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Educational Language Policy: An Examination of Race and Language in Policy Discourse

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Educational Language Policy: An Examination of Race and Language in Policy Discourse

by

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DEDICATION

I dedicate this dissertation to God, my mother, my grandparents, and my sons. God created me and embedded the essential characteristics needed to serve in the field of education as an agent of change. I could not have completed this work without the love, grace, mercy, compassion, presence, and guidance of God. My mom instilled in me the love of learning, how to stand in the face of adversity, and to always strive for excellence. My mom was the strongest woman I know, and her words continue to resonate within even in her earthly absence. My grandparents sacrificed so much of themselves, physically, financially, and emotionally to ensure I would not have to make a living by sowing and harvesting tobacco seeds. I am my ancestors' wildest dream! My sons, James and Christopher, are the best children a mother can ask for. They are so supportive, so hilarious, and just wonderful children. I am so grateful for the sacrifices they have made to ensure I reach all my goals and fulfill my dreams of becoming Dr. Dionne L. Davis! I love you both so much.

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ABSTRACT

Linguistic diversity is an integral thread in the tapestry of America. As such researchers have shown before how linguistic differences across ethnoracial groups can be understood as resources rather than problems. The aim of this study was to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education. The design of this study was critical discourse policy analysis, and the framework was a combination of Critical Language and Race Theory, also known as LangCrit (Crump, 2014) and raciolinguistics (Alim, 2016; Flores and Rosa, 2015). The research questions were: (1) How are ideologies about the intersections of race/ethnicity and language reflected in educational language policy discourse? (2) How does discourse related to race/ethnicity and language compare across federal, state, and local policies? I analyzed federal, state, and local policy documents from the federal government, state department of education, and a local school district. The primary finding was that (1) educational language policy discourse sustains deficit, hegemonic ideologies instead of hegemonic whiteness and English through the categorization of ethnoraciolinguistically diverse students using (1a) linguistic codes and (1b) co-naturalizing race and language. The secondary finding was that (2) educational language policy discourse illuminates the differences between the intentions and outcomes of policies deficit ideologies about ethnoraciolinguistically diverse students are tacitly reproduced via (2a) discursive structures (2b) curricular/instructional requirements. These findings have

implications for the field of educational leadership and therefore recommendations for leadership preparation and future research are discussed.

CHAPTER ONE: INTRODUCTION

The United States has an extensive history of people immigrating from countries around the globe, including children who did not use English as their first language prior to their arrival to the country/mainland, and according to Ovando, "the potential for controversy over language policy in the United States was present from the beginning of the formal education system" (Ovando, 2003), p. 2). Whether a symbol of unification or division, language in numerous other countries is written into policies and laws inside and outside of existing constitutions (Ovando, 2003; Spolsky, 2010). Along these lines, it is important to note that the United States Constitution does not mention language, not to be confused with speech as in *freedom of speech,* which is in the first amendment.

The absence of an official language policy in the United States may be perplexing but the founding fathers did not adopt an official language or a "government-sanctioned body to regulate speech" (Crawford, 1999, p. 22). Countries such as New Zealand, Israel, Mexico, the Netherlands, and Norway have laws designed to make languages other than English official. By law, English and Spanish are the official languages of Puerto Rico, a United States territory. Although the founding fathers envisioned "a country with a unified history, with unified traditions, and a common language" based on the British/English legal system and schooling practices, while attempts to make English the official language of the United States have been unsuccessful (Hechinger, 1978, p. 130). Currently, the diversion of efforts related to that end to resolutions by city governments and state legislatures is common (Spolsky, 2010).

Across the world today, sixty-three countries name one official language, and despite the rich cultural and linguistic seedbed of the United States, English has been deemed the official language of 30 of 50 states (Nieto, 2021; Spolsky, 2010). The assimilationist ideologies of the nation's founders shaped the nation's response to the language diversity, and the absence of a consistent language ideology in the United States has enhanced the role of symbolic politics of language, "creating resentment of special treatment for minority groups" (Ovando, 2003, p. 2).

The United States Constitution and a variety of federal jurisprudence mandate that educational leaders at the state and local levels undertake the needs of linguistically diverse students. Before *Brown v. Board of Education of Topeka,* 347 U.S. 483 (1954) and *Lau v. Nichols,* 414 U.S. 563 (1974), educational leaders, specifically site-based leaders, did not have effective strategies to monitor the progress of learners of English. *Brown v. Board of Education* (1954) ushered in equal access to educational opportunities under the 14th Amendment of the United States Constitution. *Lau v. Nichols* (1974) "ensured that non-English speakers receive accommodations in learning English" as it was the primary medium of instruction. Federal policy does not explicitly encourage the preservation of minority languages or actively prescribe any type of programming for the education of linguistically minoritized students (Wiley and Garcia, 2016, p. 51). While reiterating the requirements in section 601 of the Civil Rights Act of 1964, the Equal Educational Opportunity Act of 1974 (EEOA) specified in the section Title II Unlawful Practices, that "no state shall deny equal educational opportunity to an individual by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program" (congress.gov).

In 1979, the ruling in *Martin Luther King Junior School Children, et al. v. Ann Arbor School District,* 473 F. Supp. 1371 (1979), known as the *Ann Arbor Decision,* illuminated the

differences in the presentation of English, linguistically, by different racial and ethnic groups. The Ann Arbor school district was sued by a group of parents for discriminating against their black children attending a predominantly white school. The parents claimed the discrimination was based on the race, culture, and socioeconomic status of the students. With the *Ann Arbor Decision*, the Supreme Court ruled in favor of the families because of the linguistic barriers presented by the school. They had to adhere to previous rulings in *Brown v. Board of Education* (1954) and *Lau v. Nichols* (1974) regarding equal access to educational programs per the 14th Amendment of the United States Constitution.

Individual states, which are considered part of the macro-level in the execution of the educational language policies, may acknowledge historical contributions of federal policies and jurisprudence. The inclusion of mandates about the promotion of academic achievement amongst specific ethnic, racial, and linguistic subgroups of students imply compliance with federal educational language policy. However, school districts and schools may leave this group of students vulnerable to academic failure by interpreting and implementing macro-level mandates in ways to fit the established organizational schema, and in most cases, without disruption to the status quo (Callahan, *et al.*, 2010; Marshall, 1988).

Statement of the Problem

Historically, students from distinct cultures, clans, or tribes were segregated socially, deemed inferior linguistically and academically, and in need of *civilization* (*e.g.*, Indian boarding schools) during the 19th and 20th centuries. Often, those in positions of power in the educational system, led from their confusion about the intersections of ethnicity, race, and language. Children, especially those of immigrant parents, were labeled as *limited English proficient* (LEP) and limited intelligence. The conflation of language with intelligence, coupled with deficit

perspectives about some ethno-racial groups, yielded practices such as retention (retaining a student in the same grade the following year) at least until they demonstrated sufficient proficiency in English (Callahan, *et al.*, 2019). However, research tends to focus on English language acquisition by students adding English to their linguistic repertoire as a resolution to the *language as a problem* orientation (Ruiz, 1984) ascribed to by some educational leaders.

Educational leaders in pre-K-12 school settings are charged to review, interpret, and implement a variety of policies, including educational language policy to improve student performance. Today, educational leadership that proceeds from a language as a problem orientation (Ruiz, 1984) can create ideological spaces wherein educators are influenced to view language learners of English as liabilities. Regardless of intention, educational leadership can interpret and respond to policy directives that signify language as a deficit, leading educators to assume students' inferiority, resulting in the relegation of students to separate academic environments with schools, immersion in English, and exposure to a watered-down curriculum (Callahan, *et al.*, 2019).

Organizational processes driven by the language as a problem orientation (Ruiz, 1984) serve as barriers to educational leadership that enhances some intersectional assets such as ethnicity, race, and language. These assets center the experiences for students negotiating the academic terrain seeking refuge for preservation of their identity (DeMatthews, *et al.*, 2017). Thus, the challenge of divergent policy perspectives about language education in the United States is not a new policy problem for the field of educational leadership.

Through research focused on educational language policy discourse with embedded ideologies about race and language, more clarity can be provided about integrating a *language as a resource* and *language as a right* orientation (Ruiz, 1984) into educational leadership

preparation and practices to produce leaders focused on ethnic, racial, and linguistic equity (Callahan, *et al.,* 2019). Therefore, this study will fill in the research gaps by providing a critical discourse analysis of educational language policy discourse which will serve to acknowledge the intersections of race and language and examining policies as mechanisms of power, dominance, and marginalization in sociopolitical contexts.

Purpose of the Study

The purpose of this study was to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education, which then influences educational leadership decisions and the experiences of ethnoraciolinguistically diverse students. This critical discourse analysis (Fairclough, 1999); Van Dijk, 2015) was informed by a combination of Critical Language and Race Theory, also known as LangCrit (Crump, 2014) and Raciolinguistics (Alim, 2016; Rosa and Flores, 2015), to examine educational language policies and related practices implicating the intersectionality of students with various ethnoraciolinguistic backgrounds and affiliation.

Research Questions

The research questions guiding this study are: (1) How are ideologies about the intersections of race/ethnicity and language reflected in educational language policy discourse? (2) How does discourse related to race/ethnicity and language compare across federal, state, and local policies?

Theoretical Framework

This study of ideologies about race and language embedded in the policy discourse of educational language policy documents at the federal, state, and local levels was informed by the integration of overlapping and complementary theoretical frameworks, rooted in Critical Race

Theory ("CRT"). This framework emphasizes connections between race, language, and policy discourse. The framework brings to the forefront the ways in which policy can be a mechanism of power and dominance used to marginalize and silence speakers of languages other than English. Together, this theoretical framework informing the analysis brings both race and language into question and paves the way for a critical analysis of language policy discourse in educational language policy documents.

Critical Language and Race Theory ("LangCrit")

Critical Language and Race theory or LangCrit is an emergent, hybrid framework fusing CRT and LangCrit studies and was advanced by Crump (2014). Crump states, "understandings of language, identity, and belonging need to be informed by a theoretical lens that resists masking issues of race behind issues of language" (Crump, 2014, p. 219). LangCrit will guide the tenets of the study relative to how race, racism, and/or racialization intersect with language. Crump (2014) asserts that "avoiding the use of other words to describe race is a key insight for language studies because it will aid in bringing issues of race out of the shadows when doing language-laden work" (Crump, 2014, p. 212). Thus, LangCrit places emphasis on the intersections of language and race as both socially constructed and are brought to the forefront through the institutional histories that conceptualize language and race as countable and fixed. The inclusion of LangCrit as the theoretical framework for my study offers the possibility of examining language and race simultaneously along with the connections between local language practices and historical events.

LangCrit identified two axes that support the focus of my study. The author described the subject as seen (race) and the subject as heard (language) to account for the "full extent of identity experiences" (Crump, 2014, p. 217). For my study, these axes are pertinent to

acknowledging and sharing with educational leaders how raciolinguistic ideologies embedded in discourse within educational language policy influence the formation of public racial and linguistic identities by ethnoraciolinguistic groups of students and how the performance of these identities occur in educational contexts.

Raciolinguistics

Raciolinguistics (Alim, 2016; Rosa and Flores, 2015) aids in further understanding the influence of ideologies about the intersections of race, ethnicity, language, identity, and belonging. Rosa and Flores define raciolinguistic ideologies as a "conflation of certain racialized bodies with linguistic deficiency unrelated to any objective linguistic practices" (Rosa & Flores, 2015, p. 50). This definition echoes Crump's description of how people (children) are marginalized. She asserted that the marginalization is "based on judgments made not first on their language, but on the way, they look" (Crump, 2014, p. 217). Raciolinguistics aids in unpacking the *white gaze* by which the linguistic and cultural practices of racialized groups are scrutinized through a privileged, dominant white lens and provides a basis for an examination of the power relationships between valued and devalued languages (Sun and Wang, 2021).

Alim conveys the necessity of "viewing race through the lens of language … to gain a better understanding of language and the process of racialization" (Alim, 2016), p. 2). Alim's description of the "the new America" as a country of rapidly increasing ethnic, racial, and linguistic diversification and the cause of "White anxiety," supports earlier work by Crump (2014) regarding the recognition of audible and visible identities as intersections that construct opportunities for being and becoming. A raciolinguistic outlook enables me to examine various tenets of whiteness relative to the linguistic practices of linguistically diverse groups described by Flores and Rosa (2015) as "eyes … mouths … ears" (Flores & Rosa, 2015, p. 151). These

tenets shape how the *subject as heard* described by Crump (2014) engaging in linguistic practices prescribed by standards of whiteness, can be categorized as deviant due to their societal racial positionality irrespective of the objectivity of their language use (Flores & Rosa, 2015).

Significance of the Study

This study will contribute to the research base by analyzing federal, state, and local level policy texts while acknowledging the multilevel power and pockets of agency that are operationalized as language practices (Johnson, 2015). Policy, and its implementation, along with how educational leaders respond to ideologies about ethnicity/race and language serve as the impetus for this study. By language, I mean the entirety of the communicative repertoire typically associated with one's nationality, ethnicity, or racial grouping and culture patterns created and shared with others. I do not refer to languages as merely speech acts (*i.e.*, speaking, signing) or linguistic structure. To further the meaning and concern of raciolinguistics is the question, "What does it mean to speak as a racialized subject in contemporary America?" asked by Alim upon illuminating the attention given to the "implications of what it means to articulate while Black" (Alim, 2016, p.1) regarding the linguistic prowess of former President Barack Obama.

The discourse within the educational language policy documents and cultural influences stemming from the ethnoracial affiliation of students and their coding of language as heritage, homeland, or foreign to the current land/country interest me. Though the language of the Equal Education Opportunity Act of 1974 (EEOA) explicitly called for school districts to be deliberate in the efforts to include English Learners in educational outcomes, the need arose for more specificity for the courts (López, *et al.*, 2015). In 1981, the *Castaneda v Pickard*, 648 F.2d 989 (1981) decision resulted in three criteria by which school districts ensured compliance with the

EEOA of 1974. The three criteria outlined by the Fifth Circuit Court of Appeals were (a) language instructional educational programs (LIEPs) must be supported by experts in the field, (b) school districts must provide adequate resources and personnel to facilitate the instructional programs, and (c) the program must be evaluated to inform necessary adjustments. Educational leaders are a group of policy actors who would be helped by understanding relationships between levels of policies and the opportunities and barriers to decision-making from a stance of positive regard (asset-oriented viewpoint) for students and their ethno-racio-linguistic repertoires.

Baldauf stated that processes at the macro and micro levels occur simultaneously rather than separately and "micro implementation of the macro planning relative to educational language policies is critical when meeting the demands of broader language policy goals" (Baldauf, 2006, p. 155). Yet, traditional language education policy studies focus on outcomes that are important to macro-level constituents and overlook the outcomes that are important to those subject to the experiences created by macro-level decision-making (Shaw, 2004). Agency has historically been treated by researchers as belonging to macro-level actors, such as government officials, who conceptualize policy.

In previous research (Hornberger and Johnson, 2007; Johnson, 2009; Johnson and Johnson, 2014; Turner, 2015; Wiley and Garcia, 2015), the agency of micro-level actors has become a point of focus and along with their ability to influence policy outcomes (Baldauf, 2006). Micro-level agency, such as that expressed by district-level leaders such as superintendents or site-based leaders, such as principals, assistant principals, teachers, and students, and community members such as families, can be understood as conforming or resisting policy initiatives and goals based on their situation in the micro context (Baldauf, 2006;

Hornberger and Johnson, 2007). However, this structure versus agency dichotomy suggests a clear distinction between only two choices. Leadership may not be so neatly categorized and enacted, or consistent.

