

**TEACHER ATTITUDES TOWARD NO CHILD LEFT BEHIND AND PART 154 IN
THE ENGLISH AS A NEW LANGUAGE CLASSROOM**

by

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We, the undersigned, certify that this project entitled TEACHER ATTITUDES TOWARDS NO CHILD LEFT BEHIND AND PART 154 IN THE ENGLISH AS A NEW LANGUAGE CLASSROOM by CAROLINE VILLAFRANK Candidate for the Degree of Master of Science in Education, Teaching English to Speakers of other Languages (TESOL) is acceptable in form and content and demonstrates a satisfactory knowledge of the field covered by this project.



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Dedication

This thesis is dedicated to my students. “One language sets you in a corridor for life. Two languages open every door along the way/ Un idioma te coloca en un pasillo por vida. Dos idiomas te abren todas las puertas de ese camino.”

- Frank Smith

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ABSTRACT

As the population of English Language Learners continues to grow, policymakers, legislators and courts alike have struggled with implementing educational policy. Virtually, since its inception, the United States has struggled with determining how to best educate its linguistically diverse students. From segregation cases in the 40s, 50s and 60s, to modern day English only movements, to present day policies such as No Child Left Behind, any educational victories that have been obtained have been intermittent and disjointed (Powers, 2014). As the United States continues to grow increasingly diverse are policymakers prepared to adequately meet the demands of educating English Language Learners? The purpose of this study is to examine how English as a New Language Teachers (ENL) in Chautauqua County New York perceive No Child Left Behind and Commissioner's Regulations Part 154 in the ENL classroom, and whether these laws have influenced their teaching. Data was obtained through face-to-face interviews, observation and recording and policy analysis. Results indicate that participants felt mostly negative towards No Child Left Behind, and viewed Part 154 favorably. Participants' negative perceptions towards No Child Left Behind did not appear to negatively affect their teaching. Implications for addressing the educational needs of ELLs and Policymaking, as well as future research are also discussed.

Keywords: English Language Learners, No Child Left Behind, Chautauqua County

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Introduction

The United States has been a country of immigration since its inception. Within recent decades the United States has undergone a rapid demographic shift. Today, one out of every four children, or 25 % live in immigrant families (Hernandez & Napirala, 2012). As demographics change and the number of English Language Learners increases, the question of how to best educate these linguistically diverse learners arises. Historically, the question of how to best educate these diverse language learners have always been problematic. Powers (2014) describes how Mexican-American parents attempted to prevail against school segregation cases in the 1930s and 1940s. Prior to the landmark Supreme Court Case *Brown v. Board*, (1954), court cases deemed segregation for educational purposes to be acceptable. Arguably any victories that parents obtained were piecemeal at best. Though *Brown v. Board* (1954) was a monumental victory that greatly expanded civil rights, it did not fully remedy the problem of segregation in schools. Powers (2014) states that schools resisted desegregating Mexican students through gerrymandering attendance zones and allowing Caucasian students the freedom to attend other schools, thus negating the *Brown v. Board*, (1954) ruling.

Another piece of legislation that had a profound impact was the Bilingual Education Act of 1964. This act formed the basis of outlawing racial discrimination based on national origin; it also outlawed discrimination based on an individual's native language (Gandara & Orfield, 2012). Like *Brown v. Board*, (1954) the Bilingual Education Act failed to fully rectify the quandary of linguistic discrimination, as it failed to explicitly define the term Bilingual Education. This has resulted in states implementing disjointed and often arbitrary linguistic policies. Similarly, as Powers (2014) describes, schools are often reluctant to engage language rights for students; they are reactive rather than proactive. Present day policies are equally disjointed. Though cases such

as *Lau v. Nichols*, (1974), which outlawed submersion educational practices for English Language Learners, made significant headway, the problem of how to educate ELLs still remains. As Powers (2014) describes, language rights for ELLs have been left to state and local policymakers; however, these policies have been uneven and disjointed, and often times subject to reversal.

Present day policy is equally as disjointed. Winke (2011) describes NCLB as an ad hoc federal policy that promotes an English-only approach to education. Though the United States has no official language policy, NCLB has succeeded in creating school environments that are not conducive to Bilingual Education. This change in language policy has increased pressure and accountability on United States public schools. As Winke (2011) states, all students must partake in high stakes standardized testing, no matter their language proficiency. With these increasing pressures it is not only school districts and administrators that have felt these pressures of accountability, but also teachers who are tasked with meeting these federal accountability measures.

Problem

Historically English Language Learners have faced cultural and linguistic discrimination (Powers, 2014). Though the educational landscape of today is arguably more culturally and pedagogically responsive than in the past, English Language Learners of today still face numerous challenges in an era of test- based accountability. Language policy in the United States has guided educational outcomes; it has also been subjected to increasing political polarization and public scrutiny (Gándara & Rumberger, 2009). Further complicating these wholly complex matters is the highly decentralized nature of the American school system (Gándara & Baca,

2008). In an attempt to remedy this educational quandary the federal government initiated change in the form of the federal law No Child Left Behind.

The purpose of this law was to promote high stakes testing, thus holding schools, districts and states accountable for students' academic performance (Menken, 2009). English Language Learners are thus expected to participate in the same tests that their native English-speaking peers take. According to Menken (2009), ELLs must participate in tests of English Language Proficiency, as well as tests of academic content. Additionally schools must demonstrate that all students, including ELLs are making adequate yearly progress in reaching English proficiency and content areas. As researchers Gándara and Rumberger (2009) note the latest wave of educational reform emphasizes raising test scores in content areas such as math and reading, while seemingly neglecting other educational goals. If a school fails to achieve these adequate yearly progress goals or students fail to progress then schools may face sanctions, loss of federal funding or even closure (Menken, 2009).

Though the United States has a history of passing laws that promote educational reform, policy regarding educational access for ELLs has been disjointed and uneven. Gándara and Rumberger (2009) note that though the Bilingual Education of Act of 1968 provided some funding for programs for ELLs, reauthorizations of the law shifted from bilingual to English-only programs. Educational policy continued to drastically change in the wake of NCLB. No Child Left Behind has provided an interesting dichotomy for educational policymaking. Though it was successful in acknowledging and shining a spotlight on the needs of ELLs, it made no reference to bilingual education. It also required that all students partake in high stakes assessments, regardless of language proficiency (Gándara & Rumberger 2009). As the challenge of educating linguistically diverse students continues to loom it is important that linguistic and educational

policy are assessed to ensure that all students are receiving a fair and equitable education. Federal and state laws did not appear to be misperceived by the participants in the study. Though participants did not appear to view NCLB favorably, it did not appear to negatively impact their classroom or teaching practices.

Purpose

The purpose of this study is to collect data on teachers in ENL (English as a New Language, formerly known as English as Second Language) classrooms in the K-12 setting in Chautauqua County and their attitudes towards No Child Left Behind and the recently proposed New York state Commissioners Regulations Part 154 that seek to reinforce instruction for ELLs, providing them with the same equitable learning opportunities as their peers. Though studies have been conducted on the effects of NCLB in the ENL classroom, these studies have focused primarily on students in Arizona, California and Massachusetts. Few have focused on New York State, specifically Western New York. Additionally, due to the novel nature of the Commissioner's Part 154 Regulation, few if any studies have been conducted on its effects.

Based on the statements above, my research questions are as follows:

- (a) What are the perceptions of ENL teachers in Western New York towards NCLB and the Commissioner's Regulations Part 154?
- (b) How do these perceptions influence their teaching and their attitudes toward the education of ELLs?

Significance

Languages other than English have had a dubious history in the United States. Language and culture are arguably intertwined, intrinsically linked. Research suggests that children need to develop a positive identity with both their cultures and native language in order to build their self

-identity (Wiley, Garcia, Danzig, & Stigler, 2014). Research also suggests that NCLB and high stakes testing has resulted in a dramatic transformation in the ENL classroom. Menken and Solorza (2012) argue that within the past decade the number of Bilingual Education programs has decreased, while the number of English only programs has increased. Menken and Solorza (2012) suggest that schools are choosing to eliminate bilingual education due to the pressure of NCLB's test-based accountability requirements. As the United States continues to grow increasingly diverse, it is important for administrators and educational stakeholders to become aware of best practices in regards to federal and state educational policymaking. Researching teacher perspectives will inform administrators and policymakers of the importance of coherent and cohesive educational policy that is in the best interest of students. School populations continue to grow increasingly diverse, so too must policymaking. Policy must be made in the best interest of students and must be pedagogically sound. Western New York is typically not an area where much research concerning ELLs occurs. This research will seek to explore teacher perspectives concerning NCLB and Part 154 and how these perceptions influence their teaching. The information obtained in this study will seek to provide teachers, administrators and stakeholders with an understanding of how federal and state law impacts their classrooms, as well as recommendations for improving educational outcomes for all English Language Learner students.

Review of Literature

Educational policy in the United States has been historically decentralized or allocated to the individual states (Gándara & Orfield, 2012). The passage of NCLB marked a stark departure from the traditional decentralized approach by the Federal Government. Further complicating matters is the complex nature of language policy in the United States. Cassels- Johnson (2009) suggests that language policy has traditionally been a top down approach framework, ignoring the very socio-political contexts in which they are created. This poses particular challenges for a country as culturally and linguistically diverse as the United States. How can language policy be effective if it ignores the very cultural and socio-political context in which it was created?

ELLs have historically faced discrimination within the United States School system. Though the United States has no official language, English remains the de facto lingua franca or common language. García (2014) argues that despite its pervasive presence, Spanish language education has not improved. It is worth noting that Bilingual Education in the United States has faced political adversity for decades. Prior to the landmark Supreme Court Case *Brown v. Board*, (1954), linguistically diverse learners, particularly Mexican American learners, have faced linguistic discrimination (Powers, 2014). Though this landmark ruling greatly expanded civil liberties; its efforts were often thwarted by politics and through the gerrymandering of districts (Powers, 2014). The emergence of the Bilingual Education Act greatly expanded linguistic rights for diverse students, yet it failed to specifically define the purpose of bilingual education.

Though the United States has made profound strides in addressing the needs of linguistically diverse learners, ELLs today still face numerous challenges such as high stakes tests and the pressure of federal accountability (Menken & Solorza, 2014). It seems, perhaps, counterintuitive that a nation as culturally and linguistically diverse as the United States has long

endured a language policy that can best be described as piecemeal and discriminatory. Crawford (2007) asserts that despite data that supports the superiority of Bilingual over English-only approaches, English only movements have gained significant momentum, particularly in states like Arizona, California and Massachusetts. To examine this wholly complex phenomenon it is important to understand the sociopolitical contexts in which states like Arizona, California and Massachusetts created their respective language policies.

No Child Left Behind

In 2001 Congress passed the No Child Left Behind law, a law that has sought to promote accountability and high stakes testing. Though this educational policy is meant for all students, Menken (2009) argues that it has affected language policy, due to its high stakes testing requirements. The purpose of this highly controversial law was to raise accountability and ensure that all students meet yearly accountability goals. This act marks a stark departure from the Clinton administration and its efforts to develop a single test (Mertler, 2011). What is further problematic about this law is that after decades of support for the Bilingual Education Act, NCLB removed all references to bilingual education (Gándara & Baca, 2008).

At the core of this law is high stakes testing, or testing that seeks to produce quantifiable results of student progress, thus holding states, districts and individual schools accountable. As Menken (2009) describes each state has the freedom to develop its own assessment system; however, all students, including English Language Learners are held to the same standards as their native English speaking peers and must partake in the same standardized tests. Further complicating matters is that educators do not feel prepared to meet the demands of ELLs under NCLB. Gándara and Baca (2008) state that in a survey of more than 5300 educators in California, most teachers did not feel prepared to meet the needs of ELLs. Though NCLB stipulates that

teachers must be highly qualified, it provides no mention of what qualifications can be considered highly qualified. As Gándara and Baca (2008) note California teachers are now expected to have one or more ELLs in their classroom, yet the state provides only two hours a year of professional development concerning the teaching of ELLs. In another study conducted by Mertler (2011) teachers surveyed believe that NCLB has left a negative impact on their classrooms and teaching practices and has resulted in teachers spending less time on material that they know will not be tested. The same teachers in the study also reported feeling much greater levels of stress and pressure in regards to improving student performance as a result of NCLB and testing accountability (Mertler, 2011).

