Equal Access To Educational Opportunities In Texas: An Analysis Of English Language Learner Programs

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EQUAL ACCESS TO EDUCATIONAL OPPORTUNITIES IN TEXAS:
AN ANALYSIS OF ENGLISH LANGUAGE LEARNER PROGRAMS

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ABSTRACT

This study examined the costs, classifications and identifications, and policies which impacted educational programs that served immigrant and English language learners in Texas. This researcher examined the problem of English Language Acquisition through the lens of outcomes of elementary school students enrolled in seven independent school districts in Texas. Public domain documents related to English language learner programs designed to ensure equal access to educational opportunities necessitated an examination of reading outcomes for elementary school students that produced three major themes were viewed through the lens of the three research questions which guided this study. The first research question investigated the guidelines developed by the U.S. Department of Education and English language learner programs in seven of Texas’ public school systems supported the findings of appropriations and expenses, student enrollment and classifications, and the implementation of statewide policies and procedures in alignment with the Every Student Succeeds Act (2015). The second research question examined how elementary school students enrolled in English language learner programs outcomes compared to non-English language learners in elementary schools within the seven public school systems in Texas and found that reading level outcomes for English language learners in grades three, four, and five were lower than the district reading levels in five of the seven school systems during 2016-17. However, during the 2017-18 fiscal year third-grade English language learners either improved at higher or equal to all third-grade students. This
researcher also found that third, fourth, and fifth grade English language learners consistently performed between four and ten points higher than one district. Moreover, the emerging patterns and themes extrapolated and identified through this document analysis of English language learner programs in Texas reflected the legal requirements of the Equal Protection Clause of the *Every Student Succeeds Act* (2015), Texas Education Code, and local school district policies.

**Keywords:** Economically Disadvantaged, English language learners, Every Student Succeeds Act, Texas Academic Performance Reports, Undocumented Activism
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CHAPTER ONE
INTRODUCTION

Public education in the United States encompasses a storied legacy of court cases, federal legislation, state statutes, and local school district policies. The U.S. Supreme Court ruled in Brown v. Board of Education (1954) that state sponsored segregated public school systems were “inherently unequal” and violated the Equal Protection Clause of the Fourteenth Amendment (347 U.S. 483, 1954). Nearly 20 years after the landmark ruling in Brown v. Board of Education (1954), the U.S. Supreme Court determined in Lau v. Nichols (1974) that equal access to educational opportunities were denied to students if they were provided instruction in a language they did not understand (141 U.S. 563). Consistent with the U.S. Supreme Court’s ruling in Brown v. Board of Education (1954) and Lau v. Nichols (1974), the 93rd U.S. Congress passed legislation that amended the Elementary and Secondary Education Act of 1965 by enacting the Equal Educational Opportunities Act (1974) (Congress.gov, 2020). This law authorized support for state educational agencies to ensure equal access for English language learners enrolled in public schools (U.S. Department of Education & U.S. Department of Justice, 2015).

Further, Equal Educational Opportunities Act (1974) mandated that “no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin” (20 U.S. Code § 1701). Eight years after the passage of the this legislation, the U.S. Supreme Court decided in Plyler v. Doe (1982) that all children, regardless of their citizenship status, who resided in the jurisdiction of the United States, were guaranteed equal access to free public K12 education (457 U.S. 202, 1982). The rulings in the aforementioned U.S. Supreme Court cases and federal legislations mandate that public school systems ensure
equal access to educational opportunities for immigrant and non-English speaking children in the same manner that all children benefit from education (U.S. Department of Education, 2019).

Reports published by the U.S. Department of Education (2019) indicate that, by the year 2000, there were 3.8 million immigrant and non-English speaking students enrolled in special educational programs. Consequently, by the fall of 2016, there were 4.9 million students enrolled in special language programs in public school systems (U.S. Department of Education, 2019). The influx of non-English speaking students and children of unauthorized immigrants who resided in the United States was due to migration from four of the Central American Spanish speaking countries - El Salvador, Guatemala, Honduras, and Mexico (Konings, 2017; Krogstad, Passel, & Cohn, 2019). According to Krogstad et al. (2019), there were 10.5 million unauthorized immigrants in the United States in 2017 and 13.3 % of the children of unauthorized immigrants enrolled in Texas’ public schools. Immigrant and non-English speaking students have benefitted from the U.S. Supreme Court cases and subsequent federal legislation that guaranteed equal access to educational opportunities in public school systems throughout the nation (Sibley & Brabeck, 2017; U.S. Department of Education, 2019). Baker and Rytina (2013) argued that the influx of unauthorized immigrants in the United States will continue to intensify and subsequently impact the financial budgets of federal, state, and local governments due to an increased demand for public programs that are designed to serve residents, not only citizens, of the nation.

Public school systems must provide instruction through special language programs for children who fail to read, speak, and write proficiently in the English language to ensure that all children attain equal access to educational opportunities (U.S. Department of Education, 2019). According to the U.S. Department of Education (2019), by 2016, California public school
systems led the nation with 26% of their students enrolled in English language learner (ELL) programs. Concurrently, ELL programs in Texas public school systems reported that in 2016, enrollment was 18% of statewide student population (U.S. Department of Education, 2019). DeMatthews, Izquierdo, and Knight (2017) examined the outcomes ELL programs in a Texas public school system and argued that immigrant and English learners are rarely proficient in reading by grade eight. Further, Román (2013) examined the claim that undocumented immigration increased costs to states and local budgets determining that, in the absence of comprehensive immigration reform, the federal government should reimburse states for fiscal burdens of undocumented immigration. Supporting the federal requirement for public school systems to ensure English language proficiency for all students, the U.S. Department of Education (2019) appropriated funding for state educational agencies and developed guidelines for the implementation of the English language learner programs in public school systems.

The Elementary and Secondary Education Act (1965) was signed into law by President Lyndon Baines Johnson and provided federal funding for equal access to educational opportunities for elementary and secondary students (U.S. Department of Education, 2020). President George W. Bush signed the No Child Left Behind Act (2002) to ensure that the states and school districts implemented accountability systems designed to improve student achievement (U.S. Department of Education, 2004). Further, in 2015, President Obama signed Every Student Succeeds Act (ESSA), which reauthorized the federal law and approval of an appropriation of $756 million dollars for fiscal year 2017, and allocated $770 million dollars for fiscal year 2018, to provide funding to state educational agencies for public school systems required to ensure that immigrant and non-English speaking students attain English language proficiency (20 U.S. Code § 6801). Additionally, public school systems are required to ensure
equal access to public education for all students residing within the jurisdiction of the district regardless to the country of origin or citizenship status of the child (Plyler v. Doe, 1982). Therefore, federal funding for the 2016-17 and 2017-18 fiscal years, along with the aforementioned U.S. Supreme Court rulings, federal legislation which mandates equal access to educational opportunities and English language proficiency, and state educational agencies policies must be examined to determine efficacy of English language learner programs implemented in public elementary and secondary school systems throughout the nation. However, for the purpose of this study, the focus is limited to English language learner programs in Texas public school systems. Therefore, the goal of this research was to analyze costs, program procedures, and outcomes for English language learners in Texas in effort to understand their alignment with guidelines established by the U.S. Department of Education.

**Statement of the Problem**

The mandate to ensure equal access to educational opportunities for immigrants and non-English speaking students is a multijurisdictional matter argued before the U.S. Supreme Court and regulated by federal and state educational agencies (U.S. Department of Education, 2015). Program guidelines for services designed to ensure English language proficiency for students identified as English learners were established by the U.S. Department of Education (2016). The percentages of immigrant and English language learners in public schools throughout the nation have increased from 3.8 million in 2000 to over five million by 2017, as reported by the National Center for Education Statistics (NCES, 2020). Correspondingly, in 2017, costs to provide public elementary and secondary education grew to $694.1 billion (U.S. Census Bureau, 2020). Moreover, Texas public school systems are bound by the state law which requires that districts
develop an English language learner program if there are 20 or more students in the same grade who do not read, speak, or write proficiently in English (Texas Education Code § 89.1205).

Each public elementary and secondary school system in Texas that is required to establish English language learner programs is obligated to meet several declarations including administering home language surveys, identifying English language learners, and establishing language proficiency assessment committees (Texas Education Code, 2018). The federal English language learner program guidelines to which public school systems in Texas are required to adhere and the juxtaposition of immigrant and non-English speaking student outcomes concretized this research. Inquiry about the alignment of ELL programs in Texas with guidelines established by the U.S. Department of Education served as vanguard to the investigation of federal, state, and local mandates designed to ensure equal access to educational opportunities for immigrant and non-English speaking students during the 2016-17 and 2017-18 fiscal years.

Contextualization of English language learner programs through publicly available documents and systematic analysis helped this researcher comprehend the adherence of state and local educational agencies to federal guidelines designed to improve student outcomes. Based on the enrollment data compiled by the Texas Education Agency (2018; 2019), secondary students who were characterized as immigrants and English language learners comprised nearly 25% of all high school dropouts in the 2017-18 fiscal year. Comparatively, the overall dropout rate for ELL students enrolled in grades 9 through 12 during the 2016-17 fiscal year was approximately 24% (Texas Education Agency, 2018). Further, the data points for the 2015-16 fiscal year show that immigrant and English language learners combined for a total of 21% of all secondary school dropouts in Texas public school systems (Texas Education Agency, 2017). Although the Texas Education Agency and public K12 school systems were legally required to provide
services to students who resided within the jurisdictional boundaries of the state and local school systems, additional research is necessary to investigate the problem of increasing dropout rates for immigrant and non-English speaking students before these students leave elementary school. Admittedly, federal policies that impact immigration and funding for English language learner programs may not be solely responsible for a multitude of factors including the problem of dropout rates for immigrant and non-English speaking students in secondary schools (Adams, 2017; Andrei, Ellerbe, & Kidd, 2019; Crawford, 2017; Crosnoe & Turley, 2011; Sibley & Brabeck, 2017). However, since immigration is a federal matter, and public education is administered by state and local agencies, the costs associated with educating immigrant and non-English speaking students is a multijurisdictional problem that requires involvement of all levels of government (Román, 2013). An analysis of documents related to English language learner programs designed to ensure equal access to educational opportunities in Texas public school systems necessitated an examination of outcomes for elementary school students enrolled in programs prior to their enrollment in secondary schools.

The problem American states are encountering is the rising costs associated with public services attributable to undocumented immigration and its impact to local operating budgets (Baker and Rytina, 2013; Congressional Budget Office, 2007; Massey & Pren, 2012; Neely & Diebold, 2016). According to Kerr (2011), immigrants seek safety in foreign countries to escape the turmoil in their homeland in search of political asylum and safety. Children of undocumented immigrants, however, are enrolling in the school systems throughout the nation while state and local agencies are struggling to find effective methods to ensure that immigrant and English language learners attain equal access to public educational opportunities as required by the Equal Protection Clause (Andrei, Ellerbe, & Kidd, 2019; Crawford, 2017; Crosnoe & Turley,
Some researchers have noted that, since there are rising costs associated with providing equal access to educational opportunities to the children of undocumented immigrants, one alternative is to acknowledge that their families have entered the United States illegally and return them to their home countries (Bhai, 2020; Machado, 2017). Conversely, if education is not provided to these children, the alternative may be a greater risk to the security of the nation (Plyler v. Doe, 1982). Furthermore, Kerr (2011) examined immigration patterns in Europe and determined that nearly 35% of high-school dropouts were foreign born. Crosnoe and Turley (2011) examined the outcome of the immigrant and English language learners and determined that in many cases some of the children adopted the American hegemony and learned to excel in their educational endeavors. This researcher’s aim was to analyze publicly available documents associated with immigrant and English language learners to understand educational costs, enrollment, and adherence to the federal program requirements.

**Purpose of the Study**

Regardless to their legal status or country of origin, children residing within the jurisdiction of the United States are protected by the Equal Protection Clause which guarantees equal access to educational opportunities in public schools with an assurance that instruction will be provided in a language the students understand (Lau v. Nichols, 1974; Plyler v. Doe, 1982). The U.S. Department of Education, Texas Education Agency, and independent school districts collect and publish documents relating to costs, entrance and exit procedures, and guidelines for English language learner programs to ensure adherence with the Equal Protection Clause. Gildersleeve (2017), Román (2013), and Wides-Muñoz (2018) examined similar publicly subsidized policies and programs to examine whether the services extended to non-citizens adequately responded to the needs of the immigrants. Román (2013) advocated for transferring
the financial benefits for providing programs to undocumented immigrants to local budgets. Wides-Muñoz (2018) postulated that immigrants who are inadequately served by public programs will become activists for social equality. Román’s (2013) and Wides-Muñoz’s (2018) perspectives of reassigning federal financial responsibilities to local agencies, and the phenomenon of undocumented activism to achieve social equity, will be assessed to frame the questions that address the legal requirements of the Equal Protection Clause referenced in this study. An in-depth understanding of the seven public school systems’ English language learner programs developed through the collection, coding, and analysis of publicly available documents explain how the U.S. Department of Education’s guidelines impact state and local ELL programs alignment, costs, and student outcomes.

An analysis of documents required that the researcher collect, code, categorize and thematize recently publicly available documents to explore their adherence to federal program guidelines and develop an in depth understanding of costs associated with effectively operating English language learner programs in seven public school systems in Texas. Alignment with federal guidelines is required for public K12 school systems and is designed to mitigate the problems encountered by immigrant and non-English speaking students that contribute to the growing dropout rates (Knight et al, 2017, Texas Education Agency, 2017; 2018; 2019). A consideration of systematic strategies to conduct a credible document analysis is essential. Strategies required to perform qualitative document analyses (Bloomberg & Volpe, 2016; Bowen, 2009: Creswell & Creswell, 2018; Creswell & Poth, 2018; Merriam, 2009: Patton, 2015) were employed to explore English language learner programs managed in Texas public schools.

Román (2013) and Wides-Muñoz (2018) postulated that the phenomenon of undocumented activism was the result of inadequate programs and services that marginalized
outcomes for immigrant and recent arrivals to the United States. Documents related to costs and student outcomes of English language learner programs were available through the public domain. Comprehensive annual financial reports were collected and analyzed, determining costs of ensuring equal access to educational opportunities for students enrolled in public elementary school systems in Texas. Outcomes for elementary school students were disaggregated and analyzed to determine outcomes for ELLs. Therefore, the purpose of this study was to build upon current research and analyze English language learner program costs, outcomes, and requirements for immigrant and non-English speaking students enrolled in public elementary schools in Texas.

Research Questions

A document analysis of English language learner programs required the careful selection and critical examination of voluminous data made available in the public domain. These documents focused on English language learner programs that serve elementary school students in seven of the public K12 school systems in Texas. According to Bowen (2009), document analysis supported by case study research is immensely valuable to qualitative investigations. Following the qualitative research guidelines for multiple case studies, as prescribed by Bowen (2009) and Creswell and Creswell (2018), the analysis of data led this researcher identify the emergence of major themes in published documents and aided in the understanding of English language learner programs that served elementary school students in Texas. For example, after data collection and analysis the researcher understood that the Texas Education Agency’s (2017) strategic plan provided program initiatives which standardized entrance and exit procedures for determining eligibility of student participation in federally subsidized English language learner programs. Moreover, the strategic plan included annual and longitudinal goals to increase student
outcomes for special instructional programs within the public K12 school systems in Texas (Texas Education Agency, 2016; 2017). Additionally, this strategic plan provided benchmarks that examined the efficacy of the ELL programs in Texas elementary public schools. Therefore, the researcher used public domain documents related to ELL programs during 2016-17 and 2017-18 of seven public school systems who served elementary students in Texas to investigate the following primary questions.

1. How do guidelines of the U.S. Department of Education impact English language learner programs in seven of Texas’ public K12 school systems?

2. How do elementary school students enrolled in English language learner programs outcomes compare to non-English language learners in elementary schools within the seven public K12 school systems in Texas?

3. How do emerging patterns and themes extrapolated and identified through document analysis of English language learner programs in Texas reflect the legal requirements of the Equal Protection Clause?

Contained in the collection of archival student data from the 2016-17 and 2017-18 fiscal years across seven public school systems in Texas were reading level outcomes and program enrollment classifications. This inquiry of the fiscal investment associated with educating ELL students and the children of undocumented immigrants in public school systems required that the researcher code and analyze publicly available documents of each of the seven independent school districts (ISDs) selected for this study; the Texas Education Agency; and U.S. Department of Education to support each research question. Financial information for 2016-17 and 2017-18 fiscal years of the U. S. Department of Education (2011; 2018; 2019) and the Texas Education Agency (2015; 2017; 2019) afforded this researcher an opportunity to conduct a document
analysis employing three key performance indicators – appropriation, enrollment, and policies. The three indicators supported longitudinal analyses of program outcomes and undocumented activism as asserted by Carrasco & Seif (2014), Gildersleeve (2017), Román (2013), and Wides-Muñoz (2018). The researcher consulted previous arguments of the aforementioned researchers. Additionally, when analyzing documents, this researcher found that federal funding supplemented student instruction for those ELL students enrolled in programs of each of the seven K12 public school systems. The U.S. Department of Education subsidized English language learner programs in public schools and developed guidelines designed to ensure program effectiveness (20 U.S. Code § 3002). Therefore, the funding supported the development of parameters by which outcomes of subsidized programs could be measured. This researcher examined reading level outcomes for English language learner programs in Texas during the 2016-17 and 2017-18 fiscal years. One of the primary purposes of Every Student Succeeds Act (2015) was “to help ensure that English learners, including immigrant children and youth, attain English proficiency” (20 U.S. Code § 3102). Directed by considerations of this purpose and guided by each research question, documents were collected and analyzed from seven school districts that reported high a population economically disadvantaged and significant percentages of immigrant and non-English speaking students in Texas to develop an in-depth understanding and gain insight into reading level outcomes of students classified as English language learners during the 2016-17 and 2017-18 fiscal years.

**Conceptual Framework**

Bowen (2009) asserted that the process of document analysis was iterative and produces empirical knowledge and understanding whereby “the researcher is expected to demonstrate objectivity…and sensitivity…in the selection and analysis of data from documents” (pp. 33-34).
Merriam (2009) maintained that data collection and document analysis allowed researchers to develop an in-depth understanding within each case and across multiple cases. This process required that data be managed in a manner that included collection and analysis simultaneously for it “seeks to build abstractions across cases” (Merriam, 2009, p. 204). Moreover, Patton (2015) postulated that historically, interviews and fieldwork previously predominated methods of qualitative inquiry. Conversely, researchers were employing document analysis as one of the preferred methods and it was becoming increasingly one of the important strategies of inductive investigations. “The strategy of induction allows meaningful dimensions to emerge from the patterns found in the cases under study” (Patton, 2015, p. 64). Therefore, this researcher formulated foundational understandings of the topic guided by the considerations of Bowen (2009), Merriam (2009) and Patton (2015) when collecting, analyzing, and identifying emergent themes associated with English language learner programs in Texas.

One primary concept identified in the literature that supported this research was ethical leadership. Researchers asserted that educational leaders benefit from the Multiple Ethical Paradigm (MEP2) model to support the complexities in education, equality, and undocumented immigration when making decisions in the best interest of students and for communities in which the children reside (Crawford, 2017; Shapiro & Stefkovich, 2011). Shapiro and Stefkovich (2011) developed the MEP2 model in effort to enable educational leaders to engage in decision making processes through complex ethical considerations. For example, the ethic of justice refers to concepts of equality of rights and the enforcement of just laws and policies. Further, Shapiro and Stefkovich (2011) noted that the ethic of critique examines questions of social inconsistencies and encouraged challenges to the status quo. Similarly, Shapiro and Stefkovich (2011) suggested that the ethic of care is demonstrated through relationships. This ethic requires
that leaders consider benefits and consequences of their decisions. The ethic of care forces the leader to focus on the impact of the action and benefit to society. Conversely, the ethic of the profession differs slightly from the other three, as one’s personal moral guide and not the industry’s code of conduct determines best behavior. Shapiro and Stefkovich (2011) described in detail the MEP2 model as essentially a comprehensive morality method for educational leaders to employ as they navigate through a complex and often contradictory series of scenarios while consistently considering the best interests of the student. Therefore, the questions in this research were framed to identify patterns and themes of ethical educators and leaders in their districts to provide equal access to free public educational programs for children regardless of their citizenship status.