Previous research has also investigated the relationship between past and present educational language policies, between macro and micro-level policies, and the impact of policy and its interpretation within school districts responding to the influx of students with ethno-racial socio-cultural (*i.e.*, linguistic/language) backgrounds different from those working in schools and school districts, immigrant students, and students living in poverty. For instance, in an ethnographic study of language policy actors in two geographically different areas of the world (Philadelphia and Bolivia), Hornberger and Johnson inquired into local actors' interpretation of policy and how it shaped their implementation. The authors found that (a) negotiation at each institutional level creates the opportunity for reinterpretation and policy manipulation, (b) local educators are not helplessly caught in the ebb and flow of shifting ideologies in language policies, and (c) the texts are nothing without the human agents who act as interpretive conduits between the language policy levels (Hornberger and Johnson, 2007).

Johnson and Johnson's ethnographic study in the state of Washington examined how school districts receiving funding under the same state policy have different educational practices (Johnson and Johnson, 2015). They surmised that language policy actors/agents they name *arbiters* have more power than other constituents at different levels/layers of the policy process. Turner (2015) investigated how districts respond to demographic changes, influxes of students from low socioeconomic backgrounds, students of color, and students of immigrant families. She found that racial meaning-making amongst district personnel influences district-level policymaking. Wiley and Garcia contributed to this area of research in their essay about the role

of policy and the legacy of past policies and their consequences. They called for alternative educational language policies so the *linguistic competence* of language learners may be recognized (Wiley and Garcia, 2016). Language policy in educational contexts in the United States has guided the strategies used by individual states and school districts to implement language plans and programs.

While previous studies have focused on the actions at specific levels and acknowledged the intertextual and interdiscursive links to previous actions, my study examined the nested relationships between social, political, and historical discourses (Crump, 2014). The significance of this dichotomous shift to my study is the role of language in perpetuating the rise of the hegemonic white racial subject (Flores, 2016). Along the lines of "loving things that come in pairs" described by Hughey (2012), the distinction between whiteness and nonwhiteness is a conduit to the continued perpetuation of the influence of colonial ideologies upon racialized and lingualized groups of people. These historic categorical constructs and binaries continue to shape contemporary language and policy formations.

Background of the Researcher

My interest in language education began during my first assignment as an assistant principal of a school offering a Spanish/English, 50:50 in each per day (dual language), two-way immersion program in Carrboro, North Carolina. This *two-way immersion program* was situated in conjunction with the traditional program, following a school within a school model. Each grade level from pre-K through five had two teachers assigned to dual language instruction in English and Spanish. The teacher teaching English was a native English speaker, and the teacher teaching Spanish was a native Spanish speaker. The school district recruited native Spanish speakers from Spanish-speaking countries, such as Chile and Peru. I was most fascinated by the

fourth-grade Spanish teacher who was trilingual. I felt envious of her educational journey as she recounted her access to multiple languages as a preschooler resulting in her ability to develop biliteracy and biculturalism among students.

Like reports in extant literature about the benefits of two-way dual language immersion programs, the students in that two-way immersion program outperformed their counterparts enrolled in the traditional program. Affluent Caucasian families vied for their children to be enrolled in the program and the intersectional needs of some students of color were unmet, yielding educators to mislabel their behaviors and sending them to the offices of the school administrators. Despite the lack of attention to the needs of ALL students, part of the inspiration for subsequent diversity, equity, and inclusion commitments I made during my service as a school leader can be attributed to my experiences as a school administrator in the two-way immersion program. Overall, the experience was pleasant, and I learned so much about native Spanish speakers and immigrant families. I also had the opportunity to serve a small group of Burmese refugees. My fascination with language and language acquisition was bred in that learning community and my passion for seeing two-way dual language immersion programs implemented more frequently as a prospective method to close the existing gap in achievement between and amongst students from varying demographics remains strong.

My previous experiences with constituents directly impacted by macro and micro-level language policies have provoked my curiosity about phenomena associated with language education. During my enrollment as a graduate student, the privilege to observe theory and practice remained constant as I worked full-time in a variety of administrative and instructional roles in the local pre-K to 12 school districts. The interconnections between leadership, language, diversity, equity, and inclusion, and the concept of intersectionality came to the forefront when

completing my coursework assignments. When I was introduced to the policy process during my last semester of coursework, the sense of urgency I had when making critical inquiries in either the theoretical academic setting or in the practical learning environment, aligned with the need to investigate the complex relationship between what I read as a graduate student and what I did daily as a practitioner relative to a multitude of educational policies.

Assumptions

Terms such as "standard" and "non-standard," "correct" and "incorrect," and "proficient" and "nonproficient" are how the interplay of race and language may be reflected in educational language policies, specifically how language can be used to justify inequities in school-based practices.

Definition of Key Terms

This research study included terms defined to acquaint the readers with the usage of these words in this study.

Critical Discourse Analysis

Discourse analytical research that primarily students the way social power abuse and inequality are enacted, reproduced, legitimated, and resisted by text and talk in social and political context (Van Dijk, 2015).

Discourse

In this study, discourse is to be understood as the language used in written text *and* the context in which the text is used (Van Dijk, 1997).

Educational Language Policy

The official and unofficial policies that are created across multiple layers and institutional contexts (from national organizations to classrooms) that impact language use in classrooms and schools (Johnson, 2013, p. 54).

Educational Policy Contexts

The multiple level process through which educational language policy is conceptualized and researched. The levels and affiliations related to educational language policy are (a) macro-governments (national/state), (b) meso-institutions, (c) local entities (schools and classrooms) (Chen, *et al.*, 2021).

English Hegemony
Refers to the situation where English dominates other languages in communication and causes inequalities between English speaking people and non-English speaking people (Tsuda, 2008).

Hegemonic Whiteness
Hughey defines hegemonic Whiteness as, "the commonsense ideal of what white identity should be" (Hughey, 2012, p. 14).

Intertextuality
Where policy documents exist within a network of flows, pathways, and relations, reverberating with the ideas of multiple writers (Cushing, 2021, p. 323).

Language
A collection of vocabulary and grammatical rules used by members of the same group or country, geographic region, or cultural tradition.

Language Ideology
Refers to people's ideas about language and speech. Language ideologies constrain what people actually do with language (Phillips, 2015).

Race
Phenotypic differences, such as skin color, hair texture, and other physical differences perceived to surface as manifestations of deeper, underlying differences in intelligence, temperament, physical prowess, and sexuality. Though race has no biological meaning as used in reference to human differences, it has extremely important and highly contested social meaning (Omi, 2001).

Raciolinguistic Ideology
Highlight symbolic links between language, race, and social class by which language use of minoritized students is often heard as deficient (Flores and Rosa, 2015).

CHAPTER TWO: LITERATURE REVIEW

The purpose of this study was to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education, which then influences educational leadership decisions and the experiences of ethnoraciolinguistically diverse students. This chapter provides a review of the literature relative to educational language policy with a focus on the raciolinguistic ideologies embedded within educational language policies at the federal, state, and local levels and is divided into three sections. The first section focuses on historical influences shaping language policy, the iterations of the meaning of educational language policy, and the variables influencing outcomes. The second section examines the correlations between raciolinguistics ideologies (Flores and Rosa, 2015), and educational language policy. The third section investigates how educational language policy has the power to influence outcomes for ethnoraciolinguistically diverse students in pre-K to 12 schools. Due to my existential experiences as an educational leader in pre-K to 12 schools, it is my belief that an understanding of how personal ideologies about race and language, influence policy, is imperative in developing educational leaders to identify, resist, and manipulate barriers presented in discourse within and between educational language policies. Transforming the barriers into opportunities ensures students are beneficiaries of educational language policy rather than victims.

Historical Factors Shaping Educational Language Policy

Ovando asserted that no single scholarly interpretation of historical events and legislation relative to language policy development can lead to accurate conclusions about ideologies, policies, and politics of language diversity amid changing localized political, social, and economic forces. Instead, Ovando believes systematic ideas about language itself shaped responses to language diversity. His historical periods help describe different perspectives that have been introduced into policy, including the inconsistencies and contradictions regarding views about language diversity in the United States (Ovando, 2003). He divided the historical forces that drove language policy inclusive of language education policy in the United into four periods.

1. The Permissive Period: 1700s-1880s
2. The Restrictive Period: 1880s-1960s
3. The Opportunist Period: 1960s-1980s
4. The Dismissive Period: 1980s-Present

The Permissive Period: 1700s-1880s

The 1700s-1880s was a time when immigrant communities clung to their native languages through various outlets. They attempted to establish dichotomous ways of being to "maintain their ancestral ways of life while simultaneously participating in the civil life of the nation" (Ovando, 2003, p. 4). The sustainability of these efforts, made possible by the tolerance and respect of other languages during a time of evolution in the United States, led to a strong sense of identity. The exception to this sentiment of tolerance was toward enslaved Africans. They were restricted from using their native languages and from becoming literate in English by "the incorporation of 'compulsory ignorance laws' into slave codes maintained in southern states until the end of the Civil War (1861-1865)" (Wiley and Garcia, 2016, p. 51).

In early America, migration further west to establish communities with common beliefs and spoken languages was not feasible for all colonial settlers (Kloss, 1998; Ovando, 2003). Bilingual education gained footing as many states passed laws authorizing some form of bilingual or non-English language instruction in public and private schools (Ovando, 2003). Languages other than English used in instruction were German in Pennsylvania, Maryland, Ohio, Indiana, Illinois, Missouri, Nebraska, Colorado, and Oregon; Swedish, Norwegian, and Danish in Wisconsin, Illinois, Minnesota, Iowa, North and South Dakota, Nebraska, and Washington; Dutch in Michigan; Polish and Italian in Wisconsin; Czech in Texas; French in Louisiana; and Spanish in the southwest (Kloss, 1998; Ovando, 2003). The characteristics of this period in America led Ovando (2003) to denote it as "permissive." However, bilingualism was not actively promoted in education, but rather subjected to a policy of linguistic assimilation.

The Restrictive Period: 1880s-1960s

The 1880s-1960s deemed the "restrictive" period was marred with repressive policies and initiatives to restrict pluralistic ideologies amongst Native Americans and immigrants. Examples of assimilationist tactics used during this time were:

- A cultural genocide campaign inclusive of repressive Indian language policy created to *civilize* Indians and contain them on reservations (Ovando, 2003, p.4).
- English-only school laws promoted by the American Protective Association.
- Founding of the Immigration Restriction League and early agitation for a literacy test requiring any immigrant wishing to settle in the United States to be able to read 40 words in any languages (Higham, 1988).
- The Naturalization Act 1906 stipulated that to become naturalized citizens, immigrants must be able to speak English.

- Bills sponsored by the Bureau of Naturalization and the Bureau of Education of the United States to distribute financial aid to states for the teaching of English to aliens and native illiterates (Higham, 1992, p. 82).

The United States, due to fear about "the importation of foreign ideologies" moved away from attitudes of tolerance towards one of linguistic and cultural assimilationism. The responsibility to assimilate into American society became that of the language-minority student, not the schools (Ovando, 2003, p. 6). The Americanization of immigrants via submersion strategies in schools was necessary to deem United States culture more desirable than ancestral languages and cultures. Though efforts to sustain bilingualism in public schools existed, such as a ruling by the Supreme Court in *Meyer v. Nebraska*, 262 U.S. 390 (1923), against Nebraska's restrictive policy relative to foreign language instruction in public schools, "the demise of bilingual education in public schools in America was inevitable during the first half of the 20th century" (Kloss, 1998, p. 73). Ovando called for a more in-depth examination of the delineation between symbolic and instrumental politics associated with language policies. He asserted:

> Many times, language policies have been dressed up in glowing terms about the superiority of American 'civilization' and democratic institutions, yet the intent of English-only mandates was to promote the practical objective of destroying minority cultures and to maintain colonial domination. (Ovando, 2003, p. 6.)

This period seemingly diminished the language diversity that was an identifiable feature of the American social landscape. The intrusion of settlers and colonizers overshadows the antecedent history rich with the languages and cultures of indigenous peoples (Wiley and Garcia, 2016). The linguistic, cultural, and ideological competition amongst Spanish, English, French, Portuguese, and Russian colonizers was exacerbated by clashes between the descendants of established settlers from the previous period and their fears of being minoritized, which led to their attempts to take control of institutions such as schools. According to Wiley and Garcia, "by

1919, many states implemented restrictions on including foreign languages such as German in instruction despite the increasing presence of Germans and a variety of other immigrant languages in the larger society" (Wiley and Garcia, 2016, p. 51). *Brown vs. Board of Education* (1954) challenged the discriminatory, racist, segregationist practices of the American education system. *Brown v. Board of Education* (1954) anchored the beginning of the civil rights movement that ushered in a period of legal successes prohibiting discriminatory practices based on intersectional variables such as, race, color, religion, or national origin (Garcia and Sung, 2018). Though *Brown v. Board of Education* (1954) signified a turning point in the American education system regarding racism and discrimination, sluggish progress and ingrained system inequities, spurred more protests across the nation. These actions aligned perfectly with the description made by the United States appointed commissioner of education for Puerto Rico's description of colonization being in the hands of wolves disguised as *messengers of peace* in the outpost and garrisons (i.e., public schools) of the advancing nations.

The Opportunist Period: 1960s-1980s

By the 1980s, Eastman (1983) wondered if Americans would ever embrace linguistic diversity. During this period, many opportunities arose to increase bilingual education instruction in classrooms across the United States. The creation of many laws and policies signaled an era in which the importance of second language acquisition could no longer be ignored. Russian scientific advances leading to the launch of the Russian satellite *Sputnik* stirred the federal government to make strides to increase foreign language education to compete in the global arena in the areas of language, mathematics, and science. Though the National Defense Act of 1958 encouraged a shift towards improvement in this area, the United States remained disjointed linguistically.

The civil rights movement furthered the growth of bilingual education efforts. The Civil Rights Act of 1964, The Naturalization Act of 1965, bred from the preceding integral changes in the United States, and the abolishment of the Naturalization of 1906 which required all immigrants to speak English to be designated as a United States citizen, and the 1924 National Origin Quota System, increased opportunities to enter the United States. The influx of native Spanish-speaking students and the call for equity in access to educational and economic opportunities by the Mexican American and Puerto-Rican communities served as a segue for new educational pathways for linguistically diverse students (Garcia and Sung, 2018); Ovando, 2003).

Castro and the Cuban revolution contributed to the immigration of countless Cubans to the state of Florida. The exiled Cubans wanted to return to their home and strove to ensure their children acquired English while sustaining their heritage language. The combination of active professional parents, well-trained Cuban teachers, federal assistance through the Cuban Refugee Act, and tolerance for light-skinned Cubans enabled the dream of the newly arrived Cubans to come to fruition. The establishment of Coral Way Elementary School in Dade County, Florida in 1963 proved that a two-way bilingual education program could be highly successful (Lyons, 1990). Other bilingual education programs emerged in Washington DC, Chicago, and San Diego, however, the impetus for the implementation shifted from ancestral language presentation to linguistic interventions (Genesee and Gandara, 1999). The Watts Riots (1965) and the formation of the Black Panther Party (1966) informed the end of the racially liberal period of the early 1960s and the beginning of a more racially radical social era in the United States. Following the actions of African Americans, Mexican Americans, and Puerto Ricans with new levels of racial

and political consciousness, acknowledged their positionality as "colonized groups minoritized through race and language" (García & Sung, 2018, p. 320).