Current research suggests that it can take between 5-7 years to become fluent in a language (Cummins & McNeely, 1987). This is particularly problematic, as educators may not have adequate qualifications or training to teach ELLs. Additionally, it suggests a profound problem with adequate yearly progress standards for ELLs. If students fail to make adequate yearly progress their respective schools may face punishment or sanctions. Though it is important that all students make progress, it is a fallacy to not account for student progress, however incremental it may be. Students cannot attain fluency in a short amount of time; it is important that policy and testing reflect this, as tests cannot be deemed valid or pedagogically sound otherwise. It is also worth noting that the de facto policy of English only testing has had a particularly damaging effect on secondary students, secondary students are the fastest growing portion of the ELL population (Gándara & Baca, 2008). Due to high stakes testing all students must partake in high stakes testing regardless of language proficiency. Due to these high stakes testing requirements an exceptionally large percentage of ELLs failed to pass their tests and were thus unable to receive their high school diploma (Gándara & Baca, 2008). If ELLs must take the

same tests as their native English-speaking peers, can these assessment measures be quantified as reliable when considering how long it takes to attain fluency? It is highly discriminatory to enact testing measures that students cannot meet, thus barring them from receiving a high school diploma. Public schools were founded on the premise that all students receive an education. It is imperative that federal and state laws provide for responsive laws that are pedagogically, rather than politically based. It is not only highly discriminatory, arguably unconstitutional and increasingly problematic that language barriers remain a barrier to linguistically diverse students receiving a high school diploma.

NCLB and educational programming. When examining the validity of NCLB it is important to be mindful of its instructional effects. As previously discussed, NCLB, in establishing a de facto language policy has led to the decline of Bilingual Education programs in New York City (Menken & Solorza, 2014). Bilingual Education in the United States has had a long and arduous history. Despite being one of the most linguistically diverse nations in the world, languages other than English have long struggled to find their niche in America's linguistic melting pot. From the early days of Mexican American parents struggling to gain educational equality for their children, all the way to today's modern day de facto English policy, Bilingual Education and the acknowledgement of languages other than English have been met with severe opposition.

To examine this complex phenomenon, the relationship between language and culture must be understood. As Wiley, Garcia, Danzig and Stigler (2014) note the problematic nature of English as a Lingua Franca or common language pose challenges for both minorities and linguistically diverse individuals. The role of policy is intrinsic to shaping linguistic and educational equality. The right to linguistic equitable opportunities was first recognized in the

landmark Supreme Court case, *Lau v. Nichols* (1974), which held that schools must make accommodations for linguistically diverse students and that providing “sink or swim” instruction was tantamount to violating a student’s civil rights (Wiley et al., 2014).

Language and culture are intrinsically linked. Wiley et al. (2014) argue that children need to develop a positive identity with both their home cultures and native languages. Since the inception of No Child Left Behind, schools and districts are facing pressure concerning accountability requirements. As Menken and Solorza (2014) suggest, the loss of Bilingual Education programs suggests a link between testing and language policy. Furthermore, a de facto language policy has profound negative effects on students. Though ELLs in bilingual programs will not outperform their counterparts in English only programs, over time students enrolled in Bilingual Programs will not only compete with their English only peers, but will also outperform them (Menken, 2014).

Viewing these results in a short context would be evidently myopic. Another unintended consequence of No Child Left Behind suggests that it is not only ELLs who are affected by language loss, but also native English speaking monolingual students. Since 2005 researchers have linked NCLB to a decline in foreign language program enrollment in the United States (Menken, 2014). This is due in part to the fact that NCLB does not require measurable progress in a foreign language, arguably discouraging the teaching of languages other than English (Menken, 2014). The ramifications of these instructional effects are profound. Not only are ELLs at risk, but rather the entire student population.

In the modern era of globalization, it seems perhaps counterintuitive that a nation as linguistically diverse as the United States does not promote bilingual education for all students. This is particularly problematic when viewed in a globalized context, as many other nations

promote not only their own languages, but English as a second language. Are students able to compete in a global marketplace when they lack the sufficient linguistic skills of their peers across the globe? It would appear that by focusing on only measurable and test based outcomes, students are at a disadvantage, as they are not taught linguistic skills so necessary in today's era of globalization and increasing interconnectedness.

Arizona. When examining State Education Policy it is important to be mindful of how policy is created. State governments have traditionally been central to the development and implementation of education and, language, policy in the United States (Lawton, 2012). Like the rest of the United States, Arizona has struggled with how to best meet the needs of increasingly culturally and linguistically diverse language learners. In response to the increasing pressure to educate linguistically diverse students Arizona responded by holding a state referendum. This referendum, known as Proposition 203 resulted in the passage of restrictive instructional models for educating ELLs, including a mandate for English only instruction (Garcia, Lawton, & Diniz De Figueiredo, 2012).

Research by Lillie, Markos, Arias and Wiley (2012) argues that Proposition 203 dismantled bilingual education programs in Arizona, as well as replacing them with the loosely structured program known as Structured English Immersion (Lillie et al., 2012). Arizona's SEI program has been heavily criticized since its inception. According to García et al. (2009), the four-hour English Language Development block has been used as a political strategy to advance a certain ideological agenda rather than a research based response to a critical education issue.

When examining the SEI curriculum, it is important to note that Arizona students are not provided access to the mainstream curriculum. Rather, they are they are taken out of their mainstream classrooms and put into SEI classrooms (Gándara & Orfield, 2012). The purpose of

this is to focus almost exclusively on the teaching of English, rather than content. As Gándara and Orfield (2012) note, students who arrive to school behind in comparison to their native English speaking peers and are not taught subjects such as math, science and social studies continue to fall further behind, creating an even larger achievement gap. Although English proficiency is a major obstacle to the success of English Language Learners, SEI appears to do more harm than good.

The Arizona SEI program is built on the false premise that more exposure to English will result in the faster acquisition of the language. Mackinney and Rios- Aguilar (2012) state more intensive exposure to English will not result in faster acquisition of the language. It seems thus highly problematic to structure educational policy on a false assumption, particularly one that is politically, rather than pedagogically driven. Arguably, such a policy is highly discriminatory, as ELL students in SEI classrooms are removed from content area classes, or segregated due to language. Rios-Aguilar, González- Canché and Sabetghadam (2012) assessed the impact of the SEI program on English Language Learners. The findings of this research concluded that ELL students enrolled in the four hour SEI program have lower levels of academic achievement than ELL students educated in mainstream classrooms (Rios-Aguilar et al., 2012). These findings suggest that ELLs benefit from a variety of support, not simply language support. The goal for ELLs, as for all students is to ensure a fair and equitable education and learning opportunities. By taking ELLs out of mainstream classrooms, Arizona is doing a considerable disservice to its diverse learners, thus resulting in an even larger achievement gap.

California. Like Arizona, California has struggled with how to best educate the large number of diverse students in its school system. Gándara and Baca (2008) describe more than 25% of students in California are English Language Learners. This poses a significant challenge for California. Further complicating matters is that California teachers struggle to meet the needs

of ELLs. As Abedi and Gándara (2006) note ELLs are not only more likely to face challenges such as poverty and the challenges of acquiring a second language, they are also more likely to face challenges such as being taught by unqualified or under qualified personnel. These statistics are particularly troubling, considering the large numbers of ELLs that reside in California.

Similar to the case of Arizona, California enacted a public ballot known as Proposition 227. The outcome of this vote dramatically changed the way in which ELLs could be taught. Proposition 227 mandated that ELLs be taught in all English, thus effectively dismantling Bilingual Education (Gándara & Baca, 2008). These students were then placed into mainstream classrooms with teachers who had no ESL training, posing significant challenges for teachers and students alike.

Though Proposition 227 dictated that schools ought to limit bilingual instruction, it offered no solution of what teachers ought to do instead (Gándara & Baca, 2008). This led to disjointed efforts across the state, with districts and schools deciding what should be done. Teachers in California were also surveyed and were asked if they felt prepared to teach ELLs. In a study of 5300 educators in California, it was revealed that most did not express confidence that their coursework and professional development were sufficient to meet the needs of ELLs (Gándara & Baca, 2008). It is also worth noting that many of these teachers did not have sufficient training in regards to working with English Language Learners nor did they all have the proper teaching credentials (Abedi and Gándara, 2006).

The passage of NCLB sought to rectify some of the problems faced by California, as well as the rest of the nation. Besides test-based accountability and adequate yearly progress, NCLB also requires that teachers be highly qualified. However, as Gándara and Baca (2008) note, NCLB does not outline or describe what it means to be a highly qualified, especially in regards to teaching ELLs. Though NCLB wavers on what constitutes a qualified teacher, it is worth noting

that it did bring ELL educational issues to the policymaking forefront. Prior to NCLB, there was little accountability and disjointed policymaking. After the passage of NCLB, ELLs could no longer be ignored (Gándara & Baca, 2008).

Gándara and Baca (2008) argue that the combination of Proposition 227 and the passage of NCLB has been a dangerous and volatile combination for the state's ELLs. ELL students in California face many challenges, particularly in light of the limited use of bilingual education. English only testing has had an immensely detrimental impact on ELL students. Not only are ELLs more likely to face numerous challenges the assessments they must take are neither fair nor valid. Abedi and Gándara (2006) state that these assessments are typically normed utilizing other populations, thus posing significant challenges for ELLs. Such test norming strategies ultimately result in culturally irresponsive and linguistically discriminatory educational practices. With the only exception being Special Education students, California ELLs have the highest failure rates, thus resulting in ELLs not receiving a diploma or graduating high school (Gándara & Baca, 2008). This only continues to widen the already considerable achievement gap. Gándara and Baca (2008) describe Proposition 227 and NCLB in creating the perfect storm for English Language Learners, resulting in uneven policy, which they argue is neither valid nor reliable.

Massachusetts. Massachusetts, like California and Arizona, has struggled with how to best educate linguistically diverse learners. Similar to California and Arizona, Massachusetts held a public ballot where voters supported Question 2, which limited the use of a student's native language in the classroom (Viesca, 2013). The discourse in which language policy is created is varied and complex. De Jong (2013) argues that the United States has traditionally been framed by the pluralist and assimilation discourses. The pluralist discourse posits linguistic and cultural diversity as a cultural norm; in contrast, the assimilationist discourse is grounded in concerns of

creating a unifying language and culture (De Jong, 2013). Virtually, since its inception, the United States has struggled with this delicate dichotomy. Though in today's modern era the world is more globalized than ever, the United States still struggles with how to address the needs of diverse learners.

Viesca (2013) argues that state policies, such as those in Massachusetts promote broad goals, and are pervaded with notions of racism and linguisticism, against both teachers and students. Perhaps part of the problem is the historically decentralized nature of the American school system and a lack of responsive linguistic policy. Like the rest of the United States, Arizona, California and Massachusetts have struggled with how to best educate ELLs. Without a cohesive language policy, policymaking was left to the whim of ballot initiatives that were rife with bilingual smear campaigns and misinformation. The lack of a cohesive and culturally responsive policy has led to the inequitable educational opportunities for ELLs in the abovementioned states. Though NCLB has sought to remedy this, is the best way to close the achievement gap to focus on test-based accountability? Does the current system promote equitable and linguistically responsive learning opportunities, or are students in New York no better off than their ELL counterparts in Arizona, California and Massachusetts?

