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## Educational Policies For Spanish Speakers in the United States

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# **Educational Policies For Spanish Speakers in the United States**

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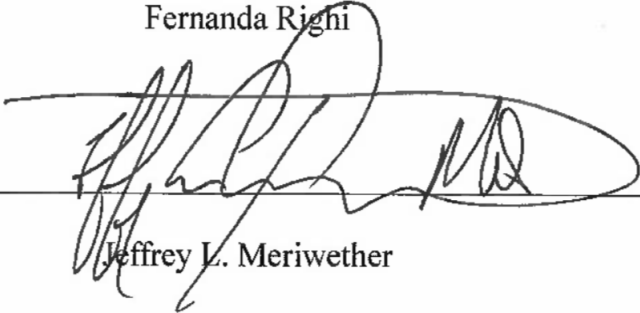
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Jeffrey L. Meriwether

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## **Abstract**

Schools across the United States implemented educational policies to help students succeed. These policies are often implemented at the state level allowing differences between each state. Considering the increasing presence of Spanish speakers in the United States, many of these policies are put in place to help Spanish speaking students as well as other native speaking children. These policies, and by extent programs, have changed over time, both helping and in some cases harming students. Analyzing these policies improves our understanding of what is most beneficial for students.

## **Introduction**

The federal government does not recognize an official language, but roughly 30 states have passed laws designating English as the official language. A few of these require their public schools to teach only in English. As a result, ELs are instructed through one of a variety of education models. (New America)

This quote addresses briefly how the federal government does not acknowledge the variety of languages spoken in the United States, leaving policies on language education up to the State, which at most times causes other issues. One of the distinctive aspects of this country is the number of languages, between 350-430, that are spoken across its territory, making for this country to be one of the most linguistically diverse countries across the globe (TWB). Much of this language diversity is due to immigration. Traditionally, the United States is considered the “land of opportunity” and people come here to change their lives. The more people come here the more languages that are spoken, On top of that many languages have been already established within the United States for many years.

Besides English, which is the most spoken language in the United States (Bable Online), Spanish is the language with the second most native speakers (people who have spoken a language since they were capable of speaking), and people who know it as a second language (Bable Online). Native Spanish speakers live all across this country, typically in higher concentrations in some areas such as California, Texas, Florida, Arizona, Nevada, and New York. Regardless of whether they were born, many of the native Spanish speakers send their children to American schools. This is where problems tend to arise. With English being the most spoken language, it is no surprise nearly all schools teach in English. For a person who is

entering the school system being a native speaker of Spanish, issues with learning are bound to arise. These issues all stem from the lack of ability to communicate, more specifically communicate in this new language. This can lead to many other problems both socially and academically.

Since the Westward expansion, policies have been put into play that have both helped and harmed Spanish speaking students. However, the most important one has been the federal legislation Bilingual Education Act of 1968 (Britannica) This legislation helps students that struggle with both speaking and understanding English within the schools and acknowledge the importance of bilingual education. Policies like this have been put into place throughout all the 50 states within each state's education programs. It is important to note that the Bilingual Education Act is one of the very few federally mandated acts put into schools that affects all schools (Jong 2016). Many of the policies have been changed, taken out, or even reinstated through each state's education program as time has gone on. For better or worse is up for interpretation. Many education programs tend to be stuck in their old ways, meaning monolingual, not wanting to change, some even viewing speaking any other language than English is “unamerican”. Analyzing these policies, and how they have changed throughout the course of time allows us to further understand the effect, either positive or negative, they have on native Spanish speaking students, As well as if something should be done about these policies.

## **Immigration**

Spanish as a language has been an important part of the United States. From the sign of the Treaty of Guadalupe- Hidalgo (1948), after the Mexican- American War, which incorporates the

current states of California, Nevada, Utah, New Mexico and most of Arizona and Colorado, to the different programs that fostered migration from Latin America to United States, Spanish has grown massively. Migration and immigration have always been a part of this country as far back as the California Gold rush (1848-1852), the multiple Bracero program (1942- 1964) (Gutierrez). People are still coming in this country by the thousands, however the methods tend to be different.

