is scientifically known to be:

- a. based on sound educational theory**
- b. implemented with adequate commitment and resources**
- c. evaluated and proven to be effective.**



Q. What **landmark case** cited that students do **not** have to obtain a **federal social security number** to enroll in school?

A: This case stipulated that “**Free, equal and unhindered access to appropriate schooling is required for all immigrant students**” in compliance with this U.S. Supreme Court ruling.

**Lau v. Nichols**

**Castañeda v. Pickard**

**Plyler v. Doe**

1. Take a moment to think about the 3 landmark cases.

2. Read the scenarios on the following slides.

*(They were generated by AI to reflect the 3 cases.)*

3. Identify the court case.



# ESOL Which court case best aligns with this AI scenario?

“In a diverse urban school district, **a group of Chinese American students, including Mei and Li**, are struggling in their classes due to limited English proficiency. Despite their best efforts, they are falling behind their English-speaking peers. Concerned parents advocate for their children's rights and file a lawsuit against the school district, citing violations of their rights under Title VI of the Civil Rights Act of 1964.

“The court rules in favor of the plaintiffs, emphasizing that denying **English learners like Mei and Li meaningful access to education violates their civil rights**. As a result, the school district is required to **implement appropriate language support programs and services** to ensure that **all students**, regardless of their English proficiency, **have equal educational opportunities**.”





**Lau v. Nichols, 1974**



## ESOL Which court case best aligns with this AI scenario?

“In a school district with a large population of English learners, including **Miguel and Elena**, there are concerns about the effectiveness of the **district's bilingual education program**. Parents and advocacy groups file a lawsuit against the school district, alleging that the **program fails to adequately serve English learners and comply with federal law**. The court applies the **three-part test** to evaluate the program's effectiveness. After a thorough examination, it is determined that the **program lacks sufficient resources, trained personnel, and evidence of positive outcomes for English learners like Miguel and Elena**. As a result, the court orders the school district to revise its program, allocate additional resources, and provide appropriate training for staff to ensure that English learners receive the support and services they need to succeed academically.”

## **CASTAÑEDA VS. PICKARD CASE**



## ESOL Which court case best aligns with this AI scenario?

“In a small rural town, a family of undocumented immigrants, including **Carlos and Maria**, enrolls their children in the local public school. However, **state legislation passes a law prohibiting the enrollment of undocumented immigrant children in public schools**, citing concerns about the cost of providing education to non-citizen students. The family, along with several advocacy groups, challenges the law, arguing that it violates the Equal Protection Clause of the Fourteenth Amendment. The Supreme Court rules in favor of the plaintiffs, asserting that **denying education to undocumented immigrant children undermines their ability to contribute to society and perpetuates a cycle of poverty and inequality**. As a result, the state law is struck down, and Carlos and Maria's children are allowed to continue their education alongside their peers.”

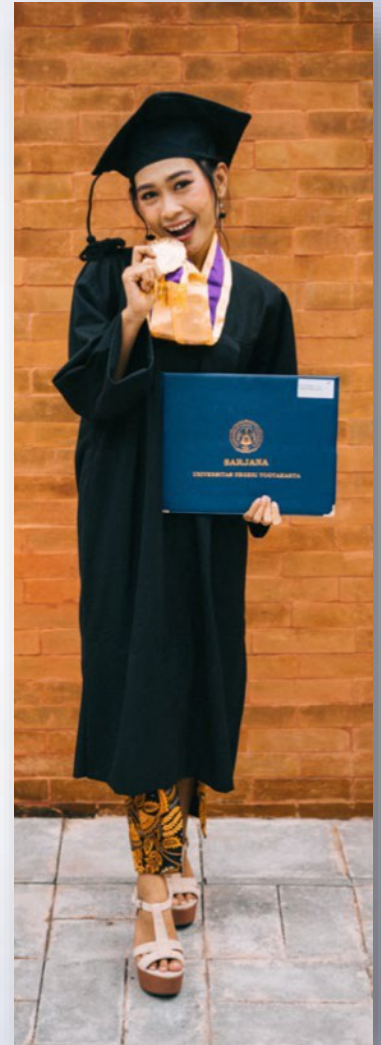


**In 1982, Plyler v. Doe recognized the right of all children to a free public K-12 education, regardless of citizenship or status.**





- I. Identification and Assessment
- II. Equal Access to Appropriate Programming
- III. Equal Access to Appropriate Categorical and other Programming for ELLs
- IV. Personnel
- V. Monitoring
- VI. Outcome Measures



**All students in Florida with limited English proficiency...**

### **Section I: Identification and Assessment**

-must be **properly identified** and **assessed** to ensure the provision of **appropriate services**.

(Details the procedures for **placement** of students in the ESOL program, **exit** from program, and **monitoring** of students who have been exited.)

### **Section II: Equal Access to Appropriate Programming**

-are entitled to **programming, appropriate to level of English proficiency**, level of **academic achievement**, and any **special needs** they may have.