The Bilingual Education Act of 1968 (BEA) was born out of necessity for equalized education opportunities for students speaking languages other than English in the United States' public schools amid the civil rights movement of the 1960s (Cervantes-Soon *et al.*, 2017). In 1967, Senator Ralph Yarborough of Texas introduced an amendment known as S. 428, the Bilingual Education Act (BEA), to the Elementary and Secondary Education Act of 1965 (Lyons, 1990). Congress passed the amendment in 1968 (Hutchinson, *et al.*, 2015). The amendment was meant to provide the money and coordination needed to squelch the failure rate of Spanish-speaking students in public schools (Lyons, 1990).

Due to political popularity, more than three dozen bilingual education bills were introduced to the House of Representatives (Lyons (1990). However, after seven days of deliberation, the bill signed into law was different than the vision for bilingual education originally introduced by Senator Yarborough. Several important concepts were eliminated from the original draft. Lyons highlights three:

1. "The teaching of Spanish as a native language" (Lyons (1990), p. 68).
2. "The teaching of English as a second language" withdrew recognition of the importance of specifically designed English-development programs for non-English background students (Lyons (1990), pp. 68-69).
3. The law also deleted reference to "efforts to attract and retain as teachers promising individuals of Mexican or Puerto Rican descent" rather than redrafting it to reflect the broader focus on all non-English speakers (Lyons (1990), p. 69).

The deletions from the original presentation of the BEA (1968) by Senator Yarborough were a segue into future iterations of the bill that "reinforced the act's focus on English-language development and neglect of native-language development" (Lyons (1990), p. 69). From 1974 to 1980, the bill underwent several revisions and eliminated federal support for two-way bilingual education programs, though the federal government had knowledge of a successful two-way program (Coral Way School), per presentations made during the hearings held by the Special Subcommittee on Bilingual Education of the Senate Labor and Public Welfare Committee (Lyons (1990). Lyons' work predates yet supports Garcia's and Sung's (2018) statement that "the BEA's passage was never meant to fully support the 1960s Latinx activists' goals for bilingual education as a part of a broader agenda to confront the racism and structural inequalities in U.S. Society" (Lyons, 1990, p. 318).

The opportunist period of the 1960s-1980s informed the birth of a variety of ways to school the growing number of English learners as the number of immigrants continued to increase. In contrast, the topic of bilingual education remained controversial based on findings in 1972 by the United States Commission on Civil Rights. In states with the largest number of students learning English also referred to as English Learners ("EL") or English Language Learners ("ELLs") (California, Arizona, New Mexico, Colorado, and Texas) "only a small percentage of language minority students were receiving appropriate bilingual or ESL instruction" (Ovando, 2003, p. 12).

The *Lau v. Nichols* (1974) outcome marked a pivotal turn for the schooling of ELs in the United States. The case was brought forth by a group of Chinese students in California who sued the San Francisco Unified School District for limited access to special help due to their inability to speak English. The court's decision was aligned with the language of section 601 of the Civil

Rights Act of 1964, which reads that "no person in the United States on the grounds of race, color, or national origin be excluded from participation in, be denied the rights of, or be subject to discrimination under any program receiving federal financial assistance." The court-mandated states to provide equal education for non-English speakers but did not prescribe a specific formula for the enactment of the ruling. The outcome of *Lau v. Nichols* (1974) is double-pronged and undergirds why language programs for ELs exist in school districts across the United States, while also serving as a catalyst to the inconsistencies regarding how the programs are implemented. Bell, the 1982 Secretary of Education, asserted that schools, in general, were not meeting the needs of ELL children (Lyons, 1990).

The Dismissive Period: 1980s-2000s

The political landscape of the United States has shaped the ebb and flow of language policies as evidenced by the actions of the Reagan and G. H. W. Bush administrations during the Dismissive Period (Genesee & Gandara, 1999; Ovando, 2003). The movement against bilingual education in public schools strengthened during the 1980s, dismantling the previous years' programmatic development and research activity. President Carter's administration intended to move the *Lau v. Nichols* compliance standards known as the *Lau Remedies* (1975) forward. The Reagan administration extinguished Carter's proposal and terminated any chances for the requirement of bilingual education programs in schools in which "at least 25 EL children of the same minority language group were enrolled in two consecutive elementary grades K-8" (Crawford, 1999, p. 52). The English-only movement gained footing after these detrimental actions diminished the need for bilingual education programs. Remnants of the push for bilingual education programs resurfaced during the Clinton administration. Restoration of funding cutbacks totaling 38% influencing Congress to drop three derogatory riders from a bill that

would have (a) given non-English speakers only two years to learn English, (b) increased the proportion of funds available for English immersion programs, and (c) given preferential funding to programs clearly implementing the two-year limit, thus curtailing the establishment or continuation of maintenance and two-way bilingual programs (Ovando, 2003).

The English Only Movement

As efforts to promote the English only movement grew, the next phase of educational policies impacting the instruction of English learners came to the forefront. No Child Left Behind (NCLB) (2001) removed language specifying the use of bilingual instructional methods, inclusive of biliteracy and bilingualism, and on January 8, 2002, Title VII (BEA (1994)) expired. The nation's attention turned towards the acquisition of English rather than that of sustaining native languages (Hornberger and Johnson, 2007; Lopez, *et al.*, 2015; Spolsky, 2004) and ESSA of 2015, P.L. 114-95 § 114 stat. 1177 (2015-2016) or ESSA (2015) restricted and extinguished the movement to include bilingual education in America's classrooms. Initiatives, such as House Resolution 123, also known as Language Government Bill (1996) aimed to declare English as the official language, failed at the federal level. However, several states passed statutes making it the official language. "California, Arizona, and Massachusetts led the way towards English Only by instituting voter-approved initiatives restricting bilingual education from 1998 to 2002" (Wiley & Garcia, 2016, p. 52). Proposition 227 known as the *English for Children* (California), Proposition 203 (Arizona), and Question 2 (Massachusetts) prohibited bilingual education for students speaking a language other than English (Sanchez, *et al.*, 2018).

The periods identified by Ovando (2003) include the historically influential ideologies and political actions shaping language policy in the United States. The period from the 2000s called for a deeper examination of language policy as it relates to educational language policy.

Specifically, how ideologies related to race and language are reproduced in federal, state, and local policies directly affecting the intersectional complexities associated with schooling ELs. Cervantes-Soon, *et al.* state this shift increases the need for the presence of leaders who have the leadership capacity "to work toward critical consciousness so the programs integrate groups with the aim of embracing cross-cultural understanding and greater equality" (Cervantes-Soon, *et al.* (2017), p. 419). Leaders with a capacity for transformative, social justice leadership may shift the pendulum away from a reliance on monolingual English-speaking teachers for English-medium instruction and assimilationist ideologies (Cervantes-Soon, *et al.* (2017), p. 407).

Language Policy in Education

Prunty (1985) defined policy as an agenda or set of objectives that legitimizes the values, beliefs, and attitudes of its authors. Birkland (2020) defined policy as a statement by the government regarding what it will or will not do and may be in the form of a law, regulation, ruling, decision, order, or a combination of all mentioned. He also stated that the lack of a formal statement is an implicit form of policy. Educational language policy does not lie outside the parameters of these definitions and more importantly, the ways in which policies regarding language are codified must be understood. Codification refers to the ways policies are written down and made public to ensure the intended targets of the policy are aware of the expectations within the policy. It is important for educational leaders to understand the many ways in which educational language policy may be presented, as all stakeholders in a school are impacted by policy goals, outcomes, and the associated resources (Cardno, 2018; Hankivsky, *et al.*, 2014).

Language policy in relation to education is as complex as it is illusive, and it has enormous implications for educational leaders (Cardno, 2018). A single definition cannot capture all the complexity and nuances that language policy might reveal. The complexities of language

policy are what makes it an interesting concept or construct in the context of educational practices, specifically because "of all the domains for language policy, one of the most important is the school" (Spolsky (2004), p. 46). Educational institutions in the United States played a significant role, historically, in shaping and implementing language policy (Wiley and Garcia, 2016). Johnson (2013) investigated the iterations of language policy from various authors such as Kaplan and Baldauf (1997), Schiffman (1996), Spolsky (2004), McCarty (2011), and Tollefson (1991).

Language policy is not one entity acting upon other facets of human existence. It is a compilation of entities acting upon each other in numerous ways and contexts and it is helpful to examine what is meant by *educational language policy* to better understand how it may manifest at micro levels such as school districts. Johnson (2013) captured the spirit of the preceding iterations while adding more depth, to his definition of language policy (s*ee* Table 1). He described *language policy* as "a mechanism that impacts the structure, function, use or acquisition of language and includes four key elements" (Johnson, 2013, p. 9). The four elements are:

1. Official Regulations--often enacted in the form of written documents, intended to effect some change in the form, function, use, or acquisition of language-which can influence economic, political, and educational opportunity.
2. Unofficial, covert, *de facto*, and implicit mechanisms, connected to language benefits and practices, which have regulating power over language use and interaction within communities, workplaces, and schools.

3. Not just products but processes--"policy" as a verb, not a noun-that are driven by a diversity of language policy agents across multiple layers of policy creation, interpretation, appropriation, and instantiation.
4. Policy text and discourses across multiple contexts and layers of policy activity are influenced by the ideologies and discourses unique to that context (Johnson, 2013, p. 9).

These four key elements align with previous (Baldauf, 2006) and subsequent assertions (Wiley and Garcia, 2016) that policies can be differentiated by their degree of formality or explicitness. Johnson investigated language policy definitions in conjunction with education more thoroughly and made note of the differences in the definitions presented by various authors to reflect the "increasing complexity of this area of research" (Johnson, 2013, p. 54).

Language Planning

Discussing language policy and language planning simultaneously as they both apply to educational contexts is necessary. Baldauf believes language policy is "the plan" and language planning is the "way the plan is implemented" (Baldauf, 2006, p.149). The term used by Baldauf, Johnson, and others is Language Policy and Planning ("LPP") (Baldauf, 2006; Johnson, 2013). The two terms, Language Policy and Language Planning are synonymous, though one may subsume the other. Johnson asserts that the two are closely related, but separate, different activities (Johnson, 2013).

Historically, broad language planning occurred at the macro level by governments composed of disinterested actors making policy decisions based on investigations of issues related to matters such as educational requirements. The outcomes were wholly in the best interest of the state. Four types of language planning are a part of the larger planning conducted

at the macro level to regulate or change language behaviors and practices in educational contexts, as change happens more quickly in state-managed domains such as schools (Baldauf, 2006). Language policy and planning can be unsystematic, so broaching language planning through an analysis of policy discourse can help researchers emphasize forms of planning, the language within policy decisions, and how policy is implemented (Baldauf, 2006). The types of language planning are (a) Status, (b) Corpus, (c) Acquisition, and (d) Prestige (Copper, 1989; Johnson, 2013; Schiffman, 1996; Spolsky, 2004; Wiley and Garcia, 2016).

Status planning reconceptualizes the prestige of a particular language within society by framing the ways specific language group codes or individuals are perceived. This type of planning dictates decisions about language choice and use.

TABLE 1. Definitions of Language Policy in Education

Authors	Terms	Definition
Kaplan and Baldauf (1997)	Language-in-education policy	Key implementation procedure [and subset] for language policy and planning (p. 53)
Garcia and Menken (2010)	Language-in-education policy	Critical work from the past few decades that focuses on the role of schools in marginalizing minority languages and minority language users, but does not consider the power of educators (p. 53)
Garcia and Menken (2010)	Language education policy	Decisions made in schools beyond those made explicitly about language itself (p. 53)
Garcia and Menken (2010)	Language education policies	The plurality of choices available to educators and the agency of educators as powerful decision-makers in language planning and policy

TABLE 1. Definitions of Language Policy in Education (Continued)

Authors	Terms	Definition
Tollefson (2002) and Johnson (2013)	Educational language policy	The official and unofficial policies that are created across multiple layers and institutional contexts (from national organizations to classrooms) that impact language use in classrooms and schools (p. 54)

The status of the language is driven by laws and regulations, in the case of my study, educational language policies, and this is how languages are deemed official (or not). Corpus planning involves what happens to languages, such as the use of grammatical structures, associated lexicons, and spellings. This is where a chosen language can be changed or modified. Acquisition planning is related to language learning, such as acquiring a new language and sustaining a native language. Prestige planning ensures the images of a chosen language are given more status, as illustrated in the definition of status planning, these two types of planning are closely intertwined (Ager, 2001; Baldauf, 2006; Shohamy, 2006).

Cooper developed an *accounting scheme* to aid in understanding how the policy process can be inclusive of policy actors and asked, "What actors attempt to influence what behaviors of which people for what ends, under what conditions, by what means, through what decision-making process, with what effect?" (Cooper, 1989, p. 89)). The interconnections of the eight components illuminated through Cooper's inquiry and my critical discourse analysis of policy documents may open ideological and implementational spaces for school administrators to view the power to create optimal learning environments for diverse student populations within educational language policies (Hornberger & Johnson, 2007).

Language Policy and Planning (LPP) Process

Language policy is similar to other forms of public policy. It is officially planned, and executed by people with political authority (Ager, 2001). Knowledge of the policy process is important to my study to gain an understanding of the role of the federal government in educational language policy, as the United States Constitution calls for the government to abdicate responsibility regarding education policy and programs to states and local governments (Birkland, 2020).

Levels of the LPP Process

Power differentials and asymmetries are captured metaphorically in some theories related to language policy as levels or layers. The macro layer, the meso layer, and the micro layer . . . The language policy and planning process occurs along a continuum in which decisions and actions may occur in isolation at a particular level or anywhere along the continuum. Sometimes, as in the case of the Bilingual Education Act of 1968, policies with the goal of centering language as a resource may not be accepted and implemented as intended (Wiley and Garcia, 2016). Johnson and Johnson assert that educational language policy creation has intertextual and interdiscursive connections to previous policy texts and discourses and occurs at the federal level (Johnson and Johnson, 2015). Their assertion aligns with the theoretical aspect of this study, as Crump asks how educational language policies "reinforce, produce, or resist racial hierarchies?" (Crump, 2014, p. 220). They cite the next step in the process as an interpretation made by policy creators and the actors, at the state and local levels, as they are expected to integrate the policy into practice.

Instead of using the term integration or implementation, the authors use the term appropriation to describe the complex process of interpretation influenced by several actors

throughout the process but assert that it occurs at the local level. The importance of appropriation of policy is that the outcomes may not reflect the initial intent (Johnson and Johnson, 2015).

Types of Language Policies

A dichotomy exists when differentiating between types of language policy throughout the literature. The two main categories are overt and covert language policies, with covert policies being the most overlooked. Within the two categories are other tenets that further separate the types of language policies. Overt policies, the most popular type may be de jure (concerning law), top-down, and/or explicit. Covert policies may be *de facto* (concerning fact/reality), bottom-up, and/or implicit (Johnson, 2013; Schiffman, 1996). The relativity of *top-down* or *bottom-up* is dependent upon who is interpreting the policy. The importance of the types and or categories of language policies in educational practices is they are shaped by different variables across various layers and contexts. For example, Johnson claims that teachers taking the multilingualism of their students into consideration when planning for instruction within a school deemed officially monolingual supports the idea of how a *de facto* policy may differ from goals stated explicitly in law (Johnson, 2013).

Educational Language Policy Implementation

Several variables affect the implementation of educational language policy in different contexts, but the processes of organizations and values held by policy actors/agents have the most significant impact on what happens to a policy as it is implemented (Marshall, 1988), such as teachers, often deemed linguistic arbiters or role models, having the power to police, regulate, and suppress the language of students (Cushing, 2021). Traditionally, in schools, policies are implemented as goals and procedures on a continual basis. However, school districts, due to lack of accountability, may decide what policies they want to implement, resulting in reimagined,

overlooked policies. When districts have no real intention of implementing policies, a refusal to defy the status quo, micro-level practices remain unchanged, per the findings relative to identical macro funding sources and different micro-practices, of a study conducted by Johnson and Johnson, 2014). A district may accept federal or state funding and pretend to fulfill policy goals or implement the policy as intended until the funding is no longer available (Marshall, 1988; Shaw, 2004).