One group that is important to discuss when it comes to Spanish in the United States is the Puerto Ricans. In 1917, after the Jones-Shafroth Act, Puerto Ricans became United States citizens, granting them the possibility to live and work in the mainland US.. Because of this, they have become one of the biggest populations of Hispanics in the United States and the population is still growing, mainly congregating in New York and Florida. There has been tension about this internal migration process across the United States and tends to be a divide between the people. Much of the immigrant fear that is pressured into us is due to select few events that happen and heighten this fear. These are just people trying to have better lives for themselves and their families.

People who immigrate into this country tend to be placed into two categories, authorized or unauthorized. On many occasions, the level of fear of immigrants often comes after major events, like the terrorist attacks of 9/11/2001. After this horrible act of terror there was much fear of immigrants entering the country and even hate towards them. The George W. Bush administration imposed new regulations for entering the United States and he even built the majority of the wall that separates Mexico and the United States. Additionally, it is important to



note that this idea was not just President Trump but started with President G.W. Bush (Garcia, 2021). It's also important to note that there is not much correlation between illegal or legal immigration and attacks on America. Most of these people regardless of if they come here legally or illegally are typically trying to have a better life for themselves, for their families. However, many assumptions are made about immigrants that cause fear and many times hate towards these people. This can cause for many policies to be changed or even amended out of fear that the students are the “enemy of America”. This idea of being the “enemy of America” has constantly changed as time has crept on. For example, during the Cold War, the enemy was communism and the Russian people and during the early 2000s the enemy shifted to be more associated with islam. This negatively affects children of immigrants of other nationalities students as they are coming here for better lives and education and for some when they get here they are only treated as a threat.

### **Spanish Language in the United States**

Before addressing these policies, it is imperative to analyze the use of Spanish within this country, namely with a controversy of if Spanish could be considered a foreign language within the United States. Many classes in school that teach a language other than English are called “foreign language” classes. According to Rankin (2023), a foreign language is a language that is either written or spoken within a region of the world that is not native to that region. Also it is the language that is not the most spoken within this region, which means that there is a primary language that is spoken within this one. The main question would be if Spanish would still be considered a Foreign Language despite being the second most spoken language within the United States, the number being around 58 million people (Mekour 2023). The other part of the

controversy is how to approach students who already speak this language. Should they enroll in Spanish as a foreign language? How do they learn to speak English so they can interact with the rest of their classmates and teachers? Generally, it would be assumed that Spanish is a language not typically spoken in the United States. However, there are students in American schools who are native Spanish speakers and the language they are speaking is being called a “foreign language.”

Many States have a lot of native Spanish speakers, four states with the greatest population of native Spanish speakers are California with 11.9%, Nevada with 8.5%, Texas with 12.0% and Florida with 9.2% (Bucholz, 2019). Considering this statistic, only people from 4 states reported that they almost exclusively speak Spanish and struggle with English (Bucholz, 2019). There are more people who are not a part of this pole or who have proficiency in both languages. One of the many reasons for this is that many either came and weren't able to go to school or came here when they were older. It would be the children of these immigrants that the focus should be put on. With this considered and the fact that Spanish is the second most spoken language across the United States this begs the question if Spanish should still be considered a Foreign Language or just a second language within the United States. For the aforementioned reasons, I would consider that Spanish is a second language in this country. As it is not a Second language, it refers to languages that are not the “mother tongue” of a region but are widely used in various contexts. (Hasa 2020). With that being said, Spanish should not still be referred to as a foreign language by schools and by the United States.

## **Policies For Native Speakers**

The Bilingual Education Act or the BEA, (January 2, 1968) was one of the earliest pieces of legislation that aimed to provide educational opportunities to students who spoke languages other than English. The act recognized that many students in the United States came from non-English speaking backgrounds and needed additional support to succeed academically. The act provided funding for bilingual education programs, which included instruction in both English and the students' native languages. The goal was to help students develop proficiency in English while maintaining their native language and culture.