No Child Left Behind and Bilingual Education

While No Child Left Behind has been scorned for not accounting for the needs of ELLs, scholars have also been perplexed by the wording of the law, namely that it has dismissed the Bilingual Education Act provisions. In the 1960s, in order to address the needs of a growing English Language Learner population, Congress authorized the Bilingual Education Act (Powers, 2014). The goal of the act was to address the needs of ELLs by promoting educational programs in schools to address their unique educational needs. The act sought to promote

language rights while outlining the need for creating equitable educational opportunities for all students. Menken (2009) suggests that No Child Left Behind only makes provisions for English language acquisition, making no mention of bilingual education.

Similarly Menken and Solorza (2014) note the effects of No Child Left Behind on Bilingual Education. Though NCLB does not outright outlaw or prohibit Bilingual Education, its focus on high stakes testing and accountability has led to a loss of bilingual education in New York City schools. Menken and Solorza (2014) attribute this to the pressures of high stakes testing and accountability. Due to these pressures schools are eliminating bilingual education programs in hopes of increasing student test scores. When school administrators in New York City were about questioned what factors had contributed to the elimination of bilingual education, most mentioned the pressure of accountability, namely ELLs low test scores (Menken & Solorza, 2014). Due to NCLB's strict accountability provisions low-test scores could translate into severe punishment for schools and districts alike. If Schools are not deemed to be making adequate yearly progress they could face a loss of funding, sanctions or even a closing of the school (Menken, 2014).

NCLB and High Stakes Testing

As previously discussed, NCLB has mandated that English Language Learners partake in the same high stakes testing as their Native English speaking peers. Though the majority of states have simply given students the same tests, some have allowed for accommodations. These accommodations can include separating language proficiency from content, extra time, test translation or use of a bilingual dictionary (Menken, 2014). However it is important to note that not all states allow for accommodations, and amongst those that do there is great discrepancy. It is also worth noting that the high stakes tests that all students are required to take were normed

using only native English speakers (Menken, 2014). It would appear that providing an ELL with a test normed for native English speaker would not be a valid measure of the ELL's knowledge of content. Yet it is precisely these test results that could result in students not making adequate yearly progress, potentially resulting in a loss of funding for their respective schools, sanctions or at worst, school closure.

With the implementation of NCLB, assessment and accountability standards have dramatically changed for all students, including English Language Learners. Boals et al. (2015) cite these new accountability requirements as critical for informing teachers and administrators alike about a variety of information, ranging from identification, classification, placement, instruction, as well as exiting from an ELL program. Though accountability and assessment are arguably necessary, there are numerous validity concerns when discussing the implementations for English Language Learners. Bailey and Carroll (2015) argue that while educators ought to be held to high academic content standards, can an assessment be valid if the student is still learning the language? Under No Child Left Behind, ELLs in public schools may take as many as four summative assessments each year; the amount of assessments varies according to grade level (Sirechi & Faulkner- Bond, 2015). Additionally, there are validity concerns regarding the norming of these high standards assessment tests. As Wright (2010) notes, one commonly used norm referenced test contained less than one percent of ELLs in its norming population. It is also important to note that while No Child Left Behind treats English Language Learners as a single category they are in fact a diverse group. English Language Learners are not only diverse in their cultures and languages, but also in their knowledge of their home languages and knowledge of English. Though many of the students that hail from these countries speak Spanish as a first or second language, there is great linguistic variation in the various dialects of their respective

Spanish. It is thus erroneous to group all English Language Learners into one category, even if they do speak the same language. Sirechi and Faulkner- Bond (2015) note that educational assessments are used for providing reliable and valid information regarding student achievement. How can these assessments serve as frames of references for English Language Learners if no statistically significant sample of English Language Learners was used to create the test? Sirechi and Faulkner Bond (2015) suggest that testing agencies ought to become more aware of linguistic diversity within student populations, thus making tests more accessible and valid for ELLs.

Though there are numerous concerns with assessment and accountability requirements under NCLB, the law has dramatically increased the visibility of ELLs in schools. ELLs can no longer be ignored as they are subjected to the same accountability requirements as their native English-speaking peers. As Wright (2005) notes, under these new accountability requirements there is pressure to mainstream students as quickly as possible, as well as pressure to teach content for the purpose of standardized tests. This is problematic in that instruction becomes focused on the test, rather than the individual needs of ELLs. Additionally, as Wright (2005) states, though ELLs must be tested, schools and districts have found ways to exclude their scores, making it seem as though ELLs are performing at higher rates. Schools have circumvented providing ELL test scores by utilizing a provision in the law that allows for districts to establish subgroups. These subgroups are created in cases where the number of students within a category is not deemed sufficient enough to produce statistically significant results (Wright, 2005). It is perhaps ironic that the law designed to leave no child behind has led to schools and districts circumventing laws and loopholes in order to make it appear as though adequate yearly progress has been made.

NCLB requires that students be provided with reasonable accommodations (Wright, 2005). However, what is problematic is that the law fails to adequately define what ought to be regarded as reasonable. As Wright (2005) notes accommodations vary by state and there are no mechanisms in place for ensuring that English Language Learners receive accommodations. High stakes assessments and accountability requirements have led to school districts feeling pressured, particularly in the context of ELL scores. These tests cannot be deemed valid if students that are not yet proficient are required to take tests in the very language that they have not yet mastered. All students deserve a fair and equitable education. Schools, particularly those with large numbers of English Language Learners are under pressure to meet accountability requirements. When students do not meet these requirements and tests are excluded due to legal loopholes, English Language Learners are in danger of being left behind, by the very law that has sought to leave no child behind. Assessment and accountability must be in the best interest of students. Students must be provided with accommodations that meet their unique linguistic needs. Additionally, assessments must be made utilizing ELLs in its sample. Assessments that fail to include a statistically significant ELL population cannot be deemed valid. All students deserve a fair and equitable education that takes their specific educational requirements into consideration. When students are not being given proper accommodations, it is not only an educational travesty, but also a violation of their civil rights. As the English Language Learner population continues to grow, schools and policymakers alike must become more responsive to the needs of these vulnerable students. Students cannot be set up to fail by taking tests in a language that they have not mastered. Students cannot be expected to reach high standards if they are not given the tools to succeed. Assessments must be valid, taking into consideration the unique needs of ELLs. Without these changes ELLs will continue to be at risk, and at risk for falling further behind.

Effects of NLCB on students.

Like their native English speaking monolingual counterparts ELLs are affected by high stakes testing. It is not only teachers and administrators that are under pressure from NCLB. Mertler (2011) describes that students are also feeling the pressure of NCLB. Further complicating matters is that these test scores are now utilized for not only evaluating schools and districts, but also for deciding which students get promoted to the next grade, as well as which students graduate (Menken, 2014). Though high standards and accountability are necessary, particularly in the modern globalized age, when examining the statistics concerning ELLs the numbers appear rather alarming. Studies have suggested that ELLs typically perform 20% to 25% lower than their native English speaking counterparts. As Abedi and Gándara (2006) note part of this gap can be attributed to poverty, and irresponsible educational norming practices. Additionally, most ELLs are failing to attain the necessary score on state English Language Arts and Mathematics exams to be deemed proficient or making adequate progress (Menken, 2014). These statistics are rather alarming, particularly when considering the number of English Language Learners in the United States today. Furthermore, ELLs in numerous states are also required to take these culturally unsound tests in only English (Gándara and Baca, 2008). This is particularly alarming considering the significant numbers of ELLs enrolled at the secondary level. These students are a distinct disadvantage, as they may have less time to learn and acquire English, as well as face numerous hurdles and challenges in regards to acquitting a diploma. If most ELL students are failing to meet the adequate yearly proficiency requirements required for grade promotion, then it would appear that English Language Learners are indeed being left behind, an ostensibly ironic outcome of a law designed to prevent this.

It is worth noting that English Language Learners in New York State have the highest dropout rate amongst all students (29.4 %), as well as the lowest graduation rate (25.2%) (Menken, 2014). These statistics are particularly startling for schools or school districts with larger ELL populations. Part of these startling statistics can be attributed to the issues of assessment regarding ELLs. Abedi and Gándara (2006) state that though ELLs do receive some testing accommodations, these accommodations can vary by state, many of these accommodations may not be appropriate or helpful. Schools with larger ELL populations will typically have more students that will fail to make adequate yearly progress in comparison to native English language speakers. This could then translate to a loss of funding, sanctions or in a worst-case scenario school closure. As Menken (2014) states, NCLB creates a disincentive for schools to admit or serve low-performing ELLs. It seems disingenuous that a country built on immigration has faltered to provide equitable learning opportunities for its English Language Learners. No Child Left Behind calls into question concerns about validity and testing fairness. How can English Language Learners be expected to take tests normed for their native English-speaking peers? Additionally, how can a law, which seeks to purport equitable learning opportunities, fail to provide for a historically discriminated segment of the population?

No Child Left Behind and Teacher Qualifications

The primary goal of No Child Left Behind was to increase student achievement. Additionally, the law sought to promote teachers as being highly qualified. Harper, de Jong and Platt (2008) describe the NCLB teaching qualifications as follows: According to NCLB, all public school teachers must be “highly qualified” to teach in core subjects. Under Title IX, Section 9101, “to be deemed highly qualified, teachers must have: (1) a bachelor’s degree, (2) full state certification or licensure, and (3) prove that they know each subject they teach” (NCLB, 2001).

Teacher quality is thus characterized by knowledge of content, rather than pedagogical expertise.

Harper et al. (2008) argue that while NCLB stipulates that teachers must be highly qualified it makes no mention of professional competence or teaching credentials. Abedi and Gándara, (2006) note that ELLs are more likely than their monolingual counterparts to be taught by teachers without appropriate credentials or experience. This lack of experience and credentials often results in teaching that is not comprehensible for ELLs, nor does it meet the unique linguistic and educational needs of ELLs. This is highly problematic as it fails to account for the specialized needs and problems that ELLs typically encounter. English Language Learners have different needs than their native English-speaking counterparts. English Language Learners require differentiation and appropriate scaffolding. Appropriate educational programming for ELLs has faced tremendous challenges within the recent decade. From anti-immigrant and English-only policies in states such as California, Arizona and Massachusetts to assimilationist discourses, to accountability challenges, ELLs today face numerous linguistic and political complexities. Similarly the ESL profession faces similar challenges. Harper et al. (2008) posit that it is the ESL profession itself that has contributed to a misinterpretation of its goals. As some instruction shifts towards mainstreaming ELLs or placing them in primarily English only content area classes the role of the ESL teacher begins to blur. As Harper et al. (2008) state when ESL teachers' instructional goals are framed in terms of ELLs' academic achievement in other content areas, the professional identities and roles of ESL teachers and those of other teachers begin to join together. This could inadvertently lead to the needs of ELLs being ignored in a mainstream classroom. It could also lead to a devaluation of the ESL teaching profession, as ESL teachers are forced to focus on aligning the needs of ELLs with those of their native English speaking peers

(Harper et al., 2008). In order to meet the needs of these linguistically students it is imperative that teachers are prepared to teach these students. As previously discussed Abedi and Gándara (2006) noted that in a survey of 4800 California teachers, significant percentages addressed concerns, noting that they had not been adequately prepared to teach ELLs. As the numbers of ELLs continues to grow, it is imperative that teachers are adequately prepared to teach linguistically diverse students. Putting teachers into such a predicament is not only unfair to teachers, but also educationally damaging to a segment of the student population that is already at risk of falling behind. As previously stated ELLs have different needs than their native English-speaking peers. Attempting to combine the needs of ELLs and their monolingual counterparts, could result in ELLs being left behind, thus further promoting the already vast achievement gap.