To this end, it is recognized that what happens at the district level through the actions of district leaders, can be cited as top-down interpretation and implementation that is mirrored in the actions of local, site-based actors/agents and that the power differentials between sets of actors/agents become more apparent (Johnson & Johnson, 2014). Descriptions of the levels or layers through which educational language policy decision-making occurs are illuminated throughout the literature. These contexts are discussed in different ways using a variety of terms such as macro, micro, *de jure*, *de facto*, top-down, bottom-up, etc., but the importance of understanding the layers/levels remains consistent amongst researchers (Hornberger & Johnson, 2007).

Factors Influencing Educational Language Policy and Planning

The interpretation of educational language policy may be creative and unpredictable and drive other dimensions of the policy process such as appropriation by various policy actors (Johnson, 2013). Ricento and Hornberger (1996) describe language policy processes as an onion, metaphorically. They do this to shed light on the multiple layers embedded within language policy processes such as national, institutional, and interpersonal. The interpretation and appropriation of macro-level policies by educators at different points in the micro-level hierarchy

(district, school, classroom) may promote or obscure various types of language learning (Menken & Garcia, 2010).

Policy Actors and Agency

To whom do constituents turn when answers are needed to gather understanding about issues or concerns related to access, obligatory tenacity, and preparedness in a multitude of outcomes in pluralistic educational contexts? Should the questions be directed to educators or policymakers (Marshall, 1988)? A key aspect of educational language policy implementation is the agency of a variety of policy actors. Human agency is centered when language policy is researched through an anthropological and sociological lens but is underestimated when researching this topic critically (Hornberger & Johnson, 2007). Macro-level actors need to know that micro-level actors such as school administrators and teachers have power, as the *de facto* implementers and can promote or obscure policy goals and outcomes (Marshall, 1988). The implementation of educational language policy illuminates the powerful role of educators in the language policy process. Educators' roles in the policy process should be viewed as dynamic rather than that of "bureaucrats that follow orders unquestionably" (Johnson & Freeman, 2010; Shohamy, 2006).

Multiple actors participate in the educational language policy process. Actor applies to those who create policy and those who interpret and appropriate policy (Johnson, 2009). Shouhini and Baldauf identified five "I's" to explain how the agency of people with expertise, influence, and power affect the language policy and planning process: (1) *Initiation*, (2) *Involvement*, (3) *Influence*, (4) *Intervention*, and (5) *Implementation and Evaluation* (Shouhini and Baldauf, 2012). Initiation is the phase of the process in which problems are acknowledged and assessed by politicians regarding the need to attend to the problem. Here, the problem must

align with political interest, what is known as a form of interest convergence by critical scholars. An example relevant to language education policy is Sung's question about the motives underlying the Bilingual Education Act of 1968 (Sung, 2017). Sung's inquiry regarding the sense of urgency relative to bilingual education in the United States when there was no imperative need, as "the percentages of foreign-born and non-English speakers were lower during the 1960s than any other twentieth-century decade" (Sung, 2017, p. 303).

The involvement phase occurs after the determination has been made to give credence to the problem, and policy actors with expertise regarding language impart their technical expertise regarding the problem. The influence phase centers on the subconscious thought and practices of specific actors. The actions of these actors, identified as having more influence than other groups of actors, may persuade others to follow a particular set of policy outcomes. The intervention phase is most susceptible to disrupting policy initiatives, as actors with power intervene and their personal intervention may cause other actors to abandon a policy. The decisions in the earlier phases of the process are put into action in the implementation and evaluation phase of the process.

The behaviors of both macro and micro level policy actors result from assumptive socialization about what should occur at different levels of the educational policy process. Both sets of actors run the risk of loss of power and ostracism if rogue behaviors challenge the status quo (Marshall, 1988). The extant literature relative to educational language policy focuses on the agency of macro-level actors on policy outcomes but overlooks the agency of micro-level policy actors. Authors such as Ellsworth (1976) and Baldauf (1982) began to make contributions to LPP literature on behalf of those making policy decisions and that agency was an important part of LPP. Cooper (1989) specifically related agency to actors. As more LPP literature foci shift

towards micro-level practices the iterations of categories of decision-making actors/agents amongst various authors (Ager, 2001; Ellsworth & Stahke, 1976; Shohamy, 2006; Zhao & Baldauf, 2012) becomes more significant. *See* Table 2 for the categories of policy actors/agents by the identified authors in chronological order.

A study conducted from 1983-1985 by Mitchell, *et al.* (1986), ranked policy actors/agents regarding their power and influence in educational policymaking (Marshall, 1988). The importance of the rankings for this study is to add to the understanding regarding the agential power of a particular group as it affects macro and micro-level policy text interpretation and implementation. The similarities amongst these actors/agents and the roles they may play at diverse levels or in different contexts of the educational language policy process are apparent; however, the differences in the ways these actors/agents interpret policy are vaguer. Marshall wondered if the common desire of both macro and micro-level actors/agents for better schools was enough to overcome the tragedy of conflicts between the groups? (Marshall, 1988).

The geographical and psychological positionality of macro-level actors/agents present barriers to understanding and responding to the needs of those interpreting and implementing educational policies (Marshall, 1988).

Intertextuality

Intertextuality is an important concept in the exploration of the educational language policy process. Textual meaning of policy discourse materializes as remnants of past and present policy documents, rather than in isolation (Cushing, 2021; Johnson, 2015). Acknowledgment of historical connections to previous policy documents in this study of ethnoracial and linguistic identities is significant (Snyder, 2017). Intertextuality may look like schools adhering to

discourse in national or state-produced policies to inform the production of school-based policies.

TABLE 2. Categories of Policy Actors/Agents

Author	Actors/Agents	Role(s)	Examples
Ellsworth and Stahke (1976)	Formal Elites	Officially empowered to make policy	Presidents, governors, etc.
	Influentials	Promise, threaten, advise, beg, bribe	Privileged sectors of society
	Authorities	Actually, make policy decisions	Can be formal elites and influentials
Ager (2001)	Individuals		
	Communities		
	States		
Shohamy (2006)	Central Authorities	'Carry out' the language education policies in the educational system- 'soldiers of the system'	Teachers
			Principals
			Inspectors
Zhao and Baldauf (2012)	People with Power	Administrative Responsibilities	Director of Higher Ed Institution
	People with Expertise	High levels of expert knowledge	Linguists
	People with Influence	Influence language use or behavior of the public	Social elites
	People with Interest/Invisible Planners	Passively or unconsciously get involved	Ordinary people

Policy Discourse

Standardized English is privileged over other languages in the resounding discourse of United States language policy with implications that English is the nation's official language. To that end, educational leaders need to become adept at recognizing the potentially adverse effects policy discourse, external and internal to the school environment, may have on

ethnoraciolinguistically diverse groups of students, as ideologies about language can appear in tools of language policy such as curriculum, assessments, and instructional pedagogies. Terms such as *discursive silencing* depict how acceptable discourse is used to overshadow the legitimacy, validity, and contributory features of the silenced discourse and this may occur between texts (intertextual). The practice of discursive silencing in educational language policy is an example of how an inanimate or nonhuman policy actor can be a powerful force in determining the experiences of ethnoraciolinguistically diverse populations, specifically the students in pre-K-12 settings, across political and socio-cultural contexts (Cushing, 2021; Freire and Delavan, 2019; Rosa, 2016; Rosa and Flores, 2017).

Policy Slippage

Analyzing formal policy without an understanding of how the policy is implemented or the existential outcomes for those directly impacted by the implementation calls for a deeper examination of the interconnectivity of policy documents. Shaw (2004) explained that a misalignment between the intent of a policy and the outcome of the policy is called *policy slippage* and describes the identification of where the 'slippage' occurs as an imperative endeavor when examining the ways in which policies function. Such slippages may occur within a text and between texts (Freire & Delavan, 2019; Shaw, 2004; Turner, 2015).

Raciolinguistic Ideologies and Educational Language Policy

A narrative within United States language policies, legislation, and jurisprudence is that the acquisition of English unlocks the gateway to societal inclusion for racialized groups of people. (Rosa, 2016; Rosa and Flores, 2017). Realistically, as evidenced by the need for continual inclusion of clauses specifically identifying linguistic practices of racialized groups as *limited or deficient*, the acquisition of English alone is not a guarantee of equalized inclusion in

society at large. Rosa and Flores (2015) coined the term *raciolinguistic ideologies* to aid in understanding how racialized speakers can be categorized as linguistically aberrant even when engaging in linguistic practices deemed sufficient by whites with privilege.

The intersections of race and language in the context of educational language policies may exacerbate restrictive practices which limit and exclude racialized groups from educational opportunities and resources. Alim (2016) builds on challenges made by Crump (2014) to *race language* and *language race* to further understand language in the context of racialization. I am perplexed by this notion and notice a cycle as the historical outcomes of educational policies linked to the 14th Amendment which supposedly grants equal access seem null in modern governmentality.

Hegemonic Whiteness

Freire, *et al.* view educational policy as an act of white supremacy (Freire, *et al.*, 2022). Their view is based on Gillborn's description of how white supremacy is perpetuated through policy when stating, "the patterning of racial advantage and inequity is structured in domination and its continuation represents a form of tacit intentionality on the part of white powerholders and policy-makers" (Gillborn, 2005, p. 485). The creation of white identities, ideologies, and cultural practices that reinforce white supremacy, has been central to the intellectual projects of Black scholars for more than a century, and are integral to this study. According to Twine and Gallagher, whiteness has been studied in three waves (Twine and Gallagher, 2008). The following sections provide the details of each wave.

The First Wave

First-wave whiteness studies, a more critical study of whiteness, owe a sizeable scholarly debt to the work of W.E.B. DuBois. Over a century ago, DuBois noted the ideological

significance, cultural significance, and how whites' relative invisibility perpetuates white supremacy. An observation made by DuBois in one of his most notable works, *Black Reconstruction in America 1960-1880 (1935),* is relevant to the examination of educational language policy discourse for reproductions of power, dominance, and marginalization via the acquisition of English in pre-K-12 public schools in America. DuBois argued that white laborers in the United States came to embrace the racial identity of the dominant group, rather than adopt an identity framed around a class solidarity with recently freed slaves, because white workers received a "public and psychological wage" by joining or at least queuing themselves up for admission into the white race. Snyder supports this DuBoisian argument when describing the perpetuation of hegemonic white values and norms as an extension of privileges to white people by institutions in the United States (Snyder, 2017). The author states this is due to their "ownership of whiteness" which equals "the absolute right to exclude and the ability to racialize bodies as others, thus excluding them from whiteness" (Snyder, 2017, p. 37).

The Second Wave

The DuBoisian tradition of resisting white supremacy and making visible systemic, including institutional, racism continued into the second wave of studying whiteness. The primary focus being the omission of racial minorities from history, the whitening of marginalized immigrants, and how whiteness is reimagined as a normative identity (Twine and Gallagher, 2008). In her 1993 work, Cheryl Harris, referred to whiteness as property and a resource that can be "deployed and enjoyed" and that being identified as white in the judicial system afforded economic and educational rights normally reserved for whites. Harris states whiteness, like other forms of property, has salient qualities and can "move from a passive characteristic to an active entity . . . to maintain control" on sociopolitical levels (Harris, 1993, p. 1734).

The Third Wave

The third wave of whiteness research differs from the previous two. The aspect of the third wave, that aligns with the focus of this study is the shift in whiteness studies scholars' analytical lenses away from European immigrants and their descendants toward an examination of white identity formations among immigrant and post-migration communities with national origins in the Caribbean, Latin America, Mexico, and other non-European countries (Twine and Gallagher, 2008). The relevancy to my examination of educational language policy discourse exists because the students from these communities make up the ethnoraciolinguistic groups of students whose experiences in educational contexts are impacted by educational language policy discourse.

English Hegemony

Language ideologies may be obscured so that the structural processes keeping them active may seem commonplace to those in observation of language policy mechanisms such as curriculum, regulations, and assessments. The overarching presence of *standard language ideology* which concretizes language as a fixed, identifiable, form with clear demarcation between *standard and non-standard* is one that goes unnoticed and serves as a gatekeeper to educational and employment opportunities (Cushing, 2021). The power of speakers of English, is reproduced by English-hegemonic discourses that preserve the power of standard English (Freire, *et al.*, 2022). These discourses create hierarchies, even while multiple languages are being promoted, in which English-speakers are positioned as privileged discourse regulators and those speaking language other than English are relegated to the margins. Terms such as *target language* situates English as the language to be acquired, and weakens attempts made by for

students adding English to their linguistic repertoire, to designate their home language may as the target language. (Cervantes-Soon, 2014).

White Listening and Speaking Subjects

Flores and Rosa note that ethnoraciolinguistic groups of students' use of language is regarded in racialized ways by white listening subjects although their linguistic practices mimic those of the white speaking subject (Flores and Rosa, 2015). The writers expand on their understanding of the white listening subject by delving into the human and nonhuman perceiving subjects. Educational language policies have been regarded as a type of nonhuman policy actor with material agency and effects in previous studies. These nonhuman actors can serve as powerful perceiving subjects, influencing the experiences of racialized people in a variety of ways. Language testing and classification systems that appear to be objective become powerful actors and institutional gatekeepers. Racialized people may be denied access to educational opportunities and resources due to linguistic classifications and procedures (Flores et al., 2015; Rosa & Flores, 2017). The interpretations of white listening subjects are part of a larger set of hegemonic perceptions that grasp and often overdetermine not only linguistic signs, but a wider variety of semiotic forms as well, which is linked to the overdetermination of different unspoken and nonlinguistic markers associated with racialized people, such as literacy practices, physical traits, bodily comportment, and sartorial style (Rosa & Flores, 2017).

Conclusion

The invisibility of the intersectional variables impacting the ways students negotiate linguistic spaces in schools is noticeable in legislation and rulings throughout the literature. In her study about the responses of districts to the influx of students from low socioeconomic backgrounds, students from immigrant families, and students of color, Turner (2015) highlighted

the impact of deficit, racist, and prejudiced ideologies of district leaders on outcomes for these demographically vulnerable students. The acquisition of English is a perspective visible throughout the educational legislation and policies related to language, from the Bilingual Education Act of 1968 to Every Student Succeeds Act (ESSA) (2015-2016) and all the Supreme Court rulings in between. The ideologies, ethnoracial and language, manifest as outcomes shaping how students exist in schools.

CHAPTER THREE: METHODS

The purpose of this study was to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education, which then influences educational leadership decisions and the experiences of ethnoraciolinguistically diverse students. This chapter introduces the research methods that will be used to conduct this study. I explain the critical research paradigm and the qualitative research design, including the research questions in the first two sections. In the third section, I outline the process of the data source selection and collection with inclusion and exclusion criteria. I provide a description of the data sources that included in this study in the fourth section. In the fifth and sixth sections I describe the data analysis procedures for examining the discourse within and between educational language policy documents at the federal, state, and local levels and my role as the researcher.