Finally, there are gaps in the contemporary literature regarding costs associated with programs that serve immigrant and English learners in Texas public schools. Creswell and Creswell (2018) noted that “instead of focusing on methods, researchers emphasize the research problem and use all approaches available to understand it” (p. 249). This researcher employed a pragmatic approach to emphasize the problem of ensuring equal access to educational opportunities for immigrant and English learners which included analyses of federal, state, and local comprehensive annual financial reports for 2016-17 and 2017-18 fiscal years. School systems selected in this study were Austin Independent School District (AISD1); Amarillo Independent School District (AISD2); Beaumont Independent School District (BISD1); Brownsville Independent School District (BISD2); Dallas Independent School District (DISD); El Paso Independent School District (EPISD); and Houston Independent School District (HISD). These seven school systems classified a high concentration of students as economically disadvantaged and identified a significant number of children as English language learners. An
analysis of publicly available documents that identified major patterns and themes of these classification of children and the costs of programs that served them, along with enrollment and outcomes contributed to the gap of understanding in the literature. Therefore, the conceptual framework for this research was based upon qualitative strategies that required the researcher to collect, code, and analyze patterns and themes related to English language learner programs in Texas through the synthesized lenses of the legal requirements of the Equal Protection Clause.

Assumptions, Limitations, and Scope

Among the legal requirements for the Texas Education Agency and AISD1, AISD2, BISD1, BISD2, DISD, EPISD, and HISD to manage English language learner programs are the obligations to develop local policies and procedures for establishing language proficiency assessment committees (LPACs). LPACs as mandated by TEC 29.056 in Texas public K12 school systems must review pertinent student information in accordance with standardized procedures to determine language proficiency, designate students’ level of academic achievement, notify and obtain parents’ approval, and facilitate students’ entry and participation in ELL programs (U. S. Department of Education, 2017, p. 58). The Texas Education Code (TEC) 29.056 and Texas Administrative Code (TAC) 89.1225 established entrance and exit procedures for participants of ELL programs. Exit procedures for Texas’ English language learner programs mandate that students demonstrate English language proficiency in the annual state mandated assessments, perform satisfactorily on reading assessments, and obtain teacher approval (U.S. Department of Education, 2017). According to the Texas Education Code 29.056, federally subsidized programs are subject to compliance and financial audits to ensure program guidelines are followed as mandated by law. The validity of the assumption that LPAC members
adhered to the program requirements necessitated that this researcher investigate local program policies and practices through publicly available documents for the purpose of this research.

One assumption of this study was that all leaders employed in Texas K12 public school systems were morally committed to providing effective programs for English language learners and were cognizant of the laws and regulations that governed ELL programs. Documents related to LPAC assignments and professional developments were explored to provide an understanding of this assumption through the identification of patterns and themes identified to recruit, train, and retain educational leaders that served these students. The second assumption was that property-poor districts possessed the capability to provide educational programs for ELL students regardless to the fiscal commitment of the federal government. Knight’s (2017) study suggested that the financial funding formula for Texas public school systems be revised because the real consequence of failing to reform the formula is under-serving students enrolled in high poverty districts. Knight argued that although poverty rates have changed over time, the funding formula has remained static, leading to an increased funding gap “by more in Texas than in most other states” (p. 20). Knight also noted that the policymakers in Texas failed to consider the inequities built into the existing funding formula because property rich districts benefit by increases to the per pupil funding formula by way of property tax increases and through passage of bonds and property poor districts do not. This assumption was analyzed through the collection of Comprehensive Annual Financial Reports (CAFRs) and budget reports in the public domain that explored multiple sources of per pupil funding for each school system. The limitations within this study were predicated on the dichotomy of wealth among school districts and determined through analyses of publicly available data.
The scope of this research included an examination of English language learner programs for elementary school students in seven Texas public K12 school systems between the 2016-17 and 2017-18 fiscal years and was constructed with two primary assumptions and one secondary limitation. Comprehensive data would be found in public documents of AISD1, AISD2, BISD1, BISD2, DISD, EPISD, and HISD. Sanchez (2017) noted that nearly seven million immigrant and non-English speaking students were learning to speak English in public schools throughout the United States. Schneller (2017) argued that the concept of the undocumented student had capitalistic underpinnings of public education in the United States. A limitation is the funding formula. Knight (2017) examined the impact of struggling public school districts in Texas and found that the funding formula for Texas public school systems must be revised to protect resources for high poverty districts and limit financial decline. The scope of this research included analyses of documents related to the financial costs of providing English language learner programs in high poverty districts that served elementary school students enrolled in seven school systems during the 2016-17 and 2017-18 fiscal years.

**Rationale and Significance**

The U. S. Department of Education and the Texas Education Agency in accordance with the *Every Student Succeeds Act* (20 U.S. Code § 6301) and state law (TEC 29.056) respectively provide guidelines for developing statewide procedures for public school systems. They strive to ensure that immigrant and English language learners attain equal access to educational opportunities by supporting of English language proficiency for all students. Creswell (2015) stated “there are no ironclad standards for evaluating educational research in the academic research community, in school districts, or in local, state, or federal agencies” (p. 11). This researcher collected and analyzed public domain documents related to English language learner
programs in Texas public school systems with a goal to help “uncover meaning, develop understanding, and discover insights” (Bowen, 2009, p. 29). Moreover, considering that Bowen (2009) postulated that the rationale for document analysis was due to its usefulness with case study research. Therefore, since there was not an ironclad standard for qualitative multiple case studies research in education, and that document analysis was useful for case study research, the rationale for analyzing documents of English language learner programs was to gain insight. Additionally, the significance of analyzing these ELL programs in high poverty districts in Texas during the 2016-17 and 2017-18 fiscal years aimed to contribute to the existing body of knowledge.

**Definition of Terms**

**English Language Learner**

Texas Education Agency (2017) stated that English language learners are students who have demonstrated the inability to “read, speak, write, or understand English” (p. 22). The students become participants of educational programs that support English proficiency.

**Migrant Education Program (MEP1)**

The Office of Migrant Education collaborated with other organizations and developed the Migrant Education Program (MEP) to ensure academic achievement for migrant students in December 2010. Title I, Part C MEP1 funds averaged nearly $400 million dollars each year between 2011 and 2016 (U.S. Department of Education, 2020).

**Multiple Ethical Paradigm (MEP2)**

Multiple Ethical Paradigm (MEP) is an ethical decision-making model developed by Shapiro and Stefkovich (2011) to help educational leaders navigate through complex and contradictory scenarios. The MEP2 model is inclusive of principles of ethic of justice, ethic of
critique, ethic of care, and ethic of the profession and are tools that should be tested as educators learn to fine tune contemporary practices (Shapiro & Gross, 2013; Shapiro & Stefkovich, 2011).

**Public Education Information Management System (PEIMS)**

The Public Education Information Management System (PEIMS) is a software system that collects student demographic, academic performance, and school district information in Texas and is managed by the Texas Education Agency (Texas Education Agency, 2020).

**Undocumented Activism**

Undocumented Activism is a term utilized to express underpinnings of political motivations due intrinsic marginalization as described by Hinton (2015) and Swerts (2017). Undocumented activism may have evolved out of the pursuit of the American dream of equality and access to opportunities and the inabilities of local governments to adequately respond to the societal needs of their residents, as demonstrated and argued for in the research of Olivas (2012), Negrón-Gonzales (2014), Román (2013), and Wides-Muñoz (2018).

**Conclusion**

This chapter introduced the study, described the problem, purpose, research questions, and conceptual framework for examining educational opportunities for immigrant and non-English speaking students. Additionally, this chapter included a discussion of the evolution of educational equity in the United States. The U.S. Supreme Court’s decision in three landmark cases, *Brown v. Board of Education* (1954), *Lau v. Nichols* (1974), and *Plyler v. Doe* (1982) supported the concept of equal access to educational opportunities in Texas public schools. According to the U.S. Department of Education (2019) in recent years, immigrant and non-English speaking students became benefactors of not only the decisions of three U.S. Supreme Court cases, but also federal legislation, and state statutes that guaranteed equal access to

Texas public school systems are bound by state statutes that established program procedures that seek to ensure that immigrant and non-English speaking students learn to read, speak and write proficiently in English (Texas Education Code § 29.056; Texas Administrative Code § 89.1225). The mandates to support English language learners and the public services afforded to provide English language learner programs impact the financial budgets of federal and state educational agencies. Researchers advocated for reassigning the federal financial responsibilities to local agencies to minimize the rise of the phenomenon of undocumented activism with a goal of achieving social equity (Román, 2013; Wides-Muñoz, 2018). Moreover, scholars argued that undocumented activism could be viewed as a positive contributor to immigrant student outcomes (Swerts, 2017; Wides-Muñoz; 2018). Subsequently, programs that serve ELL children of undocumented immigrants require extensive consideration of equal access to educational opportunities and social activism that support this aim. Therefore, a pragmatic approach to conducting a document analysis concerning English language learners and equal access to educational opportunities was warranted to determine the outcomes of ELL programs in Texas. This chapter included a discussion of the purpose, rationale, and significance of conducting a document analysis of English language learner programs and equal access to educational opportunities in Texas. The next chapter reviewed scholarly literature that investigated the challenges of equal access to educational opportunities for immigrant and English learners.
CHAPTER TWO

LITERATURE REVIEW

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

(U.S. Const. Amend. XIV, 1868).

The Supreme Court ruled that education was essential to the foundation of society, so overturned a Texas law which prohibited undocumented immigrants from obtaining access to it, firmly on the basis that all of society would benefit (Plyler v. Doe, 1982). The Equal Protection Clause of the Fourteenth Amendment prohibits the exclusion of certain rights and protections vis-à-vis the inhabitants of the United States. This researcher examined the legal requirements of the Equal Protection Clause, Lau v. Nichols (1974), Plyler v. Doe (1982) and other laws and policies that ensured English language learners and children of immigrants were guaranteed equal access to public educational opportunities. This research was necessary to acquire an understanding of the evolution of public education in the United States. Additionally, studies estimated that 11.4 million unauthorized immigrants were living in the United States in 2012 (Baker & Rytina, 2013). Of the estimated 11.4 million unauthorized immigrants, roughly 3 million lived in California and about 2 million settled in Texas (Baker & Rytina, 2013). Three years after the Baker and Rytina (2013) study, two researchers found that in 2014 there were about 3.9 million children of unauthorized parents enrolled in public schools throughout the United States, and 13.4% of the children were enrolled in public schools in Texas (Passel & Cohn, 2016). Passel and Cohn (2016) noted that by 2014 there were 522,600 undocumented students enrolled in Texas K12 public school systems. This study evaluated the requirement of public school systems to ensure that every child was guaranteed equal access to educational
opportunities by analyzing costs, program guidelines, and student outcomes associated with the goal that all children attain English language proficiency.

The Wides-Muñoz (2018) research included countless collaborative engagements between students of undocumented immigrants and policymakers who were committed to improving immigration legislation that would impact outcomes for unauthorized residents overall. Additionally, “Mexico and Central America together account for 71 percent of U.S. unauthorized immigrants” (Rosenblum & Ruiz Soto, 2015, p. 4). Moreover, according to Sanchez (2017) nearly one in ten students in public school systems throughout the United States were learning to speak English. These policies that impact immigrant students are aligned to two major U.S. Supreme Court cases that led to federal regulations and state laws that required public school systems to provide programs that supported equal access to educational opportunities for immigrant and English language learners in public school systems.

The Supreme Court determined in *Lau v. Nichols* (1974) that school systems which received federal funding must provide instruction to non-English speaking students. The Supreme Court decided in *Plyler v. Doe* (1982) that children of undocumented immigrants were guaranteed the same rights and protections as residents of the United States to free public education. This study did not include analyses of narratives that provided insight to the lived experiences of undocumented students (Olivas, 2012; Román, 2013; Wides-Muñoz, 2018). However, this study was a document analysis through extensive data collection which afforded this researcher an opportunity to delve deeper into the dichotomy of governmental protections regarding rights and privileges of immigrant and English language learners and equal access to educational opportunities in public K12 school systems in Texas.
The public K12 school systems in Texas must follow federal and state laws to create local policies that govern the processes by which immigrant and non-English speaking students attain equal access to public educational opportunities (Texas Education Agency, 2020). Governing administrative organizations, such as Texas Association of School Boards and the Texas Education Agency, are required to provide leadership and direction to the employees of school districts in Texas. The Texas Education Agency (TEA) was established in 1949 to oversee and support school systems throughout Texas (Texas Education Agency, 2020). Similarly, in 1949 Texas Association of School Boards (TASB) was formed (Texas Association of School Boards, 2018). Contrary to Texas Education Agency, the purpose of Texas Association of School Boards (2018) is to train and support Board members who are elected to serve in Texas school systems, and to represent a unified front to Texas legislatures and decision makers. Regarding the matter of educating the children of immigrants and other non-English speaking students, the Texas Association of School Board’s (2018) directive to the administrators of Texas’ public school systems informed them that, regardless of their immigration status, children of undocumented immigrants cannot be deprived equal access to education. Further, the entity argued that education is a public service, that if denied, is different from other services provided by governmental entities (Texas Association of School Boards, 2018). Moreover, Texas Association of School Boards (2018) cited the landmark case *Plyler v. Doe*, 457 U.S 202 (1982) reminding school administrators that the “loss of education takes an inestimable toll on the social, economic, intellectual, and psychological wellbeing of individuals and poses an obstacle to individual achievement” (para 3). Although the Texas Education Agency and the Texas Association of School Boards are governing administrative organizations, both are required to
abide by federal and state laws (Texas Education Agency, 2020; Texas Association of School Boards, 2018).

Texas law requires that the parents of students verify their eligibility to attend public schools before students are granted admission (Texas Association of School Boards, 2018). The Texas Association of School Boards (2018) reminded its members that residency requirements must be adhered to and that state law “…requires school districts to admit all individuals who meet the residency requirements set forth by law and are over five and younger than 21” (para 3). The Texas Education Agency (2020) referred parents and guardians to contact their area school districts regarding the necessary residency requirements. Therefore, the citizenship status cannot lawfully prevent children of undocumented immigrants from attending public schools in Texas. Conversely, the lack of documentation to prove residency in the district can impede the enrollment process for students. However, both administrative agencies rely on the school districts to develop local policies and processes to determine the documentation for enrollment.

Organization

This chapter thus far includes discussions of U.S. Supreme Court cases, federal law and state regulations that impact equal access to education for immigrant and English language learners in Texas. Next is a brief discussion of the study topic and the context by which an analysis of documents related to ELL programs was conducted. After the conclusion of the section about the context of this study, the discussion turns first to the conceptual framework which was supported by three primary research questions. Second, the focus shifts to the literature review of immigrant and English language learners. Third is a detailed description of public education and its governing bodies in Texas. Fourth, the significance of funding ELL programs precedes the fifth subsection, a discussion of the concept of undocumented activism as
argued by contemporary researchers. Finally, a summary of the major themes and concepts identified in the literature review is discussed in the conclusion section of this chapter.

The Study Topic

Linguistically challenged students, regardless of their immigration status, may enroll in special language educational programs that require the administrators, teachers, and support staff to understand federal laws, state statutes, and local policies that support these programs. These special services impact local budgets. Therefore, considerations of costs must be included in scholarly conversations regarding funding of public schools. However, as argued by Slama, Molefe, Gerdeman, Herrera, Brodziak de los Reyes, August, and Cavazos (2017), the time and resources for students to attain English proficiency in Texas must be consistently evaluated and enhanced. This study topic focused on program costs that supported English proficiency in Texas during the 2016-17 and 2017-18 fiscal years to document the impact of federal laws, state statutes, and local policies which support students enrolled in these educational programs.

Student enrollment impacts the amount of revenue school districts receive in Texas (Texas Education Agency, 2020). Each year, billions of dollars are administered through the Texas Education Agency to support more than five million students enrolled in over 1,200 public school districts and charter schools (Texas Education Agency, 2020). Significant sources of revenue such as property taxes fund education in Texas and other federal allocations subsidize special programs such as Bilingual or English language learner and Migrant Education Program (MEP1) in public Schools (Texas Education Agency, 2020). Moreover, the U.S. Census Bureau (2020) reported that national spending has steadily increased over the years and was up from $671.2 billion in 2016 to $694.1 billion in 2017. Nationwide per pupil expenditures averaged $12,612 in fiscal year 2018 (U.S. Census Bureau, 2020). Concomitantly, in Texas, the cost to
fund public education has risen tremendously to 2016-17 averages of $11,392 per student, which was a nearly 21% increase from the $9,428 per student allocation during the previous decade (Texas Education Agency, 2019). The financial funding model in Texas is based on property taxes, student enrollment, and the various educational programs subsidized by federal and state governments. Therefore, public school districts may decide to enforce the restrictions that prohibit equal access to educational opportunities, at the detriment of the revenue to the district. Although the public K12 school districts in Texas receive multiple sources of funding, some argue that the funding formula is not fair to property poor districts (Knight, 2017). One focus of this study, therefore, was to evaluate program outcomes for seven school districts in Texas to ascertain estimated costs associated with educating immigrant and English language learners.

**Context**

An examination of the documents that identified expenditures across school districts was important because the comparison of data was based on current information and relevant criteria. Although such a comparison may offer insight into the cost of providing immigrant and English language learner programs in Texas public K12 school systems, it was crucial to consider local policies and program practices when determining the educational outcomes for elementary school students rather than focusing solely on the historical data. Therefore, the context in which to understand the costs of educating immigrant students and local school district practices was illuminated through reviewing the data about students enrolled in English language learner programs in elementary schools in Texas.

**Conceptual Framework**

The Equal Protection Clause of the Fourteenth Amendment prohibits the exclusion of certain rights and protections vis-à-vis the inhabitants of the United States. The Equal Protection
Clause of the Fourteenth Amendment, *Lau v. Nichols* (1974) and *Plyler v. Doe* (1982) ensured that English language learners and children of immigrants were guaranteed equal access to educational opportunities. *Lau v. Nichols* (1974) determined that school systems which received federal funding must also provide instruction to non-English speaking students in a language that they understood. Further, *Plyler v. Doe* (1982) was instrumental for the children of undocumented immigrants because the ruling guaranteed them the same rights and protections as residents of the United States to free public education. Considering that education was so essential to “maintaining the fabric of our society” the decision of the U.S. Supreme Court overturned Texas law that prohibited undocumented immigrants from obtaining access to it, firmly on the basis that all would benefit (*Plyler v. Doe*, 1982). Analyses of researcher narratives may provide insight about the lived experiences of undocumented students (Olivas, 2012; Román, 2013; Wides-Muñoz, 2018). However, extensive data collection and a document analysis afforded this researcher an opportunity to delve deeper into the dichotomy of governmental protections regarding rights and privileges of immigrant and English language learners supported by educational programs as it currently existed at the time of this study.