The Bilingual Education Act was a significant step towards recognizing and valuing linguistic diversity in the United States and providing equal educational opportunities for all students. However, before this act passed, going to schools if English was not a first language was difficult. Starting in the late 1800s, a large number of immigrants migrated to the United States, many of them not understanding the English language in any aspect. Many states made courses required for all adult immigrants to take to better acclimate them to the United States. Children of immigrants were put into public schools to have them be surrounded by the English language and to better learn the language. Programs were implemented into schools such as Texas and California to help teach the Spanish speaking students English. These programs primarily focused on teaching English, but were often understaffed and typically taught by someone who had little to no knowledge of the students native language. Due to this many immigrant children dropped out of school as they did not view it as useful to them due to these programs. This could and at times would lead to lack of job opportunities in the future due to them dropping out. (Britannica)

Additionally, the Bilingual Education act has gone through its own changes. When the act was originally proposed, it favored school districts with higher percentages of students with low-income families. More funding was gained and the act began to help students from all economic backgrounds. The increased fundings allowed for more technical assistance and training programs to help English language learners. (Britannica).

In 1984 the act was altered by an amendment stating that students only needed competence in the English language. An important reason for these changes was due to funding or rather lack thereof. Even having a limited time students could be in the bilingual program (Zabla, 2023). The BEA was later put under the No Child Left Behind Act and “was renamed into the English Language Acquisition, Language Enhancement, and Academic Achievement Act. This change codified the trend in federal education policy away from bilingualism and toward English-only monolingualism for ELs.” (Zabla, 2023). In recent years research has shown that this “English-only approach” to education is not the most efficient and inclusive way to support ELs’ linguistic and academic development, as supporting children’s education in their first language can also be beneficial to learning a second language. For example, one recent study concluded that “teaching students to read in their first language promotes higher levels of reading achievement in English.” (Zabla, 2023). Neither of these acts are wholly effective in a positive way, they have their negatives as they have reached only a handful of people. As time changed, other acts and policies contributed to the education for Spanish native speakers and, many of these from specific states.

As stated in the introduction of this thesis, policies within education are not typically managed by the federal government. Rather policies within schools are managed by their respective state or local communities which allow them to differ across the country. However, there are similarities in some policies within schools in different states regarding children speaking Spanish. One of these laws is the widely known “English- only laws” that refer to policies that mandate English as the sole language of instruction and communication in schools, particularly for non-native speakers. These policies can take different forms, ranging from outright bans on non-English languages to the requirement that students must demonstrate English proficiency before being admitted to school. The main argument behind English-only laws is that English is the most spoken language of the United States and therefore should be the language of instruction in public schools. Laws like these prevent bilingual programs in schools, which would greatly aid native Spanish speakers entering the education system. Consequently, these laws force teachers to teach in English. This meant that students who only spoke Spanish needed to learn English in order to keep up with the class, and oftentimes they would fall behind.

Policies like these were implemented in many States in the early 1990s-2000s such as California, Arizona, and other states with large populations of native Spanish speakers. The policies have changed from what they originally were in a better effort to help the Spanish speaking community. (New America online). Additionally, these laws only reflected a tendency that has other expressions across these states. For example, businesses would have signs saying how people needed to speak English in order to get service. An important reason for this is because many Americans believe that English is the American language and that everyone who comes here should speak it. (Encyclopedia)

In 1998, Proposition 227 (English for the Children initiative) California ensured that all EL students were only instructed in English. This state regulation was later repealed in 2016 by “California Multilingual Education Act” (2016) that allowed EL students to learn English through multiple different program options. Schools were not required to add new programs but they were required to meet with families and community members to discuss any problems with the programs. This requirement means that if enough of the parents want a new bilingual program at the school, the law is required to create a new one or fix an old one (New America).