Research Paradigm

This qualitative study most closely aligned with the critical research paradigm as it relates to the tenets of critical theory as described by Asghar (2013) in that it goes beyond "mere recording of observations and strives to reform for a better world because of its inherent reformative fervor" (p. 312). I used critical discourse analysis to examine the educational language policy documents for ideologies concerning race and language. In contrast to examining the policies for types of programs implemented (Giles et al., 2020) to attend to the needs of students adding English to their linguistic repertoires, I allowed myself, as the

researcher, to uncover power in the taken-for-granted actions of participating in routine social practices and engage in an in-depth inquiry into policy discourse. I recognized that the method appropriate for taking a critical stance had to aid in illuminating the way discursive structures influence the "opinions, attitudes, ideologies, and subsequent actions" of policy actors (Van Dijk, 2015, p. 472). Therefore, this study incorporated an analytical process that provided insight into how the discourse within educational language policies across contexts function as mechanisms of power that shape the mental models (subjective representations of what the discourse is about) of policy actors responsible for decisions that impact students' experiences in schools and classrooms. A critical stance provided a lens to reveal multiple factors that inform the intratextual (within) and intertextual (between) treatment of race and language in the discourse of educational language policy documents. The discursive structure, examined using critical discourse analysis, was instrumental as it helped to conceptualize the findings in ways that were overlooked in previous research studies (Giles et al., 2020; Johnson & Johnson, 2015; Rodriguez & Morales, 2021). Also, this study focused on policies in federal, state, and local contexts, which are considered the top-down and bottom-up contexts that shape the fluidity of the continuum that is the policy process.

Philosophical Orientations

Undergirded by my ontological perspective, the form and nature of what is to be known was about the reflections of ideologies concerning race and language in educational language policy discourse (Guba & Lincoln, 1994). Aligned with a critical stance, I conducted a critical analysis of policy documents to understand how discourses functions as mechanisms of power shaping the mindsets of policy actors. For example, I engaged in an active examination of policy

documents to illuminate intertextual connections that led to various ways of thinking about ethnoraciolinguistically diverse students.

Epistemologically, this qualitative study was based on the knowledge I acquired from the structure of the discourse within and between policy documents and how it aided in the reproduction of ideologies concerning race and language. I valued the possibilities for change inherent in the discursive structure of educational language policy documents (Van Dijk, 2015). For example, I gained an understanding of how policies function as nonhuman actors with agential power that directly impacts the linguistic and academic experiences of students in schools and classrooms (Rosa & Flores, 2017). This knowledge added to the interpretation of data relative to identifying pathways for change to enhance the experiences of students.

My axiology was based on ethics of balancing values between myself and the study. Relative to a critical stance, I honored my values, such as my belief that a part of my purpose as a human being is to serve all children (in the PK-12 educational system) from various ethnic, racial, linguistic, socioeconomic, cultural, and academic backgrounds, alongside the value of educational language policies in providing some academic protections for students. Both sets of values were useful in helping me process my ideas and the materials. I considered my own experiences as an educational leader and classroom teacher, challenged with serving groups of ethnoraciolinguistically diverse students, while illuminating the ideologies concerning race and language in educational language policy discourse. I aimed to minimize my own biases as to not overshadow the revelations provided by my analysis of discourse with and between policy documents (Guba and Lincoln, 1994). Engaging in reflexive journal to reflect on my experiences and monitor my biases while collecting and analyzing data to answer the research questions for this study.

Research Design

This study was conducted using a qualitative research design, and data was collected over a five-week period. Four federal policy documents, two state policy documents, and three local policy documents were used as data sources for this study. A qualitative design was necessary, as I chose to examine ideologies concerning race and language within educational language policy documents. This design follows the schematic design developed by Fairclough (1992) and supported by Huckin (1997). Within the design, text is described as the result of discursive practices, such as production, distribution, and interpretation all of which are enmeshed in a complex tapestry of social practices. Simply stated, the meaning of a text is generated not only from the words on a page, but also from how those words are used in certain social contexts. When there are multiple users and social contexts involved, a text will usually have multiple meanings. In this study, I engaged in a critical discourse analysis to examine the causal effects of texts, such as the "inculcating and sustaining ideologies" while revealing ways in which educational language policy discourse can be understood and changed (Fairclough, 2011, p. 123).

Data Collection

Data collection involved the selection of texts to be studied at the federal state and local levels. I located existing educational language policy documents within various electronic databases, such as the United States Department of Education (ed.gov), the Florida State Department of Education (fldoe.org), and the local school district website, respectively. I then located the sections of the educational language policies related to language education.

Inclusion Criteria

Language policy documents with historical contributions used to shaped current state and local educational language policies regarding the schooling of ethnoraciolinguistically diverse students in schools across the United States were included. Cardo (2018) states the importance of researchers and educational leaders gaining an understanding of the forces that bring policies into being. I chose documents from the state of Florida because it is one of three states with the largest English Learner population, totaling over 265,000 learners (fldoe.org) and it is my current sphere of reference. Documents from the school district were selected because it is the third-largest school district in the state of Florida and has approximately 21,500 English Learners.

Exclusion Criteria

I specifically analyzed documents related to educational language policy and instruction. Documents not related to language education of students who do not speak English as a first language will be excluded.

The educational language policy document samples to be analyzed, (Bilingual Education Act of 1968, Reauthorized Bilingual Education Act of 1994, No, Child Left Behind Act of 2001, Every Student Succeeds Act or ESSA (2015), State of Florida Consent Decree, State Board of Education Rules (2009, 2017), School Board of Policy 2260 (2014), ELL Department Policy Handbook (2021), and the Authorization for Student Release and Emergency Information Card, SB 45501 (2018) were selected because of the contributions of each policy document to the way ethnoraciolinguistically diverse students are school in the United States and the state of Florida.

The Bilingual Education Act of 1968

In 1967, Senator Ralph Yarborough, of Texas, introduced an amendment, known as S. 428, the American Bilingual Education Act (BEA), to the Elementary and Secondary Education

Act of 1965 (Lyons, 1990). Congress passed the amendment in 1968 (Hutchinson, et al., 2015). The amendment was meant to provide the money and coordination needed to squelch the failure rate of Spanish-speaking students in public schools (Lyons, 1990).

Reauthorized Bilingual Education Act of 1994

The reauthorization of the Bilingual Education Act (BEA) in 1994 kept the same principles as the original BEA, but added additional award categories, gave priority to programs that promote bilingualism, and took indigenous languages into account. The overall goal of this addition was to implement a more systematic overhaul.

No Child Left Behind Act of 2001

The No Child Left Behind Act (2001), also known as NCLB establishes a minimum standard to which all states must adhere. The measurement of English proficiency and progress in English language acquisition are two of the most important NCLB criteria for English Learners. NCLB (2001) also removed language specifying the use of bilingual instructional methods, inclusive of biliteracy and bilingualism, and on January 8, 2002, Title VII (BEA,1994) expired. (Hornberger & Johnson, 2007; Lopez et al., 2015; Spolsky, 2004).

Every Student Succeeds Act (2015)

Every Student Succeeds Act (ESSA) is a United States law that covers K–12 public education policy. It was signed into law in December 2015. The law superseded its predecessor, the No Child Left Behind Act (NCLB), and modified but did not repeal elements relating to standardized exams administered to pupils on a regular basis. ESSA is a reauthorization of the 1965 Elementary and Secondary Education Act, which established the federal government's enlarged role in public education, like the No Child Left Behind Act (edu.gov).

The Florida Consent Decree (1990)

The Florida Consent Decree is an example of a bottom-up policy in which the efforts of 9 grassroots organizations, such as the League of United Latin American Citizens (LULAC), ASPIRA of Florida, and the Haitian Refugee Center, and 7 individuals resulted in a court decision. Two sections of the policy (Principle and State Approval of Appropriate District Instructional Programming) have intertextual connections to the 2021 Florida State Statutes related to required instruction. The Consent Decree includes explicit guidelines regarding the education of linguistically diverse students. The Consent Decree is Florida's framework for complying with the following federal and state statutes and jurisprudence concerning English Language Learner (ELL) kids' education.

- Title VI and VII Civil Rights Act of 1964
- Office of Civil Rights Memorandum (Standards for Title VI Compliance) of May 25, 1970
- Requirements based on the Supreme Court decision in *Lau v. Nichols*, 1974
- Equal Education Opportunities Act of 1974
- Requirements of the Vocational Education Guidelines, 1979
- Requirements based on the Fifth Circuit Court decision in *Castañeda v. Pickard*, 1981
- Requirements based on the Supreme Court decision in Plyler v. Doe, 1982
- Americans with Disabilities Act (PL 94-142)
- Florida Education Equity Act, 1984
- Section 504 of the Rehabilitation Act of 1973

The Consent Decree concerns ELL students' civil rights, including their right to equal access to all educational programs. In order to address these rights, the Consent Decree establishes a framework that assures that ELL students receive the understandable education to which they are entitled (fldoe.org).

FL State Board of Education Rules (2009, 2017)

The State Board of Education Rules, specifically 6A-6.0902 (2017) and 6A-6.0904 (2009), under Special Programs I, are part of the legal and regulatory framework that supports

the strategic plan (2020-2025). Rule 6A.6.0902 was originally introduced in October of 1990 and addresses the requirements for the identification, eligibility, and programmatic assessments of English Language Learners. The most recent amendment occurred in May of 2017. Rule 6A-6.0904 was originally introduced in October of 1990 and addresses equal access to appropriate instruction for English Language Learners. The most recent amendment occurred in May of 2009. The state's expectations about the organization, management, and requirements of the state education system are explicitly stated in Florida law.

School Board Policy 2260 (2014)

School Board policy 2260 addresses nondiscrimination and access to equal educational opportunity. This policy provides guidance regarding discrimination and harassment in the local school district. The last revision occurred in April of 2014.

Authorization for Student Release and Emergency Information Card (2018)

This document, also known as SB 45501, is presented to students and families upon enrollment at every PK-12 school in the local school district. Emergency information and registration information is collected via this document. The home language survey and state/federal mandated information, such as if the student is foreign born and applicable race/ethnic categories. The last revision occurred in August of 2018.

ELL Programs Policy Handbook (2021)

This document provides the names and contact details of ELL department staff. It also provides an overview of the ELL programs and services. The last revision of the document occurred in March of 2021.

Data Analysis Procedures

Critical discourse analysis or CDA is, according to van Dijk (2015), a type of discourse analysis research that "primarily studies the ways social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in social and political contexts" (p. 18). Educational language policy discourse has a critical appeal because of the implicitly inherent power differentials between the creators of the policies and the intended targets and recipients of the policies, and in this study, I engaged in a critical discourse analysis (CDA) to make transparent an obscure element in educational language policy discourse, *power*. Within critical discourse analysis, particular attention is paid to how recipients' particular mental models and general representations of the world may be influenced by discourse structures, as well as how this could affect recipients' beliefs. The structures of text may impact the ways policy actors across various contexts form stereotypes or prejudices about students adding English to their linguistic repertoires (Van Dijk, 1984). Dominant discourses, such as the those within educational language policies about ethnoraciolinguistically diverse students, may impact the ideologies of policy actors through the implications and presuppositions, which are powerful philological properties of discourse.

Critical Discourse Analysis does not have a specific method of analysis but aided in understanding the meaning behind the educational language policies and whose interests are being served via the policies. As the researcher, I analyzed not only what is present in the text, but what is absent (Rogers, 2011). The less noticeable tenets of educational language policy discourse are the power differentials embedded within and between the policies. It is imperative that I uncover underlying ideologies about race and language in the discourse of educational language policy documents because discourse can frame ethnoraciolinguistic groups of students

in ways that seem commonplace and normal. These often go unnoticed because of the proclivity of the dominated groups to deem the seemingly legitimate sources of power as *natural* (van Dijk, 2015). CDA allowed me to highlight the laden imbalances of power embedded in the words of the policies. The words are important because those in power use the policies to speak *self-evident truths*, while the words of those not in power are dismissed as irrelevant, inappropriate, or without substance, further favoring the life experiences of the elite (McGregor, 2003).

Another aspect of CDA pertinent to my study is the relationship between the micro, meso, and macro levels. According to van Dijk (2015), text and discursive practices occur at the micro and meso levels of social interaction within a society. The macro level includes terms such as power, dominance, and inequality between social groups (McGregor, 2003). This distinction between the micro, meso, and macro levels of the social order enabled me to provide clarity regarding the discourse and power relative to educational language policies. The levels of the policy process (local, state, federal) are within the levels of the social order. Through the analysis of policy documents, I aimed to bridge the gap between the sociosocietal micro, meso, and macro levels (van Dijk, 2015). Examining policy documents at all three levels of the policy process continuum collectively, rather than in isolation, most effectively illuminates the ideological effects of policy (Vavrus & Seghers, 2010).

Data analysis occurred during the collection of documents from the federal, state, and local levels, as I identified specific sections of each document aligned with the focus of my study. I analyzed local level documents to assess alignment, similarities, and differences with federal and state level policies. I drew on Fairclough's (1995) tools for textual analysis, which focus on intertextuality alongside the recommendations made by Huckin (1997) and McGregor

(2003) to read the text in multiple phases. The analysis continued after the collection of documents was complete. See table 3 for the description of the phases of this study.

Table 3. Critical Discourse Analysis Process Used in This Study

Phase One	Phase Two	Phase Three
• Selection of documents • Initial reading of documents	• Second reading of text • Identify key terms relevant to research questions • Identify feelings associated with reading the text • Reflexive journaling	• Identify framing of policy text • In-depth analysis of words, sentences, and phrases

Phase One: Data Selection and Initial Review

The first review was conducted without a discerning or critical mindset. It was imperative to conduct the first review in the manner suggested to combat the natural inclinations to criticize the text due to my biases related to the topic. I interacted with the text during the first review in a manner consistent with what Price (2000) describes as *engagement without estrangement*. This mindset enabled me to submit to the text as it is written and support the status quo without question (McGregor, 2003).

Phase Two: Second Review and Reflexive Journaling

The second review of the policy documents allowed me to journal reflexively to capture questions I have about the discourse within the written text. Larson (1984) suggests to "note the key terms, and sections which seem obscure…" (p. 477). I kept the ordinary reader in mind, per the recommendations of Huckin (1997) and Larson (1984) to highlight features of the text that could be misconstrued or overlooked by an unwary reader. Larson (1984) deems it good practice to gain an understanding of what the information the author wants to communicate and to glean

the style and emotional tone by asking "What feelings, or impact, is the text intended to have on the readers?" (p. 477).

The second review of the text allowed me to categorize it into its specific genre. Genres of text refer to a particular way the text is structured that distinguishes it from other documents, as authors of text choose the discourse type that best communicates their purpose in writing the text. The six discourse genres (and purposes) a document to be analyzed may fit into are: (1) Narrative (to recount), (2) Procedural (to prescribe), (3) Expository (to explain), (4) Descriptive (to describe), (5) Hortatory (to propose, suggest, or command), and (6) Repartee (to recount speech exchange). Genres also aid in establishing an understanding of how particular institutions enact power (Huckin, 1997; Larson, 1984).

The documents I chose to analyze fit the hortatory genre as the federal documents commanded or mandated that actions be taken to ensure aspects of schooling for students whose inability to speak English were addressed to eliminate linguistic barriers that impeded comprehension of instructional content delivered in English. These mandates influenced policy creation, interpretation, and implementation at the state and local levels (Johnson & Johnson, 2015).

Phase Three: Third Review and Framing

I identified how the policy discourse within the written policy text is framed in the third review. The framing entails the point of view or perspective from which the text is being presented. The five ways framing may occur are: (a) choosing visual aids (photographs, diagrams), (b) foregrounding (emphasized text)/backgrounding (minimized/de-emphasized text), (c) omissions, (d) taking ideas for granted, and (e) manipulation. After I determined the type of framing used in the educational language policy documents, where were a combination of the

four of the five ways (b-e), I continued with a more in-depth analysis of sentences, phrases, and words. My choices regarding the analysis of the intricacies within sentences include *topicalization* and *agency.* Topicalization involves identifying the topic of a given sentence or phrase, while agency involves evaluating sentences for presuppositions of power and insinuations that may remain hidden if I do not make them visible to the reader.