NCLB and Teacher Attitudes

Like schools and districts, teachers have felt the pressures of accountability. In a study conducted by Wright and Choi (2006) teachers were asked their views concerning high stakes testing and ELL students. No teachers were opposed to schools and districts being accountable; nearly 78% disagreed that high stakes tests were appropriate for holding ELLs and their teachers accountable (Wright & Choi, 2006). Additionally, 90 % of teachers disagreed that high stakes tests provide an accurate measure of an ELLs achievement (Wright & Choi, 2006). In regards to accountability teachers also expressed numerous concerns. As Wright & Choi (2006) noted teachers were also concerned about the lack of flexibility in the classroom, particularly strategies for ELLs. Teachers also reported feeling that NCLB ignored crucial aspects of the curriculum, neglected untested topics and focused primarily on tested subjects and material (Mertler, 2011). It would suggest then that high stakes tests do not always provide an accurate representation of a student's ability. Part of what is problematic about this law is that students must take part in high

stakes testing, even if the student arrives on the day of the test, having had no content or language instruction. These concerns about validity were shared by numerous teachers in the study. A test cannot be deemed valid if it has been normed for a native English speaking monolingual student, nor can it be ascertained as a valid measure of the student's performance if the student lacks both English fluency and content knowledge. It is also important to acknowledge that many states do not allow for accommodations on these high stakes tests, and that while some states do allow for accommodations they may not be enough.

Teachers have also reported feeling concern about score inflation. As Murnane and Papay (2010) note, teachers have also been concerned about grade inflation; though scores have increased, teachers are concerned that this is a result of score inflation, rather than improvement in proficiency. Since the implementation of NCLB educators have also grown increasingly concerned with what many perceive to be a declining curriculum. As Murnane and Papay (2010) state, educators are concerned about a shrinking curriculums that do not accurately or fully represent the competencies students should master. Though NCLB has led to a focus on accountability, there has also been concern regarding the failure of the policy to take into account student improvement and progress. The adequate yearly progress formula does not take into account substantial improvements in the performance of low achieving children unless they succeed in meeting the proficiency standard (Murnane & Papay, 2010). This is particularly problematic for ELLs who may make substantial improvement within a year, but may fall below the adequate yearly benchmark. Additionally, this is particularly problematic for schools that serve large numbers of ELLs. Though students may make sufficient progress within a year, under NCLB requirements their efforts may not be enough.

Teacher attitudes towards their students arguably affect learning outcomes. As demographics change and the population continues to grow more diverse, the challenge of how to best educate English Language Learners continues to loom. Vázquez Montilla, Just and Triscari (2014) note that English Language Learners or students who speak other languages are often perceived by teachers as burdensome, as well as perceived as lower performing compared to native English speakers. These attitudes, particularly in light of shifting demographic changes, are particularly alarming. As the population continues to grow more diverse, teacher attitudes such as the aforementioned put linguistically diverse students at a stark disadvantage. In a study conducted by Vázquez- Montilla et al. (2014), teacher attitudes towards linguistically diverse students was found to be mostly negative. Seventy-three percent of teachers surveyed believed that it was unreasonable to expect a regular classroom teacher to teach a student that does not speak English Vázquez Montilla et al. (2014). Additionally, 88% of teachers surveyed described English Language Learners as not being motivated to learn English, while only 9% believed that teachers should modify their instruction for students' cultural and linguistic needs (Vázquez-Montilla et al., 2014). These responses are not only highly discriminatory, but also increasingly problematic. Rather than being viewed as a cultural and linguistic asset, English Language Learners are often viewed through a lens of deficit. In an increasingly globalized world, the need for bilingual professionals continues to grow. Results such as these suggest that not enough is being done to promote cultural and linguistic diversity in the classroom. Not only are English Language Learners struggling with the effects of No Child Left Behind and high stakes testing, but they must also content with increasingly negative attitudes from their own teachers.

Impact of High Stakes Testing on Content Areas

Since the implementation of No Child Left Behind, high stakes tests have been used to hold schools accountable, ensuring that students meet the required standards, content areas, such as math are no exception. NCLB mandates that students, including ELLs be tested each year in content areas such as reading and math. Wright and Li (2008) explain that while the law was revised to allow for exclusions from reading, ELLs are still required to take and pass the state math test. Further complicating matters is that many of the accommodations allowed such as extra time on tests does not translate to better test scores. Additionally as Wright and Li (2008) describe, few states offer reasonable accommodations to ELLs. Furthermore it is important to note that holding students to high academic content standards in a language that they are still learning is neither fair nor valid (Bailey & Carroll, 2015).

It is a common misconception that math poses the least amount of difficulty to ELLs. Math, like other content areas requires knowledge of difficult academic vocabulary. Wright and Li (2008) note that math tests that have high academic language pose rigorous challenges for ELLs. Additionally, the syntax of vocabulary can be cognitively demanding for ELLs. Another common misconception is that mathematics is the same in all languages. As Wright and Li (2008) note in Cambodia a decimal is used to separate place value, whereas the comma is used for number values less than one, the opposite of the United States. Additionally mathematics often requires complex wording or definitions. Word problems may be particularly challenging for ELLs who have yet to master English vocabulary.

It is also worth noting that even if an English Language Learner does have an understanding of vocabulary they may not have the sufficient content knowledge necessary to understand the lesson. Wright and Li (2008) cite the example of a Cambodian mathematics textbook, which has fewer problems than American mathematics textbooks. Additionally, the

American textbook was found to cover the subject at a greater depth than its Cambodian counterpart. It is a fallacy to assume that mathematical content is the same in all countries. It is important to be mindful of both the quality and scope of education that an ELL has received in their home country.

As Bailey and Carroll (2006) state the instruments with which ELLs are being assessed with are not only invalid, but also not being used in their intended purpose. This raises profound questions concerning the validity of ELLs taking high stakes mathematics tests. This raises profound questions when assessing these students. It is not educationally or culturally responsive to test students in a language in which they are still learning. Similarly, questions about validity are raised when examining the language requirements on these high stakes mathematics tests. It is important that future educational policy must reflect these findings, to ensure that students receive a fair and equitable education in all subjects.

Part 154 Commissioner Regulations

As the numbers of ELLs continues to grow in the United States, the question of how to best educate them remains. Different states have taken different approaches. Though the landmark Supreme Court case (*Lau v. Nichols*, 1974) held that sink or swim, more commonly known as submersion education was illegal, programs for ELLs vary greatly across the nation. While states such as California, Arizona and Massachusetts have adopted English only education; New York has chosen to adopt a more progressive stance. The purpose of the subpart of Part 154 was to establish standards for ELLs. This new subpart establishes criteria for what constitutes an ELL, including the initial identification process, such as administering a home language questionnaire, interviewing the student and administering the New York State Identification Test for English Language Learners or NYSITELL (Commissioner's Regulations, 2015). It also stipulates that

English Language Learners must receive fair and equitable learning opportunities, just like their native English-speaking counterparts (Commissioner's Regulations, 2015).

Part 154 is also progressive in that it provides for Bilingual Education for ELLs. In order to meet the criteria for Bilingual education a district must have 20 or more students at a grade level, assigned to a building, all of who have the same native language (Commissioner's Regulations, 2015). When considering the tumultuous history of bilingual education, these regulations are particularly novel. Though the United States was founded and built by immigrants, many of whom spoke languages other than English, languages other than English have long faced challenges. As Garcia (2014) notes there has been a long history of failure of Spanish language education policies in the United States. The failure of bilingual education in the United States is particularly startling when considering the linguistic landscape of today. Hernandez and Napierala (2012) state nearly one in four children with immigrant parents lives in a household in which no one over the age of 13 speaks English. As the numbers of ELLs continues to grow, the question of how to best educate them continues to loom. Language and identity are intrinsically linked. With the need for bilingual professionals stronger than ever, how will ELLs in states such as California, Arizona and Massachusetts fare as compared to their counterparts in New York state? The notion of the melting pot cannot exist if the United States fails to construct a space within its linguistic landscape for languages other than English. Failure to provide bilingual education for students is not only tantamount to discrimination, but also robs students of their identity and culture.

Helpful Practices

Though these regulations are a step in the right direction, what will happen to students who may speak an indigenous language or students that do not meet the criteria of 20 or more

students required for bilingual education? While English only education is not a reality in New York, more must be done to provide equitable learning opportunities for all students. It is also important to take into account the perceptions of teachers of NCLB. Though NCLB has brought ELL accountability, it has failed to adequately prepare teachers for teaching this diverse segment of the population. As the ELL population continues to grow, more must be done to meet the demands of these linguistically diverse students. Teachers are crucial to the success of the United States education system. It is important to take teacher perceptions and concerns seriously, as they are the ones teaching and implementing federal and state policies in the classroom. Concerns such as test inflation, failure to acknowledge incremental student progress and a shrinking curriculum are all valid teaching concerns. Though accountability is crucial to the success of the United States public schools in today's modern globalized world, more must be done to ensure that accountability is not simply implemented for accountability's sake. Students must have access to diverse curriculums that take into account learning progress, even if it is only incremental. Furthermore more must be done to address these critical education problems.

Equally concerning is the shortage of English as a new language and bilingual instructors in the United States. The U.S Department of Education has identified English as a Second Language and Bilingual Education as being in critical shortages across the nation (U.S Department of Education, Office of Post Secondary Education, 2008). Such shortages are problematic across the nation, as it suggests that the diverse linguistic needs of ELLs are likely not being met. Not only is this a troubling predicament for English Language Learners, who may face a loss of their cultural and linguistic identity, it is troubling for all students. With the world becoming increasingly interconnected and globalized, there is a great need for bilingual professionals in the global marketplace. By providing each student with a comprehensive

bilingual education, schools would not only be able to promote cultural and linguistic diversity, but also students that are prepared for life in the modern globalized era.

More professional development regarding the education of English Language Learners must take place. Vázquez- Montilla et al. 2014 note the perceptions of teachers regarding English Language Learners and culturally diverse students. Today one out of every four children or 25% live in immigrant families (Hernandez & Napirala, 2012). The United States population will only continue to grow increasingly diverse. Teacher attitudes play a crucial role in the classroom and in the lives of their students. English Language Learners ought to not be perceived as a detriment, but rather as a cultural and linguistic asset. More professional development is necessary to educate teachers, administrators, paraprofessionals and all integral school personal, in order to gain a greater understanding of cultural and linguistic diversity.

Due to the decentralized nature of the American school system, more must be done to establish clear and concise policies. Uneven top-down policy is harmful to school districts, particularly to linguistically diverse students. One size fits all curricula do not fully address the needs of linguistically diverse students. Schools and districts must be given more autonomy in the classroom to be able to address the unique and varying needs of their students. All students, particularly English Language Learners have unique educational needs. Curriculums must be proactive, rather than reactive. Schools must be given autonomy to provide curricula to students that meets their unique and diverse needs.

Assessments must be normed utilizing data from ELLs. Tests cannot be considered valid if ELLs are not being normed into the sample test taking populations. As Sirechi and Faulkner-Bond (2015) state, testing agencies must become more aware of linguistic diversity within student populations. Students must also be given reasonable accommodations on high stakes tests. As

Wright and Li (2008) note, few states offer reasonable accommodations to ELLs. Furthermore, policymakers must be cognizant of how long it can take to learn a second language. Current research suggests that it can take between 5-7 years to become fluent in a language (Cummins & McNeely, 1987). It is thus erroneous to force ELLs to take part in high stakes tests, as they have not yet gained the sufficient linguistic skills to master such tests. Schools must be held accountable and ELLs must be pushed to the same high standards as their monolingual peers, however sound policy must be made according to best practices, not political whim.

Though New York state has taken an important step toward making its curriculum culturally relevant by providing languages other than English a place in its traditional monolingual linguistic landscape, can this truly become an educational reality if there is a critical shortage of teachers? Finally, concerns about assessment practices for English Language Learners must be addressed. It is unfair to hold ELLs to the same standards as their native English-speaking peers. While English Language Learners must be held to the same high standards as students, forcing ELLs to take high stakes tests in languages that they have not yet mastered is tantamount to setting students up for failure. Furthermore, ELLs must be normed in sample testing populations. Failure to do so calls into question the validity of these tests in regards to the ELL population. All students deserve a fair and equitable education, free of cultural and linguistic bias. It is not only highly discriminatory to provide students with such invalid tests, but also detrimental to the success of linguistically diverse students. Though the United States has had a long and tumultuous history regarding bilingualism it is time for the United States to make space for languages other than English in its linguistically diverse landscape. Only then will the true potential of America's linguistically diverse landscape be truly recognized.