The number of undocumented immigrants with children enrolled in public kindergarten through grade twelve schools, according to Passel and Cohn (2016), was about 3.9 million nationwide, and 13.4% of the children were enrolled in Texas schools in 2014. Children of immigrants and ELL students who reside in the jurisdiction of United States were guaranteed access to public education in the same manner that children of citizens would obtain education (*Lau v. Nichols*, 1974; *Plyler v. Doe*, 1982). Increased migrant enrollment throughout the nation left public school systems and state agencies in search of methods to ensure that immigrant and English language learners attained equal access to education (Andrei, Ellerbe, & Kidd, 2019;
Crawford, 2017; Crosnoe & Turley, 2011; Román, 2013; Sibley & Brabeck, 2017). Educational leaders, according to Crawford (2017), encountered ethical challenges when considering the dichotomy of the lawlessness of illegal immigration and the morality and benefit of educating a student by employing the Multiple Ethical Paradigms theory in the decision-making process.

The Multiple Ethical Paradigm (MEP2) includes principles of the ethic of justice, ethic of critique, ethic of care, and ethic of the profession and are tools that should be tested as educators learn to fine tune their practice (Shapiro & Gross, 2013; Shapiro & Stefkovich, 2011). According to the researchers, the ethic of justice refers to the enforcement of laws and policies; abiding by this principle should guide leaders to question whether the laws and policies are just and equal. Conversely, Shapiro and Stefkovich (2011) stated, the ethic of critique for educational leaders was an appeal to ideals and concepts that are contrary to the maintenance of the status quo. Ethic of critique examines questions of social stratifications such as the achievement of an undocumented, linguistically and economically disadvantaged student. Similarly, Shapiro and Stefkovich (2011) postulated that the ethic of care places the importance of relationships through connections as priority. This ethic requires that leaders consider who may be harmed and who may benefit from the decisions they make. Much like the other ethics discussed thus far, the ethic of care forces the leader to focus on the impact of the action and its benefit to society. However, the ethic of the profession differs slightly from the other three because the focus is on internal development of the leader and encompasses their own personal moral guide rather than solely following the industry’s code of conduct to determine best behavior. Shapiro and Stefkovich (2011) described in detail the MEP2 as essentially a comprehensive morality model for educational leaders to employ as they navigate a series of scenarios while consistently
considering actions and decisions that are in the best interest of the student. This researcher considered the MEP2 model when analyzing documents in response to the research questions.

These questions included inquiry which examined the MEP2 model and the responsibility of public K12 school systems in Texas to provide equal access to educational opportunities for immigrant and non-English speaking students. Justice Brennan, in *Plyler v. Doe* (1982) argued “whatever his status under the immigration laws, an alien is surely a “person” in any ordinary sense of that term,” (p. 210). Although not classified as citizens of the United States, children who reside in the jurisdiction of Texas are people guaranteed equal access to public educational opportunities. Documents related to English language learner programs in seven public K12 school districts were collected, coded and analyzed with a consideration that all children attained equal access to free public education. This element of the question included the financial documents provided by the U.S. Department of Education and Texas Education Agency that supported English language programs in Texas public schools for the 2016-17 and 2017-18 fiscal years. Moreover, the *Every Student Succeeds Act* (2015) required that state and local educational agencies implement English learner programs, measure outcomes, and obtain federal funding sources ensuring that all students learned to read, speak and write proficiently in English (U.S. Department of Education, 2019; Texas Education Agency, 2019). Admittedly, this was just one lens to view the responsibility of the federal government and its duty to limit an influx of illegal immigration within its borders. However, since education is a multijurisdictional matter, the problem of ensuring equal access to educational opportunities for all students was viewed through the framework of a document analysis which was supported by the federal, state, and local policies required to align with the Equal Protection Clause of the Fourteenth Amendment.
**Immigrant and English Language Learners**

Immigration is a federal matter and state governments do not possess sufficient sovereignty or requisite resources to deport residents who are living in the United States illegally (Bhai, 2020; Blackman, 2019; Crawford, 2017; Massey, Durand & Pren, 2016). Leadership of the executive branch is instrumentally critical to resolving the issue of immigration and its impact to national security (Bhai, 2020; Blackman, 2019). Policies that propose immigration reform vacillate between ethical concerns and legal responsibilities (Crawford, 2017). However, since federal policy makers created the problem that produced an influx of illegal immigration, the national leaders are thereby required to develop a solution (Massey, Durand & Pren, 2016). Moreover, local and state leaders created policies and programs to respond to the needs of their inhabitants. Consequently, public services for undocumented immigrants are not analogous throughout the nation, but vary by state (Crawford, 2017; Huo, Dovidio, & Jimenez, 2018). According to Crawford (2017), undocumented immigrants have attained expanded rights in California, but many remain hidden living in the shadows to avoid deportation by federal agencies. Similarly, Huo, Dovidio and Jimenez (2018) noted that Arizona’s policies deter undocumented immigration, while policies in California attract undocumented immigrants. Undocumented immigration, therefore, is the subject of recent research that chronicles contentious considerations regarding rising costs of public services, as next discussed.

Machado (2017) employed a scientific model which assessed expenditures associated with amnesty for undocumented workers and compared the fiscal impact of mass deportation. However, Machado (2017) concluded that the net effect of illegal immigration in the United States is difficult to ascertain solely from labor market data and is dependent upon competing political perspectives regarding tax payments and social security benefits. Conversely, Muschek
(2015) asserted that many undocumented immigrants reside in the United States beyond the expiration of their student and work permits and become problematic for federal law enforcement agencies to locate and process for deportation. Additionally, Muschek (2015) argued that laws and policies which incentivizes undocumented immigration impacts the rising costs of healthcare in the United States. Similarly, Taylor and Tipirneni (2018) found that, due to the healthcare costs associated with public services for undocumented immigrants that are not covered by Medicaid, federal reimbursements to the states have recently expanded. Despite the possible risks and fear of deportation associated with undocumented immigration, researchers estimate that an increased financial investment to provide healthcare services and public benefits afforded residents will be required (Muschek, 2015; Taylor & Tipirneni, 2018; Viladrich, 2019).

One aim of this project, therefore, was to build upon the research that examined the fiscal impact of undocumented immigration in the United States. However, this study viewed the problem of undocumented immigration and rising costs of social services through the public education lens.

Education is a public resource, and the consequences of denying access to it are a far greater problem than the costs associated with educating immigrants (Plyler v. Doe, 1982). Students who are children of undocumented immigrants or English language learners (ELL) have the right to receive education in a language that they understand (Lau v. Nichols, 1974). Two major U.S. Supreme Court cases, Lau v. Nichols (1974) and Plyler v. Doe (1982) coupled with federal legislation guarantee equal access to public education for immigrant and English language learners (U.S. Department of Education, 2019). Although immigrant and English language learners have attained equal access to education through legal means, recent literature suggested that due to the existence of a multitude of societal factors and challenges, the achievement gap between ELL students and their peers remains persistently problematic.
Adams’ (2017) case study, for example, found that immigrant and English language learners encountered a myriad of obstacles to attaining academic equity of outcome. Students that struggle with linguistic and socioeconomic challenges, Adams (2017) argued, succeed when caring teachers who are equipped with skills to support learning opportunities and determining best practices, advocate on behalf of these children. According to Adams (2017), instruction connected with inclusive strategies and culturally relevant experiences promote individual efficacy and thereby serves as a tool to motivate students and improve learning. Although Adams’ (2017) case study responds to the challenges immigrant and English language learners encounter and suggests best practices, other researchers (Andrei, Ellerbe, & Kidd, 2019; Crawford, 2017; Crosnoe & Turley, 2011; Sibley & Brabeck, 2017) supported the pursuit of alternative approaches to ensuring equity of educational access and improving student outcomes.

Andrei, Ellerbe, and Kidd (2019) analyzed an educator and community of ELL students and determined that connections and informed reflection were key contributors to the success of the teacher through the accomplishment of the students. The researchers also noted that the use of software programs to enhance teaching strategies such as Google Translate and Rosetta Stone positively impact English language learners’ outcomes (Andrei, Ellerbe & Kidd, 2019). ELL achievement is actualized, Andrei et al (2019) maintained, when caring teachers engage in reflective practices, innovative strategies, and demonstrate continued commitment to improving their craft. Conversely, Crawford (2017) examined impediments to ensuring equality of access for English language learners and contended that, along with linguistic challenges, poverty, and fear of deportation for illegal residents, so too for policymakers is the convergence of ethical and legal dilemmas. Local school leaders, in the absence of national policies that support comprehensive immigration reform, make decisions in the best interest of the students and for
communities in which the children reside (Crawford, 2017). Crawford asserted that the MEP2 framework to be inclusive of the ethic of the profession model and effectuate educational leadership through considerations of care, community, justice, and personal reflection. Particularly, Crawford employed the ethic of community concepts as moral guides for educational leaders to protect undocumented students from unreasonable, albeit lawful, federal searches and seizures (Crawford, 2017). Educational leadership through the lens of the MEP2 framework was discussed in greater detail throughout the conceptual framework section of this chapter. However, the literature review of immigrant and English language learners will conclude with a brief discussion of Crosnoe and Turley’s (2011) view of the immigrant paradox and Sibley & Brabeck’s (2017) perspective of Bronfenbrenner’s bioecological systems theory.

Crosnoe and Turley’s (2011) immigrant paradox explains educational outcomes for children of undocumented immigrants as divergent and determinant of a multitude of indicators. Students who are products of highly educated migrant families with financial resources, in many cases, adopt the American educational hegemony and excel in their studies, thereby, report higher academic achievement than do their economically and linguistically challenged counterparts (Crosnoe & Turley, 2011). Overcoming obstacles for English language learners who are encountering socioeconomic struggles requires support for programs that are culturally relevant, community based, and encourage parental involvement (Crosnoe & Turley, 2011).

Communal, parental, and school collaboration, according to Sibley and Brabeck (2017), helps ensure equal access to education for English language learners. However, to overcome cultural barriers, these students must harness the determination of their immigrant parents to prevail over physical and psychological circumstances and learn to adapt to their new environment (Sibley & Brabeck, 2017). Employing Bronfenbrenner’s (1998) bioecological
systems theory, the researchers posited that immigrant students in the United States encounter several risk factors to their educational opportunities other than the inability to speak English, such as the influence of high poverty rates, lack of parental involvement, teacher prejudices, and challenges to developing social relationships with their peers (Sibley & Brabeck, 2017). Although additional research is critical to mitigating the negative effects of the aforementioned risk factors, Sibley and Brabeck (2017) recommended that leaders of schools systems, parents, and communities are collectively responsible for ensuring that the needs of immigrant and English language learners are appropriately acknowledged and addressed.

This section reviewed contemporary scholarly literature that investigated challenges and costs associated with undocumented immigration in the United States. Researchers argued that public services are becoming more expensive, and others suggest that educational outcomes are inadequate. Due to the absence of national comprehensive immigration reform, caring educational leaders must become informed and reflective to appropriately respond to the needs of immigrant children. Various theories and multitudes of societal factors and policies impact costs of education and immigrant student outcomes. The next section examines educational obstacles and English language learner program practices in Texas’ public school systems.

Public Education in Texas

The Texas Education Agency is a governing body that was created in 1949 to administer policies, effectuate programs, and provide funding for schools (Texas Education Agency, 2020). Data documented in the annual Enrollment in Texas Public Schools 2014-15 report indicate that Hispanic students made up nearly 91% of all English language learners enrolled in Texas public schools (Texas Education Agency, 2016). The 2017 report estimated that, of the 5.3 million students enrolled in Texas public school systems, Hispanic students accounted for 61% of the
immigrant students (Texas Education Agency, 2017). Federal laws require that public schools provide equal access to programs for immigrant students and ELLs and measurement of outcomes through state assessments (Texas Education Agency, 2018). Further data suggest that Texas K12 schools’ attainment of educational equity reveal achievement gaps for English language learners (U.S. Department of Education, 2019; Texas Education Agency, 2016; 2017).

Public K12 school systems in Texas are bound by federal and state laws, but function under the authority of a Board of Trustees who may create local policies that govern the processes by which undocumented immigrants seek to ensure that their children gain access to public education. Public school systems managed by the Texas Education Agency have been faced with the crisis of illegal immigration for decades (Texas Education Agency, 2018). Immigration battles, as referenced by the Texas Association of School Boards (2017), are not a new problem in the U.S. Access to education is a unique dimension of immigration law, for it differs from other governmental services for its imperative that states that if members of the society lose access to public education, it is difficult to maintain “the social, economic, intellectual, and psychological well-beings of individuals…” (Texas Association of School Boards, 2018, p. 1). The Texas Education Agency (TEA) is the organization that has direct communication with the United States Department of Education and other federal governmental agencies that provide funding to the state. Therefore, TEA is the organization that serves all students – including immigrants and English learners.

Two primary governing administrative organizations, the Texas Association of School Boards and the Texas Education Agency are required to provide leadership and direction to the employees of K12 school districts in Texas. Regarding the matter of educating the children of undocumented immigrants and other non-English speaking students, TASB’s (2018) directive to
the administrators of public school systems informed them that, regardless of their legal immigration status, children of undocumented immigrants cannot be deprived of access to education. TASB (2018) argued that education is a public service that, if denied, is different from other services provided by governmental entities. Both TASB and TEA advise school districts of guidance and laws that govern public education in Texas (Texas Association of School Boards, 2020; Texas Education Agency, 2020). However, based on Texas law, public school districts may receive funding to subsidize programs to educate undocumented students and other English language learners (Texas Education Agency, 2020).

Agency reports note “[b]illions of dollars flow through the agency and are distributed to…more than 1,200 school districts and charters” (Texas Education Agency, 2018, para 3). Moreover, TEA’s annual report revealed that funding averages for 2016-17 were $11,392 per student, which is about a 21% increase to the $9,428 funding per student allocation (Texas Education Agency, 2019, p. 20). According to the Texas Education Agency (TEA, 2019), the cost to fund public education in Texas has increased tremendously. This research, therefore, provided an analysis of documents related to the financial costs, program practices, and outcomes associated with educating students in Texas K12 public school systems in general, and evaluated the programs for immigrant and English language learners in seven districts, specifically.

Literature informing this research included Knight’s (2017) study that examined the impact of struggling public school districts in Texas and found that the funding formula for Texas needs to be revised to protect high needs and low poverty districts from financial decline. Student enrollment and student attendance are major factors that impact the amount of revenue school districts receive in Texas. Although many school districts in Texas benefit by
participating in a complex funding formula, some argue that the formula is not fair (Knight, 2017). However, the guiding questions of this research required the analysis of English language learner program costs and practices and to document their alignment with guidelines established by the federal government. Therefore, documents published by state and local agencies required to ensure equal access to educational opportunities for linguistically challenged children were analyzed.

**Significance of Funding English Language Learner Programs**

Román (2013) examined the claim that undocumented immigration increased costs to states and local budgets, determining that due to the fiscal burdens of undocumented immigration, the federal government should reimburse states for the expenses incurred by them. The specific public K12 school systems examined in this study were essential to understanding outcomes for immigrant and English language learners enrolled in elementary schools required to report enrollment and financial data to the state educational agency (Texas Education Agency, 2020). Austin Independent School District’s (AISD) operating budget of $1.3 billion served more than 80,000 students, of which 28.1% were classified as English language learners (Austin Independent School District, 2020). Beaumont Independent School District (BISD) has a total enrollment of 18,697 students, an operating budget of $160 million, and in the 2017-18 school year identified almost 2100 English language learners (Beaumont Independent School District, 2020). Dallas Independent School District (DISD) currently has a student enrollment of 154,000 of which 44.8% are identified as bilingual or English as a second language learners, and an expenditure budget of nearly $1.5 billion (Dallas Independent School District, 2020). Houston Independent School District (HISD) combined serves about 215,000 student and operates a $2 billion dollar budget (Houston Independent School District, 2020). All Texas’ public K12
school systems are required to follow federal regulations, state laws, and local policies when seeking to educate non-English speaking children and immigrants who reside within the jurisdiction of the schools (Texas Education Agency, 2020). However, the percentages of immigrant and English language learners in public school systems throughout the nation have increased from 3.8 million in 2000 to over five million by 2017, as reported by the National Center for Education Statistics (NCES, 2020). Correspondingly, in 2017, costs to provide public elementary and secondary education grew to $694.1 billion (U.S. Census Bureau, 2020). Therefore, the significance of costs associated with educating immigrants and English language learners compelled this researcher to conduct document analyses and develop findings related to ELL program costs.

**Undocumented Activism**

The contemporary phenomena of *undocumented activism* is argued as the political response of marginalized residents who have been denied equal rights and privileges afforded citizens (Hinton, 2015). Román’s (2013) description of undocumented activism claims that effective locally operated public school programs which serve non-citizens of the nation require funding from the federal government. Swerts (2017) postulated the concept of undocumented activism and determined that it is responsive to an awakened political consciousness, intimating that “for undocumented immigrants, passage is suspended as their state of in-betweenness becomes part of the everyday” (p. 381). The phenomenon of the undocumented activism as described by Hinton (2015) and Swerts (2017) may have evolved out of the immigration laws like the Chinese Exclusion Act of 1882 and educational policies such as Every Student Succeeds Act (2015). Activists believe that some programs that serve immigrant and non-English speaking students are ineffective and insufficient to produce desired student outcomes.
Educating immigrants and other non-English speaking people who reside within the jurisdiction of a state is a political issue that should be resolved through the legislative process of state and local governments (Olivas, 2012; Wides-Muñoz, 2018). Activism that produced the landmark decision in Brown v. Board of Education (1954) culminated in two pivotal U.S. Supreme Court Cases, Lau v. Nichols (1974) and Plyler v. Doe (1982). Lau v. Nichols (1974) guaranteed equal access to educational opportunities previously denied to students who were provided instruction in a language that they did not understand (141 U.S. 563). Olivas (2012) noted, “to a large extent, Plyler may also be the apex of the Court’s treatment of the undocumented, a concept that never truly existed until the 20th century,” (p. 8). Undocumented activism, therefore, may be categorized, as emphasized in Plyler v. Doe (1982), as the consequences of denying access to education to immigrant and non-English speaking children as a greater problem than the costs associated with ensuring that all students attain access to an equitable education. Additionally, the research on undocumented activism provided insight to the obstacles of immigrant and other English language learners who were in pursuit of the archetypal American dream that was filled with hope and promise of rights and privileges of citizenship (Wides-Muñoz, 2018). Undocumented activism, Hinton (2015), noted resides in a safe space between legal and illegal for those seeking to become political agitators. However, political agitation, as noted by researchers (Hinton, 2015; Wides-Muñoz, 2018) trumps the status quo.

Conclusion

A comprehensive document analysis concerning the program costs and local practices that served the children of undocumented immigrants and other non-English speaking students enrolled in seven public school systems in Texas was the focus of this study. Contemporary scholarship challenged the arguments that describe the negative impact of investing in the
education of undocumented immigrants. Questions regarding the return on the investments of free education to all students in the United States is a broad topic that requires future inquiry and additional attention. Rulings made by the U.S. Supreme Court in *Lau v. Nichols* (1974) and *Plyler v. Doe* (1982) ensured that non-English speaking and immigrant students have equal access to educational opportunities. Student enrollment data of undocumented immigrants are limited. However, documents related to educational programs that served linguistically challenged children were available in the public domain and should be considered in future conversations regarding equal access to educational opportunities and immigration reform.