California is also attempting to implement new bilingual programs within their schools across the state and it has been on a steady rise since 2016. Bilingual programs are when a class is taught in both English and the native language of a student within the class if English is not their native language. These classes allow monolingual students to succeed while helping them learn another language. Students are given the same instructions for the same work but in different languages. This, in turn, allows for all students to learn in a new way and a new language. Students can use work they were given in their language and hear how it's given in the other, allowing them to better comprehend the other language that their lesson is being taught in.

Texas takes a different approach from California when it comes to EL students. Texas is one of the states that has been for a while very active in helping EL students through all grades starting back in 1981. This year, they implemented that if students are in a class with a certain number of native speakers who speak the same language, there must be bilingual education programs: “Since 1981, the Texas Education Code requires school districts to offer all PreK–12 ELs in a

bilingual education program, if there are 20 or more ELs who speak the same home language.” (New America). This law requires that each Texas school implement one of these programs: transitional bilingual education (TBE), integrated TBE, two-way immersion, or one-way immersion if there are 20 or more students who all speak the same native language.

To briefly summarize these four programs TBE is “designed to respond flexibly to students at different English proficiency levels, who are fluent in their home language” (Massachusetts, DESE.). Integrated TBE is the same as TBE except it is integrated within the classroom. Two-way immersion or one-way immersion is when students are given lessons in their native language or in both so that they can better immerse themselves in the other language. On top of all of this, Texas also requires that all EL students in grades 9-12 take ESL programs. ESL programs are put into action to better help students learn and immerse themselves in a second language. For Spanish speakers in Texas this would mean better learning and understanding of English. These programs help these students for their future, whether for jobs or college is up to them (TEA). Texas has many requirements for this course and laws put into place to make sure that all the necessary aspects of these programs are implemented.

Florida is another state with similar policies and programs at work. Florida itself does have a rather large population of Spanish speakers and thus there would be a need for programs and policies to help these new students. In fact the biggest population of Spanish speakers in Florida is Cubans. Many of which escaped from Cuba, after the Cuban Adjustment Act of 1966 that allowed them to gain residency and citizenship in the United States.

Florida is even ranked third in terms of the amount of EL students within the state (Florida Department of Education). While Florida now is much better at helping their EL students it was not always the case. Florida had bilingual programs in play for a long time to help mainly Spanish speaking students who made up as much as 1 in 4 students within Florida schools.

However, when the ESSA (2015), or Every Student Succeeds Act, was passed it did not help. The ESSA act was to ensure that all students succeed within schools. Under ESSA, all states are mandated to create a clear and user-friendly "State Report Card" that is readily accessible on the internet and offers parents essential details on the performance of their children in reading, math, and science assessments. These report cards should also present statistics regarding graduation rates, suspensions, absenteeism, teacher credentials, and several other relevant areas (What is the ESSA). Florida did not work with the act's law of making every effort to ensure all students succeed, namely native Spanish speakers. The State hid behind how English was the "native language" of the state to justify actions. This led to much controversy and protests within the state. "Florida's ESSA plan is notable in that it suggests that the state's goal is to transition ELs to full English proficiency in as few years as possible." (New America). From the educational perspective it is controversial as outside of the program the students are almost on their own with no real aid. Such as tests only being in English. Many parents and community members and even some members of the school protest this so that the native speaking students can have a fair chance at succeeding. This legislature within Florida is being challenged as to allow students who speak a different native language to be allowed to be tested in their native language (Mitchell, 2019). Much of this debate is over if it is fair and how tests like these should not be



put into place as it would not motivate students to learn English and immerse themselves in the language.