Methodology

The goal of this research study is to research the perceptions of ENL teachers in Western New York towards No Child Left Behind in the English as a New Language classroom. Additionally, the study will also seek to research teacher views on the Commissioner's Regulations Part 154 in the English as a New Language Classroom. This particular study will investigate teacher perceptions of NCLB and Part 154 in two Western New York School districts. Teachers will be recruited for the interview only if they are English as a New Language teachers. Data collection will occur through the use of a semi-structured interview and observation and policy document analysis. Data will then be analyzed. The final implications of this study will be included at the end of this research.

Research Design

This study will follow a qualitative approach. Qualitative research is defined as research in a natural setting with data collected in the form of words or pictures, rather than numbers (Fraenkel, Wallen, and Hyun, 2015). The interview will be qualitative in nature, focusing on a qualitative design. This study will follow a qualitative design; a qualitative study investigates the quality of relationships, activities, situations and materials (Fraenkel et al., 2015). This study will seek to investigate the perceptions of ENL teachers in Western New York towards NCLB and the Commissioner's Regulations Part 154, as well as how these perceptions influence teaching and the attitudes of ENL teachers in the education of ELLs. Following a qualitative design allows the researcher to better measure the perceptions of NCLB and Part 154 and how these perceptions influence classroom teaching through qualitative means such as a semi structured interview, observation and policy analysis.

Setting

The study took place in two western New York school districts, though three were asked to participate. The third school district declined to participate in this study. The first school district that was included in this research is located in a rural district. The school houses kindergarten-12th grade in one building. There is only one school in the district. The city has a population of 3161. The demographics of the town are as follows: White 94.3%, Hispanic 3.9%, Black 0.2%, Multiracial 0.9 %, Native American 0.09%, Asian 0.05%. Twenty-six percent of the town has a Bachelor's degree. Males in the town are mostly employed by manufacturing and public administration fields, while females are employed primarily by Health Care and Educational Services.

The school population is 726 students in grades K-12. The school population appears to be slowly declining. The student demographics are as follows: White 95%, Hispanic 3%, Black 1%, Multiracial 0%, Asian or Pacific Islander 0%. Sixty-two percent of students are eligible for a free or reduced lunch. ELL students in this school district receive pull out instruction.

The second school district is located in a suburban setting. The school houses kindergarten-12th grade in one building. There is only one school in the district. The village has a population of 10909. The demographic breakdown of the city is as follows: White 91.2%, Hispanic 3.6%, Black 2.0%, Multiracial .05%, Asian or Pacific Islander 2.5 %. Thirty-six percent of the town has a bachelor's degree. Males in the town are primarily employed by Educational Services and Retail industries, while females are primarily employed by Educational Services and Health Care fields.

The school population is 1521 in grades K-12. The school population appears to remain steady. The student demographics are as follows; White 87%, Hispanic 8%, Black 1%,

Multiracial 2 % and Asian or Pacific Islander 2 %. Thirty-one percent of students are eligible for a free or reduced lunch. ELL students in this school district receive a combination of pull out, push in and co-taught classes. In this study there will be two schools, located in two separate districts.

Participants

The intended sample population of this study included ENL teachers currently teaching in Western New York public schools. Only female teachers were interviewed due to availability. Schools were chosen due to proximity, all schools chosen were in Western New York. All potential subjects were certified ENL teachers teaching in the ENL field. Participants in this study included four English as a New Language teachers employed at the abovementioned districts. Teachers were English as a New Language teachers, and were employed at one of the two-abovementioned districts. Two teachers were recruited from each school district, in total 4 participants. Participants ranged in age from 23- 28. ENL teachers were chosen as subjects for the study; due to unavailability no Bilingual teachers were included. This is due to a shortage of bilingual teachers in Western New York school districts. Participants in the study were recruited, if they taught in a Western New York school district (See Table 1).

Table 1
Interview Questions as Grouped by Theme

Themes	Question Number	Literature
Demographic Questions	1,2,3,4	Gándara and Baca, (2008); Wiley et al. (2014);
Questions regarding No Child Left Behind,	5,6,7,8,9,10,11,12,13	Winke, 2011
Questions Regarding Testing Accommodations and Validity	14,15,16	Murnane and Papay (2010); Sirechi and Faulkner-Bond (2015); Wright, (2005); Wright and Li (2008)
Questions Regarding Bilingualism	17,18,19,20	Menken, (2009); Menken and Solorza (2014); Powers (2014)
Questions Regarding Part 154	21,22,23,24,25,26,27	Commissioner's Regulations (2015)

Data Collection

This research sought to follow a qualitative method. Instruments used to conduct this study included a semi-structured interview and classroom observation and policy analysis. The instruments sought to measure the perceptions of ENL teachers in Western New York towards NCLB and the Commissioner's Regulations Part 154, as well as how these perceptions influenced teaching and the attitudes of ENL teachers in the education of ELLs.

Interview. For the first part of the study, 3 school districts in Western New York were contacted, but only two school districts, four teachers, two from each school agreed to participate. The researcher gained permission to enter the schools via email to interview ENL teachers. Once permission to enter the schools was granted all ENL teachers in the 3 above-mentioned districts were contacted via email, though the third school district declined to participate. The email explained the purpose of the study, how data would remain confidential and that participation in the study would be completely voluntary and could be stopped at any time. Once the researcher gained permission from the teachers a time was set up to meet with each participant. A statement of consent was given to all six participants, though only four participants responded. The interviews took place at each teacher's respective school district and were conducted face to face. The interviews lasted approximately 30 to 60 minutes.

A semi-structured interview format was utilized with each of the participants. A semi-structured interview is one that consists of a series of questions designed to elicit specific answers from the respondents (Fraenkel et al., 2015). This was designed to build a rapport with each of the participants and to ensure that participants had the chance to fully express themselves. The purpose of this interview was to gain an understanding of teachers' perceptions of NCLB and Part 154, and how these federal and state education laws impacted their respective classrooms. The

initial questions asked the participant about their school district and educational background. The remaining questions consisted of questions that are aligned with the above-mentioned literature including perceptions of NCLB and Part 154.

The interview consisted of 27 total questions. To ensure validity and reliability all participants received the same interview questions. Participants were asked to have interviews be digitally recorded to ensure accuracy of the data; all four participants declined to be recorded. Table 1 shows the themes of the semi-structured interview and its corresponding literature. Participants were asked demographic information, as well as questions regarding No Child Left Behind, questions regarding testing accommodations and validity, questions regarding bilingualism and questions about Part 154. These questions were designed to not only build rapport with the participants, but are also designed to engage the participants into reflecting and sharing their thoughts on current educational issues relating to teaching ELLs.

Observation. For the second portion of the research the researcher observed each of the classrooms in the two school districts in the study. Observational data is data that is obtained through direct observation (Fraenkel et al., 2015). The purpose of this was to observe each participant and their interactions with ELL students, as well as to observe student-to-student interactions. My role as the researcher was that of an observer. I was not involved in any classroom interactions, nor did I interact with the students or the participants during the observation. Notes were taken during the interview relating to teacher perceptions of NCLB and Part 154. Additionally, the researcher looked for common themes during the observation such as teacher-student interactions. Each teacher was observed once in their classroom setting and each teacher was asked to be audio recorded to ensure accuracy, though all participants declined to be recorded. The first participant to be observed, Ms. Hemingway taught in a mainstream or

integrated English Language Arts classroom. In contrast Ms. Fitzgerald taught in a stand alone English as a New Language (ENL) classroom. Ms. Hemingway utilized an adapted Common Core Curriculum, while Ms. Fitzgerald utilized an adapted Pearson curriculum designed for ELLs. Due to the difference in schedules Ms. Hemingway was observed for one and a half hours, while Ms. Fitzgerald was observed for two hours. Notes were transcribed using a computer and an observation protocol. Within the observation protocol, the researcher examined student and teacher interactions, as well as student-to-student interactions. The type of classroom, curriculum and whether the students' respective home languages were utilized were also included in the observation protocol. Lastly the researcher examined whether participants (teachers) felt rushed or stressed in their teaching.

Policy Documents

The policy documents that were utilized for this study were No Child Left Behind and The Commissioner's Regulations Part 154. The No Child Left Behind documents were obtained from the U.S Department of Education website, while The Commissioner's Regulations Part 154 documents were obtained from the New York State Education website. These policy documents were used to analyze teacher perceptions regarding No Child Left Behind and the Commissioners' Regulations Part 154 in the English as a New Language (ENL) classroom.

Data Analysis

As previously stated the data was grouped into like themes. These themes were then grouped by similar topics. The researcher completed a content thematic analysis of the interviews. A content analysis is defined as a technique that enables researchers to study human behavior in an indirect way through their communications (Fraenkel et al., 2015). The researcher used coding to discover potential themes and patterns that emerged from the participants that related to the

literature review. The researcher highlighted responses that correspond with the literature review and noted any patterns that emerged during the semi-structured interview. Participants were asked to be audio recorded, but all four declined. Observational data was analyzed according to theme. Policy documents were analyzed according to their relevance to the English as a New Language classroom.

Discussion

This study sought to investigate perceptions of ENL teachers in Western NY towards NCLB and Part 154 Commissioner's Regulations, as well as how these perceptions influence their teaching and their attitudes toward the education of ELLs. The hypothesis of this study was that participants would view NCLB negatively, the Part 154 Regulations positively and that these negative attitudes would be expressed in the classroom. This hypothesis was only partially supported by this study. Participants did view NCLB negatively and the Part 154 Regulations positively, but the negative attitudes toward NCLB were not witnessed in the classroom during the observation protocol. Participants were calm, professional and friendly in their approach to teaching. Students were also engaged. It is possible that this discrepancy could simply be due to the participants personality. More research with a larger sample size is needed to ascertain more accurate results.

Validity Considerations

To ensure that the interview remained valid, the researcher ensured that all participants received the same interview and were asked the same questions. One potential issue that appeared was a lack of participation by teachers in this interview. A small sample of teachers may not produce a valid result and may not be a true indicator of ENL teacher perceptions of NCLB and Part 154. Another issue that may affect validity is the different experiences of the ENL

teachers that were interviewed. This could affect how each participant answers. A final issue that could affect validity is the researcher. The researcher controlled for validity by remaining in her role as an observer.

Obtaining Consent. Before conducting research, permission from the schools was sought. Per regulations one of the proposed school districts required the Board of Education to approve any research. The principals in all three schools were contacted by the researcher through email. Originally three school districts were contacted, all three principals granted approval, however, teachers from the third district declined to partake in the interview and were thus not included. All participants were above the age of 18, thus there was no need for parental consent forms. All participants were provided with consent forms and were be notified that they could stop participating in the study for any reason.

Results

This study includes results from four in person semi-structured interviews with four teachers at two schools. Additionally results were obtained from an observation with two of the above-mentioned teachers in the two above-mentioned schools. An analysis of policy documents was also included in this study. Both schools are located in Western New York and all teachers have or are currently working towards a Master's degree in TESOL.

Interviews

For part I, four teachers responded to the interview. The original number of schools contacted was three. The original number of teachers contacted was six, two from each school. One school declined to participate in the survey, thus leaving two schools and four total teachers. Of those four teachers, two agreed to being observed. All four teachers declined to be recorded. Observations occurred once. All four teachers agreed to participate in the interview. To protect the identity of participants pseudonyms were used for both the teachers and the schools.

Eligibility requirements. Questions 1-6 were used to ensure that participants fit the necessary criteria in order to partake in the interview. Questions 1-6 are shown in Table 2. Participants were asked about their ethnicity, age and teaching background. It was also designed to build rapport with the participants. All participants in the survey had to be teaching in an English as a New Language classroom in Western New York. All participants had to be certified in TESOL or be working towards a TESOL degree. Due to unavailability, the researcher was not able to find any Bilingual certified participants. All participants graduated from or were currently enrolled in the same TESOL program.