Conclusion

I provided the description of the research problem driving this study, the purpose of the study, and the research question in this chapter. I outlined the methods chosen to conduct this study. I also described the process for analysis, inclusive of the theoretical and analytical frameworks. In the following chapter, I will describe the findings from the policy text, used as data, in my study.

CHAPTER FOUR: FINDINGS

This study aimed to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education, which then influences educational leadership decisions and the experiences of ethnoraciolinguistically diverse students. The design of this study was critical discourse policy analysis, and the framework was combination of Critical Language and Race Theory, also known as LangCrit (Crump, 2014) and Raciolinguistics (Alim, 2016; Flores & Rosa, 2015). The research questions were: (1) How are ideologies about the intersections of race/ethnicity and language reflected in educational language policy discourse? (2) How does discourse related to race/ethnicity and language compare across federal, state, and local policies? Throughout this chapter I provide analysis of policy documents to substantiate how ideologies within them present ethno/racial language/linguistics barriers and opportunities to leading education for ethnoraciolinguistically diverse students.

This chapter presents the findings of the examination and analysis of educational language policy documents at the federal, state, and local levels. The findings emerged from overarching themes and answer both research questions. The primary finding, educational language policy discourse sustains deficit, hegemonic ideologies through the categorization of ethnoraciolinguistically diverse students emerged from two themes. The themes are co-naturalizing race and language and linguistic coding. The secondary finding, educational language policy discourse illuminates the differences between the intentions and outcomes of

policies, also known as policy slippage, emerged from the discursive structures within the policy documents related to equal access to curricular and instructional requirements.

Birkland (2020) defined policy as a statement by the government regarding what it will or will not do and may be in the form of a law, regulation, ruling, decision, order, or a combination of all mentioned. The status of the language is driven by laws and regulations, in the case of my study, educational language policies, and this is how languages are deemed official (or not). A key aspect of educational language policy implementation is the agency of a variety of policy actors. Cooper (1989) developed an *accounting scheme* to aid in understanding how the policy process can be inclusive of policy actors and asked, "What actors attempt to influence what behaviors of which people for what ends, under what conditions, by what means, through what decision-making process, with what effect?" (p. 89). The interconnections of the eight components illuminated through Cooper's (1989) inquiry and my critical discourse analysis of policy documents may open ideological and implementational spaces for school administrators to view the power to create optimal learning environments for diverse student populations within educational language policies (Hornberger & Johnson, 2007).

A full analysis of the sections of educational policies that address language education is outside the scope of this research study. I analyzed the portions of the policies that exemplified the philological power inherent to discourse as mentioned in the methods section (Van Dijk, 2015). After reviewing the policies and arresting my subjective thoughts related to "the identity of who probably created the policies, I understood the purposes of the policies to be geared toward the needs of linguistically diverse students. The components of educational language policies vary, but include findings, purposes that undergird the policies created by decision making governmental agents, such as Congress. The excerpts from policies across the various

contexts demonstrate how the components collectively answer the question, “what actors attempt to influence what behaviors of which people for what ends, under what conditions, by what means, through what decision-making process, with what effect”, presented by Cooper (1989, p. 89).

> 33 Fed. Reg. 4956. In 1970, HEW made the guidelines more specific, requiring school districts that were federally funded **"to rectify the language deficiency in order to open" the instruction to students who had "linguistic deficiencies,"** 35 Fed. Reg. 11595. (Lau v. Nichols, 1974)
>
> Sec. 3102. Purposes. **“The purposes of this part are**-(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high-quality instructional programs designed **to prepare limited English proficient children, including immigrant children and youth, to enter all-English instruction settings”** (NCLB, 2001)
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Educational language policies exist to provide guidance for educating students who speak languages other than English. Governmental agents, such as the Supreme Court and members of Congress attempts to influence the curricular and instructional behaviors of policy actors at the state and local levels to rectify the language deficiencies of children, including immigrants, whose proficiency in English is limited to ensure the students acquire English so they may

transition to all English instructional settings, by relinquishing ties to their first language to embrace English via being identified, categorized, and coded as having a deficiency in English through the tacitly forced consent of their families so they may engage in a linguistically and diverse world.

Sustaining Deficit, Hegemonic Ideologies Through Categorization

My research of educational language policy texts shows how discourses within and between the documents operate as mechanisms of power. Genres of text refer to a particular way the text is structured that distinguishes it from other documents, as authors of text choose the discourse type that best communicates their purpose in writing the text, thus exerting their agential power via discursive means. The discourses within and between educational language policy texts belong to the hortatory genre as they command or mandate that actions be taken to ensure aspects of schooling for students whose inability to speak English be addressed to eliminate linguistic barriers that impede comprehension of instructional content delivered in English. Educational language policies function as nonhuman policy actors, and perceiving subjects that animate, legitimize, and reinforce deficit, hegemonic ideologies and practices that align with those of the dominant groups, such as the superiority of English. This research highlights the concealed techniques incorporated within everyday social behaviors that maintain dominance, marginalization, and silencing of ethnoraciolinguistically diverse students. (Gramsci, 1971; McLaren, 2014; Rosa & Flores, 2017).

Linguistic Coding

Language serves the dual purposes of social identity and social classification as well as being a source of social and cultural capital, (Nieto, 2021). In my review of educational language policy documents at the federal, state, and local levels, I found that the linguistic codes used for

student populations served under guidelines within educational language policies are predicated on the students' use of and proficiency in English. Linguistic codes, such as Limited English Speaking (LES), Limited English Proficient (LEP), English for Speakers of Other Languages (ESOL), Language-minority (LM), Immigrant children and youth (ICY), English Language Learner (ELL), and English Learner (EL) have been used to describe a specific group of students.

Before the mandates included in Lau v. Nichols (1974) decision that led to the reauthorizations of the Elementary and Secondary Education Act of 1965, including policy related to language education, the needs of linguistic students were unmet and remained unmonitored by educational leaders (Callahan et al., 2019). An in-depth analysis of the policies at the federal, state, and local levels illuminated reproductions of deficit ideologies explicitly related to language and implicitly related to race. I found it interesting that the policies did not explicitly mention a specific race but did include *immigrant students and youth.* Rather than foregrounding a specific race associated with *limited English* proficiency, links are created within the discourse between English proficiency and immigrants. Further, the term or linguistic code *limited English proficient* appears as a self-evident truth of those in power, as mentioned in the methods section, about the linguistic prowess of immigrants from environments where the dominant language is other than English.

This discourse within and between policies also creates meanings for policy actors, such as principals and teachers related to the appropriateness of the use of specific language(s) across sociopolitical contexts. These meanings create a hierarchical linguistic structure that positions one language, English, over others (Nieto, 2021; Rosa & Flores, 2017). To gain a sense of how policies function as mechanisms of power that sustain deficit, hegemonic ideologies while

controlling and shaping the mental modes of policy actors about ethnoraciolinguistically diverse students, excerpts regarding the findings and purposes of three federal policies are provided below.

> **Excerpt 1:** Sec. 701. "The Congress herby finds that one of the most acute educational problems in the United States is that which involves millions of children of **limited English-speaking** ability…Sec. 702. In recognition of the special educational needs of the large numbers of children of **limited English-speaking** ability…For the purpose of this title, 'children of **limited English-speaking** ability' means children who come from environments where the dominant language is other than English" (Title VII, 1968, Sec. 702, 81 stat 816).

> **Excerpt 2:** Sec. 3102. "The purposes of this part are—''(1) **to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency**, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;" (NCLB, 2001)

> **Excerpt 3:** Sec. 3102 Purposes. (20 U.S.C. 6812) **"The purposes of this part are**-(4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed **to prepare English Learners, including immigrant children and youth, to enter all English instructional settings"** (ESSA, 2015)

The power within and between the discourse of the policies documents can be perceived through the omission used to frame who has power regarding the acquisition of English by linguistically diverse students. The implication within the discourse is that state and local agencies and those serving in positions of administrative and instructional leadership, such as principals and teachers, have more power to make decisions for students adding English to their linguistic repertoires. Students and families are left out of the policy actors identified and charged with the responsibility of ensuring English is acquired. Therefore, relegating these important policy actors to the margins and silencing them. This reminded me of the banking model described in the book, The Pedagogy of the Oppressed, in which teachers deposit knowledge into students rather

than allowing students to invest in their own learning via the knowledge they owned prior to entering the instructional setting (Freire, 1968).

Table 4. Prominent Linguistic Codes and Frequency of Use

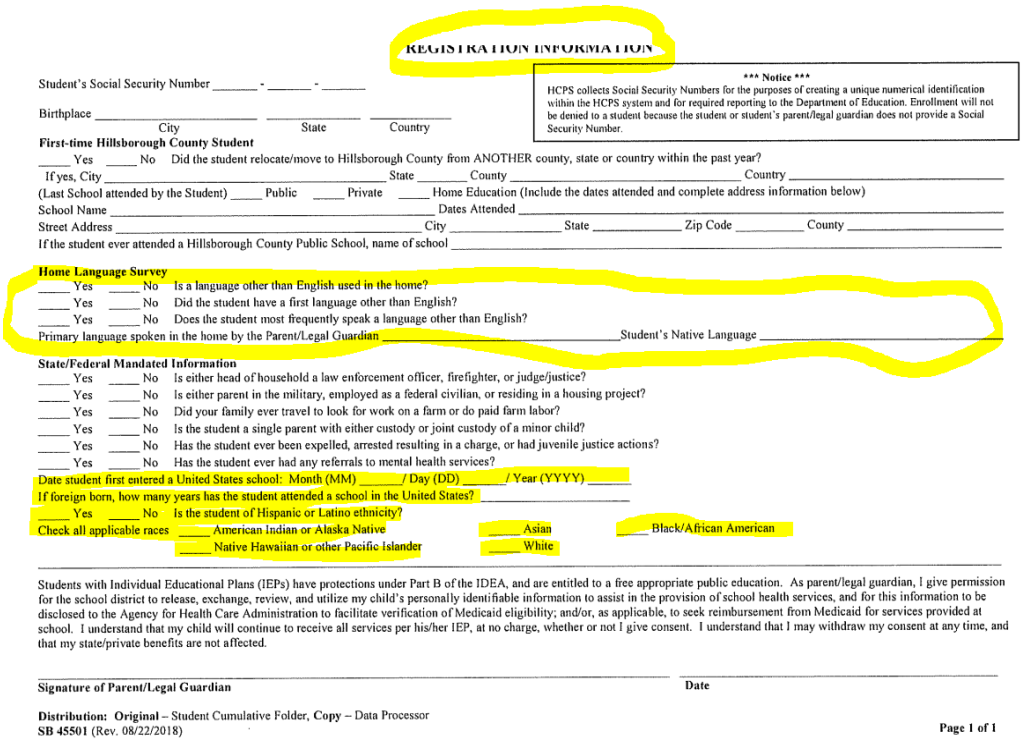
Policy Level	**Policy**	**Bilingual**	**LES**	**LEP**	**ESOL**	**LM**	**ICY**	**ELL**	**EL**
Federal	BEA (1968)	**2**	**14**	**0**	**0**	**0**	**0**	**0**	**0**
	BEA (1994)	**112**	**0**	**110**	0	**55**	**0**	**0**	**0**
	NCLB (2001)	**1**	**0**	**205**	**0**	**4**	**55**	**0**	**0**
	ESSA (2015)	**0**	**0**	**32/2**	**0**	**1**	**23**	**0**	**172/92**
State	Florida Consent Decree	**0**	**0**	**171**	**91**	**0**	**4**	**0**	**0**
	6A.6.902	**0**	**0**	**2**	**6**	**0**	**0**	**31**	**0**
	6A.6.904	**0**	**0**	**0**	**19**	**0**	**0**	**21**	**0**
Local	SB 2260	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**
	ELL Programs Policy Handbook	**5**	**0**	**0**	**7**	**0**	**0**	**19**	**0**
	SB 55401	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

While certain linguistic codes were prominent within and between documents a shift occurred in the codes over time. I found that the word limited became obsolete in the policy documents at the federal level. English Language Learner is the term mostly used to describe ethnoraciolinguistically diverse students in the state and local documents. The most prominent linguistic codes used, and the frequency of use are organized in the table below (see Table 5).

The Co-Naturalization of Race/Ethnicity and Language

Raciolinguistics is an intersectional approach that, when combined with a critical discourse analysis of educational language policy, helped me understand how systemic

reproductions, such as believing Europeans superior to non-Europeans, stigmatize racialized groups' linguistic practices. Language distinctions and accompanying behaviors by colonial settlers, such as designating indigenous communities as subhuman, were used to elevate one language over all others. Rosa and Flores (2017) assert that a raciolinguistic viewpoint is essential to understanding the link between language ideologies, such as English hegemony and racialization. They illuminate the historical practice of imposing colonial languages on those speaking other languages. The inclusion of an image, see Figure 1, was necessary to demonstrate how race and language are co-naturalized in local policy documents. This co-naturalization supports the approach to raciolinguistics as advanced by Rosa and Flores (2017) because of the inclusion of the section that requires parents to check an applicable race and by doing so declaring their non-European affiliation (Rodiguez & Morales, 2021; Rosa & Flores, 2017).



REGISTRATION INFORMATION

Student's Social Security Number _____ - _____ - _____

*** Notice ***
HCPS collects Social Security Numbers for the purposes of creating a unique numerical identification within the HCPS system and for required reporting to the Department of Education. Enrollment will not be denied to a student because the student or student's parent/legal guardian does not provide a Social Security Number.

Birthplace _____ _____ _____
City State Country

First-time Hillsborough County Student

_____ Yes _____ No Did the student relocate/move to Hillsborough County from ANOTHER county, state or country within the past year?

If yes, City _____ State _____ County _____ Country _____

(Last School attended by the Student) _____ Public _____ Private _____ Home Education (Include the dates attended and complete address information below)

School Name _____ Dates Attended _____

Street Address _____ City _____ State _____ Zip Code _____ County _____

If the student ever attended a Hillsborough County Public School, name of school _____

Home Language Survey

_____ Yes _____ No Is a language other than English used in the home?

_____ Yes _____ No Did the student have a first language other than English?

_____ Yes _____ No Does the student most frequently speak a language other than English?

Primary language spoken in the home by the Parent/Legal Guardian _____ Student's Native Language _____

State/Federal Mandated Information

_____ Yes _____ No Is either head of household a law enforcement officer, firefighter, or judge/justice?

_____ Yes _____ No Is either parent in the military, employed as a federal civilian, or residing in a housing project?

_____ Yes _____ No Did your family ever travel to look for work on a farm or do paid farm labor?

_____ Yes _____ No Is the student a single parent with either custody or joint custody of a minor child?

_____ Yes _____ No Has the student ever been expelled, arrested resulting in a charge, or had juvenile justice actions?

_____ Yes _____ No Has the student ever had any referrals to mental health services?

Date student first entered a United States school: Month (MM) _____ / Day (DD) _____ / Year (YYYY) _____

If foreign born, how many years has the student attended a school in the United States? _____

_____ Yes _____ No Is the student of Hispanic or Latino ethnicity?

Check all applicable races _____ American Indian or Alaska Native _____ Asian _____ Black/African American

_____ Native Hawaiian or other Pacific Islander _____ White

Students with Individual Educational Plans (IEPs) have protections under Part B of the IDEA, and are entitled to a free appropriate public education. As parent/legal guardian, I give permission for the school district to release, exchange, review, and utilize my child's personally identifiable information to assist in the provision of school health services, and for this information to be disclosed to the Agency for Health Care Administration to facilitate verification of Medicaid eligibility; and/or, as applicable, to seek reimbursement from Medicaid for services provided at school. I understand that my child will continue to receive all services per his/her IEP, at no charge, whether or not I give consent. I understand that I may withdraw my consent at any time, and that my state/private benefits are not affected.