In contrast, Florida has rather good programs for helping EL students. This would explain why the tests are in English, to better help the students grasp it. But it does lead to the debate that it's unfair if a child is behind in the program or can't understand English as well as it is written on the test. Florida's programs aim to help students who struggle with speaking English gain a mastery of the language. The way in which this is done is extra classes for these students that help them have better proficiency within the English language. They are meant to help the students with reading, writing, speaking, and understanding skills of the English language. However, the program does come into some trouble because the act explicitly says that students should acquire the language "as rapidly as possible". It looks that Florida is more concerned with time and speed rather than with true understanding. Many resources, both in school and a few outside of school, are part of this program such as technical assistance and a hotline to call and ask questions with responders able to communicate in both English and Spanish (FLDOE). There are many rules surrounding these programs such as their needs to be plans in place for when executing them. One that is rather interesting is how parents are required to be involved in said programs in order to help students, as a measure to help both students and parents have proficiency in English (FLDOE). The way in which these parents are involved is by meeting and parents that cannot make it to these meetings, there are emails and even teachers finding ways to get in contact with parents on the parents' time. It is a way to ensure the parents are aware of what is going on with their students.

I decided to discuss these states because they tie into both Spanish speakers and to immigration. Texas, California, and Florida are in the top 5 of percentages of Spanish speakers in their states, within this country. California originally was part of Mexico but after the end of the Mexican-American War 1848, it was given to the United States. Many of the Spanish speakers here stayed here and their ancestors live on today. On top of that, a large reason for the vast number of Spanish speakers is due to California's close proximity to the Mexican border.

Another border state, Texas as well, has a significant Spanish speaking population. Texas, much like California, was a Mexican territory before joining the United States, although it gained its own independence in 1836. It had a mostly Spanish speaking population during this time. However, Texas did later annex from Mexico which in part caused the Mexican American war. Texas would then later join the United States as a whole in December of 1845, still having a rather high population of Spanish speakers. Many Spanish speakers are still in Texas to this day. A large reason for this, outside of them already being there, is Texas proximity to the border. Many towns around the border are filled with both Hispanics and Spanish speakers. Because of this, the Spanish language is spoken much more frequently in these areas around the border. Also, the influx of immigrants coming over the border into Texas adds to both the Hispanic population as well as the Spanish speaking population. With many people in Texas natively speaking Spanish many who aren't native speakers are learning the language to better communicate with the native speaker neighbors.

Part of the reason for Florida having such a large Spanish speaking population is because it was a territory of Spain in the 16th century and before. Florida originally served as a military base for

Spanish expeditions into the Gulf of Mexico and the Caribbean. Spain also used Florida as a hub for trade with other European powers and as a source for gathering natural resources, such as timber and naval stores. Over time, Florida became an important agricultural region, with Spanish settlers growing crops such as tobacco, indigo, and fruits. Spain, at the time, demanded to either control the people of East Florida or cede it to the United States. Spain seceded from Britain in the 1760s and then to the United States. In 1819 Secretary Adams and Minister Onís reached an agreement where Spain would cede East Florida to the United Kingdom and renounce all claims to West Florida (U.S Department of State, online). Today, Florida still has a massive Spanish speaking population, ranging in many different groups of people. Two of the biggest of these populations are the Cubans and the Puerto Ricans.

One of the densest populations of Spanish speakers within Florida are the Cubans. Florida has a long and rather complex history, with many Cubans migrating to the state throughout the 20th century. In the 1950s, many Cubans came to Florida as political refugees after the Cuban Revolution, which led to the establishment of Fidel Castro's communist government in Cuba. Florida was the closest spot for these Cubans who were escaping the communist government of Fidel Castro to come seeking refuge and many of them stayed within Florida, while others fled to other parts of the country. Today, Florida has the largest Cuban population of any state in the United States, with over a million Cubans living in the state alone. The Cuban community in Florida is very diverse and includes both recent immigrants and people who have been living in the state for generations. In recent years, the number of Cubans immigrating to the United States has decreased. In January 2017, the Obama administration ended the "wet foot, dry foot" policy, this allowed Cubans to enter the States and apply for a residency for a year which was very

different from normal immigrant policies. This change in policy means that Cubans now deal with the same immigration laws and procedures as other immigrants to the U.S. (Batalova, 2022).