Table 2

Semi-structured Interview Participant Background

Participant	School	Ethnicity	Age	Number of Years Teaching
Ms. Eliot	School A	White	23	One
Ms. Hemingway	School A	White	28	Five
Ms. Fitzgerald	School B	White	25	One
Ms. Woolf	School B	White	25	Five and a half

Perceptions toward NCLB and Part 154. Questions 7-13 explored the first research question: Perceptions of ENL teachers in WNY towards NCLB in the classroom, as well as testing. The questions used sought to ascertain the effects of No Child Left Behind in the ENL classroom, as well as to explore the effects of high stakes tests on students. These questions were selected because they further explored the effects of teaching in the ENL classroom under No Child Left Behind. Participants were asked to use a five-point scale to indicate agreement or disagreement on the items asked. The scale ranged from strongly disagree (1), disagree (2), neutral (3), agree (4) and strongly agree (5). Overall, participants indicated disagreement with No Child Left Behind and its impacts on the ENL classroom. Responses for these questions were all similarly consistent except for two questions. This supports current research as teachers in other states expressed similar opinions (Wright & Choi, 2006).

All participants appeared to view NCLB negatively. When examining the questions no participant viewed NCLB as an asset in the ENL classroom. The findings are congruent with previous literature findings. As Menken (2009) notes accountability pressures of NCLB have put pressure on schools and ELL students, as ELL students are often unable to pass the necessary high stakes tests to meet graduation requirements. Ms. Woolf and Ms. Fitzgerald also expressed concern over pressures to teach to the test. These concerns are not unfounded as schools are required to meet adequate yearly progress goals (AYP) or risk being labeled failing. Wright

(2005) states that if schools are deemed failing two consecutive years the school is put at risk of being closed.

Question seven explored whether participants believed that students had made adequate yearly progress under NCLB. All participants chose two or disagree for this question. Question eight asked participants if they believed that schools should be held accountable for ELLs learning. All participants, except for Ms. Woolf indicated agree or strongly agree as a response. When further questioned Ms. Woolf noted that she believe society as a whole ought to be responsible for the education and learning of ELLs and that some failures can be attributed to poverty. Questions 9-12 also drew similar responses. For question nine participants disagreed that high stakes test provided an effective measure of ELLs' performance. Participants also had a similar response for question ten. When asked whether high stakes tests made participants more effective teachers, all participants disagreed or strongly disagreed. Ms. Fitzgerald also noted that high stakes tests did not take into account the progress that students had made over the course of a school year. This trend continued when examining question eleven and twelve. All four participants agreed or strongly agreed that NCLB has led to a focus on testing. Ms. Fitzgerald also noted that this testing caused her students anxiety. All four participants disagreed or were neutral regarding question twelve. Ms. Hemingway noted that high stakes tests often do not take into account the unique cultural and linguistic needs of her students. Ms. Hemingway also noted this as a problem in question thirteen. All participants disagreed or were neutral regarding whether NCLB allowed them to focus on their students' unique cultural and linguistic needs. Question fourteen also drew varied responses with Ms. Eliot and Ms. Hemingway choosing to disagree, whereas Ms. Fitzgerald and Ms. Woolf choosing agree. Question fourteen asked participants whether they felt pressure to teach to the test. Ms. Eliot and Ms. Hemingway noted that they

didn't, but that their colleagues did. Ms. Hemingway stated that many of her content area colleagues (Math, Science, Social Studies and ELA) have expressed pressure to teach to the test since NCLB. Ms. Hemingway also stated that she felt pressure to ensure that her students progressed rapidly to the next language level, but not necessarily the pressure to teach to the test. In contrast Ms. Fitzgerald and Ms. Woolf noted that there was pressure to teach to the test. It is interesting to note that Ms. Fitzgerald and Ms. Woolf teach in the same school. Perhaps this discrepancy can be attributed to individual school or district pressures. All of the participants appeared to express negative attitudes towards most of the No Child Left Behind questions. Though Ms. Hemingway and Ms. Woolf noted that No Child Left Behind did grant more accountability for ELLs, all four participants expressed disagreement with the high stakes testing process.

It is also worth noting that these findings are congruent with the previous literature. In a previous study conducted by researchers Wright and Choi, 90 % of teachers disagreed that high stakes tests provide an accurate measure of an ELLs achievement (Wright & Choi, 2006). Similar findings were also expressed by this study, with most participants disagreeing that high stakes tests provided an effective means of measuring ELL performance. The hypothesis of this study was that participants would perceive NCLB as negatively or detrimental. Based on the research conducted, participants perceptions of NCLB appear to be mostly negative, which again is congruent with previous research conducted.

Table 3

Responses to Items 7-15: Questions regarding No Child Left Behind

Participants	Ms. E	Ms. H	Ms. F	Ms. W	Overall Mean
7:NCLB has been effective in ensuring that students make adequate yearly progress?	2	2	2	2	2
8: Should schools be accountable English Language Learners Learning?	4	5	5	2	4
9:High stakes tests provide an effective measure of ELL performance?	2	2	2	1	1.75
10:High stakes tests make me a more effective teacher?	2	2	2	2	2
11. NCLB has led to a focus on testing?	5	4	4	4	4.25
12. High stakes tests have led to an increase of knowledge regarding content area classes?	2	2	2	3	2.25
13. NCLB allows me to focus on the unique cultural and linguistic needs of my students?	2	2	2	3	2.25
14. Since NCLB have you felt pressure to teach to the test?	2	2	4	4	3
15. High stakes tests have aided my students in acquiring English more quickly?	2	2	2	2	2

Perceptions toward Language Proficiency, accommodations and Part 154 . Questions 18-26 explored language proficiency, testing accommodations and Part 154. These questions sought to address the perceptions of ENL teachers towards the Commissioner's Regulations Part 154. The responses regarding bilingualism and the Commissioner's Part 154 Regulations were mostly positive, which is congruent with previous studies conducted, as well as with the researcher's hypothesis. Responses for this portion of the semi-structured interview were fairly consistent amongst all four participants. All four participants felt strongly that ELLs should be provided with accommodations for tests. It is interesting to note that there was some disagreement on question nineteen regarding exclusion from tests for ELLs. Ms. Eliot stated that ELL students ought to be excluded from high stakes tests as the tests caused them unnecessary stress. In contrast Ms. Hemingway stated that she was unsure.

All four participants also appeared to view bilingualism in their students as an asset. These findings were also congruent with existing research. A previous study conducted by Wayne Wright explored similar themes. Findings from Wright and Choi's research found that 85% of teachers opposed taking ELLs taking high stakes tests regardless of language proficiency. In this study 75% of participants agreed that ELLs should be excluded from high stakes tests until they are proficient. As Menken (2014) notes these high stakes assessments are often not normed utilizing ELLs in their samples, thus calling reliability and validity issues into question. When asked if bilingual education was necessary for their students, responses were similar. Most participants stated that while Bilingual education would be ideal, it was not necessary and due to budget or bilingual teacher shortages not feasible. Ms. Woolf stated that she saw many of her students succeeding without bilingual education. In contrast Wright and Choi (2006) survey found that 78% of teachers believed that schools should help students become bilingual. In contrast

participants from this study were more split. Fifty percent of participants were neutral concerning the issue of bilingual issue, 25 percent disagreed that schools should help students become bilingual and 25 % stated that ideally schools should have a duty to help students become bilingual. This discrepancy in findings could perhaps be attributed to the difference in linguistic landscape. Wright and Choi's study was conducted in Arizona, a state with large numbers of Spanish speakers and a diverse Spanish and English linguistic landscape. In contrast, this portion of Western New York, while home to a significant number of ELLs, is home to primarily native English speaking monolinguals. It is also worth noting that due to a shortage of ENL bilingually certified teachers and difficulties in readjusting funding providing bilingual education in Western New York is not always feasible.

Responses also varied amongst the two school districts in regards to the implementation of Part 154. Ms. Eliot and Ms. Hemingway, both of school A stated that their school was fairly ready for the new regulations. Ms. Hemingway stated "yes, we are already for the most part, we just have to sort out the logistics." In contrast Ms. Fitzgerald and Ms. Woolf, both of School B did not yet feel adequately prepared to meet the demands of the new regulations. Ms. Fitzgerald noted that "it takes a lot of readjustment of funding and lots of minutes." All participants appeared to view the new regulations as positive, despite the challenges that some participants were experiencing. It is also worth noting the differences between the schools. School A has a larger ELL population, as well as more ENL educators in the building (though only two responded to this interview). In contrast school B has a smaller ELL population and less staff, which is contributing to some of the difficulties in meeting the minutes requirement of Part 154. Neither school has 20 or more students of the same language in the same grade and thus does not need to

provide bilingual education as mandated by Part 154. Due to its novelty, little if any research has been conducted on the effects of Part 154 in the ENL classroom.

Table 4

Response to Items 18-26 Questions regarding Language Proficiency and Part 154

Participants	Ms. E	Ms. H	Ms. F	Ms. W
18. Should ELLs be provided with accommodations for tests?	Yes	Yes	Yes	Yes
19. Should ELLs be excluded from high stakes tests until they are proficient in English?	Yes I think it causes them too much stress if they aren't ready.	Not sure	Yes	Yes
20. ELLs must learn English in order to be successful in the United States?	Yes, but it is not the only way to be Successful.	Learning English is important but not the only measure of success.	Yes	Yes
22. ELLs will learn English more Rapidly if they focus On English and not their home language.	No	No	No skills from their L1 will transfer to their L2.	No
23. Schools have a duty to ensure that students are equally proficient in English and their home language?	I'm neutral on this, it would be nice, but it isn't realistic. We have students that speak different languages.	No this would be difficult due to a lack of funding and bilingual teachers.	Ideally yes.	Neutral it would be nice to see both languages being represented.
24. Do you believe bilingualism is an asset or a detriment?	An asset, I think it should be celebrated that they can speak 2 languages.	Asset.	An asset!	An asset.
25. My school is adequately prepared for Part 154?	Almost.	For the most part we still need to sort	Not yet it requires a readjustment	No.

		out the logistics.	of funding and lots of minutes.	
26. Part 154 will provide my students with a better educational experience?	I think it will because more students receive Bilingual education.	Yes if students are given students enough time to learn English.	Yes it will put focus on students.	Yes I think so
27. Bilingual education is necessary for students to succeed?	Necessary is a strong word, not necessary, but it would be nice.	It would be nice, but a great ENL program could also help.	Not necessary but helpful.	I don't know I see a lot of students succeeding without it.

Observation. In order to ascertain how NCLB has influenced the ENL classroom an observation in two classrooms was conducted. Of the four teachers Ms. Hemingway and Ms. Fitzgerald agreed to be observed. The observations took place on two separate days in early February. Due to differences in class schedules Ms. Hemingway was observed for approximately an hour and a half, while Ms. Fitzgerald was observed for two hours. It is also important to note the differences in classrooms. Ms. Hemingway's observation was conducted in a mainstream classroom where ELL students learn amongst monolingual students. In contrast Ms. Fitzgerald's observation was conducted in a stand-alone classroom. Stand-alone instruction is instruction where ELL students are taken from stand-alone classrooms and receive special services and instruction from an ENL instructor. Both classrooms contained 3 ELL students.

In order to determine the effect of NCLB on the ENL classroom an observation protocol was created that was designed to gauge the stress level and interaction of teachers and students. It was also designed to assess how instruction affects the classroom environment and what method and curriculum are implemented. Both Ms. Hemingway and Ms. Fitzgerald had a positive rapport with their students. Student interactions were also positive and classroom management did not

appear to be an issue in either classroom. Both Ms. Hemingway and Ms. Fitzgerald covered a lot of material in a short amount of instruction time. Neither teacher appeared stressed in their instruction.

There was also a difference in the curriculum chosen. Ms. Hemingway utilized an adapted Common Core curriculum; this can be attributed to her teaching in a mainstream classroom with native English speaking monolingual students. In contrast, Ms. Fitzgerald utilized an adapted Pearson ENL curriculum designed specifically for ELL students. The biggest difference between the instruction of Ms. Hemingway and Ms. Fitzgerald was the use of translanguaging strategies. Translanguaging is a practice in which the native language of an individual is utilized for instructional purposes (Celic & Seltzer, 2011).