-must have **equal access** appropriate to their level of English proficiency, and equal and comparable English language instruction, as well as instruction in basic subject areas.

Every state collects data through a **Home Language Survey** completed for every student newly enrolled in public P-12 schools. In this way, **ELLs are identified and assessed on their English language proficiency.**

Three primary questions on the Florida Home Language Survey:

- a. Is a language other than English used in the home?*
- b. Did the student have a first language other than English?*
- c. Does the student most frequently speak a language other than English?*

### **Section III: Equal Access to Appropriate Categorical and Other Programs**

-are entitled to **equal access to all programs** appropriate to their academic needs, such as compensatory, exceptional, adult, vocational or early childhood education, as well as dropout prevention and other support services, without regard to their level of English proficiency.

### **Section IV: Personnel**

This section details the certificate coverage and in-service training teachers must have to be qualified to instruct ELLs.



## Section V: Monitoring Issues

The Florida Department of Education is charged with the **monitoring of local school districts** to ensure compliance with the provisions of the Consent Decree pursuant to federal and state law and regulations.

## Section VI: Outcome Measures

The Florida Department of Education is required to develop an evaluation system to address equal access and program effectiveness. This evaluation system is to **collect and analyze data regarding the progress of ELLs** and include comparisons between the ESOL population and the non-ESOL population regarding retention rates, graduation rates, dropout rates, grade point averages and state assessment score.

**In 60 seconds, share something you learned about policies and legislation for Florida educators.**



# **ESOL** Florida Stipulation Modifying the Decree

The **2003 Stipulation Modifying the Consent Decree** requires additional training in ESOL for

- School Administrators = 60 hours
- School Psychologists = 60 hours
- Guidance Counselors = 60 hours

And educators who pass the ESOL certification exam, must enroll in 120 hours of ESOL training to earn their ESOL certification.

### 1990 Florida Consent Decree

**1992**

Two prominent figures of the **Florida Department of Education**, R.E. LeMon and L. Clayton-Kandor, provided a challenge for teacher education programs by stating, “[t]here are no undergraduate degrees in Florida’s universities which produce graduates who are prepared to move directly into public school systems with a full endorsement in ESOL.”

**1993**

A doctoral candidate at **Florida Atlantic University** developed an integrated program of studies for pre-service teachers and school districts. It was called the **ESOL Integration Curricular Model (EICM)** and it enabled pre-service teachers graduating with an Elementary Education degree to be **eligible for certification in Elementary Education with an ESOL Endorsement**.



**1995**

The **Florida State Board of Education** considered adopting rules to require teacher education programs “**to provide perspective teachers with the instruction necessary to enable them to teach students having limited proficiency in English.**” This became a **requirement for teacher preparation programs** under the Education Standards Commission in the 1997–1998 academic year.

**1997**

The **TESOL international association** released **English as a Second Language (ESL) Standards for Pre-K through 12** to include best practices to meet the needs of English learners for teacher preparation programs.

**1999**

The Office of Multicultural Students Language Education (OMSLE), previously referred to as the Office of Academic Achievement through Language Acquisition (AALA) and currently called the **Bureau of Student Achievement through Language Acquisition (SALA)** of the Florida Department of Education (DOE), published a **Language Arts through ESOL Guide** as a resource for school districts on theories & strategies for ELLs.

## 2001

The document, **Preparing Florida Teachers to Work with Limited English Proficient Students**, became a **guide for teacher education preparation programs** in integrating ESOL into existing curricula. It was updated in 2011 to meet the ESOL standards and is available on the Florida DOE website. It is called **Technical Assistance for Teacher Preparation: Meeting the Needs of English Language Learners (ELLs) in Florida**.

## 2003

The [Stipulation Modifying the Consent Decree](#) required further training in ESOL for administrators, guidance counselors, and school psychologists. In addition, educators passing the ESOL certification exam had to obtain 120 hours of ESOL training within a specified period.

## 2004

All students graduating from **state-approved Elementary, Exceptional Student Education, Pre-K/Primary, or English teacher education programs in Florida** were **required to complete ESOL training**.

## 2010

The Bureau of Student Achievement through Language Acquisition (SALA), worked collaboratively with **district teachers and other educators to develop the Florida Teacher Standards for ESOL Endorsement**. These standards currently serve as the basis for ESOL training in Florida.

## 2011

The ESOL document to further support teacher preparation programs in infusing ESOL standards was made available on the Florida Department of Education website. It is called **Technical Assistance for Teacher Preparation: Meeting the Needs of English Language Learners (ELLs) in Florida**.

## 2013

Revisions of the English Language Proficiency Standards (2012) were proposed to reflect the Common Core State Standards for English Language Arts.

## 2014

The Florida Board of Education approved revisions to the Common Core State Standards that establish what students should know and be able to do to be prepared for college and the workforce. They were referred to as the Florida Standards.