The leaders of the Texas Education Agency (TEA) and the schools they manage have faced the crisis of illegal immigration for decades. Nearly 25 years ago, using the 1990 census data, Bouvier and Martin (1995) noted that “over 820,000 residents admit(ted) that they either speak no English whatsoever or speak it not very well” (p. 7). Children of undocumented immigrants have arrived on the Texas shores. However, the literature showed that educators must work to bridge the achievement gap for immigrant and English language learners. Regardless of the legal battles and political underpinnings of illegal immigration and public education, ethical responses to how best to serve the undocumented student is a phenomenon that is not easily categorized in motivational theories. Fully investigating the type of motivation that is present in those responding to the undocumented student requires further research. Illegal immigration is not just a problem that resurfaces during political seasons. Conversely, scholars argue it impacts social services supplemented by all levels of government. Therefore, it was expedient for this researcher to contribute to the debate by producing empirical evidence of immigrant and English learner outcomes.
CHAPTER THREE

METHODOLOGY

The Equal Protection Clause of the Fourteenth Amendment prohibits the exclusion of certain rights and protections vis-à-vis the inhabitants of the United States. “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside” (U.S. Const. amend. XIV). American indentured servants were not guaranteed protection of rights and privileges as citizens of the United States before the Supreme Court’s application of the Equal Protection Clause of the Fourteenth Amendment (Franklin & Moss, 1988). Brown v. Board of Education (1954) was a unanimous ruling which concretized other rulings of equal access to education (Olivas, 2012). Lau v. Nichols (1974) was an instrumental ruling for immigrant and non-English speaking students because the decision guaranteed that classroom instruction be provided in a language that non-English speaking students comprehend at no-cost to the families. Children of undocumented immigrants were not guaranteed access to free public education in Texas prior to Plyler v. Doe (1982). These two landmark Supreme Court rulings guaranteed equal access to educational rights and protections for undocumented and non-English speaking students as also afforded to United States’ citizens.

Purpose of the Study

Primarily, the purpose of this qualitative case study was to contribute to existing research that examined the costs and operating procedures of English language learner (ELL) programs by collecting and analyzing publicly available documents related to seven public K12 school districts in Texas. Elementary school-age children enrolled in public K12 schools maintain rights and protections which ensure that educational instruction is provided in a language that students
understand (*Lau v. Nichols*, 1974). Education is essential to “maintaining the fabric of our society” because of its benefit to society (*Plyler v. Doe*, 1982). Nearly fifty years since *Lau* and almost four decades since *Plyler* researchers argue that linguistic challenges were among a multitude of factors that negatively impact academic achievement for English learners (Adams, 2017); teaching strategies must include reflective practices to improve student achievement for ELL students (Andrei, Ellerbe & Kidd, 2019); the actual implementation of the iconic ideals in *Plyler* has been more iconic than ideal for immigrant students (Olivas, 2012); and that the federal government should reallocate its resources to compensate local agencies for the costs of providing services to undocumented immigrants (Román, 2013). As previously mentioned, Román (2013) examined the claim that undocumented immigration increased costs to states and local budgets determining that, in the absence of comprehensive immigration reform, the federal government should reimburse states for fiscal burdens of undocumented immigration. Therefore, comprehensive annual financial reports (CAFRs), enrollment data, federal guidelines, Language Proficiency Assessment Committees (LPACs) trainings, and teacher recruitment and salaries for educational programs which were publicly available through the Texas Education Agency (2018, 2020) and U.S. Department of Education (2019, 2020), were examined. Further, student enrollment, budget appropriations, and requirements that have been implemented since both *Lau v. Nichols* (1974) and *Plyler v. Doe* (1982) warranted an independent investigation of ELL program costs and operating procedures determining alignment with the intervention.

According to Creswell and Creswell (2018) qualitative and quantitative researchers employ theoretical perspectives by which to conduct inquiry, collect and analyze data, and develop conclusions. Qualitative research has foundations in “anthropology, sociology, the humanities, and evaluation” and can be conducted through cases studies, ethnography, grounded
theory, narratives, and phenomenological inquiry (Creswell & Creswell, 2018, p. 11). Case studies were employed to examine the inequity of educational achievement gaps for English language learners and immigrant students concluding that leaders should engage in personal reflection and become members of caring communities (Adams, 2017; Andrei, Ellerbe, & Kidd, 2019). Qualitative approaches such as ethnography, narratives, and phenomenology were utilized to explore how undocumented youth engaged in political activism in the absence of comprehensive immigration reform. Studies determined that ethical educational leadership requires care, community, justice, and professional commitments to do what is in the best interest of the child (Crawford, 2017; Negrón-Gonzales, 2014; Wides-Muñoz, 2018). Studies that have employed mixed methods or quantitative approaches include Crosnoe and Turley’s (2011) test of the immigrant paradox hypotheses, Jimenez-Castellanos and Toppers’ (2012) of cost study analysis of ELLs, and Sibley & Brabeck’s (2017) perspective of systems theory. Conversely, Creswell and Poth (2018) and Patton (2015) noted that qualitative research explains the inner workings and outcomes of effective interventions. A document analysis can be performed to benefit participants and policymakers (Scriven, 1981). Therefore, the data for this qualitative case were collected and analyzed to build upon research that examined the costs, operating procedures, and outcomes of ELL interventions through a document analysis method.

**Research Questions and Design**

Children of undocumented immigrants who reside in the jurisdiction of the United States are protected by the Equal Protection Clause which guarantee equal access to public K12 educational opportunities in the same manner that children of citizens would obtain education (*Phyler v. Doe*, 1982). Researchers argue that the costs associated with public programs for undocumented immigrants are steadily rising and become economic burdens for local
governments (Taylor & Tipirneni, 2018). Conversely, Román (2013) suggested that “the federal government needs to transfer these net benefits to state and local governments to reimburse them for added expenses associated with increased undocumented immigration” (p. 86). The questions explored in this research were related to the rights of residents regardless of their citizenship status to attain equal access to public K12 education in accordance with the guidelines established by the U.S. Department of Education. Namely, equal access to educational opportunities were explored through three primary questions:

1. How do guidelines of the U.S. Department of Education impact English language learner programs in seven of Texas’ public K12 school systems?

2. How do elementary school students enrolled in English language learner programs outcomes compare to non-English language learners in elementary schools within the seven public K12 school systems in Texas?

3. How do emerging patterns and themes extrapolated and identified through document analysis of English language learner programs in Texas reflect the legal requirements of the Equal Protection Clause?

First, this study investigated the responsibility of public K12 school systems in Texas to provide equal access to educational opportunities through an analysis of documents related to ELL programs. According to Creswell and Creswell (2018) researchers construct patterns and themes through collecting and analyzing multiple sources of data following numerous steps of qualitative protocols. Although not classified as citizens of the United States, residents within the jurisdiction of Texas are guaranteed equal access to public K12 education and school systems are required to publish multiple sources of program data (Texas Education Agency, 2020). Further, school districts publish comprehensive annual financial reports, educational program procedures
and outcomes, student demographic, dropout and graduation rates, and state assessments results (Texas Education Agency, 2020). Though documentation is not equally detailed at every school district in Texas, this research utilized archival student data from each of the seven public K12 school districts. Budget documents, CAFRs, LPAC procedures, and school district policies which govern ELL programs were collected from Austin Independent School District (AISD1); Amarillo Independent School District (AISD2); Beaumont Independent School District (BISD1); Brownsville Independent School District (BISD2); Dallas Independent School District (DISD); El Paso Independent School District (EPISD); and Houston Independent School District (HISD) to explore the inner workings, costs, and outcomes of English language learner programs.

An inquiry of the fiscal investment associated with educating immigrant and English language learners in public school systems included documents available through publicly posted comprehensive annual financial reports of the Texas Education Agency (2019; 2020) and budget appropriations of the U.S. Department of Education (2019; 2020). Information which was available in the public domain for the 2017-18 and 2018-19 school years was published by each school district identified in this study, the Texas Education Agency (2019; 2020), and the U.S. Department of Education (2019; 2020). The researcher was afforded an opportunity to conduct a document analysis that employed three key indicators – appropriations, enrollment, and outcomes. These three indices supported longitudinal studies (National Center for Education Statistics, 2019). Qualitative research approaches were used to fill the gaps in statistical explanations (Creswell & Poth, 2018). Therefore, documents with numerical information related to English language learner programs during the 2016-178 and 2017-18 school years were collected and analyzed along with documents including non-numeric data and explored with patterns and themes identified in the intervention.
The second question of this study had two components. Student outcomes for English language learners were explored through a review of local reading outcome documents obtained through the Public Education Information Management System (PEIMS). PEIMS is a comprehensive database of public education information received from each school system in Texas and managed by the Texas Education Agency (Texas Education Agency, 2020). PEIMS data were consulted to support reading level information obtained to explore ELL and non-ELL elementary school student outcomes for each system identified in this study.

Recent amended legislation, the *Every Student Succeeds Act* (ESSA), mandated new guidance to states (U.S. Department of Education, 2019). Federal funding policy and program guidance issued through Title III, Part A of ESSA were analyzed to understand how elementary school immigrant and English language learners enrolled in seven of the public K12 public systems compared to non-ELLs in Texas elementary schools (U.S. Department of Education, 2019, 2020; Texas Education Agency, 2019; 2020). Additionally, the second component of the question required an understanding of outcomes for non-ELL students. Enrollment data, federal financial reports, local policies, CAFR’s, and federal and state program guidelines were collected and analyzed to extrapolate emerging themes that aided the researcher’s understanding of local program practices and academic performance gaps for non-ELL program participants.

Finally, an exploration of the third question required an analysis of local policies and program documents for each school district for this researcher to gain an in-depth understanding of pragmatic approaches to the Equal Protection Clause in public K12 school districts required to establish English language learner programs (Texas Education Agency, 2020). School districts which were required to operate English language learner programs were also required to develop Language Proficiency Assessment Committees (LPACs) as the primary decisionmakers who
worked in collaboration with parents and administrators to determine which students entered and exited the programs (Texas Education Code 29.056 and Texas Administrative Code 89.1225). Therefore, the third question investigated policies that governed English language learner programs in Texas that produced patterns and themes which were planned and unplanned, and as Patton (2015) argued, was one of the benefits of conducting qualitative research.

**Site Information & Population**

This document analysis investigated program costs, procedures, and outcomes of English language learner programs in seven Independent School Districts (ISDs) and helped formulate the foundational framework that followed Creswell and Creswell’s (2018) discussion of research design. There was no primary site information for this study as it is a document review of program materials which included archival data from National Center for Education Statistics (2019), U.S. Department of Education (2019, 2020), and PEIMS enrollment documents collected from the Texas Education Agency (2018, 2020). Demographic information was organized to illuminate enrollment patterns and themes for students identified as Hispanic or Latino; do not speak English very well in their homes; are recipients of Food Stamps/SNAP programs; and document parents’ high school education. Data published by National Center for Education Statistics (2019), as illustrated in Table 3.1 was organized to identify student demographics in each school district.
Table 3.1

Demographic Data for Austin ISD, Dallas ISD and Houston ISD

<table>
<thead>
<tr>
<th>School District</th>
<th>Total Population</th>
<th>Hispanic or Latino</th>
<th>Speaks English less than very well at home</th>
<th>Families with Food Stamp/SNAP</th>
<th>Parents High School Graduates</th>
</tr>
</thead>
<tbody>
<tr>
<td>AISD1</td>
<td>714,067</td>
<td>36%</td>
<td>10%</td>
<td>25%</td>
<td>20%</td>
</tr>
<tr>
<td>DISD</td>
<td>1,095,514</td>
<td>46%</td>
<td>22%</td>
<td>36%</td>
<td>25%</td>
</tr>
<tr>
<td>HISD</td>
<td>1,458,616</td>
<td>44%</td>
<td>18%</td>
<td>34%</td>
<td>25%</td>
</tr>
</tbody>
</table>


Although the National Center for Education Statistics (2019) archival data for AISD1, DISD and HISD indicate that an average of 23.3% of the parents attained a high school education, there was no explanation for differences in the percentages of students who spoke English less than very well in their homes. Numeric explanations do not provide an in depth understanding of why and how differences occur, but qualitative studies can help close the knowledge gap (Creswell & Poth, 2018). Omitted from Table 3.1 and from data collected and analyzed was personal identifiable information of undocumented students. Personal identifiable information that revealed the identity of students or teachers was not included in this study, as it would have been ethically unsound and a violation of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g). However, as suggested by Creswell and Creswell (2018) and Patton (2015), multiple sources of data were systematically collected and analyzed for this document analysis to determine the efficacy of the federal intervention.

Considering the ethical and legal requirements to protect personal identifiable information for children and other individuals, this researcher concentrated on data collection efforts and analyses of the publicly available documents that include annual budget information.
School districts were selected for this study based on preliminary identification of those with a high concentration of economically disadvantaged students and English language learner enrollment (National Center for Education Statistics, 2019). The geographical locations of each school district ensured that multiple Education Service Centers were identified and investigated (Texas Education Agency, 2020). Academic performance reports and publications of the Texas Education Agency (2019, 2020); U. S. Census Bureau (2020); and the U.S. Department of Education (2019; 2020) provided in-depth descriptions of costs and outcomes associated with students identified as economically disadvantaged and for students enrolled in English language learner programs in Texas public K12 schools.

**Sampling Method**

The overarching goal of this study was to collect, code, and analyze publicly available documents related to seven districts’ English language learner programs in Texas to gain an understanding of guidelines established by the U.S. Department of Education and the legal requirements of the Equal Protection Clause. Documents were examined to determine costs, procedures, and outcomes related to Title III, Part A – English Language learner programs during the 2016-17 and 2017-18 school years. Preliminary documents were collected and synthesized from the Texas Education Agency (2019) as illustrated as in Figure 3.1. The data denotes Title III, Part A funding for three of the school systems identified in the study. Title III, Part A funding declined in Austin ISD, Dallas ISD and Houston ISD annually during 2015-16,
The method that was followed to examine the costs, enrollment, and outcomes of the intervention did not include collecting data from all school districts in Texas. Further, this evaluation did not employ sampling strategies (Bloomberg & Volpe, 2016; Patton, 2015). However, the school districts were investigated to explore outcomes for elementary school students who did not speak English very well in their homes, as shown in Table 3.1. Documents were collected and analyzed simultaneously to describe the distribution of funding received from the federal government that subsidized English language learner programs, as illustrated in Figure 3.2. Extensive data collection and analyses aided the exploration of emergent themes and patterns of federally subsidized ELL programs in seven Texas public school systems. Therefore, data collection and analysis methods employed are discussed in detail in the next subsection.
**Instrumentation and Data Collection**

English language proficiency is a responsibility of each of the public K12 school systems which are managed by the Texas Education Agency (U.S. Department of Education, 2016). However, ELL programs are subsidized by the U.S. Department of Education (2020). Documents published by the National Center for Education Statistics (2019) and U.S. Census Bureau (2020) were collected and analyzed simultaneously to triangulate information that was obtained from the U.S. Department of Education program reports, the Texas Education Agency’s student enrollment and program documents, and each of the seven school systems identified in this study. According to the U.S. Department of Education (2019), as illustrated in Table 3.2, federal appropriation for Title III, Part A programs in 2016-17 exceeded $750 million, approached $770 million in 2017-18, almost $785 million by 2018-19, and will increase to almost $885 million in 2020.

**Table 3.2**

*Title III, Part A, Appropriations.*

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$756,332,450</td>
</tr>
<tr>
<td>2018</td>
<td>$769,568,267</td>
</tr>
<tr>
<td>2019</td>
<td>$784,959,633</td>
</tr>
<tr>
<td>2020</td>
<td>$884,959,633</td>
</tr>
</tbody>
</table>


There were several documents collected, coded, and analyzed to identify general patterns and themes related to English language learner programs in Texas during the 2016-17 and 2017-18 fiscal years. The *Enrollment in Texas Public Schools 2017-18* (Texas Education Agency, 2018) for example, provided student enrollment data by economic status, ethnicity, grade and
participation in instructional programs and special populations. CAFRs for each of the school districts were reviewed to explore revenues and expenditures of English language learner programs. Language Proficiency and Assessment Committee (LPAC) requirements policies and training information were posted on each of the school districts websites. Primarily an extensive review of enrollment, financial, and program documents that impacted ELL students in each of the seven school systems were collected and analyzed. The methods by which the numeric and non-numeric documents were analyzed are discussed in the document analysis section below.

**Document Analysis**

A consideration of the research questions of this study required that publicly available documents were collected, coded and systematically analyzed to formulate answers and identify major patterns and themes related to English language learner programs established due to the Equal Protection Clause that guarantees equal access to educational opportunities for all children residing in the jurisdiction of the United States. “The process of data analysis begins with putting in place a plan to manage the large volume of data” (Bloomberg & Volpe, 2016, p. 159). Developing a plan and pursuing the qualitative research process that Creswell and Creswell (2018) discussed requires an initial analysis of documents to identify multiple themes. First, documents were organized and sorted by category of information. Second, the researcher reexamined the documents to determine general ideas. Third, non-numeric codes were assigned to themes identified in the data. Fourth, after themes were identified and coded, the researcher engaged in subsequent analyses to minimize the number of codes and then refocused the study on major themes. Fifth, the researcher developed narratives about materials to describe major themes. Saldaña (2009) and Patton (2015) recommended that analysts employ the coding process by assigning a systematic approach to judgment and outcomes. Bloomberg and Volpe (2016) mentioned that the coding process may include software packages to be used as a tool by the
researcher. Synthesizing data does not require the purchase of computer coding programs, as the process can be completed by hand (Creswell & Creswell, 2018). Therefore, this researcher considered purchasing software coding programs, but decided to incorporate the benefits of coding the major themes by hand that supported this document analysis research design.

**Limitations of the Research Design**

There were limitations to the outlined approach to understanding the costs, procedures, and outcomes of English language learner programs through qualitative methods. The limitations to analyzing program costs, inner workings, and outcomes for linguistically challenged students existed for several reasons. First, as noted by one undocumented activist, residents who arrived on the shores of the United States illegally have learned to live in the shadows of societies and have learned not “to publicly disclose their immigration status” (Reichard, 2016. para 2). Secondly, since the Lau and Plyer rulings, public school systems are not permitted to inquire about the citizenship status of students, therefore inadequate information exists about the educational outcomes for undocumented students who attain access to public K12 educational services.

Moreover, this researcher was interested in investigating the research questions which guided this study and the relationship associated with federal appropriations, student enrollments and program outcomes despite the possibility of encountering limitations because of this researcher’s affiliation and employment in a high poverty district in Texas. Although the district at which this researcher was employed at the time of this analysis was not included in the selection of school systems, the qualitative investigations were critical to establishing an understanding of English language learner programs in Texas public school systems. Additionally, due to the ethical concerns and violations of the Family Educational Rights and
Privacy Act of 1974 (FERPA) this researcher carefully considered the limitations of conducting a qualitative study. And, therefore, extensive data collection from federal, state, and local documents produced thematic analyses was selected by the researcher to thoroughly explore educational programs that served linguistically challenged students. The process of collecting, analyzing, and coding documents required an inordinate investment of time (Creswell & Creswell, 2018). However, coding themes by hand was critically important to the analysis. Coding patterns and themes manually afforded an opportunity for this researcher to identify ELL program costs, enrollment, and outcomes in seven school districts that computer simulations may not have readily revealed.

**Credibility**

Anney (2014) published an article in the *Journal of Emerging Trends in Educational Research and Policy Studies* and examined graduate level dissertations, concluding that “only 21 out [of] 323 employed the correct qualitative trustworthiness criteria, such as credibility, transferability, confirmability and dependability” (p. 272). This researcher employed methods that ensured validity and accuracy by focusing document collection efforts to auditable reports that were prepared for the public domain. Creswell and Creswell (2018) suggest that qualitative researchers employ multiple strategies to ensure credibility (add descriptions, expose bias, external auditors, incongruent themes, member checking, peer review, and triangulation). For example, Title I programs which served economically disadvantaged students, and Title III programs that supplemented English language learners outcomes, were denoted with foundational data points that measured reading outcomes (Texas Education Agency, 2020). However, to overcome the credibility issue, it was critically important for this qualitative researcher to be authentically transparent about any existing biases and/or political leanings and
that may have impacted the representation of numeric information that informed the document analysis.