Though Ms. Hemingway did not outright discourage the use of the students' home language there appeared to be no use of the students' home languages. It is also worth noting that Ms. Hemingway's three ELL students all spoke different languages, while Ms. Hemingway's all spoke the same languages. Ms. Hemingway did provide sheltered instruction and presented information multiple ways. Ms. Fitzgerald, in contrast employed numerous translanguaging strategies. Ms. Fitzgerald first gave directions in English. If students failed to understand the directions she would rephrase the directions or give them again in the students' native language. Ms. Fitzgerald also encouraged the students to use their native language. Assignment instructions were also provided in both English and the students' native languages. Students were also provided with textbooks and supplementary materials in their native languages in Ms. Fitzgerald's classroom. In contrast, students in Ms. Hemingway's classroom were provided with the same textbooks as their monolingual classmates. Though most participants appeared to view NCLB negatively, this negative attitude was not expressed in the classroom. Both Ms. Hemingway and

Ms. Fitzgerald were friendly, polite and appeared to have a good rapport with their students.

These findings are not congruent with previous research, nor with the researcher's hypothesis.

Students were also thoroughly engaged in both Ms. Hemingway's and Ms. Fitzgerald's lessons. It is also important to note that this is a small sample size. More research with a larger sample size, multiple observations is needed to determine how teacher perceptions of NCLB influence their teaching and attitudes toward the education of ELLs'.

Table 5

Observation Protocol

Participant	Ms. Hemingway	Ms. Fitzgerald
Type of Classroom	Mainstream (Integrated)	ENL (stand-alone)
Number of Students	16 total, 3 ELLs	3
1. Initial interaction between teacher and student.	Ms. Hemingway started the lesson by asking students to recall information from a previous lesson.	Ms. Fitzgerald greeted the students in their native language. Lesson began by building background.
2. Does the teacher check for frequent understanding from students?	Yes, Ms. Hemingway frequently called on students and asked students questions.	Yes, Ms. Fitzgerald rephrased directions, translated into Spanish and asked students questions.
3. Do teacher/student Interactions appear to be positive?	Yes, 15/16 students are engaged.	Yes, the students have a friendly rapport all students are engaged.
4. Do student/student Interactions appear to be positive?	Yes, students let others take turns.	Yes, students appear to be friends.
5. Are students able to use their home languages?	The home language does not appear to be discouraged or promoted, students are able to converse in English. All 3 students speak a different language.	Yes, students are able to use home language. Teacher also speaks in home language when clarifying. All 3 students speak the same home language.
6. Does the teacher appear Stressed?	No, the teacher has a calm tone and disposition and friendly body language.	No, teacher appears very relaxed.
7. Do students appear stressed?	No, but one student is refusing to sit in his chair or follow directions. Student appears disengaged.	No, students joke with each other.

8.Does the teacher follow the Common Core Modules or are they adapted?	Adapted Common Core Modules	Self Designed Curriculum with modifications from Pearson.
9.Does the teacher implement Translanguaging practices in the classroom?	No	Yes, the class is virtually bilingual.

Interview Findings

While responses varied, participants expressed negative attitudes towards NCLB and positive and hopeful attitudes towards Part 154. Participants negative attitudes towards NCLB did not appear to negatively impact their teaching practices. Due to the novelty of Part 154, research regarding its effects is virtually non-existent. Attitudes towards NCLB appear to be, for the most part, congruent with previous studies.

Table 6

Responses to Question 27

Participant	School	What is the biggest challenge as an ENL Educator that you as an ENL educator face in your classroom? What do you wish policymakers knew about ENL?
Ms. Eliot	School A	“The biggest challenge is that many of my students have tough home lives and have experienced hardships, I have students that go to counseling and have issues, it is difficult trying to classify some of issues because you don’t want to misclassify them if it is a language problem, but you also do not want to under diagnose them if it is a disability. I am in a lot of meetings that concern this issue.”
Ms. Hemingway	School A	“The biggest challenge is time, students need more time! The curriculum is very demanding for ENL students because of the language challenges. The way the material is presented is difficult, it takes a long time for students to master academic language, policymakers expect too much in too little time! Bottom line students need more time!”
Ms. Fitzgerald	School B	“I wish policymakers knew about the special challenges that that ELLs face for graduation requirements. In time these students will learn English, but the process takes time and is very difficult. I think that testing and graduation requirements have to be reexamined. I currently

have a student who s a very hard worker and is doing very well in his classes, but he does not yet have the necessary English proficiency. He has been very distraught about this and the possibility of graduating late. I have told him that if it takes an extra year it takes an extra year. I think graduation requirements should be reexamined so that these students are not left behind. These students make so much progress in a year that is not reflected on the tests.”

Ms. Woolf School B

“I wish they knew how long it took to apply and a language and the process, you cannot just learn a language quickly, some things take longer than others. All my students need to progress a level for me to be considered highly effective, it is more difficult in regards to the APPR (Annual Professional Performance Review). It is difficult for teachers to meet these expectations. Students need to progress a level but that is not always realistic. There are five levels and students need to go up a level each year, so five levels, five years total, but it can take seven years to learn a language. It is not fair to establish such standards.”

Challenges as an ENL Educator. Ms. Fitzgerald expressed concern regarding graduation requirement for one of her students and that the student would likely stay in school an extra year. What is troublesome about these requirements is that these requirements are being utilized across the United States to determine graduation requirements for all students, including ELLs (Menken, 2009). Moreover, all participants disagreed that NCLB was effective in ensuring students make adequate yearly progress. As Ms. Hemingway noted, the biggest pressure she felt was the lack of time she had to teach students. Regardless of language proficiency all students, including ELLs are required to meet adequate yearly progress requirements.

When asked if high stakes tests were an effective measure of an ELLs’ performance all participants responded negatively. Ms. Fitzgerald even noted that she felt her students made a lot of progress in a year, progress that was often not reflected in their high stakes tests. Though ELL students may make leaps and bounds with acquiring English within a school year, often times this

progress falls short of testing requirements. As Wright (2005) states ELL students must be tested, states are thus finding ways to exclude these scores so as to avoid being held accountable. This is particularly troublesome as the very law designed to protect these students, has led to administrative pressures to exclude these scores. It is also worth noting that questions concerning validity in regards to high stakes tests must also be addressed. Can high stakes tests be considered valid if the student taking it cannot speak or read English?

Attitudes towards Language Proficiency and Part 154.

Findings. In response to the last question-addressing challenges in the classroom and recommendations for policymakers, responses appeared to vary for all four participants, though there was some similarity. These challenges included challenges in the ENL classroom and the challenges of teaching. Additionally participants addressed what they felt was problematic in educational policymaking for the ENL field.

Ms. Hemingway, Ms. Fitzgerald and Ms. Woolf all expressed concerns regarding time. Ms. Hemingway noted that “the biggest challenge is time, students need more time!” Ms. Fitzgerald and Ms. Woolf also expressed concerns about time. Ms. Fitzgerald noted that due to language proficiency challenges one of her students would likely graduate late, as there was simply not enough time for the student to meet the necessary requirements to graduate on time. Ms. Woolf also stated that she believed that policymakers did not fully understand the time constraints that teachers face, “ I wish they knew how long it took to apply and a language and the process, you cannot just learn a language quickly some things take longer than others.” It is important to note that all students, including newcomers are expected to partake in high stakes assessments. This conundrum poses significant problems for numerous reasons. The first being that newcomer students have virtually no chance of succeeding and passing these

assessments as they lack the necessary English proficiency. Additionally these students must not only meet language requirements, but also content requirements. Combined with high stakes testing requirements and the pressure to advance their language proficiency, the pressure for ELLs continues to mount.

In contrast Ms. Eliot expressed concern regarding the difficult living situations of some of her students. She also stated that she was concerned about assessing her students incorrectly, “it’s difficult to classify some of the issues because you don’t want to misclassify them if it is a language problem, but you also do not want to under diagnose them if it is a disability.” This is a concern shared by other educators as well. As Fernandez and Inserra (2013) note there is a disproportionate percentage of English Language Learners in special education. Though there are numerous factors that have influenced this disproportionate representation one of the most prevailing reasons for overrepresentation remains to be the lack of qualified educators, as well as the lack of assessments conducted in the students’ home language. Fernandez and Inserra (2013) state that often educators do not have the qualified background or language skills to perform a bilingual education. Failing to administer a bilingual evaluation can often lead to results that may not be deemed valid, thus leading to wrongly classifying a student for special education. As the number of ELLs continues to grow and as the shortage of ENL and bilingual teachers remains, it is likely that Ms. Eliot’s concerns will continue to be a problem.

Limitations

There were several limitations to this study. Although 3 schools were contacted only 2 schools agreed to participate in the interview. Additionally only four participants were interviewed, two from each school. Out of this four teachers only two agreed to a classroom observation in addition to an interview. Due to time constraints only one observation per teacher

was conducted. This did not allow for a more comprehensive observation. Moreover it is important to note the lack of diversity within the study. All of the participants involved were white females ranging in age from 23-28. There were no male participants in the study, due to unavailability. All of the participants in the study had also completed or were still enrolled in the same Master's program. It is possible that this could have contributed to the similar responses that were collected. Thus further studies, on a larger scale are required to fully understand teacher's perspectives regarding No Child Left Behind and Part 154.

Implications and Conclusions

This study was conducted to examine the perceptions of ENL educators in Western New York towards NCLB and the Commissioner's Regulations Part 154. This study also sought to examine how these perceptions influence their teaching and attitudes towards the education of ELLs. Based on the results of this study it appears that the teachers in the study viewed NCLB negatively and viewed Part 154 positively. However there were some differences in what each participant noted as the biggest challenge that was experienced in the classroom.

Most participants mentioned that NCLB and high stakes testing did not appear to net a positive effect on their teaching, their students or in their classrooms. An implication for this study would be to encourage policymakers to implement educational policy specifically for ELL students. Such policymaking could include waiting for students to become more proficient before taking high stakes exams, as well as allowing teachers to work in less restrictive environments that would allow them to focus on the unique cultural and linguistic needs of their students. Many of the participants felt that the lack of time for their students was an immense obstacle. Policymaking must reflect these best outcomes for ELLs. It is wholly unrealistic and discriminatory to force students with limited language proficiency to partake in high stakes

assessments. Not only is such an endeavor setting up schools and their respective districts up for failure, it is also setting up students for failure. Policymaking must reflect what is in the best interest of their students. Forcing students to partake in tests that they are not ready for is not only unsound educational policy, but can lead to discriminatory practices that can prevent students from graduating on time. In order to best serve the needs of linguistically diverse students it is paramount that policy is implemented that takes into account the educational challenges that these students face.

Participants also discussed the challenges that they faced in the classroom. Though responses varied, a central theme amongst participants was the need for more time. ELL students, like their monolingual counterparts face numerous challenges. They must meet not only language, but also content requirements. Some participants noted how challenging it was for their students to meet such requirements in such little time. Another implication of this study would be for policymakers to reassess the current language and content requirements for ELL students. While it is important that ELL students are still held to the same high standards as their monolingual counterparts it is not realistic to force students to master a language in a short span of time. Research suggests it takes 5-7 years to become fluent in a language (Thomas & Collier, 1997). Policymakers must enact policy that reflects this research.