### **What Policies and Programs are Best?**

Despite going over only three states' individual policies and programs and Spanish speaking students, all states across the country have either similar or different policies for Spanish speaking students. However, some states do have better policies in place and programs, the three mentioned will be the ones being discussed for which is the best. The Bilingual education act helps not just Spanish speaking students but English as a second language students in general is the. As stated earlier in this thesis this act was put into play by the federal government in order to help the English Language Learner students.

California is the state with the both the best policies and programs for Spanish speaking students. That's not to say that the policies have not been changed, in fact it is good that they are continually changing, evolving with time in order to better help the Spanish speaking community within their schools, succeed in their educational careers and possibly their future lives. the Multilingual Education Act and bilingual programs which help Spanish speaking students as well as native speakers of other languages learn English both in reading, writing, speaking and understanding. These programs, and policies are dedicated to helping the students have better comprehension of the English language as well as having teachers who are dedicated to helping the students, which is a massive part of why these programs are successful. Another reason for their success is the fact the schools are required to have the parents be involved, as stated earlier.

All these factors combine make it so that California has one of its not the best policies and programs within schools from Spanish speaking students across the United States.

Texas also has very good policies and programs. Some are very similar to California. However, they struggle with the requirement of EL students within classes. These policies and programs such as TBE or any other bilingual program have a policy in play that almost works against them. They only can use these programs if there are 20 or more students within the class that speak the same native language. This means if there are less than 20 Spanish speaking students within a class nothing will be done because of the policy saying it must be 20 for these programs. While the program itself is good the policy that caused it to be enacted isn't the best.

Lastly, Florida has good programs in play that help Spanish speaking students, however the programs are regarded as being more concerned on how fast students can learn the English language than having actual proficiency in it. Meaning they'd rather fast results than good results. Florida does have similar programs to Texas and California but where the problem lies in the policies. Florida acknowledges English as its native language and because of this all tests, work, and any other activities students are given will be in English and accommodation will not necessarily be met for native speakers within the schools acts such as ESSA did not help as they only reinforced keeping everything English. Combine both programs that are more focused on a fast outcome and schools that will only teach in English and it's incredibly hard for Spanish speaking students within Florida. However, it is important to note that there are protests in Florida to have policies that will better help students and even today some changes are being

made, with some schools having Spanish speaking students have tests be printed in their own language.

## **Conclusion**

Policies are put into play to better help students of the Spanish speaking community. It is somewhat obvious which of these policies and programs are better. Effective policies should involve collaboration between teachers, families, and the community to address the different needs of Spanish-speaking students. This includes providing language support through bilingual education programs, encouraging and seeking the hiring of bilingual teachers, and offering opportunities for teachers to have a better understanding of these students' native language and culture.

Also providing effective programs for Spanish-speaking students is essential for promoting academic success and achieving educational equity. These programs should be designed to help meet the unique needs of the Spanish speaking students and should prioritize working on their language development. Programs such as TBE and bilingual programs and many more across the United States are amazing in aiding Spanish speaking students in having better comprehension of the English language. However, these programs need policies working within them in order to greatly help the Spanish speaking students. It is also important to note that the programs should be focused on ensuring that students can read, write, understand, and speak English. They should not be focused on how fast they can teach the students but rather how well the students have learned the English language as a whole. As well as having these programs aid them in the future in careers and in their future lives.

Policies must be put into schools with the goal of better aiding the Spanish speaking students as well as other native speakers, their sole focus on why these policies are made should be this. Policies shouldn't be put in play that would cause for any of these native speaker students to be negatively affected. Ultimately, policies that prioritize the needs of Spanish speaking students have the potential to better the educational experiences of these Spanish speaking students as well as other native speakers and create a more equitable society. It is important that schools across the country take an active approach in developing policies and programs that support the success of Spanish speaking students.

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