**Dependability**

Patton (2015) noted that dependability in qualitative research is the systematic approach to following procedures and processes of the proposed research design. An analysis of elementary school student outcomes cannot depend solely on statistics provided by local school systems, but rather dependable research must also include the non-numeric analyses of documents and reports related to the ELL programs. According to the qualitative researchers’ guidelines published by Anney (2014), Bloomberg and Volpe (2016) and Patton (2015), the benefit of conducting a dependability analysis affords the opportunity for other researchers to examine parallel research questions and then analogously apply similar methods to subsequent studies and repeatedly produce similar findings and outcomes. Therefore, this researcher employed transparent systematic qualitative methods that were utilized to analyze and code documents collected from the U.S. Department of Education, the Texas Education Agency, and each school system, with a goal to ensure that the findings can be replicated by future researchers.

**Confirmability**

According to Bowen (2009) documents must be designed with specific content and must be analyzed employing multiple sources of information. Creswell and Poth (2018) maintained that researchers should consider triangulating multiple methods, sources, and theories to corroborate findings. Moreover, qualitative researchers should “establish an audit trail to verify the rigor…and confirmability of the data collected…to minimize bias, maximize accuracy, and report impartially” (Patton, 2015, p. 106). Therefore, confirmability was established through the
collection of federal, state, and local public domain program documents for each school system. The collection efforts were accompanied by this researcher’s notes which developed an audit trail that is available in the appendices of this study.

**Ethical Issues in the Study**

The ethical issues that may have resulted from exploring the efficacy of educational programs that served elementary school students were mitigated through this researcher’s acknowledgement of potential biases and adherence to FERPA guidelines. Engaging in research activities that would reveal the identity of the students was strictly forbidden without the consent of the parents. According to Bloomberg and Volpe (2016) ethical issues may become predominate during all phases of the research and researchers should become mindful of the possibility of ethical issues. Patton (2015) provided an *Ethical Issues Checklist* which serves as a guide for various qualitative approaches. However, for this document analysis, this researcher became cognizant of the data collection standards to avoid ethical issues of ownership. Therefore, to ensure ethical concerns were addressed, this researcher planned ahead and focused data collection efforts to publicly available documents and reports that helped to explain the English language learner programs which served elementary students enrolled in seven public K12 school systems.

**Conclusion**

The aim of this research was to understand English language learner programs that served elementary school students during the 2016-17 and 2017-18 fiscal years. The method by which the document analysis was conducted required that this researcher systematically collected, analyzed, and coded publicly available documents related to English learners in Texas. This analysis of public domain documents related to seven public K12 school systems in Texas
supported three primary research questions. The investigation included an extensive collection of
data and documents which supported research questions that explored appropriations and
expenses, how students were classified, and the educational outcomes of elementary school
students who were identified as economically disadvantaged and/or English language learners.

Federal laws, state statutes, and local policies in alignment with the Equal Protection
Clause guarantee that instruction be provided in a language that children understand, as argued in
*Lau v. Nichols* (1974) and that all children obtain equal access to educational opportunities, as
determined by the U.S. Supreme Court’s decision in *Plyler v. Doe* (1982). Equal access to
educational opportunities were guaranteed residents within the jurisdiction of a state in the nation
and instruction should be provided in a language that children understood were considerations of
the Equal Protection Clause. Conversely, policymakers and political leaders have submitted
proposals expressing needs for comprehensive immigration reform to combat the growing
problem of linguistically challenged student outcomes (Adams, 2017; Andrei et al, 2019;
rooted issues regarding the rights of residents and the fundamental responsibility of government
to serve its residents (*Plyler v. Doe*, 1982), so too were the inquiries that sought to understand
obstacles for linguistically challenged students ensured equal access to educational opportunities.
CHAPTER FOUR

FINDINGS

A qualitative multi-case study was conducted which required data collection and document analysis allowing the researcher to develop an understanding of an identified topic across multiple cases (Merriam, 2009). The following primary public domain documents were collected and analyzed – Texas Education Agency’s (2017) Consolidated State Plan; Texas Education Agency’s (2018) Biennial Report; Texas Education Agency’s (2017; 2018) Texas Academic Performance Reports; the U.S. Department of Education (2016) Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA); supplemental reports and policies that govern English language learner programs in seven independent school districts (ISDs), and comprehensive annual financial reports (CAFRs) for each district, the Texas Education Agency, and the U.S. Department of Education during the 2016-17 and 2017-18 fiscal years. These documents were analyzed to understand how Every Student Succeeds Act (2015); Equal Educational Opportunities Act (1974), Chapter 89 of the Texas Administrative Code, multiple chapters of the Texas Education Code, and the U.S. Const. amend. XIV, § 1, impact English language learner programs in Amarillo ISD, Austin ISD, Beaumont ISD, Brownsville ISD, Dallas, ISD, El Paso ISD, and Houston ISD during the 2016-17 and 2017-18 fiscal years.

The purpose of this study was to collect and analyze publicly available data to contribute to existing research that examined costs, operating procedures, and outcomes of programs that served immigrant and English language learners within seven independent school districts for the 2016-17 and 2017-18 fiscal years. This researcher’s findings and analyses will be presented in alignment with research questions. First, the next subsection is a discussion of the underpinnings
of *Every Student Succeeds Act of 2015* and the non-regulatory guidance issued by the U.S. Department of Education (2016) to state and local agencies which amended the responsibilities of educational entities required to operate English language learner programs. Second, findings associated with Title I and Title III of *Every Student Succeeds Act* (2015) funding requirements for the 2016-17 and 2017-18 fiscal years will be introduced and explained to gain insight into the U.S. Department of Education’s appropriations and expenses. Third, Title I and Title III funds which flow from the U.S. Department of Education through to the state educational agencies will be presented to demonstrate an alignment with appropriations and expenses and student classifications and enrollment for five state educational agencies with the largest percentages of English language learners during 2016-17 and 2017-18. The findings will show how the guidelines established by the U.S. Department of Education impact the appropriations and expenses, and requirements of the Texas Education Agency, thereby impacting each ISD’s English language learner program in the aforementioned. These findings will be discussed through the lens of the first research question.

Findings in this document analysis for the second research question will be presented initially through a description of the background of each ISD selected for this study. Following that background, a presentation of the percentages of students who were classified as Economically Disadvantaged, English language learners, ELL program appropriations, reading level outcomes for ELL students, and reading level outcomes for all students enrolled in grades three, four, and five during the 2016-17 and 2017-18 fiscal years will be discussed. Second, the findings and analysis for each of the seven ISD’s will be discussed separately to include the reading level results for grades three, four, and five for the 2016-17 and 2017-18 fiscal years. Each district reported an enrollment of twenty or more students of limited English proficiency in
the same grade level during fiscal years 2016-17 and 2017-18, in accordance with Chapter 29 of the Texas Education Code, were therefore required to establish a Bilingual or English language learner program. The aforementioned information along with a discussion of reading level outcomes and Texas identified Improvement Required (IR) district will be synthesized. The subsection supporting the second research question concludes with a summary of the findings.

In response to question three, findings of emergent themes identified during the analysis of public documents related to English language learner programs and the legal requirements of the Equal Protection Clause supported by the Educational Opportunities Act (1974) will be presented. A brief discussion of this researcher’s methods preceded the findings and analysis followed by discussions and summary. Emergent themes identified through analysis of public domain documents of the U.S. Department of Education, Texas Education Agency, Regional Education Service Centers, and seven independent school districts were synthesized to support the third research question which guided this study. Finally, this chapter will conclude with a summation of the findings and discussions across each subsection. Now the discussion will turn to the U.S. Department of Education’s guidelines for Every Student Succeeds Act of 2015.

**Guidelines of the U.S. Department of Education**

The 114th U.S. Congress enacted, and President Obama signed on December 10, 2015, the Every Student Succeeds Act (ESSA) of 2015 (20 U.S.C. § 6301 - § 8962) which amended the Elementary and Secondary Education Act of 1965, signed into law by President Johnson. Even though the Every Student Succeeds Act (2015) provided authorization of appropriations for fiscal years 2017 through 2020 which supported a multitude of educational programs, viewing the law through the lens of the first question which guided this study, three major themes emerged - appropriations and expenses, enrollment numbers and student classification, and guidelines and
policies of Title I, Part A – Improving Basic Programs Operated by State and Local Educational Agencies (20 U.S.C. § 6301) and Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act (20 U.S.C. § 6812). Public domain documents related to the U.S. Department of Education’s major educational programs included the annual financial agency reports for fiscal years 2016-17 and 2017-18, and the U.S. Department of Education (2016) Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA). The information obtained from these documents were analyzed in conjunction with the electronic version of the Every Student Succeeds Act (2015) and the most recent publicly available data provided by the National Center for Education Statistics (2019). Therefore, the analysis of the current U.S. Department of Education’s guidance will be discussed in the findings section below. However, prior to the findings related to the guidance issued by the U.S. Department of Education, major themes identified in data will be illustrated and analyzed.

Research Question One: Findings and Analysis

RQ1: How do guidelines of the U.S. Department of Education impact English language learner programs in seven of Texas’ public K12 school systems?

Based on the information corroborated in the annual financial reports, this researcher identified three primary themes when analyzing documents in the public domain related to Title I and Title III funds which support the first research question in this study – federal appropriation and expenses, student classification and enrollment, and policies designed to improve student outcomes. Each of the three major themes will be discussed for both Title I and Title III to demonstrate how the federal guidelines of the U.S. Department of Education impact English language learner programs in seven of Texas’ public K12 school systems. First, the discussion
will turn to federal appropriation and expenses, then classification and enrollment, and conclude with findings and analysis then discussion and summary of Title I and Title III policies.

**Appropriations and Expenses.** As shown in Figure 4.1, the U.S. Department of Education appropriated about $40 billion annually between fiscal years 2015-16, 2016-17 and 2017-18 to support major K12 educational programs (National Center for Educational Statistics, 2019). According to this reported information, the U.S. Department of Education’s fiscal year 2015-16 budget of approximately $40.3 billion was reduced to $38.5 billion in 2016-17, then annual appropriations increased to $39.1 billion for fiscal year 2017-18. Based on the information obtained from the U.S. Department of Education (2019), the annual appropriation for Title I was about $16.5 billion each year. However, as the data demonstrate, Title I appropriation for each fiscal year was reduced by approximately one million dollars from $16.6 billion in 2015-16, to 16.5 billion in 2016-17, and finally to $16.4 billion for the 2017-18 fiscal year. Additionally, while the Title I appropriations were reduced according to the U.S. Department of Education’s (2016) guidance, the list of responsibilities of state and local agencies regarding English language learner programs indicated that several of the provisions formerly required of Title III were relocated to Title I as a result of the Every Student Succeeds Act (2015). Among the changes that became effective July 1, 2017 were performance requirements of English language proficiency assessments which Title I, the largest educational program was now responsible for supporting (U.S. Department of Education, 2016).
This researcher acknowledges that the data shown for special education and school improvement supported by the U.S. Department of Education are the second and third largest annual appropriations for elementary and secondary educational programs, respectively. However, these grants support educational programs that are beyond the scope of this study. Therefore, the analysis of data related to appropriations for Title I and Title III are discussed.

Information obtained from the National Center for Education Statistics (2019) show that, for the 2015-16, 2016-17, and 2017-18 fiscal years, annual appropriations to support educational programs that serve English Language Acquisition were less than $780 million (see Figure 4.1).

When analyzing appropriations and expenses for Title I and Title III, however, this researcher found that the U.S. Department of Education’s annual financial reports (AFR) were not consistent across fiscal years. The inconsistencies across the fiscal years identified in this study impacted the findings discussed in this research. Although the U.S. Department of Education was responsible for supplementing the mandated programs, this researcher found that
the expenses were difficult to ascertain. For example, the U.S. Department of Education’s (2018) AFR showed that Title I expenses for fiscal year 2017-18 totaled $15.243 billion; Title III expenses were $693 million; and the total overall expenses to support major educational programs were reported to be $36.455 billion for that same year (p. 61). Conversely, the AFR for fiscal year 2016-17 does not readily provide this information in the public domain. Rather, embedded hyperlinks within the pages of the document redirected the reader to webpages and as recommended in the AFR suggested that the public read the contents of the AFR on the Internet (U.S. Department of Education, 2017). The hyperlinks redirected the reader to budget appropriations and discussions but did not provide expenses for grant programs. Finally, in the Management’s Discussion and Analysis section of the 2016-17 AFR, there was mention of the enhancement of content to provide more useful information of grant and loan program costs and risks, then later informed the public that the “expenditures are discussed at a high level in the AFR” (U.S. Department of Education, 2017, p. 2). This researcher found that in the 2018 AFR, however, Title I expenses, Title III expenses, and other major elementary and secondary educational program grant expenses were clearly delineated within the body of the annual financial report, and did not require additional webpages (U.S. Department of Education, 2018). This concludes the analysis of findings for appropriations and expenses and the discussion will now turn to the second theme identified in the document analysis – student classification and enrollment.

**Student Classification and Enrollment.** While the nationwide K12 public school enrollment for the 2016-17 and 2017-18 hovered around 50 million total students, the number of students classified as eligible for free or reduced lunch (economically disadvantaged students) grew from 23.5 million in 2010-11 to 26.1 million in 2016-17 and 26.3 million in 2017-18 (U.S.
Department of Education, 2019). For the 2017-18 fiscal year, this number was approximately 53% of the total student enrollment in public schools. Among the largest number of economically disadvantaged students, many were enrolled in California and Texas at over three million students in each state per year during the 2016-17 and 2017-18 fiscal years (see Figure 4.2). Schools that served students classified as economically disadvantaged were supported by Title I funds. For the 2017-18 fiscal year economically disadvantaged students were approximately 59% of Texas’ total public school enrollment (National Center for Education, Statistics, 2019). Florida, Illinois, Georgia (not pictured), and New York classified over one million students as economically disadvantaged and thereby were supported by Title I funds for 2017-18 (National Center for Education Statistics, 2019).

**Figure 4.2**

*Economically Disadvantaged Students, 2010-11, 2016-17 and 2017-18*
As previously mentioned approximately 50 million students were enrolled in the nation’s public schools, and 53% were classified as economically disadvantaged during both the 2016-17 and 2017-18 fiscal years. Further, according to data obtained from the U.S. Department of Education (2019), four of the five states which reported the highest number of English language learners (California, Illinois, New York, and Texas) also showed an increase in the number of ELL students between 2016-17 and 2017-18. Moreover, as shown in Figure 4.3, public school systems throughout the United States identified that the number of students who were identified as English language learners increased from 4,858,377 in fiscal year 2016-17 by 94,331 students to 4,952,708 in 2017-18 (U.S. Department of Education, 2019).

Figure 4.3

*English Language Learners in Public Schools, 2016-17 and 2017-18*
According to the non-regulatory guidance of the U.S. Department of Education (2016) to help state and local educational agencies meet obligations of the *Every Student Succeeds Act* (2015), ELLs were “among the fastest-growing populations in our Nation’s schools. Els comprise nearly 10 percent of the student population nationwide…[and for Texas]…even higher” (p. 3). Data also showed that the number ELL student enrollment for Florida declined slightly in 2017-18 to 280,540 from a total of 288,921 in 2016-17, which was a decrease from 0.4%, but still maintained at around 10.1% of overall student enrollment in Florida public schools. Conversely, as previously mentioned, Texas was among the states that reported an increase of ELL enrollment. During the 2017-18 fiscal year, Texas public elementary and secondary school systems were responsible for educating around 5.1 million students with a total of 926,325 English language learners which was 18% of the overall student population. As illustrated in Figure 3, of the five states with the greatest number of English language learners, only California showed similar percentages to Texas during 2016-17 and 2017-18 with 19% of the 6.2 million children enrolled identified as ELLs.

The research question which guided this section of analysis focused on the guidelines that impact English language learner programs. The appropriations and expenses laid the foundational understanding of the funding that supported English language learner programs but policies of local educational agencies required to operate these educational programs were not presented. Therefore, the discussion of findings will now turn to Title III policies that support English Language Acquisition in accordance with *Every Student Succeeds Act* (2015).

**English Language Acquisition Policies and Procedures.** Public domain documents that contain policies and procedures related to the guidance issued by the U.S. Department of Education (2016) outlined three primary responsibilities for state and local educational agencies
– (1) adhere to the English Language Proficiency Standards (ESEA § 1111 (b)(1)(F)); (2) abide by the Entrance and Exit Procedures (ESEA § 3113(b)(2)); and (3) ensure that Educators of English Learners engage in “effective” professional development (ESEA § 3115 (c)(2)).

Additionally, the Every Student Succeeds Act (2015) required that state educational agencies, after consulting with the Governor, submit a consolidated state plan which provided assurances that appropriations would be used in accordance with program requirements, in order to receive funding. Although on September 25, 2017 the commissioner of the Texas Education Agency submitted the Texas Consolidated State Plan (2017) which was approximately two weeks after it was signed by Governor Abbott, the final consolidated state plan was finally approved by the U.S. Department of Education on March 26, 2018. After numerous negotiations, the Texas Education Agency submitted ESSA Appendix-H, the plan by which Title III would be implemented in Texas public school systems.

The Texas Education Agency’s (2017) state plan showed that two pieces of Texas legislation needed to be amended to ensure state and local educational agencies would be in alignment with the requirements to Title III - Chapter 89 of the Texas Administrative Code (TAC 89); and Chapter 29 of the Texas Education Code (TEC 29). The Texas Education Agency’s (2017) ESSA Appendix-H showed that stakeholders from each of the 20 Regional Education Service Centers and school districts were consulted through meetings, trainings, and webinars to finalize the statewide entrance and exit procedures, LPAC framework, and statewide assessments to ensure English Language Proficiency of students in all of Texas’ public K12 school systems. Each of the Regional ESCs would then be required to conduct annual trainings on standardized assessments, entrance and exit procedures, LPAC Framework Manual, and provide professional development.
English Language Acquisition procedures were outlined in local policy *EHBE (Legal): Special Programs Bilingual/ESL* that adhered to amended state policy (TAC 89 and TEC 29). According to the Texas Association of School Boards (2020) legally referenced policies reflect current law and are updated as the laws are updated. The legal policy defined Title III requirements and the independent school district’s responsibilities to adhere to statewide entrance and exit procedures, design programs, develop LPAC procedures, evaluate programs, and notify parents of their rights and responsibilities regarding the placement of their child.