_____ _____
Signature of Parent/Legal Guardian **Date**

Distribution: Original – Student Cumulative Folder, **Copy** – Data Processor
SB 45501 (Rev. 08/22/2018)

Page 1 of 1

Figure 1. Excerpt from SB 45501 Registration Information Section

This document, also known as SB 45501, is presented to students and families upon enrollment at every PK-12 school in the local school district is a result of the following reproductions of policy discourse regarding how students should be identified, assessed, linguistically coded, and categorized.

> **Excerpt 1**: ". . . the district must take affirmative steps to ***rectify the language deficiency***…" (Lau v. Nichols, 1974)
>
> **Excerpt 2**: ‘‘. . . all students who may be ***English learners are assessed for such status within 30 days of enrollment*** in a school in the State . . . to provide *effective instructional programs* designed to prepare English Learners, including immigrant children and youth, ***to enter all English instructional settings*****"** (ESSA, 2015)
>
> **Excerpt 3**: ". . . each student, upon initial enrollment in a school district, shall be surveyed at the time of enrollment. . . The ***survey questions may be included on a registration form*** or on a separate survey" (Consent Decree, 1990)
>
> **Excerpt 4:** "In addition, the Superintendent ***will identify students who are Limited English Proficient (LEP)***" (SB Policy 2260, 2014)

The emergency information and registration information collected via this document is a result of the discourse within the educational language policies from which the excerpts above were extracted. The home language survey and state/federal mandated information, such as if the student is foreign born and applicable race/ethnic categories are a part of this document. The last revision occurred in August of 2018. This document is also a very powerful nonhuman policy actor that functions as a tool of perception towards outcomes deemed acceptable by the dominant

group. It is this document that captures the student as seen and heard (Crump, 2014) and spurs the placement of students on a trajectory towards linguistic and academic assimilation.

Policy Slippage: Differences in Intentions and Outcomes

Federal, state and district policies are inextricably linked, as the Supreme Court decision in Lau v. Nichols (1974) was spurred by other federal education policies. The Civil Rights Act of 1964 ensured that students were not discriminated against due to their race, color, or national origin. The Elementary and Secondary Education Act of 1965 was amended in 1968 to include guidelines for students speaking languages other than English, specifically Spanish-speaking students. Though Lau v. Nichols was a result of Chinese-speaking students, the reach of the Lau (1974) extended to any student whose first language was not English. While this was a win for students, relative to access to language services, the flexibility of the Lau (1974) decision left the interpretation and implementation of the federal mandates open to states and local educational agencies. The review and analysis of the federal, state, and local policies related to ethnoraciolinguistically diverse students illuminated the differences in the intent of educational language policies and the outcomes once enacted in state and local contexts. The following excerpts demonstrate how *policy slippage* occurs as policies are interpreted and implemented along the contextual continuum.

> **Excerpt 1:** ". . . the district must take affirmative steps to rectify the language deficiency in order to ***open its instructional program*** to these students" (Lau v. Nichols, 1974)
>
> **Excerpt 2:** ". . . ***programs should also provide positive reinforcement of the self-image and esteem of participating pupils, promote cross-cultural***

understanding, and provide equal educational opportunities" (Consent Decree, 1990)

Excerpt 3: "***Equal educational opportunities shall be available to all students, without regard to Protected Characteristics***, to learn through the curriculum offered in this District" (SB Policy 2260, 2014)

Lau (1974) enabled states and local districts to interpret and implement the policies with flexibility resulting in the addition of discourse that aligned with the institutional structure and practices created by policy actors at those levels.

The findings sections of the Bilingual Education Act of 1994 provide a second example of how the discourse of educational language policies foreground ways the outcomes of policies misalign with the intentions. The findings as written provide connotations, related to who language learners in America are and the circumstances influencing their status. The discourse also includes clear descriptions of the factors contributing to the "subpar" linguistic and academic services provided in schools impacting overall performance of ethnoraciolinguistically diverse students in schools. Findings 1-3 provide information regarding the diverse nature of people in America learning English, yet the addition of the word minority after the word language is an example of the function of presuppositions (representing constructions as convincing realities) in discourse as described by Hyatt (2013) and Van Dijk (2015).

Excerpt 1: Sec.7002 Findings, Policy, and Purpose (a) Findings.- "The Congress finds that - (1) language-minority Americans constitute a large and growing proportion of the Nation's population; (2) language-minority Americans speak virtually all world languages plus many that are indigenous to the United States;

(3) while language-minority Americans live in all parts of the Nation, they are highly concentrated in certain States and communities" (BEA, 1994).

The descriptions of language minorities, excepting the word minority, are examples of what I value about educational language policies in that they present possibilities for change. These descriptions are less essentializing, in my opinion, and emphasize the diversity within groups of people whose first language is other than English. This type of discourse creates a pathway for the use of the word *ethnoraciolinguistically* as I have used it throughout the study. My interpretation is it is a positive way to include the intersectional variables related to race/ethnicity and language, and while others may use it negatively, I have linked its use to discursive evidence within policy discourse. Finding 9 also includes discourse indicative of possibilities for change as it foregrounds the social institutional practices that negatively impact ethnoraciolinguistically diverse students. The discourse within this part of the policy casts the responsibility on the institutional practices, "supposedly" designed to rectify the language deficiencies of students as prescribed in Lau v. Nichols (1974).

> **Excerpt 2:** "(9) ***research has shown that linguistically in appropriate educational practices, including invalid and unreliable assessments, contribute to a wide range of serious education problems affecting language-minority and limited-English-proficient students*** including high rates of student grade retention, overrepresentation in special education programs, under representation in gifted and talented education programs, disproportionate tracking into noncollegiate and occupational ***dead-end programs, and high school dropout rates***" (BEA, 1994).

The excerpt above also implies that a slippage occurred between the discourse of Lau (1974) mandates (de jure-law) that instructed states and districts to create educational programs that did

not track linguistically diverse into permanent, dead-end tracks and what was actually taking place in schools (de facto-actual).

Curricular and Instructional Differences

The state is the arm of the federal government, as evidenced by a study conducted by Giles et al. (2020). The authors found "that state and district level policy documents rely heavily on the federal policy documents…" (p. 6). Their finding is relevant to my study regarding the intertextual connections within and between the discourse of federal policies, the state statutes regarding the instruction of English Language Learners and required instruction for all students in the state and the Florida Consent Decree (1990).

Equal Access

A key feature of the outcomes of the Lau (1974) decision was that districts and schools had to open their instructional programs to ethnoraciolinguistically diverse students, as the students could not be excluded from the programs because of their race, color, and national origin. The discourse within state and local policies mirrored some features of the discourse of Lau (1974), but differences occurred through added expectations regarding the outcomes of the educational programs. The excerpts below demonstrate how the initial discourse was transformed as it was interpreted by policy actors at the state and local levels.

> **Excerpt 1:** "School systems are responsible for assuring that students of a particular ***race, color, or national origin*** are not denied the opportunity to obtain the education generally obtained by other students in the system" (Lau v. Nichols, 1974)
>
> **Excerpt 2:** ". . . ***programs should also provide positive reinforcement of the self-image and esteem of participating pupils, promote cross-cultural***

understanding, and provide equal educational opportunities" (Consent Decree, 1990)

Excerpt 3: ***Equal educational opportunities shall be available to all students, without regard to Protected Characteristics***, to learn through the curriculum offered in this District" (SB Policy 2260, 2014)

What I found interesting is evidence of intertextuality between the discourse within each policy document at the federal, state, and local level and evidence of how the discourse differed from what was initially included in the federal discourse. There is a progression of the discursive details relative to equal access. The use of topicalization aided in identifying the focus of each excerpt as it related to equal access in a specific context. The focus of Lau (1974) aligns with the work of Crump (2014) in that the student as seen (race, color, national origin) should not inhibit the access to obtaining education. The state of Florida added detail to direct programs towards the self-image and esteem of students as well as enhancing the programs students are exposed to by including a cross cultural component. The school district focused on equal access but was careful to explain that protected characteristics would not be regarded (See Figure 2).

Figure 2: Description of the Protected Characteristics

Per the discourse of the school board policy 2260, language was not included in the “protected characteristics lineup”. This explanation is an example of policy that demonstrates the inaction by an agency or leadership, such as the school board. They are clear about the intersectional variables of students’ identities not being included as a prerequisite for equal access.

ELL Programs and Required Instruction

The discourse of federal policies is clear regarding the acquisition of English, high academic achievement in subject area content, and academic performance that aligns with that of all other students, what I gleaned as students whose first language is English. I did not observe in my analysis of the policy discourse at the federal, state, or district level, guidelines about separate learning environments for students. From my interpretation of the data, the support for students whose first language is not English should occur in conjunction with other academic content. The excerpts below demonstrate the clarity of the federal policies, the way the state and local policy actors create policies based on their interpretation of the federal policy.

> **Excerpt 1:** ‘‘(2) to assist all English learners, including immigrant children and youth, to ***achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet***” (ESSA, 2015)
>
> **Excerpt 2:** 1003.56 ***English language instruction for limited English proficient students.***—"(1) Instruction in the English language shall be provided to limited English proficient students. Such instruction shall be designed to develop the student’s mastery of the four language skills, including listening, speaking, reading, and writing, as rapidly as possible” (2021 Florida State Statutes)

> **Excerpt 3:** ". . . programs should also ***provide positive reinforcement of the self-image and esteem of participating pupils, promote cross-cultural understanding,*** and provide equal educational opportunities" (Florida Consent Decree, 1990)
>
> **Excerpt 4:** 1003.42 "(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, ***following the prescribed courses of study, and employing approved methods of instruction,*** the following…" (2021 Florida State Statutes)

I created a table to capture the parts of the required instruction related to ethnoracial groups. Based on the body of evidence presented in the table the discourse implies that the instruction is related to the events, histories, and contributions about specific ethnoracial groups. I also surmised that this was a way to meet the cross-cultural guidelines as stated in the Florida Consent Decree. The federal and state policies did not mandate separate learning environments for English Learners, I believe that the students adding English to their linguistic repertoires would be exposed to the required instruction as a strategy to meet the requirements embedded in the policy discourse regarding acquiring English as rapidly as possible to increase their skills in the areas of focus.

Table 5: Events, Histories, and Contributions of Ethnoracial Groups

2021 Florida Statute 1003.42	**2021 Florida Statute 1003.42**	**2021 Florida Statute 1003.42**
(g)1.The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in s. 1000.05(7), and the prevention of anti-Semitism. Each school district must annually certify and provide evidence to the department, in a manner prescribed by the department, that the requirements of this paragraph are met. The department shall prepare and offer standards and curriculum for the instruction required by this paragraph and may seek input from the Commissioner of Education's Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organizations. The department may contract with any state or nationally recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum . . .	(h) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society. Instructional materials shall include the contributions of African Americans to American society.	(p) The study of Hispanic contributions to the United States.

Illuminating the attention given to the historical events related to one ethnoracial groups in the state policies is an example of the importance of using a raciolinguistic perspective in my analysis of discourse within and between policy documents. A raciolinguistic perspective, as

advanced by Alim (2016) allows me to recognize and foreground discursive structures that represent the "linguistic marginalization of racialized populations across all social domains" (p. 6). Therefore, required instruction, in social studies, for all students, including English Learners, in the state of Florida marginalizes the histories and contributions, linguistic and otherwise, of African Americans and Hispanics, while centering the historical events of the ethnoracial group impacted by the Holocaust.

Conclusion

The results of this chapter are based on a critical discourse analysis of educational language policy discourse. I documented the findings related to the reflections of race and language in the discourse of policy documents at the federal, state, and local levels. Additionally, I documented the findings regarding how discourse within policy documents compares across contexts. In the next chapter, I will discuss the findings and the implications and recommendations based on the results.

CHAPTER FIVE: DISCUSSION

The aim of this study was to examine ideologies concerning race/ethnicity and language in the discourse of educational language policies that guide multilingual approaches to education, which then influences educational leadership decisions and the experiences of ethnoraciolinguistically diverse students. The design of this study was critical discourse policy analysis and the framework was a combination of Critical Language and Race Theory, also known as LangCrit (Crump, 2014) and raciolinguistics (Alim, 2016; Flores and Rosa, 2015). The research questions were: (1) "How are ideologies about the intersections of race/ethnicity and language reflected in educational language policy discourse?" (2) "How does discourse related to race/ethnicity and language compare across federal, state, and local policies?" This chapter presents the discussion of the findings of the critical discourse analysis of the educational language policy documents at the federal, state, and local levels. The discussion begins with the alignment with and extension of the literature. I then share connections to the theoretical framework. Next, I discuss implications for the field of educational leadership, limitations of the stud, and recommendations for future research. and limitations of the study. I conclude the discussion with my personal reflections on this research study.

Discussion of Findings

The findings of this study revealed that the discourse of educational language policies sustain hegemonic whiteness and English hegemony through tacit reproductions of deficit ideologies about the intersectional identities of ethnoraciolinguistically diverse students. This

study aligns with and extends the literature regarding issues of race, identity, and belonging and raciolinguistic ideologies. The primary finding, educational language policy discourse sustains hegemonic whiteness and English through the categorization of ethnoraciolinguistically diverse students emerged from two themes. The themes are linguistic coding and co-naturalizing race and language. The secondary finding, deficit ideologies are tacitly reproduced through educational language policy discourse stem from the themes progression of structural changes/linguistic codes and curricular/instructional requirements.

I must admit the findings of the study surprised me. My method of analysis was very helpful. By the method, I mean reading the data sources more than once, coding, and journaling throughout the process. I knew my experience and critical stance could frame how I interpreted the data. I was still feeling emotional about the findings from the preliminary analysis related to the required instruction, so I knew it was possible to create a picture skewed to fit what I wanted and needed to discover. I took a step back from the data to reflect on what I learned during a previous course, Qualitative Research 1. During an interview for an assignment, I thought I knew what the outcome of the interview would be based on the race/ethnicity of the participant. I quickly learned that I needed to let the data tell me a story. Adopting this mindset alongside the literature I previously reviewed, eased my fears about shaping the analysis to fit my desired outcomes.

I was most surprised by the intertextual connections between policy documents, links to the literature, alignment with previous studies, and most of all, the agential power of discourse and policy. When I began my study, I constantly thought, that everything begins with policy. As I analyzed the data, my thoughts were supported by textual evidence. Combining LangCrit (Crump, 2014) and Raciolinguistics (Alim, 2016; Flores and Rosa, 2015) provided the perfect

lens through which to view the data. The framework prepared me to look at the intersection of race/ethnicity in new ways. I had never thought about languaging race and racializing language until I became more familiar with raciolinguistic ideologies. The consequences for students whose first language is not English were also illuminated using this framework.

Sustaining Deficit, Hegemonic Ideologies Through Categorization

According to Twine and Gallagher, research on whiteness exposes the sometimes hidden or veiled power dynamics that exist within current racial hierarchies (Twine and Gallagher, 2008). The authors state that gone are the days of leaving mechanisms of power and contexts associated with racial domination and submission out of whiteness research studies. Recent research on whiteness and white identities has progressed beyond "voyeuristic ethnographic reports" and personal stories. Even as antiracist social movements, identity politics, multiculturalism, and immigration challenge white privilege, the discipline now includes criticisms of whiteness that look at the institutional arrangements, ideological beliefs, and state behaviors that keep white advantage in place. Whiteness is learned, internalized, favored, institutionally reproduced, and acted in educational contexts, according to education scholars (Twine & Gallagher, 2008, p. 5).