A subsequent implication for this study is the importance of assessment in regards to English Language Learners. Prior to the Commissioners Regulations Part 154 (2014) amendments regulations did not define the qualifications of staff that would administer the initial identification process. When questioned about the biggest challenges in her classroom Ms. Eliot noted that there was some concern regarding the identification process of ELLs, and the potential to misclassify them. Currently the Commissioners Regulations Part 154 (2014) state that only qualified

personnel may administer assessments. According to the regulations (2014) qualified personnel are defined as teachers trained in either bilingual, ESOL, cultural competency or language development areas. Though this amendment will likely lead to a more valid means of assessing ELLs in New York state, it is important to note that this amendment pertains only to New York state. This would suggest then that a lack of clearly defined personnel could and will continue to have dangerous implications for ELLs across the United States. Ms. Eliot's concern is not without its merit as under qualified teaching personnel may have had little to no training working with linguistically diverse learners. This in turn results in invalid assessments that could misclassify English Language Learners as needing special education services. In order to ensure that all students receive the education that best suits their unique needs, it is imperative that all states in the United States implement similar regulations to avoid further misclassifying students.

Further research in this area would benefit from interviewing students in other Western New York school districts, as well as the entire state. This would allow a greater number of responses. All the participants in this study had graduated or were working towards a degree from the same program. Additionally all participants in this study were of Caucasian descent and ranged in age from 23-28. Interviewing additional ENL teachers could potentially provide for a more diverse sample. New York State varies greatly in demographics, allowing for a larger more comprehensive study that could perhaps solicit more candid and clear responses. Research could also benefit from a nationwide survey. Though previous research studies have focused on states such as Arizona, Massachusetts and California, a nationwide study could shed light on this issue across all states. As the population of ELLs continues to grow, and as states continue to serve linguistically diverse learners it is imperative that a nationwide study be conducted to ascertain a clearer understanding of ELL challenges within the United States educational paradigm.

The United States is home to many different languages; moreover, each state faces its own unique challenges. It would be a fallacy to limit future research to a small demographic area within the United States or to limit it to previous states such as Arizona, Massachusetts and California. A nationwide study could potentially shed light on novel issues, not yet addressed by existing research. Another research possibility could be a long-term study conducted with the four participants in the study to determine if their views on Part 154 might change in the future. Due to its recent passage there has not been much, if any research conducted regarding Part 154 and teacher perceptions. A long-term study could follow up with the four participants in this study to see how their views evolve over time and whether their perceptions of Part 154 continues to remain positive.

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*Appendix A***Initial Email Consent for School Principal's Approval**

Dear Mr./Mrs. XXX:

My name is Caroline Villafrank, and I am currently a graduate student at SUNY Fredonia in the Teaching English to Speakers of Other Languages (TESOL) program. Prior to my graduate studies, I obtained my Bachelor's Degree in Political Science and English at SUNY Fredonia.

I am currently working on my Graduate thesis and hope to study the effects of No Child Left Behind on English Language Learners. I am emailing you in hopes that I will be able to interview and observe English as a New Language teachers in your building. The purpose of this study is to examine the perceptions of ENL teachers regarding NCLB and Part 154.

If allowed to move forward, the ENL teachers will receive an email from me that includes the purpose of the study, how the data would remain confidential, and that the participation in the interview is completely voluntary. The teachers would be asked 27 questions related to their background in teaching, views of various factors that may influence their perceptions regarding NCLB and Part 154. Additionally I would like to observe ENL teachers in an ENL classroom setting.

I am respectfully requesting permission from you to interview ENL teachers in your school. I will not conduct any research until granted full approval by SUNY Fredonia's Human Subject Review committee. For now, I am asking for conditional approval, pending the formal approval from SUNY Fredonia to conduct my research study with your school personnel. As this is my first research study, I am working closely with and being supervised by Dr. Sovicheth Boun, my research faculty sponsor and professor at SUNY Fredonia.

If you choose to allow me to proceed, please respond to me by contacting me via email at vill0636@fredonia.edu

Thank you for your time and consideration. If you have any further questions or concerns, please do not hesitate to contact me at the information provided below.

Sincerely,

Caroline Villafrank

Caroline Villafrank, TESOL graduate student, SUNY Fredonia Phone: [REDACTED]; email: vill0636@fredonia.edu

*Appendix B***Email for Participants**

Dear Educator:

My name is Caroline Villafrank, and I am a graduate student at SUNY Fredonia working on my Masters in Education in the Teaching English to Speakers of Other Languages (TESOL) program. You are invited to participate in a research study for my Master's Thesis, regarding teacher perceptions of No Child Left Behind and Part 154 of the English as a New Language Classroom. The purpose of this study is to examine factors that may influence teacher perceptions in the ENL classroom.

Prior to contacting you, I contacted your principal and gained approval to interview you. With your approval, I would like to interview you to get to know more about you as an educator, your views about factors that may influence perceptions of ENL teachers. The interview would be about 30-60 minutes and would be at a time and place that is convenient for you. The observation would occur once and would occur for one or two class periods.

There are minimal risks involved in this study, including discomfort and frustration with federal and state educational policies. The likelihood of these risks occurring is comparable to that of daily normal activities. You may also stop the study at any time that you wish without penalty. The information gathered during this study will not be disclosed to anyone aside from my faculty advisor, Dr. Boun, and myself. All information in this study will remain confidential, and any of your identifiable information such as names and locations will be coded with pseudonyms. Any personal or work-related information will be stored securely and will be destroyed after the completion of the study.

If you choose to allow me to proceed, please respond to me by contacting me via email at vill0636@fredonia.edu

Thank you for your time and consideration. If you have any further questions or concerns, please do not hesitate to contact me at the information provided below.

Sincerely,

Caroline Villafrank

Caroline Villafrank, Graduate Assistant
The State University of New York at Fredonia
Engagement and Economic Development
702 Maytum Hall

Fredonia, NY 14063

*Appendix C***Consent Form for Participants**

Dear Educator:

My name is Caroline Villafank, and I am a graduate student at SUNY Fredonia working on my Masters in Education in the Teaching English to Speakers of Other Languages (TESOL) program. I am beginning the research for my Master's Thesis. The purpose of this study is to examine factors that may influence teacher perceptions in the ENL classroom

You are invited to participate in an interview with me, which will last about 30-60 minutes. The interview questions will be about you as an educator, your perceptions about No Child Left Behind and Part 154 in the ENL classroom. The interview will take place at a time and place that is convenient for you. Additionally I would like to be able to observe you teaching in an ENL classroom setting to gain a better understanding of teaching and learning in the

All information will be kept confidential. I will record your responses, but I will assign you a pseudonym to maintain your anonymity and the anonymity of your school district.

Participation in this interview is completely voluntary and you may withdraw at any time and with no penalty from the study. At any time during the interview, you have the right to end it simply by saying so.

If you choose to take part in this interview please sign below. By signing, you are confirming that you are at least eighteen years old, are aware of the voluntary aspect of this survey, and are willing to participate. If you prefer not to participate then you do not have to sign this.

I, _____, do hereby consent to participate in this research study and will allow the interviews to be digitally recorded. I acknowledge that I am 18 year of age or older. I understand that participation is voluntary; therefore, I have the right to withdraw at any time and with no penalty. I understand that all information gathered through the interviews will be coded, securely kept, and remain confidential.

Signature of participant Date

Caroline Villafrank, TESOL graduate student, SUNY Fredonia Phone: [REDACTED]; email: vill0636@fredonia.edu

Dr. Sovicheth Boun, Assistant Professor, SUNY Fredonia Phone: 716-673-4988; email: sovicheth.boun@fredonia.edu

*Appendix D***Semi-Structured Interview Questions**

1. Can you please tell me about your teaching background? What degrees or certifications do you have?
2. How many years have you been teaching?
3. How would you best categorize your ethnicity?
4. How old are you?
5. How would you best categorize your school district? Urban, suburban, rural or other?
6. What in your opinion is the best model for teaching ENL? Bilingual instruction, ENL, Pull our or Push in ?
7. For the following questions please note your agreement or disagreement with the following give choices, strongly agree, agree, neutral, disagree, strongly disagree.
No Child left Behind has been effective in ensuring students make adequate yearly progress
8. Schools should be accountable for English Language Learners learning?
9. High stakes tests provide an effective measure of ELL performance?
10. High stakes tests make me a more effective teacher?
11. NCLB has led to a focus on testing students?
12. High stakes test have led to an increase of knowledge regarding content area classes?
13. High stakes test have improved learning outcomes in my classroom?
14. NCLB allows me to focus on the unique cultural and linguistic needs of my students?
15. Since NCLB have you felt pressure to teach to the test?
16. High stakes tests have aided my students in acquiring English more quickly?

17. For the following questions you may answer yes, no or unsure or you may give a longer explanation.

Should all ELLs partake in high stakes tests regardless of Language Proficiency?

18. Should ELLs be provided with accommodations for tests? If yes, what kind?

19. Should ELLs be excluded from high stakes tests until they are proficient in English?

20. For the following questions please answer using the strongly agree and disagree scale.

ELLs must learn English in order to be successful in the United States?

21. ELLs will learn English more rapidly if they focus on English and not their home language?

22. Schools have a duty to ensure that students are equally proficient in English and their

Home language?

23. Do you believe bilingualism is an asset or a detriment?

24. Part 154 Regulations will provide a better educational experience for my students?

25. My school is adequately prepared to meet the demands of part 154?

26. Bilingual Education is necessary for my students to succeed?

27. What is the biggest challenge that you as an ENL teacher face in your classroom and what do you wish policymakers would know about ENL?

Appendix E

Observation Protocol

Participant Pseudonym

Number of Students

Date

Start time ____ : ____ End time ____ : ____

Type of Classroom

1. a. Record the initial interaction between the teacher and the students:

2. a. Does the teacher check for understanding students Yes No

3. a. Do Teacher/ Student Interactions appear positive ? Yes No

b. Do Student/Student Interactions appear positive ? Yes No

4. Are students able to use their home languages? Yes No

5. Does the teacher appear stressed? Yes No

6. Do students appear stressed ? Yes No

7. Does the teacher follow the common core modules or are they adapted?

8. Does the teacher implement any translanguaging practices into the classroom?

Appendix F
CITI Training

**COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI PROGRAM)
COURSEWORK REQUIREMENTS REPORT***

* NOTE: Scores on this Requirements Report reflect quiz completions at the time all requirements for the course were met. See list below for details. See separate Transcript Report for more recent quiz scores, including those on optional (supplemental) course elements

- Name: Carolina Villafrank [REDACTED]
- Email: [REDACTED]
- Institution Affiliation: SUNY - College at Fredonia (ID: 273)
- Institution Unit: English
- Phone: [REDACTED]

- Curriculum Group: Human Research
- Course Learner Group: Group 1.
- Stage: Stage 1 - Basic Course

- Report ID: [REDACTED]
- Completion Date: [REDACTED]
- Expiration Date: [REDACTED]
- Minimum Passing: 80
- Reported Score*: 85

REQUIRED AND ELECTIVE MODULES ONLY	DATE COMPLETED
Introduction (ID: 757)	[REDACTED]
History and Ethical Principles - SBE (ID: 490)	[REDACTED]
Defining Research with Human Subjects - SBE (ID: 491)	[REDACTED]
The Federal Regulations - SBE (ID: 502)	[REDACTED]
Assessing Risk - SBE (ID: 503)	[REDACTED]
Informed Consent - SBE (ID: 504)	[REDACTED]
Privacy and Confidentiality - SBE (ID: 505)	[REDACTED]
Research with Prisoners - SBE (ID: 506)	[REDACTED]
Research with Children - SBE (ID: 507)	[REDACTED]
Research in Public Elementary and Secondary Schools - SBE (ID: 508)	[REDACTED]
International Research - SBE (ID: 509)	[REDACTED]
Internet-Based Research - SBE (ID: 510)	[REDACTED]
Avoiding Group Harms - U.S. Research Perspectives (ID: 14080)	[REDACTED]
Vulnerable Subjects - Research Involving Workers/Employees (ID: 433)	[REDACTED]
Conflicts of Interest in Research Involving Human Subjects (ID: 488)	[REDACTED]
SUNY Fredonia State College (ID: 587)	[REDACTED]

For this Report to be valid, the learner identified above must have had a valid affiliation with the CITI Program subscribing institution identified above or have been a paid Independent Learner.

CITI Program
 Email: citisupport@miami.edu
 Phone: 305-243-7970
 Web: <https://www.citiprogram.org>