EHBE (Legal) was updated during July 2020 by six of the seven school districts identified in this study. A school district in the seat of state government Austin ISD updated and issued EHBE (Legal) on December 19, 2018 (Austin Independent School District, 2020)

Each school district selected for this study classified a significant percentage of expenses to support Economically Disadvantaged (Title I) students in 2017-18. And all seven school systems identified more than 10% of the student population as English language learners (Title III) and reported expenses that were required to support these students (see Table 4.1). Themes of student classifications and identifications impacted Title I and Title III appropriations and expenses, and thereby ensured that local program practices aligned with state and ultimately federal policies. However, though all seven of the districts updated EHBE (Legal) and reported appropriations and expenses for both Title I and Title III programs, this researcher found inconsistencies related to EHBE (Local) policy issued dates across each district (see Table 4.1).
Table 4.1

Appropriations, Expenses and Policies, FY2017-18

<table>
<thead>
<tr>
<th>School District</th>
<th>Total Actual Appropriation (Exhibit G-1)</th>
<th>Expenses Title I (84.010A) (Exhibit K-1)</th>
<th>Expenses Title III (84.365A) (Exhibit K-1)</th>
<th>Expenses Title VI Summer LEP (84.369A)</th>
<th>Issue Date of EHBE (Local)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AISD1</td>
<td>$274,916,047</td>
<td>$8,737,219</td>
<td>$541,979</td>
<td>N/A</td>
<td>7/8/1991</td>
</tr>
<tr>
<td>AISD2</td>
<td>$1,294,177,811</td>
<td>$24,447,349</td>
<td>$3,091,310</td>
<td>$159,971</td>
<td>5/29/2020</td>
</tr>
<tr>
<td>BISD1</td>
<td>$160,018,925</td>
<td>$7,654,758</td>
<td>$264,586</td>
<td>$9,497</td>
<td>7/8/1991</td>
</tr>
<tr>
<td>BISD2</td>
<td>$474,146,848</td>
<td>$26,070,676</td>
<td>$1,329,906</td>
<td>$136,219</td>
<td>7/8/1991</td>
</tr>
<tr>
<td>DISD</td>
<td>$1,449,198,269</td>
<td>$73,957,523</td>
<td>$7,710,888</td>
<td>$10,403</td>
<td>4/29/2015</td>
</tr>
<tr>
<td>EPISD</td>
<td>$493,918,296</td>
<td>$25,660,439</td>
<td>$1,482,189</td>
<td>$60,078</td>
<td>6/13/2019</td>
</tr>
<tr>
<td>HISD</td>
<td>$1,990,436,998</td>
<td>$106,444,112</td>
<td>$10,275,388</td>
<td>$218,505</td>
<td>7/1/2000</td>
</tr>
</tbody>
</table>

Note: Information was compiled from multiple district and state reports. Adapted from "Policy Online" by Each Independent School District, 2020; "Comprehensive Annual Financial Reports" published by Texas Education Agency, 2018, 2019.

As illustrated in Table 4.1, Amarillo Independent School District’s (AISD1) last updated the local policy that governed the English language learner program in the district entitled Special Programs Bilingual/ESL on July 8, 1991, although AISD1 reported that Title I expenses were $8.7 million, and the Title III expenses were $542 thousand in 2017-18. Austin Independent School District’s (AISD2) local program policy that served ELL students was the most recently updated of all seven districts, with an issued date of May 29, 2020. AISD2 expended $24.4 million of Title I funds to support economically disadvantaged students and utilized nearly $3.1 million of Title III funds to support English language learners. Beaumont Independent School District (BISD1) amended the local policy on July 8, 1991 and reported expenses of almost $7.7 million for Title I and less than $300 thousand for Title III for the 2017-18 fiscal year. Conversely, Brownsville Independent School District (BISD2) updated the local policy and program procedures in July 8, 1991, but expended $26 million to support economically disadvantaged students and approximately $1.3 million to support English learners.
Given that Dallas Independent School District (DISD) amended the local policy April 29, 2015, which was the second most recently updated policy of all seven districts, the economically disadvantaged students were supported with expenses that approached $74 million in 2017-18. Additionally, as shown in Table 4.1, English language learners enrolled in DISD obtained services that were supported by Title III expenses of $7.7 million for the 2017-18 fiscal year. El Paso Independent School District (EPISD) program procedures were most recently updated June 13, 2019. Title I expenses were reported to have been $25.7 million and Title III program expenses were about $1.5 million in EPISD for the 2017-18 fiscal year (see Table 4.1). Finally, Houston Independent School District (HISD) amended Special Programs Bilingual/ESL twenty years ago on July 1, 2000 and expended $106 million in Title I and $10.3 in Title III in 2017-18.

**Discussion**

The findings showed that although the *Every Student Succeeds Act (2015)* was signed by President Obama in December 2015, and the U.S. Department of Education issued its guidance nine months later in September 2016, local independent school districts in Texas, although required to align ELL procedures with federal laws, did not amend their local policies. So, the rudimentary response to the question of, how do the U.S. Department of Education guidelines impact English language learner programs in seven of Texas’ public K12 school systems? could not be confirmed absent clarification that Texas amended its laws to ensure that it would receive Title III funding for fiscal year 2017-18. Conversely, the comprehensive response to the research question, therefore, must also include a consideration of the major themes which aligned appropriations and enrollment with federal funding and amended state educational laws.

Despite the local policy update delays as were illustrated in Table 4.1, Texas public K12 school systems were required to follow federal regulations, amended state laws, and legal and
local policies to support equal access to educational opportunities for all children, including immigrant and non-English speaking students who resided within the jurisdiction of the Texas independent schools systems during (Texas Education Agency, 2020). Therefore, the response to the first research question must be supported by Texas Education Agency’s appeal to the legislature to amend Chapter 89 of the Texas Administrative Code and Chapter 29 of the Texas Education Code which ensured funding that supported statewide entrance and exit procedures, the LPAC framework, and standardized assessments which aligned with the requirements of the Every Student Succeeds Act (2015). As demonstrated by the updates to the policy manual for each district which was supported by the Texas Association of School Board’s legally referenced policy EHBE (Legal): Special Programs Bilingual/ESL reflected the mandates of state and federal laws that impacted the English language learner programs and were not required to be adopted by school boards. However, the locally adopted policies are directives from each school board to district on what must be done to support the federal laws and state statutes.

**Summary**

The U.S. Department of Education was responsible for ensuring the educational achievement of approximately 50 million students during the 2016-17 and 2017-18 fiscal years. Annual financial reports showed that during 2016-17 and 2017-18 the U.S. Department of Education was responsible for appropriating approximately $40 billion to support major educational programs that served elementary and secondary school students. Through its funding, policies and programs, state and educational agencies share the responsibility to ensure that student attain equal access to educational opportunities. Title I was designed to ensure that all children receive “fair, equitable, and high-quality education, and to close educational

This multi-case study examined the mandate that state and local agencies align their policies with the new Title I and Title III funding requirements for fiscal year 2017-18, or lose the funding to supplement 10% to 18% of the students, (U.S. Department of Education, 2016). This researcher found that after several attempts, the stakeholders of the Texas Education Agency, Regional Education Service Centers, and Independent School Districts collaborated to eventually amend policies and programs to align with the Every Student Succeeds Act (2015). Additionally, comprehensive annual financial reports (2017; 2018) demonstrated how Title I and Title III appropriations and expenses were reported for local educational agencies. However, CAFRs for the U.S. Department of Education were not consistent across fiscal years. Although education is a state and local responsibility, federal funding is required to support national programs. Therefore, the U.S. Department of Education shares the responsibly with state and local educational agencies to ensure that all children attain equal access to educational opportunities.

**Research Question Two: Findings and Analysis**

**RQ2: How do elementary school students enrolled in English language learner programs outcomes compare to non-English language learners in elementary schools within the seven public K12 school systems in Texas?**

Title I expenses were categorized by CFDA Number 84.010A and supported economically disadvantaged children. Additionally, Title III expenses identified by CFDA Number 84.365A supported educational programs which were designed to enhance academic achievement for English language learners. Further, Title VI expenses were categorized by
CFDA Number 84.369A were utilized to support the *Every Student Succeeds Act* (2015) state requirements. As previously mentioned, standardized assessments and procedures must align with the Title III requirements of the *Every Student Succeeds Act* (2015). Therefore, standardized performance indicators which aligned with the mandates of *Every Student Succeeds Act* (2015), were identified by the Texas Education Agency (2019) as performance indicators. This research employed the *approaches reading level outcomes* as the primary performance indicator which measured English language proficiency in grades three, four and five in 2016-17 and 2017-18.

In accordance with Chapter 8 of the Texas Education Code to support English language proficiency and student achievement, the commissioner of education established twenty strategically geographically located regional Education Service Centers (ESCs) in Texas. ESCs assist districts in meeting state and federal accountability standards, improve student performance, and implement legislative and other state mandated requirements. As shown in Figure 4.4, each ESC in Texas was assigned a regional number and served as liaisons between the Texas Education Agency and each independent school district to support state initiatives. Each ESC is led by a board, administrators, and staff to support student achievement.
Four of the seven ISDs (Amarillo ISD, Beaumont ISD, Dallas ISD, and El Paso ISD) are geographically located within one of the ESCs which borders a neighboring state. Brownsville ISD is in an ESC which borders Mexico. The ESC which provides service to Houston ISD borders the Gulf of Mexico. Two districts were among the top six largest metropolitan areas (Dallas and Houston) in the United States, at the time of this study (U.S. Census, 2020). And one district (Austin ISD) is located within proximity of the seat of Texas government. Findings and analysis that supported the second research questions for each district will be discussed below.

**Amarillo Independent School District.** Amarillo ISD is located at the northern region of the state of Texas, most notably referred to as the Texas Panhandle, and is supported by Region 16 ESC, as shown in Figure 4.4. The mission of Region 16 ESC is to serve districts by
“enhancing student success by providing quality services” (Region 16 Education Service Center, 2020, para 2). Amarillo ISD may voluntarily participate in professional development, Language Proficiency Assessment Committee (LPAC) trainings, Bilingual Education and English as a Second Language certification courses and workshops to promote district compliance and adherence to state and federal policy guidelines for educating immigrant and ELL students.

AISD1 reported a total enrollment of 33,066 students in 2016-17 (see Table 4.2). As previously mentioned, of the total student enrollment during the 2016-17 fiscal year, 22,518 students which was 68.1% were classified as economically disadvantaged and therefore, were supported by Title I funds. Moreover, five thousand students, or 15.2% of the overall enrollment, were identified English language learners, and thereby participated in programs that were supplemented with Title III funds (see Table 4.2). As illustrated in Table 4.1, during the 2017-18 fiscal year, AISD1 reported $541,979 in Title III program expenses that supported 5,080 students identified as English language learners. Although, AISD1 identified slightly more students who were ELLs during 2017-18 which was of the 32,771 students and increase of .03, this percentage was also representative in the increase to students who were classified as economically disadvantaged during the same year (see Table 4.3). Although the percentage points showed a slight increase for both economically disadvantaged and English language leaners in AISD1, the overall number of students decreased from 33,066 in 2016-17 to 32,771 in 2017-18. In one fiscal year, the student enrollment in AISD1 declined by 295 children.
Table 4.2

2016-17 Enrollment for Seven Independent School Districts

<table>
<thead>
<tr>
<th>School District</th>
<th>Total Enrollment</th>
<th>Economically Disadvantaged</th>
<th>ED %</th>
<th>English Language Learners</th>
<th>ELL %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amarillo ISD</td>
<td>33,066</td>
<td>22,518</td>
<td>68.1%</td>
<td>5,026</td>
<td>15.2%</td>
</tr>
<tr>
<td>Austin ISD</td>
<td>82,766</td>
<td>44,114</td>
<td>53.3%</td>
<td>23,340</td>
<td>28.2%</td>
</tr>
<tr>
<td>Beaumont ISD</td>
<td>19,176</td>
<td>15,207</td>
<td>79.3%</td>
<td>2,071</td>
<td>10.8%</td>
</tr>
<tr>
<td>Brownsville ISD</td>
<td>46,799</td>
<td>44,927</td>
<td>96.0%</td>
<td>15,631</td>
<td>33.4%</td>
</tr>
<tr>
<td>Dallas ISD</td>
<td>157,787</td>
<td>138,537</td>
<td>87.8%</td>
<td>69,268</td>
<td>43.9%</td>
</tr>
<tr>
<td>El Paso ISD</td>
<td>59,246</td>
<td>41,176</td>
<td>69.5%</td>
<td>16,530</td>
<td>27.9%</td>
</tr>
<tr>
<td>Houston ISD</td>
<td>215,408</td>
<td>166,080</td>
<td>77.1%</td>
<td>68,500</td>
<td>31.8%</td>
</tr>
</tbody>
</table>

*Note.* Student enrollment data was retrieved from multiple reports which were submitted by each school district for the 2016-17 fiscal year. Adapted from "2016-17 Texas Academic Performance Reports," by Texas Education Agency (2018).

Table 4.3

2017-18 Enrollment for Seven Independent School Districts

<table>
<thead>
<tr>
<th>School District</th>
<th>Total Enrollment</th>
<th>Economically Disadvantaged</th>
<th>ED %</th>
<th>English Language Learners</th>
<th>ELL %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amarillo ISD</td>
<td>32,771</td>
<td>22,415</td>
<td>68.4%</td>
<td>5,080</td>
<td>15.5%</td>
</tr>
<tr>
<td>Austin ISD</td>
<td>81,346</td>
<td>43,439</td>
<td>53.4%</td>
<td>22,370</td>
<td>27.5%</td>
</tr>
<tr>
<td>Beaumont ISD</td>
<td>18,826</td>
<td>14,891</td>
<td>79.1%</td>
<td>2,090</td>
<td>11.1%</td>
</tr>
<tr>
<td>Brownsville ISD</td>
<td>45,535</td>
<td>43,623</td>
<td>95.8%</td>
<td>14,799</td>
<td>32.5%</td>
</tr>
<tr>
<td>Dallas ISD</td>
<td>156,726</td>
<td>135,881</td>
<td>86.7%</td>
<td>69,273</td>
<td>44.2%</td>
</tr>
<tr>
<td>El Paso ISD</td>
<td>58,178</td>
<td>40,666</td>
<td>69.9%</td>
<td>16,348</td>
<td>28.1%</td>
</tr>
<tr>
<td>Houston ISD</td>
<td>213,528</td>
<td>160,146</td>
<td>75.0%</td>
<td>67,261</td>
<td>31.5%</td>
</tr>
</tbody>
</table>

*Note.* Student enrollment data was retrieved from multiple reports which were submitted by each school district for the 2017-18 fiscal year. Adapted from "2017-18 Texas Academic Performance Reports," by Texas Education Agency (2019).

Comprehensive Annual Financial Reports (CAFRs) showed a total actual general fund revenue of $266,608,203 for the 2016-17 fiscal year and $274,916,047 in 2017-18 from local,
state, and federal sources for AISD1. The district reported that for 2016-17, nearly $450 thousand was delineated as Title III expenses and increased to over $540 thousand in 2017-18 (see Table 4.1). Approximately $12 thousand in Title VI expenses were reported for 2016-17 (Amarillo Independent School District, 2020). Further, as shown in Figures 4.5 and 4.6, the English language learners enrolled in grades three, four, and five consistently performed below the overall district on the approaches reading level outcomes performance indicator for both 2016-17 and 2017-18 fiscal years. Concomitantly, though nearly 68% of all children in AISD1 were classified as economically disadvantaged and supported with Title I appropriations, only 15.5% of the students were identified as ELLs in 2017-18 and supplemented with Title III funds.

Figure 4.5

Approaches Grade Level Reading, 2016-17
**Austin Independent School District.** AISD2 students and community members sit in the seat of Texas government for they reside in the state’s capitol, Austin, Texas. Region ESC 13, as shown in Figure 4.4, serves AISD2 and neighboring districts through assistance with ELL program design, BE/ESL certification courses, offsite/onsite professional trainings, programs for at-risk students, and workshops (Region 13 ESC, 2020). Although supported by the services of ESC13, student enrollment was 82,766 in 2016-17, as illustrated in Figure 4.6. However, the overall student enrollment decreased by 1,420 students to 81,346 in 2017-18 and ELL enrollment decreased from 23,340 in 2016-17 by 970 students to 22,370 in the 2017-18 fiscal year (see Table 4.3).

Given that AISD2 CAFRs showed that student enrollment declined, the appropriation for 2016-17 was $1,189,363,505 and increased by $105 million to $1,294,177,811 in 2017-18. Conversely, nearly $2,388,051 supported 23,340 ELLs in 2016-17 and these Title III expenses
increased to $3,091,310 in the 2017-18 and served 970 less students (see Table 4.1). During 2016-17 Title VI expenses were $2,463 and these expenses increased to $159,971 in 2017-18.

Approaches grade level outcomes, as illustrated in Figure 4.5, for English language learners enrolled in grades three, four, and five consistently fell below the district levels. However, third grade ELLs showed improvement from 63% in 2016-17 to 71% in 2017-18, as illustrated in Figures 4.5 and 4.6. Further, district level reading data for grade three students increased from 75% in 2016-17 by five points to 80% in 2017-18 (see Figure 4.6).

Beaumont Independent School District. Beaumont ISD and other districts located in east Texas are supported by Region ESC 5 which share borders with the state of Louisiana. ESC 5 provides services through campaigns to reach 100% EL graduation, community service fairs, cultural events, LPAC committee support, parent information meetings, and onsite visitations (Region 5 Education Service Center, 2020) As illustrated in Table 4.2, during the 2016-17 fiscal year a total of 19,176 students were enrolled in BISD1 and supported by ESC 5. However, overall enrollment decreased by 350 students to 18,826 in 2017-18 (see Table 4.3). Seventy-nine percent of the children enrolled in the district were classified as economically disadvantaged students in 2016-17 and 2017-18 fiscal years and 11% of the students were identified as ELLs (Texas Education Agency, 2018; 2019).

Comprehensive Annual Financial Reports showed that a total actual general fund revenue of $149,967,623 for the 2016-17 school year and $160,018,925 in 2017-18. The district reported that for 2016-17, $187,538 was delineated as Title III expenses which supported ELL programs, and increased by more than $77,000 to $264,586 the next fiscal year. Although BISD1 did not report Title VI expenses in 2016-17, in 2017-18 the district reported that $9,497 in expenses were attributed to Title VI Summer LEP program. Therefore, programs supplemented
by increased Title III funds also showed improvement for grades three through five and exceeded district results. Third grade ELL approaches reading levels showed the largest increase from approximately 55% in 2016-17 to 70% in 2017-18 in Beaumont ISD (see Figures 4.5 and 4.6).

**Brownsville Independent School District.** Brownsville ISD, as shown in Figure 4.4, is part of a cluster of districts in eight counties that sit along the Texas and Mexico borders with opportunities to participate in academies, family conferences (in English and Spanish), phone calls, site visits, webinars, and workshops offered by Region 1 ESC (Region One Education Service Center, 2020). Enrollment during the 2016-17 fiscal year was 46,799, but decreased by 1,264 students to 45,535 in 2017-18 (see Tables 4.2 and 4.3). Although 96% of the enrollment in BISD2 in 2016-17 and 2017-18 were categorized as economically disadvantaged students and approximately 33% were identified as English language learners, the Texas Academic Performance Reports showed that English language learners in grades three, four, and five consistently performed at lower reading levels than the district (Texas Education Agency, 2018; 2019). CAFRs for this district showed a total actual general fund revenue of $470,516,347 for the 2016-17 fiscal year and $474,146,848 in 2017-18 from local, state, and federal sources combined. As detailed in Table 4.1 ELL programs in BISD2 decreased from $1,568,991 in 2016-17 to $1,329,906 in 2018-18. Although the district did not report expenses for Title VI in 2016-17, BISD2 did utilize a total amount of $136,219 of these funds in 2017-18 (Brownsville Independent School District, 2020).

**Dallas Independent School District.** Dallas ISD is located in a large metropolitan area of northwest Texas and supported by the services Region 10 ESC that offers its districts opportunities to participate in a technology driven LPAC framework support system developed uniquely for its users, called *Edugence* (Region 10 Education Service Center, 2020). According
to the U.S. Census Bureau (2020), Dallas ISD is the second largest school district in the state of Texas, due to its student enrollment. Total student enrollment for Dallas ISD in 2016-17 was 157,787 and 156,726 students in 2017-18 (see Tables 4.2 and 4.3). Approximately 87% of the enrollment in DISD were economically disadvantaged students and 44% were identified English language learners in 2016-17 and 2017-18.