This finding and the supporting themes speak to the ways that ideologies about the intersections of race/ethnicity and language appear in educational language policy discourse. The discourse of the policies implies alignment with status and prestige planning as described by Schiffman (1996). The acquisition of English and transition to an all-English setting substantiate how status and prestige planning function to position one language over the other. The target of policies is ELs but the discourse within the policies does not indicate that the intended outcome of instructional programs referred to within the policies is to assist students in maintaining their

first language. To further the sustainability of whiteness and English, the finding revealed the power of discourse within routine social practices such as registration at pre-K-12 schools. Families completing home language surveys and answering questions about the race/ethnicity and language of their students are involuntarily complying with raciolinguistic ideologies within the policy documents functioning as perceiving subjects. The assessments administered per mandates in federal and state policies result in students being coded as LEP, ELL, or EL. These codes serve as catalysts for students being placed on the trajectory toward English acquisition and all English settings.

The intended outcomes of educational language policies at the state federal and district levels are clear for non-white, non-English speaking students enrolled in pre-K-12 schools. These students are to acquire English, the medium of instruction in the United States. Notice the description of English as the medium of instruction rather than the official language. Families and students being enrolled in pre-K-12 schools consent to more than the acquisition of English, by participating in normal enrollment procedures when registering to attend a public school funded by federal and state governments. The decision in *Lau v. Nichols* (1974) spurred changes in the ways linguistically diverse students in the United States were schooled. The unintended consequences of the Supreme Court decision created a pathway for inconsistencies across multiple sociopolitical contexts, specifically pre-K-12 schools. The initial purpose of educational language policies, such as the BEA of 1968, was to decrease the prevalence of failure among Spanish-speaking students and provide segues to educational excellence, cultural consciousness, and economic freedom. Ultimately, the policies became mechanisms of domination, marginalization, and subjugation over the span of forty-seven years. Today, educational leaders, especially site-based leaders, are challenged to attend to the needs of ethnoraciolinguistically

students struggling to overcome traditional ideations of inferiority linked to raciolinguistic ideologies about the intersectional tenets of their identities.

Linguistic Coding

LangCrit (Crump, 2014) informs how intersectional identities relative to race and language can be imposed, assumed, or negotiated. Imposed identities are those assigned to individuals, like the terms identified in educational language policies to describe groups of linguistically diverse students. My review of educational language policy documents at the federal, state, and local levels, linguistic codes, such as “Limited English Speaking,” “Limited English Proficient,” “Language-minority,” “English Language Learner,” and “English Learner” have been used to describe a specific group of students.

The categorization and positioning of linguistically diverse students due to their exposure to a language other than standard English preserves the hegemony of English in educational contexts. They are forever entrenched in the categories socially constructed by people with power fulfilling federal, state, and local level decision-making positions, such as policymakers. The imposition of identities assigned to ethnoraciolinguistically diverse students may misalign with how they view themselves. During my service in a variety of pre-K-12 positions, I have encountered students, who were categorized as an English Learner, per the results of the home language survey and/or previous year’s assessment of English proficiency, who chose to speak English despite their ability to articulate themselves bilingually. Some students did not see the importance of attending the assigned ESOL courses nor speaking the language of their family. This misalignment results in tensions between the individual (self) and the institution. Children learning English who have diverse and intersecting racial and linguistic identification markers do not fit into their schools' normative norms. When self and institution collide, the process of

performativity related to multiple, fluid identities become uneven and tumultuous for intended targets and assigned implementers of educational language policy initiatives (Morita-Mullaney, 2018).

They bring disparities together and obscure heterogeneity (Crump, 2014). Using linguistic codes may seem like an effective method to use for ensuring linguistically diverse students capture the needed attention of educational leaders, teachers, and other school personnel charged with providing needed instructional services and programs, but once students are identified using one of these prevalent linguistic codes, all academic attention given the student is sieved through the lens of the linguistic code. These are permanent and measurable categories (Jimenez-Castellanos and Garcia, 2017). To further substantiate the permanent impact of categorization using linguistic codes, I draw attention to phrases such as, *like all children, so that those children, as all children,* and *that all children* to highlight how the educational language policies marginalize and separate students whose first language is not English. To the average reader, these phrases may lead one to believe the people with power, want to ensure those children are being attended to in schools. Through my eyes, as a critical discourse analyst, I read the phrases as intentional, explicit ways to ensure the identities of this group of linguistically diverse students is bound by the terms given them by policymakers who impart ideologies linked to their own personal values and beliefs about students who do not speak English. They are not a part of the group. They are those. They are unlike the other children. Crump emphasizes the problematic nature of fixed categories, though necessary in understanding the inherent power relative to "shaping (allowing and constricting) an individual's possibilities for becoming" (Crump, 2014, p. 209).

The Co-Naturalization of Race and Language

The importance of illuminating linguistic categories and their link to intersectionality within educational language policy discourse is to situate the tendencies of policymakers to focus on the linguistic characteristics of students adding English to their linguistic repertoire while overlooking other aspects of their identities. A raciolinguistic perspective can add to understanding how categories are intersectionally assembled and communicatively co-formed when used in conjunction with intersectional language-based studies.

Students learning English should not be Othered due to their linguistic diversity, rather the range of complexities embedded in their identities such as, but not limited to their religion, ethnicity, race, sexual orientation, gender, class, and immigration status should be points of focus (Castallenos & Garcia, 2017). These fluid aspects of identity are the very facets of an individual's existential experience that Crenshaw wanted to center in her intersectionality work (Crenshaw, 1991). Adding to the work conducted by Crenshaw (1991), Hankivsky, *et al.* (2014) suggested using intersectionality to analyze policy enables the analyst to consider the whole person and not just a single aspect of identity or experience. In a study about the intersectional characteristics of Black men on a historically Black university Campus, Patton (2014) used critical discourse analysis and intersectionality theory to showcase the ways the campus' dress code policy reinforced negative experiences for black men who occupied "multiple spaces of oppression" (p. 742). The relevance of Patton's assessment of the ways of policy discourse embodies implicit power differentials and merging of numerous oppressive structures to my study is the way educational language policy not only reinforces *otherness* when isolating one aspect of the linguistically diverse students' identity, but also neglects to acknowledge the

multiple spaces of oppression linguistically diverse students occupy (Patton, 2014; Sierk and Catalano, 2019).

Tacit Reproductions of Deficit Ideologies

The sections of educational policies related to language were easy to locate once I recognize that Title VII changed to Title III. The progression of structural changes such as titles, headings, number of pages and sections, all contributed to this finding. Within the structural changes there were also progressions of linguistic codes. I realized as the linguistic codes used to describe students adding English to their linguistic repertoire changed, the embedded ideologies about them remained the same. English Learners in schools today, per educational language policies enacted in 2015 experience the same stigma as those coded linguistically as limited English speaking in 1968. The difference is the lack of references to bilingualism in current policies and/or sustaining the first/native/heritage language of the students. I deemed the reproductions as tacit because they were not glaring due to the removal of discourse that seemed overtly negative, such as the term *limited***.** Othering was exemplified through the continuous implication within the discourse that students adding English to the linguistic repertoire were not a part of the overall student population. Like other students, same as other students, and like English proficient students, are examples of words and phrases within educational language policy discourses that subtly communicate otherness, not a part of the group, and students whose first language is other than English, not belonging. Students are aware of their ELL status and could possibly understand their separate status as a recall on an invitation to belong and/or participate in a school environment. The outcomes related to the ways race/ethnicity and language are co-naturalized in policy discourse have long-term for ethnoraciolinguistically diverse students, such as being othered due to linguistic codes attached to their student profile.

Equal access to appropriate programming seems to be overshadowed by the interpretation and implementation of policy actors. This is known as policy slippage. The most noticeable example policy slippage discovered during my analysis was within curricular/instructional requirements mandated by the state of Florida. The Florida Consent Decree (1990), under equal access to educational programming for English learners, has guidelines regarding what educational program should do for students. The 2021 state statues imply that the interpretation of the guidelines in the Florida Consent Decree situated the history of one ethnoracial group of people over that of the other ethnoracial groups Further investigation into what this looks like in schools in classrooms revealed that the Holocaust studies begin as early as seventh grade with a dedicated standard. Studies about Hispanics and African Americans are couched within studies of war and government functions and don't begin until ninth grade. This theme aligns with Rosa and Flores' illumination of the rearticulation of raciolinguistic ideologies linked to colonialism, such as the superiority of Europeans to non-Europeans, in educational language policies (Rosa and Flores, 2017).

Congress is a national body of powerful people who have the authority to make linguistic decisions for the general population. Propagation of truth claims and narratives, such as those in the findings of Congress, which serve as the foundation for what are commonly referred to as "ideologies," or systems of thoughts and ideas that represent the world from a particular point of view, provide a framework for organizing meaning, guiding actions, and legitimizing positions. (Chen, *et al.*, 2021). It is important to accept that the discourse of these policies, steeped in ideologies from a top-down perspective, have institutional power and are connected to institutions such as school districts and schools, hence the purpose of this study to illuminate ways in which educational language policies can be mechanisms of power (Snyder, 2017).

The discourse within some of the educational language policy documents at the federal, state, and local levels included guidelines related to the initial identification of students who may be candidates for assessments to determine and assess their level of English proficiency. I discovered that the discourse requiring the initial identification did not appear in the federal policy documents until the implementation of ESSA in 2015, but the policy does not include requirements about how states should identify the students, per the freedoms granted to states by the Supreme Court decision made in *Lau v. Nichols* (1974). It does mandate that the assessment to determine eligibility for services should be administered within 30 days of enrollment, per the requirements of the federal policy. The Florida Consent Decree of 1990, a state level language policy document, included the discourse in a section dedicated to the initial identification of students to ensure students were surveyed to reveal possible limits in their English proficiency. Guidelines about where the survey may be included and the information to be collected (home language and national origin) to appear in the survey were provided in the policy document. The document included requirements related to a timeframe in which the survey had to be administered but did not include a timeframe for the administration of the assessment to measure English proficiency and determine eligibility for language services. The discourse of the Florida State Board of Education Rule, 6A-6.0902 (1990, 2017) mirrors the discourse of the Florida Consent Decree except for the inclusion of a statement requiring the eligibility assessment to be administered within 20 days of enrollment.

In my examinations of the three policy documents that included discourse about the methods to be used to identify and determine eligibility for language services I noticed the subtle way the policies alluded to collecting information connected to national origin alongside language. The importance of noting these intertextual differences is that they provide an example

of how efforts of micro level policy actors, in this case, parents and grassroots organizations, appear in macro level policy discourse which align with literature regarding the different roles of a variety of actors and power differentials along the continuum of the policy process (Johnson, 2013; Johnson and Johnson, 2015; Wiley and Garcia, 2016). The agential power exercised by the micro level actors resulted in the Florida Consent Decree, a settlement with the State Board of Education regarding the education of ELs.

Implications for Educational Leadership

What is left out of the home language survey that should be included to help students acclimate rather than assimilate? I do not have the answer per se, but this critical discourse analysis of educational language policies at the federal, state, and local levels revealed a simple implication for practice in the field of educational leadership. I believe an on-site addition to the home language survey that allows families to provide more information about their language and culture and what may be needed to ensure the acquisition of English is not at the expense of the students' first, native, or heritage language. This implication for practice is a small step in the direction of culturally relevant and sustaining leadership practices that are linked to educational language policies. I believe this will empower site-based leaders to view their roles as policy actors with agential power rather than mere policy implementers doing as they are told while, embracing and promoting the linguistic resources inherent to a diverse student population (Callahan, *et al.*, 2019; Wiley and Garcia, 2016).

Limitations and Directions for Future Research

The design of this study, like most studies, is not without limitations. Limitations are "out of the researcher's control and present potential weaknesses associated with the chosen research design, statistical model constraints, funding constraints, or other factors" (Thoefanidid and

Fountouki, 2018, p. 156). I have identified three limitations of this study that may be addressed by future researchers.

First, the data sources sampled for analysis were accessed and collected from public electronic domains and no interactions was had with creators, interpreters, and implementers of the educational language policies. As such, the analysis and interpretation of the policy documents were based on my personal comprehension of the literature, analytical methods, and knowledge associated with my existential experiences as a pre-K-12 educator. I chose to conduct the critical discourse analysis of the policy documents without the involvement of human subjects because I wanted to have an independent exploration associated with the tenets of this area of research prior to interfacing with participants and other researchers. I wanted to familiarize myself with the content of the policies, the analytical methods, and connections to my personal experiences. Future researchers may choose to include human subjects as participants to enhance the data sources, such as interviews to be analyzed and to garner external interpretations of the data. In my review of the literature, very few studies focused on students as policy actors. I would like to suggest that future researchers include students in studies related to educational language polices. I believe empowering students to realize their agential power will create opportunities for them to perform their intersectional identities related to race/ethnicity and language in ways that have not been explored in pre-K-12 settings. Collaborations with other researchers could aid in broadening the context of the study.

Second, the state and local level document samples analyzed in this study were collected from one state and one local school district. I chose to remain within my sphere of reference for this study. Future researchers may collect documents from areas surrounding their sphere of

reference or other states with high concentrations of students adding English to their linguistic repertoires.

Finally, I focused on areas of educational policies specific to language education. Future studies may examine educational policies in their entirety to uncover reflections of ideologies about the intersections of race/ethnicity with other intersectional variables. The illumination of these ideologies may reshape the way ethnoraciolinguistically diverse students present themselves as they navigate educational contexts.

Conclusion

This study provided an examination of race and language in educational language policies at the federal, state, and local levels. Based on the findings of this study, I was able, to offer an implication for practice in the field of educational leadership. I also provided limitations of this study and directions for future research related to educational language policy. Reform efforts are a part of leading in public schools. I hope my study aids in the examination of policies by leaders who are challenged to turn schools around or improve schools for specific demographics of students.

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APPENDIX A

DATA SOURCES

Table 3 Data Sources

Document	Section(s)	Page	Line
Public Law 90-247-January 2, 1968 *Bilingual Education Act (1968)*	Part F-Amendments to Title VII of the Elementary and Secondary Education Act of 1965 Title III Duration of and Authorizations of Programs Title VII-Bilingual Education Programs Sec. 701-703	816	Line 3
H.R.3229-103rd Congress (1993-1994) *Reauthorized Bilingual Education Act (1994)*	Title III- Bilingual Education Sec. 301	139	Line 19
Public Law 107-110, 107th Congress-January 8, 2002 *No Child Left Behind Act (2001)*	Title III-Language Instruction for limited English proficient children and immigrant children and youth Sec. 3001 Part A-English Language Acquisition, Language Enhancement, And Academic Achievement Act	265	Line 8
Every Student Succeeds Act (2015)	Title III-Language Instruction for limited English proficient children and immigrant children and youth Part A-English Language Acquisition, Language Enhancement, And Academic Achievement Act Sec. 3102 [20 U.S.C. 6826] Purposes	N/A	1-5

Document	Section(s)	Page	Line
Florida Consent Decree (1990)	Agreement English for Speakers of Other Languages (ESOL) II. Equal Access to Appropriate Programming A. Principle	11	6
2021 Florida Statutes	Title XLVIII-Early Learning-20 Education Code Part IV Public K-12 Educational Instruction (ss. 1003.41-1003.49965) Sec.1	g (1-2), h, p	N/A
SDHC School Board Policy 2260	Nondiscrimination and access to equal educational opportunity (2014)	N/A	N/A
SDHC Authorization for Student Release and Emergency Contact	Registration	N/A	N/A
SDHC ELL Programs Policy Handbook	ALL	N/A	N/A