## 2015

The **WIDA Standards were adopted in Florida**. The WIDA Assessment was adopted in Florida for the 2015–2016 academic year.

## 2016

WIDA Access for ELLs was administered for the first time in K-12 public schools in Florida.



**2017**

The **Florida Seal of Biliteracy Program** was established to recognize a high school graduate who has attained a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English.

**2019**

The **TESOL international association updated the Standards for Initial TESOL Pre-K–12 Teacher Preparation Programs.**

**2025**

The Bureau of Student Achievement through Language Acquisition (**SALA**) of the **Florida Department of Education** formed a committee to review the Florida Teacher Standards for ESOL Endorsement (2010).

Not every state requires training in ESOL in teacher preparation programs. "At least 28 states provide for specific qualifications or pre-service and in-service training and professional development for general classroom teachers in statute or regulation" (<https://reports.ecs.org/comparisons/50-state-comparison-english-learner-policies-10>).



**Take a moment and read the following AI scenarios based on Florida's legislation for ELLs.**

## ESOL What legislation is aligned to this AI scenario?

“In Florida, a group of parents, along with advocacy organizations, files a lawsuit against the State Department of Education, alleging that ELLs are not receiving adequate support to succeed academically.

“After lengthy negotiations, an agreement is reached, outlining specific requirements and timelines for improving services for ELLs statewide. As a result, the state implements measures such as increasing funding for English language programs, providing professional development for teachers of ELLs, and establishing accountability mechanisms to monitor progress.”

... is the state of **Florida's framework** for compliance with the following **federal** and **state** laws and jurisprudence regarding the education of English Language Learners. students.





## ESOL What legislation is aligned to this AI scenario?

“Several years after the implementation of the Consent Decree, stakeholders conduct a comprehensive review of its effectiveness. While progress has been made in some areas, challenges persisted, particularly in ensuring equitable access to high-quality education for ELLs.

“In response to feedback from educators, parents, and advocacy groups, a modification was proposed, emphasizing the need for targeted interventions and increased support for schools with high concentrations of ELLs. The modification includes provisions for additional resources, enhanced professional development, and culturally responsive teaching practices to address the unique needs of ELLs from diverse backgrounds.”

## Sept 2003 Modification to the Consent Decree

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- <http://www.firn.edu/doe/aala/pdf/stipulation.pdf>
- ESOL Exam + 120 hours of ESOL training
- School Administrators and Guidance Counselors=60 hours of ESOL training (formally 18 hours required)
- Overview of Modifications-Technical Assistance Paper:  
<http://info.fl DOE.org/docushare/dsweb/Get/Document-2887/TAP.pdf>

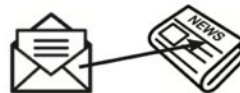
## Advocacy Activity



Name: \_\_\_\_\_

There are many ways to advocate for, or speak on behalf of, your English learners, such as signing a petition or speaking out to authority figures like the principal or school board members. Consider the suggestions below. Check each way you have advocated for someone or a specific group of people. Briefly jot down the details of these events.

1. Letter to the Editor  
☐ Details:



5. Sought assistance on behalf of someone in need ☐ Details:



2. Stopped someone from making derogatory remarks about a person or group in conversation  
☐ Details:



6. Advocated for someone via social media ☐ Details:



3. Became a member of an advocacy organization ☐ Details:



7. Contacted a government official ☐ Details:



4. Taught or facilitated a workshop to educate a group ☐ Details:



8. Other? ☐ Details:

The United States is a nation of immigrants, which has led to several landmark court decisions that impact the education of English learners.

Reflect on what you have heard today and **describe a court decision or landmark case using cartoon panels and word bubbles to show your understanding of the role of educators, policymakers, and other stakeholders.**

Can't draw?  
Stick figures are fine!



The goal is to explain simply so anyone can understand!



3 = Confident and Knowledgeable

2 = Somewhat confident and knowledgeable

1 = Need to read/learn more on this topic/criterion

- \_\_\_ I can describe the demographic landscape of ELLs in Florida.
- \_\_\_ I can discuss the impact of the **1990 Consent Decree** and the **Stipulation to the Decree** on teacher education in Florida.
- \_\_\_ I can articulate the **3 court cases**: Lau v. Nichols, Plyler v. Doe, Castañeda v. Pickard.
- \_\_\_ I can advocate for the **legal rights of ELLs and their families** from varied cultural backgrounds.
- \_\_\_ I can **communicate** with teachers, staff, and administrators regarding the **rights of ELLs**.



**Every educator is responsible for preparing all students for the global workforce.**



## ESOL Resources

- National Clearinghouse for English Language Acquisition ([NCELA](#))
- [ED Data Express](#)
- [Data.Ed.gov](#)
- [National Center for Educational Statistics](#)
- [ESOL in Higher Ed](#)





Ask students to read about the Major Court Cases and Laws related to English learners in the textbook.

Then, to explain one court case and how it plays a role in teaching ELs. (Hint: Students especially enjoy Activity 1.3.)

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