Comprehensive Annual Financial Reports show a total actual general fund revenue of $1,419,758,623 for the 2016-17 school year and $1,449,198,269 in 2017-18 from local, state, and federal sources combined. The district reported $7,022,556 for 2016-17, and $7,710,888 in 2017-18 as Title III expenses (see Table 4.1). Title IV expenses were $13,350 in 2016-17 and reduced to $10,403 in 2017-18 (Dallas Independent School District, 2020). However, elementary school students enrolled in grades three, four, and five showed that the approaches grade level reading results for ELL students in DISD consistently averaged at higher percentage points than did the district approaches grade level reading results for the 2016-17 (see Figure 4.5). Findings show similar results for ELL students during the 2017-18 fiscal year in DISD (see Figure 4.6).

**El Paso Independent School District.** West Texas school districts served by Region 19 ESC abut the borders of northern Mexico cities and the southern border of the state of New Mexico (see Figure 4.4). Supported by a mission to ensure success through continuous improvement, Region 19 ESC offers its school districts and charter schools opportunities to participate in border conferences, professional development, LPAC trainings and resources, including access to a paperless content sharing tool called, *LiveBinders* (Region 19 Education Service Center, 2020). According to the Texas Academic Performance Reports, total student enrollment for El Paso ISD decreased by 1,068 students from 59,246 students in 2016-17 to 58,178 students in 2017-18 (see Table 4.3).
During the 2016-17 and 2017-18 fiscal years, approximately 70% of El Paso ISD’s enrollment were classified economically advantaged students, and 28% identified as English language learners (Texas Education Agency, 2018; 2019). The CAFRs for these years show a total actual general fund revenue of $496,857,668 and $493,918,296, respectively (El Paso Independent School District, 2020). The district reported that for 2016-17, $1,380,545 was delineated Title III expenses which supported ELL programs. Although ELL enrollment remained primarily the same, revenue for this category increased by nearly $102 thousand to $1,482,189 during the 2017-18 fiscal year (see Table 4.1). Additionally, EPISD did not report Title VI expenses for 2016-17. However, for 2017-18, an allocation of over $60 thousand supported Summer School LEP programs (El Paso Independent School District, 2020).

Even though nearly 28% of the student enrollment in EPISD identified as ELL program participants, the approaches grade level reading percentages for the district were among the highest of elementary school students in grades three, four, and five during the 2016-17 and 2017-18 fiscal years (see Table 4.6). Conversely, ELL elementary students in grades three, four, and five during 2016-17 were either six or ten points lower than the district levels. However, during 2017-18 the approaches grade level readings points for grades three and grades five increased significantly to within one or two points of the district levels, and among the top for all elementary students identified as ELLs in this study (Texas Education Agency, 2018; 2019).

**Houston Independent School District.** The students and staff of Houston ISD may participate in programs and services offered by Region 4 ESC, which embodies the vision set forth by the state to “aim for excellence” through conferences, online store, and workshops (Region 4 Education Service Center, 2020). According to the U.S. Census Bureau (2020), based on student enrollment, Houston ISD is the largest school district in the state of Texas. Total
enrollment in 2016-17 were 215,408 students and decreased by 1,880 to 213,528 students in 2017-18 (see Table 4.3). Seventy-seven percent of the students enrolled in Houston ISD during 2016-17 were categorized economically disadvantaged and nearly 32% identified as English language learners. During 2017-18, the percentage of ELLs remained steady at 32% while the economically disadvantaged students reduced to 75% of overall enrollment. The Texas Academic Performance Reports showed that English language learners in grades three, four, and five performed at a lower reading level than the district in 2016-17. However, during 2017-18 third grade English language learners performed at the same level of the district’s grade three (Texas Education Agency, 2018; 2019).

Independently audited CAFRs show that Houston ISD reported a total actual general fund revenue of $1,792,347,640 for the 2016-17 fiscal year and $1,990,436,998 in 2017-18 from local, state, and federal sources combined. The district reported for fiscal year 2016-17 expenses of $6,570,237 from Title III funds designed to support ELL programs. The next fiscal year, the district reported approximately $3.7 million more than the previous year, and reported that expenses were a total $10,275,388 for Title III. Conversely, expenses for Title VI decreased from $410,623 in 2016-17 to $218,505 in 2017-18 (see Table 4.1).

Despite the increases to combined general fund revenue and Title III, Part A funding, the Houston ISD districtwide approaches grade level reading for ELL elementary school students consistently fall at or among the lowest of all school systems selected in this study. As shown in Figure 5, Sixty-six percent of all 3rd grade students approached grade three reading levels in 2016-17, while an accompanying 65% of grade three ELL students approached grade level reading. These percentages were identical at 71% during 2017-18 (see Figure 6).
Discussion

The findings show three primary emerging themes to support the second research question. First, each district reported more than fifty percent of students were eligible for free and reduced lunch. In some cases (Brownsville ISD and Dallas ISD) these percentages either approached or exceeded ninety percent of the student population. Second, each district reported that English language learners were more than the national average of ten percent of the student population. ELLs in Austin ISD, Brownsville ISD, El Paso ISD, Dallas ISD and Houston ISD either approached or exceeded one-third of the of all enrollment during the 2017-18 fiscal year. The third theme that emerged from the study supported the significance of the second research question that analyzed English learners to district level outcomes. Although the outcomes are not consistent across each district, for fiscal year 2016-17, ELLs in Beaumont ISD and Dallas ISD outperformed the district approaches reading levels for grades three, four, and five. During the 2017-18 similar results were reported for both Beaumont ISD and Dallas ISD English learners.

Summary

The independently audited 2016-17 and 2017-18 comprehensive annual financial reports collected for all seven school districts were analyzed and provided an understanding of how funding for Title I and Title III was expended to support the requirements of these two major programs. The annual Texas Academic Performance Reports for 2016-17 and 2017-18 provided program information, State of Texas Assessments of Academic Readiness (STAAR) results, and student demographics for school systems selected in this study. These documents were viewed through the lens of the second research question. This researcher discovered that, despite economic conditions of students of students who are attaining English Language proficiency, many of these students perform at reading levels that exceed their districts. Additionally, this
researcher learned that although financial reports help lay the foundation of how the programs are funded, performance reports are essential to understanding how the funding supplemented the programs that supported student achievement.

**Research Question Three: Findings and Analysis**

According to the decisions in *Lau v. Nichols* (1974) and *Plyler v. Doe* (1982), children immigrant or otherwise, identified as English learners who reside in the jurisdiction of a state or territory of the United States are protected by the Equal Protection Clause. These Supreme Court rulings guarantee equal access to public K12 educational opportunities in the same manner that children of citizens would obtain education (*Lau v. Nichols*, 1974; *Plyler v. Doe*, 1982). Therefore, to address the final question of this study, this researcher analyzed voluminous publicly available documents that contained archival student data and federal, state, and local educational agency financial information for the 2016-17 and 2017-18 fiscal years. The qualitative research guidelines prescribed by Bowen (2009), Creswell and Creswell (2018), Merriam (2009), and Patton (2015) were considered along with the research questions to identify major emergent themes. These major themes were viewed through the lens of the seven primary tenets of the *Equal Educational Opportunities Act* (1974) and the *Equal Protection Clause* which states that:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (U.S. Const. amend. XIV, § 1, 1868)
Method

First, an electronic folder was created to maintain financial reports and policies related to the guidelines established to support English learner programs. After an initial analysis of the documents available through the U.S. Department of Education, the Texas Education Agency, and each school system, additional documents from each district’s regional education service center were added to the electronic folder. Second, an electronic folder was created for each school system with documents that included reading results for elementary school students. The documents were organized by multiple categories for each elementary grade level. After identifying the major theme of reading proficiency, the documents were then organized by each school system to identify approaches grade level reading results for grades three through five. Third, Comprehensive Annual Financial Reports (CAFRs) and Texas Academic Performance Reports (TAPRs) for each district were analyzed to identify themes of the Equal Protection Clause. After categorizing the documents by district total enrollment, ELL program enrollment, expenditures, debt level, and revenue, the documents were then organized to identify enrollment by total, economically disadvantaged, and ELL enrollment. The documents were then analyzed for evidence of the three major themes that support legal requirements of the Equal Protection Clause. The three major themes extrapolated from this document analysis and consistently organized to identify appropriations, student classifications, and policies. The primary policies which guided the analysis - Every Student Succeeds Act (2015), the Texas Education Code, and EHBE (Legal): Special Programs Bilingual/ESL were discussed in conjunction with the legal requirements of the Equal Educational Opportunities Act (1974) and Equal Protection Clause.
Emergent Themes and the Equal Protection Clause

RQ3: How do emerging patterns and themes extrapolated and identified through a document analysis of English language learner programs in Texas reflect the legal requirement of the Equal Protection Clause?

**Every Student Succeeds Act (2015).** When analyzing the electronic copy of the *Every Student Succeeds Act* (2015) this researcher searched for three major themes that consistently emerged through the initial analysis: civil rights, equal access, and equal educational opportunities. The phrase “civil rights” appeared twelve times in the document. ESSA (2015) mandated that state and local educational agencies comply with all applicable Federal, State, and local health, safety, and civil rights laws. Additionally, the application submitted by the state educational agencies must include assessment developed in collaboration with state civil rights organizations (*Every Student Succeeds Act*, 2015, §1003). Finally, ESSA (2015) mandated that state educational agencies may not waive statutory requirements applicable to civil rights as per the *Equal Educational Opportunities Act* (1974).

The terms “equal access” and “equal opportunity” appeared in ESSA (2015). ESSA (2015) mandated that homeless children “separated from public schools be identified and accorded equal access to appropriate secondary education and support services” (*Every Student Succeeds Act*, 2015, § 8525). The phrase “equal opportunity” as mentioned in ESSA (2015) also referred to homeless students by detailing the duties of local educational liaisons. However, minimal the mentions of these two themes may appear, “equal protection” did not appear at all.

**Texas Education Code.** The Texas Education Code mentioned the term “civil rights” as related to elementary and secondary education with a discussion of elective courses, stating that “The American Way course…must cover important developments in human and civil rights”
(TEC 51 § 301d). Chapter 37 of the Texas Education Code provided provisions for “equal access” to safety during a disaster or emergency situation” (TEC 37 § 108f). The other mentions of equal access are related to funding and revenue or postsecondary education. When this researcher analyzed the phrase “equal opportunity” in the Texas Education Code, the findings showed that the phrase appeared only once. However, immediately after the applicability section, in Section 1.002 of the Texas Education Code, the phrase equal opportunities supported the following statement:

An educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to this code. (TEC 1 § 002)

This phrase was last amended in the Texas Education Code, May 30, 1995, and mandates that no education in special education programs or other services authorized by law.

Discussion

The scope of this document analysis required that the researcher collect and analyze public domain information that supported English language learner programs in seven public K12 school systems in Texas for the 2016-17 and 2017-18 fiscal years. While this researcher identified major themes in federal and state documents which reflected the legal requirements of the Equal Protection Clause, policies that supported English language learner programs did not contain the phrases at all. Conversely, as stated in the guidance issued by the U.S. Department of Education (2016) to help educational agencies implement the Every Student Succeeds Act (2015), access to educational programs on race, color, national, origin, sex, age, or disability cannot be denied. And the enforcement authority for the protection of these rights was supported
by the Office for Civil Rights (U.S. Department of Education, 2016). Therefore, English
language learners, just as all students residing within the jurisdiction of the United States are
protected.

Summary

Texas school systems are diverse with enrollment and educational program participation
ranging from a few thousand to over two hundred thousand students. Three school systems in
this study showed revenues that exceeded a billion dollars and others served students with
limited assistance from the federal government during the 2016-17 and 2017-18 fiscal years.
Regardless to the number of students or amount of revenue, Section 29.051 of the Texas
Education Code mandates that English be the language of the state and therefore, school systems
were required to ensure that all children be provided equal access to educational programs
including those that support non-English speaking students ability to speak, read, and write
English proficiently. Further, documents in the public domain for the 2016-17 and 2017-18 fiscal
years showed that each of the seven school districts were educating children from economically
disadvantaged environments and reported Title I expenses which supported programs that served
these students. In some cases, over ninety percent of the students were eligible for free and
reduced lunch and some systems reported that more than thirty percent of their students did not
speak, read, or write proficiently in English. Therefore, programs that served students who did
not speak, read, or write in English proficiently were supported by Title III appropriations.

President Obama signed on December 10, 2015 the Every Student Succeeds Act (2015)
with an unfulfilled promise that all children, regardless of their economic status or nation of
origin, would successfully attain a level of educational achievement that is much greater than the
outcomes presented in the study. Additionally, Lau v. Nichols (1974) was instrumental for
immigrant and non-English speaking children because after the U.S. Supreme Court’s decision that classroom instructions were required to be provided in a language that immigrant students comprehended, at no cost to the families. Moreover, *Plyler v. Doe* (1982) determined that education was so essential to the innerworkings of the American society that children of undocumented immigrants enrolled in public school systems were guaranteed equal access to educational opportunities in the same manner that all students enrolled in public school systems would attain access to the benefits of free education. Based on the reading level outcomes identified in this research, the promise of English proficiency has not been fulfilled, as of 2020.
CHAPTER FIVE

SUMMARY OF FINDINGS

The U.S. Supreme Court decided in *Lau v. Nichols* (1974) and *Plyler v. Doe* (1982) that education was so essential to the fabric of American society that all children residing within the jurisdiction of public school systems were guaranteed access to education in the same manner that children of citizens would benefit from it and that classroom instruction must be provided in a language that the children understood. Further, the legislative branches of the federal government instituted the *Equal Educational Opportunities Act* (1974) and amended the *Elementary and Secondary Education Act* (1965) with the *Every Students Succeed Act* (2015) which further guaranteed that immigrant and English learners would attain equal access to educational opportunities. This researcher examined the problem of English Language Acquisition through the lens of seven independent school districts in Texas.

Given that previous scholars analyzed costs associated with public services which supported unauthorized immigrants and English language learners determining that, due to an influx of unauthorized immigrants, the state and local budgets were rising, and required that financial support of the federal government, as well. Creswell and Creswell (2018) noted that “instead of focusing on methods, researchers emphasize the research problem and use all approaches available to understand it” (p. 249). Therefore, the problems that this researcher emphasized were related to the appropriations and expenses, student classifications and program enrollments, and policies and practices of programs that served immigrant and English learners. The findings in this research emerged from themes analyzed in the public domain documents and are summarized next. Following the summary of findings are implications of findings for practitioners in the field of education, recommendations for future research, and the conclusion.
Findings

The findings in this research were produced through collecting, coding, and analyzing over 3,500 pages of documents related to immigrant and English language learners in the public domain. Among the documents were comprehensive annual financial reports (CAFRs) for the U.S. Department of Education, Texas Education Agency, and seven independent school districts in Texas. Additionally, policies that governed English language learner programs were analyzed from the federal, state, and local archives. According to Creswell and Creswell (2018) qualitative researchers should identify emergent patterns and themes through collecting and analyzing multiple sources of data. This researcher identified three major themes through collecting and analyzing public domain documents related to English language learner programs in Texas public school systems. First, the concept of costs emerged. This researcher evaluated costs by considering the annual appropriations and the actual expenses for each entity examined in this study. The second theme that emerged was enrollment. This researcher evaluated population by considering overall student enrollment and then by student classification and identification of educational program in each entity. The third emergent theme was related to the policies and programs that supported English learners. Therefore, these three emergent themes helped this researcher formulate interpretations of the findings that supported the three primary research questions which guided this study:

1. How do guidelines of the U.S. Department of Education impact English language learner programs in seven of Texas’ public K12 school systems?
2. How do elementary school students enrolled in English language learner programs outcomes compare to non-English language learners in elementary schools within the seven public K12 school systems in Texas?
3. How do emerging patterns and themes extrapolated and identified through document analysis of English language learner programs in Texas reflect the legal requirements of the Equal Protection Clause?

**Interpretation of the Findings**

This researcher found that of the major elementary and secondary educational programs supplemented by the U.S. Department of Education, Title I appropriations, which supported economically disadvantaged students in the nation, were approximately 42% of the 2017-18 budget. However, of the $40 billion that supported major programs, Title III appropriations which supplemented English Language Acquisition programs were about two percent of the appropriations in 2017-18 (U.S. Department of Education, 2019). When analyzing appropriations and expenses for Title I and Title III, this researcher found that the U.S. Department of Education’s annual financial reports (AFR) were not consistent across fiscal years.

The 2016-17 AFR for the U.S. Department of Education (2017) did not delineate expenditures for these major educational programs, but rather discussed expenses at a very high level. Conversely, in the 2017-18 AFR for the U.S. Department of Education (2018) this researcher found that Title I expenses for fiscal year 2017-18 totaled $15.243 billion; Title III expenses were $693 million; and the total overall expenses which supported major educational programs were reported to be $36.455 billion. Given that the U.S. Department of Education issued guidance of the recently instituted *Every Student Succeeds Act* (2015) which required that state and local agencies amend laws and policies to implement new procedures, this researcher analyzed the financial costs of providing English language learner programs in Amarillo ISD, Austin ISD, Beaumont ISD, Brownsville ISD, Dallas ISD, El Paso ISD, and Houston ISD.
**Appropriations and Expenses**

This researcher considered that “[b]illions of dollars flow through the agency and are distributed to…more than 1,200 school districts” (Texas Education Agency, 2018, para 3). Further, Román (2013) examined the claim that undocumented immigration increased costs to states and local budgets determining that in the absence of comprehensive immigration reform, the federal government should reimburse states for fiscal burdens of undocumented immigration. Moreover, this researcher found that Title I funds, based on the number of economically disadvantaged children enrolled in each district, and Title III funds due to the number of English language learners enrolled in each system during the 2016-17 and 2017-18 fiscal years, flowed from the U.S. Department of Education through the Texas Education Agency to each entity to support educational programs designed to enhance student achievement.

In the Amarillo ISD case the findings showed that, for fiscal year 2017-18, total appropriations were approximately $275 million, and Title I expenses were about $8.8 million which was about three percent, and Title III expenses were less than one percent of the overall appropriation. Appropriations for Austin ISD, in 2017-18 approached $1.3 billion, and Title I expenses totaled over $24 million, which was about two percent, and Title III expenses were less than one percent of the budget. Further, the findings in the Beaumont ISD case showed that the total appropriations in 2017-18 were approximately $160 million, Title I expenses were about $7.7 million, which was five percent, and Title III expenses were $264,586 which was less than one percent of the budget. The next case was Brownsville ISD and this researcher found that, for the 2017-18 fiscal year the district appropriated $474 million, and Title I expenses were $26 million which was five percent of the budget, while Title III expenses were reported to have been $1.3 million which was less than one percent of the overall appropriation. Moreover, Dallas ISD,
the second largest district in this study, reported that of the nearly $1.5 billion appropriation, Title I expenses were approximately $74 million which was five percent, and Title III expenses were $7.7 million was about one percent of the budget in 2017-18. El Paso ISD appropriated $494 million in 2017-18 and reported that Title I expenses were $26 million which was five percent, and Title III expenses were less than one percent of the overall appropriation. Finally, Houston ISD, the largest school system in this study appropriated nearly $2 billion in 2017-18, and Title I expenses were $106 million which was five percent, and Title III expenses were one percent of the budget. Therefore, this researcher found that for each of the seven systems selected for this study, Title I expenses were five percent or less of the overall appropriations, and Title III expenses in most cases, except two (Dallas ISD and Houston ISD) were less than one percent of the total budgets during the 2017-18 fiscal year. Although this researcher did not find that expenses increased solely due to immigrant and English learners (Román, 2013), the findings did reveal that regardless of the geographical location in Texas or the size of the district, Title I expenses were most likely to have been five percent of the overall appropriation and Title III expenses were either one percent or less in 2017-18. Now, the findings discussion will turn to the next theme identified in the document analysis, the populations served by these expenses.

**Enrollment and Classifications**

Reports published by the National Center for Education Statistics indicated that, in the fall of 2000, there were 3.8 million immigrant and non-English speaking students enrolled in public schools in the United States (U.S. Department of Education, 2019). Baker and Rytina (2013) argued that the influx of unauthorized immigrants in the United States will continue to intensify. Moreover, predominant contributors to the increased number of non-English speaking students and unauthorized immigrants who resided in the United States were due to migration
from four of the Central American Spanish speaking countries - El Salvador, Guatemala, Honduras, and Mexico (Konings, 2017; Krogstad, Passel, & Cohn, 2019). According to Krogstad, et al. (2019), there were 10.5 million unauthorized immigrants in the United States in 2017 and 13.3 % of the children resided in Texas. Consequently, by 2016 there were 4.9 million immigrant and English language learners enrolled in Texas public schools (U.S. Department of Education, 2019).

According the U.S. Department of Education (2019) documents, there were approximately 50 million students enrolled in public school systems throughout the nation in the 2016-17 fiscal year. Further, of the 50 million students, 26.1 million, or about 53% of the students, were classified as economically disadvantaged students. Moreover, during the 2016-17 fiscal year, there were approximately 4.9 million students, or about 10% of the overall enrollment, who were identified as English language learners. Similarly, during the 2017-18 fiscal year, the national enrollment was about 50 million students, and approximately 26.3 million, which was 53%, were classified as economically disadvantaged students. During the 2017-18 fiscal year, 4.9 million students, or 10% of the student enrollment, were identified as English language learners (U.S. Department of Education, 2019).

The Texas Education Agency was responsible for supporting over 5.4 million students enrolled in Texas public school systems during the 2016-17 fiscal year. Of the total student enrollment, 52.3% were classified as economically disadvantaged and 17.4% were identified as English language learners. Similarly, during the 2017-18 fiscal year there were 5.4 million students enrolled in Texas public schools. However, the number of economically disadvantaged children grew to 58.7% and the findings showed that English language learners remained steady
at about 17.3% of the Texas public school student enrollment (U.S. Department of Education, 2019).

Enrollment in the seven school systems selected for this study varied from a few thousand to over two hundred thousand during the 2016-17 and 2017-18 fiscal years. The study by DeMatthews, Izquierdo, and Knight (2017) examined the outcomes ELL programs in a Texas public school system and argued that immigrant and English learners were rarely proficient in reading by grade eight. This researcher examined enrollment and reading outcome information for each school system discussed below which was obtained from the annual publication entitled Texas Academic Performance Report (Texas Education Agency, 2018; 2019). According to the 2016-17 Texas Academic Performance Report, Amarillo ISD was responsible for educating 33,066 students, of which 68.1% were classified as economically disadvantaged, and 15.2% were identified as English language learners (Texas Education Agency, 2018). During the next fiscal year student enrollment declined by .89 percent to 32,771 in 2017-18. Of the total enrollment 68.4% were classified as economically disadvantaged, and 15.5% identified as English language learners in 2017-18. Even though student enrollment declined during the 2016-17 and 2017-18 fiscal years in Amarillo ISD, the percentages of economically disadvantaged and English learners increased. Further, the findings for reading levels of English language learners enrolled in grades three, four, and five consistently performed below the overall district on the approaches reading level outcomes performance indicator for both 2016-17 and 2017-18 fiscal years. Therefore, enrollment and classifications were not constant and reading performance did not improve in Amarillo ISD during the 2016-17 and 2017-18 fiscal year.

During the 2016-17 fiscal year, there were 82,766 students enrolled in Austin ISD, of which 53.3% were classified as economically disadvantaged and 28.2% were identified as
English language learners. Although student enrollment declined by 1.72% to 81,346, and percentages of English language learners reduced to 27.5% in Austin ISD, the percentage of economically disadvantaged students increased to 53.4% (Texas Education Agency, 2019). Approaches grade level outcomes for English language learners enrolled in grades three, four, and five consistently fell below the district levels. However, third grade ELLs showed improvement from 63% in 2016-17 to 71% in 2017-18. Further, district level reading data for grade three students increased from 75% in 2016-17 by five points to 80% in 2017-18. Therefore, enrollment and classifications were not constant for 2016-17 and 2017-18, but English language learner reading level performance did show improvement in 2017-18.

Beaumont ISD was the smallest school system selected for this study. The district served 19,176 students during 2016-17. Of the total student enrollment, 79.3% were classified as economically disadvantaged and 11% were English language learners during 2016-17. As with the other districts discussed thus far, student enrollment declined. The enrollment in Beaumont ISD declined by 1.83% to 18,826 students, of which 79.1% were classified as economically disadvantaged and 11.1% were identified as English language learners. The English language learners showed improvement for grades three through five and exceeded district results during the 2016-17 and 2017-18 fiscal years. Further, third grade English language learners reading levels showed the largest increase from approximately 55% in 2016-17 to 70% in 2017-18. Therefore, enrollment and classifications were not constant for 2016-17 and 2017-18 but the reading performance for English language learners improved (Texas Education Agency, 2018).

Enrollment during the 2016-17 fiscal year in Brownsville ISD was reported to have been 46,799 students, of which 96% were classified as economically disadvantaged and 33.4% were identified as English language learners. These numbers declined by 2.7% to 45,535 students, of
which 95.8% were classified as economically disadvantaged and 32.5% were English language learners (Texas Education Agency, 2018: 2019). According to the information reported in the Texas Academic Performance Reports, English language learners in grades three, four, and five consistently performed at lower reading levels than the district during 2016-17 and 2017-18 (Texas Education Agency, 2018; 2019). Therefore, enrollment and classifications showed a constant decline and reading levels for English language learners were less than the districts reading level during the 2016-17 and 2017-18 fiscal years.

During the 2016-17 fiscal year, there were 157,787 students enrolled in Dallas ISD, of which 87.8% were classified as economically disadvantaged and 43.9% were identified as English language learners (Texas Education Agency, 2018). The next fiscal year student enrollment declined to 156,726 of which 86.7% were classified as economically disadvantaged and 44.2% were identified as English language learners (Texas Education Agency, 2019). Elementary school students enrolled in grades three, four, and five showed that the approaches grade level reading results for English language learners in Dallas ISD consistently averaged at higher percentage points than did the district for the 2016-17 and 2017-18 fiscal years. Therefore, enrollment and classifications did not remain constant in Dallas ISD. Conversely, although enrollment declined by .67%, both economically disadvantaged and English language learners showed an increase of .03 percent and English language learners reading level performance exceeded the district in 2016-17 and 2017-18 (Texas Education Agency, 2018; 2019).

El Paso ISD during the 2016-17 reported that 59,246 students were enrolled. Of the total student enrollment 69.5% were classified and economically disadvantaged and 27.9% were identified as English language learners. The next fiscal year enrollment declined to 58,178 of
which 69.9% were classified as economically disadvantaged and 28.1% were identified as English language learners (Texas Education Agency, 2018; 2019). Although enrollment declined by 1.8% in El Paso ISD, economically disadvantaged increased by .02 percent and English language learners increased by .04 percent between the 2016-17 and 2017-18 fiscal years. Further findings for El Paso ISD showed that elementary school students identified as English language learners enrolled in grades three, four, and five during 2016-17 performed at either six or ten points lower than the district reading levels. However, during 2017-18 the approaches grade level readings points for grades three and grades five increased significantly to within one and two points respectively of the district levels, and among the top for all elementary students identified as ELLs in this study (Texas Education Agency, 2018; 2019).

Based on appropriations and enrollment, Houston ISD was the largest school system in this study. During the 2016-17 fiscal year there were 215,408 students enrolled in the Houston ISD (Texas Education Agency, 2018). Of the total student enrollment 77.1% were classified as economically disadvantaged and 31.8% were identified as English language learners. During the 2017-18 fiscal year, enrollment declined in Houston ISD by 1,880 students to 213,528. (Texas Education Agency 2019). Although 1,880 students are significant, in Houston ISD that amount equated to .87% of the total enrollment. Of the total students enrolled in Houston ISD during the 2017-18 fiscal year, 75% were classified as economically disadvantaged and 31.5% were identified as English language learners. The Texas Academic Performance Reports showed that English language learners in grades three, four, and five performed at a lower reading level than the district in 2016-17. However, during 2017-18 students identified as English language learners enrolled in grade three performed at the same reading level of all third grade students in Houston ISD (Texas Education Agency, 2018; 2019). Therefore, the findings in this research related to
Houston ISD showed a decline across overall enrollment, economically disadvantaged, and English language learners for 2016-17 and 2017-18. Further, the findings showed that the performance of third grade students identified as English language learners improved.

Findings in this study showed that student enrollment in the United States and Texas remained constant at about 50 million and 5.4 million, respectively. However, this researcher found that student enrollment declined from about one to three percent in each district. Conversely, students classified as economically disadvantaged increased in four of the seven school systems selected for this study. Given that Baker and Rytina (2013) estimated that 11.4 million unauthorized immigrants were living in the United States in 2012, and Passel and Cohn (2016) found that in 2014 there were about 3.9 million children of unauthorized parents enrolled in public schools throughout the United States, and 13.4% of the children were enrolled in public schools in Texas, this researcher examined enrollment for students identified as English language learners. This researcher found that for fiscal years 2016-17 and 2017-18 students identified as immigrant and English language learners increased in four of the seven school systems selected in this study. The discussion will now turn to programs that support English language learners.

**Policies and Programs**

Title I was designed to ensure that all children received “fair, equitable, and high-quality education, and to close educational achievement gaps” (20 U.S.C. § 6301). Title III helped “ensure that English learners, including immigrant children and youth, attain English proficiency” (20 U.S.C. § 6812). This researcher found that public domain documents which contained guidance for Title I and Title III programs of the U.S. Department of Education (2016) outlined three primary responsibilities for state and local educational agencies – (1) adhere to the English Language Proficiency Standards (ESEA § 1111 (b)(1)(F)); (2) abide by the Entrance and
Exit Procedures (ESEA § 3113(b)(2)); and (3) ensure that Educators of English Learners engage in "effective" professional development (ESEA § 3115 (c)(2)). Further, this researcher showed that the U.S. Department of Education’s policies required that the Texas Education Agency collaborate with legislatures to amend state policies and public school programs to align with the mandates of the Every Student Succeeds Act (2015) through the Texas Consolidated State Plan (2017) which was approved by the U.S. Department of Education on March 26, 2018.

English Language Acquisition procedures were detailed in the policy developed by the Texas Association of School Board entitled EHBE (Legal): Special Programs Bilingual/ESL that adhered to amended state policies (TAC 89 and TEC 29). The policy defined the newly amended Title III requirements and the independent school district’s responsibilities to adhere to statewide entrance and exit procedures, design programs, develop LPAC procedures, evaluate programs, and notify parents of their rights and responsibilities regarding the placement of their child. EHBE (Legal) was adopted during July 2020 by six of the seven school systems selected in this study. A school district in the seat of state government Austin ISD adopted and issued EHBE (Legal) on December 19, 2018 (Austin Independent School District, 2020).

Further, this researcher found that the issued dates of the locally adopted version of the legal policy developed by the Texas Association of School Boards were not consistent across all seven school systems. Three of the seven school districts had not amended policy EHBE (Local) to reflect the changes required of the Every Student Succeeds Act (2015) since its inception. However, as previously mentioned all seven school districts had adopted EHBE (Legal) which included the requirements and responsibilities of the consolidated state plan. Admittedly, federal state, and local policies may not be solely responsible for a multitude of factors encountered by immigrant and non-English speaking students (Adams, 2017; Andrei, Ellerbe, & Kidd, 2019;
Crawford, 2017; Crosnoe & Turley, 2011; Sibley & Brabeck, 2017). However, since immigration is a federal matter, and public education is administered by state and local agencies, educating immigrant and non-English speaking students is a multijurisdictional expectation that requires involvement of all levels of government (Knight et al., 2017; Román, 2013). Therefore, given that the U.S. Department of Education (2016) issued guidance to state and local agencies to help implement the mandates of the Every Student Succeeds Act (2015) and the Texas Education Agency collaborated with legislatures to amend state laws, this researcher found that local school districts policies and programs were aligned with the requirements of the federal government to support immigrant and English language learners during 2016-17 and 2017-18.

Researchers asserted that the costs associated with providing educational programs to immigrant and English language learners were rising. Although this researcher did not find that expenses increased from 10 to 16% (DeMatthews, Izquierdo, and Knight, 2017), the findings did reveal that Title I expenses were about five percent of the overall appropriation and Title III expenses were either one percent or less in 2017-18 for each district in this study. Additionally, the studies of Baker and Rytina (2013) and Passel and Cohn (2016) showed that the number of immigrant and English learners were increasing. This researcher found that, for the 2016-17 and 2017-18 fiscal years, students identified as immigrant and English language learners increased in four of the seven school systems selected in this study. Finally, when analyzing programs that supported immigrant and English language learners during the 2016-17 and 2017-18 fiscal years, this researcher found that state and local policies were aligned with the federal mandates of the Every Student Succeeds Act (2015) in all of the seven school systems selected for this study.

These three major themes were viewed through the lens of the three research questions which guided this study. The first research question which investigated the guidelines developed
by the U.S. Department of Education impact on English language learner programs in seven of Texas’ public K12 school systems was supported by the findings of appropriations and expenses, student enrollment and classifications, and the implementation of statewide policies and procedures that were in alignment with the *Every Student Succeeds Act* (2015). The second research question investigated how elementary school students enrolled in English language learner programs outcomes compared to non-English language learners in elementary schools within the seven public K12 school systems in Texas and found that reading level outcomes for English language learners in grades three, four, and five were lower than the district reading levels in five of the seven school systems during 2016-17. However, during the 2017-18 fiscal year third grade English language learners either improved at higher or equal to all third-grade students. This researcher also found that third, fourth, and fifth grade English language learners consistently performed between four and ten points higher than Beaumont ISD’s third, fourth and fifth graders in both 2016-17 and 2017-18 (Texas Education Agency, 2018; 2019).

Moreover, the question that investigated how emerging patterns and themes extrapolated and identified through the document analysis of English language learner programs in Texas reflected the legal requirements of the Equal Protection Clause required that the researcher analyze an electronic copy of the *Every Student Succeeds Act* (2015), Texas Education Code, and local school district policies. This researcher searched for three major themes that consistently emerged through the initial analysis: civil rights, equal access, and equal educational opportunities. Although the *Every Student Succeeds Act* and local policies did not have significant mentions of these three themes, this researcher found that “equal opportunities” in Section 1.002 of the Texas Education Code supported the following statement:
An educational institution undertaking to provide education, services, or activities to any individual within the jurisdiction or geographical boundaries of the educational institution shall provide equal opportunities to all individuals within its jurisdiction or geographical boundaries pursuant to this code. (TEC 1 § 002)

This phrase was last amended in the Texas Education Code, May 30, 1995, and mandates that no education in special education programs or other services authorized by law. While this researcher identified major themes in federal, state and local public domain documents which reflected the legal requirements of the Equal Protection Clause, policies that supported English language learner programs did not contain the phrases at all. However, the U.S. Supreme Court cases, federal legislation and state statutes guarantee equal access to educational opportunities for all students that reside within the jurisdiction of the United States.

**Limitations of the Study**

This researcher acknowledged two limitations when conducting a document analysis of immigrant and English language learner programs for fiscal years 2016-17 and 2017-18. First, when analyzing costs, the researcher found that the U.S. Department of Education did not provide program expenses for the fiscal year 2016-17. Therefore, the study was limited to appropriations for both fiscal years and delineated the federal program expenses for 2017-18. Second, enrollment and classifications that showed performance by program were produced by the Texas Education Agency a year after the students had taken the assessments. The availability of documents published in the public domain and the timing by which the documents were produced were two primary limitations that impacted the findings discussed in this study. This researcher carefully considered the limitations of conducting a qualitative study, and therefore, used extensive data collection from federal, state, and local documents to produce thematic
analyses which thoroughly explored educational programs that served English language learners in Texas.

**Implications for Practice**

Education is a public resource, and the consequences of denying access to it is a far greater problem than the costs associated with educating immigrants (*Plyler v. Doe*, 1982). Students who are children of undocumented immigrants or English language learners were guaranteed instruction that must be provided in a language they understand (*Lau v. Nichols*, 1974). Although immigrant and English language learners have attained equal access to educational opportunities legally, this study contributes to the understanding of English language learners in Texas after the implementation of the *Every Student Succeeds Act* (2015). This research captured program costs that supported students identified as economically disadvantaged and for programs that supplemented English language learners for the first two years immediately following the passage of the *Every Student Succeeds Act* (2015). Further this study synthesized reading performance results for English language learners enrolled in elementary schools. Therefore, the practical implications of this study offer a gateway to understanding the program costs, student enrollment, and policies that impact immigrant and English language learners.

For policy makers and practitioners in the field of public education, findings in this study will help formulate a foundational basis by which investigators may analyze the condition of education in the nation. Although this study analyzed seven school districts throughout various geographical locations in Texas, future investigators may expand the research to capture the program costs, student enrollment, and policies in other regions throughout the United States. Further, for policy makers, the findings in this study also demonstrated the importance of
producing public domain documents that are accurate and timely. This information is important to ensure that an informed public is supportive of policies and programs that serve their children.

**Recommendations for Research**

This researcher has identified two possible considerations for future researchers. First, future researchers should consider that longitudinal data may reveal trends related to program costs and student enrollment that were not identified in this study. Therefore, future research should capture data over a span of five to ten years to help develop greater insight to the impact of the programs that support immigrant and English learners. Second, future researchers may want to interview administrators and educators responsible for managing the programs that serve immigrant and English language learners enrolled in public schools. The information captured from interviews of key personnel will provide context about the performance outcomes identified in this study. These two recommendations for researchers will create an in-depth understanding of the factors that impact the education of immigrant and English language learners in public schools.

**Conclusion**

Approximately 50 million students were enrolled public school in the United States during the 2016-17 and 2017-18 fiscal years. The U.S. Department of Education appropriated approximately $40 billion annually to support major educational programs that served elementary and secondary school students the first few years that followed the state and local educational agencies implementation of the *Every Student Succeeds Act* (2015). Given that goal, Title I was designed to ensure that all children receive “fair, equitable, and high-quality education, and to close educational achievement gaps” (20 U.S.C. § 6301). Further, Title III helped “ensure that English learners, including immigrant children and youth, attain English
proficiency” (20 U.S.C. § 6812). Through funding and program guidelines, state and educational agencies share the responsibility with the federal government to ensure that all students attain equal access to educational opportunities. This multi-case study examined the Title III funding requirements and mandates of the Every Student Succeeds Act (2015) and the impact of the amended legislation to the stakeholders of the Texas Education Agency and independent school districts in Texas.

Further, this research analyzed Texas Academic Performance Reports for 2016-17 and 2017-18 and student demographics for seven school systems. This researcher discovered that, despite economic conditions of students of students who are learning to attain English Language proficiency, many immigrant and English language learners perform at reading levels that exceed their districts’ averages. Additionally, this researcher learned that, although financial reports help lay the foundation of how the programs are funded, performance reports are essential to understanding how the funding supplemented the programs that supported student achievement. Although this study provided a lens by which to peer into the program costs, student enrollment and classifications, policies that support immigrant and English language learners, it does not offer insight to the rationale of how and why students performed at the reading levels identified in this study. Therefore, future studies should include investigations of leadership qualities that are essential to ensuring that all students, including immigrant and English language learners are afforded equal access to educational opportunities in public school systems in the United States.
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