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# LANGUAGE OF INSTRUCTION POLICIES: DISCOURSE AND POWER

by

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A dissertation submitted in partial fulfillment
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ABSTRACT

**Language of Instruction Policies: Discourse and Power**

by

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This study identified the control structures and power relationships that exist in four state language of instruction policies using a neo-institutional and postmodern framework. Policies selected include two states with English-only instruction and two states without. Critical discourse analysis was applied in three phases (individual case, within-group, between group) using a Layers of Analysis Framework. Three key findings emerged. First, policy discourse has the potential to positively or negatively impact students. Second, issues of control and power emerge when misalignments exist between the state and society. Third, discourse style alone does not dictate a states relationship to society. Recommendations include expanding the Layers of Analysis Framework to policies inside and outside education to substantiate the findings uncovered by this investigation.

# DEDICATION

To my parents who instilled the values of education, knowledge, and independent thinking.

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# CHAPTER 1

## INTRODUCTION

Today's public school system is comprised of a predictable paradigm. School buildings, grades, class schedules, and examinations are all part of this socially acceptable and expected environment for educating America's youth. Today's school children follow regimented bell schedules, are taught to raise their hands to speak, and are instructed in subject matter that can be quantified on national exams. Such "classificatory schemes and social practices" are central to the structure and organization of public school systems (Baker, 1998, p. 118). These institutionalized patterns are what tends to be associated with academic efficiency and performance and little variation is actually found across the country. In an attempt to conceptualize the modern school system, the following passage is offered to succinctly describe today's schools:

> The educational space unfolds: the class becomes homogenous, it is no longer made up of individual elements arranged side by side…'rank' begins to define the great form of distribution of individuals in the educational order: rows or ranks of pupils in the class, corridors, courtyards; rank attributed to each pupil at the end of each task and each examination; the rank he obtains from week to week, month to month, year to year; an alignment of age groups, one after another; a succession of subjects taught. (Foucault, 1977, pp. 146-147)

Surprisingly, this passage was describing common educational practices of Jesuit colleges in the mid 18$^{th}$ century. Further reading revealed that Foucault was using the term 'rank' to embody common methods for exerting power and for punishing the less fortunate. Ultimately,

it was discovered that Foucault modeled his notion of punishment not on school systems, hospitals, or even the military establishment but on prisons. His original interest in punishment was based on the power, discourse, and oppression found in prisons (Foucault, 1977; Foucault, 1994; Fillingham, 1993).

Foucault's seamless analogy between 18th century penal systems and educational systems is both disturbing and intriguing. His notions of enclosures, functional space, time tables, programs, and ranks are still prevalent in today's schools. Foucault's parallels sparked this researcher's interest in power relations, the use of discourse, and covert forms of oppression present in our public school system. The term punishment and all its derivatives are no longer reserved for public executions and physical pain. In modern society, punishments are more subtle and are given out to "cure" or "deprive the individual of a liberty" (Foucault, 1977, pp. 10-11). For the purpose of this study, punishment and its associated terms are defined as individual rights that have been suspended or withheld. In this study, the researcher will explore forms of power that influence public education today and the impact of that power on disaffected populations.

Delving further into literature surrounding broad forms of control, Plato's myth of the metals was discovered. Two thousand years before Foucault, Plato wrote about power structures and who was worthy of knowledge and who wasn't. According to this myth, people are born as one of four metals: gold, silver, iron, or brass. Those classified as gold and silver were fit to hold the majority of power and those of a less prestigious metal were fit to serve those in power. The myth of the metals specified that iron and brass "ought not to pollute the divine by any such unearthly admixture; for that commoner metal has been the source of many unholy deeds" (Plato, 360 BC/1992, p. 94). The myth goes on to state that the lesser metals will:

> Become housekeepers and husbandmen instead of guardians, enemies and tyrants instead of allies of the other citizens; hating and being hated, plotting and being plotted against, they will pass their whole life in much greater terror of internal than external enemies. (Plato, 360 BC/1992, p. 94)

Over two thousand years ago, those who held the power had very clear beliefs about the rights of men from different backgrounds. Gold and silver were the divine and privileged, iron and brass were the miscreants of society who were doomed to serve and be controlled (Spring, 2008). Plato's myth of the metals is an example of the long-bred history of power structures in society and demonstrates how discipline can be used to oppress and discipline groups of people (Spring, 2008).

The current public education system has become institutionalized with bureaucratic power structures meant to control and penalize (Foucault, 1977; Giroux, 1981; Scribner, Aleman, & Maxcy, 2003; Meyer, 1977). Historically, these structures can be traced to represent the economic and social interests of those with authority (Giroux, 1981). Classification schemes such as rank serve to "legitimate rather than ameliorate the injustices of the larger society" (Giroux, 1981, p. 145). Public education has become a political field that serves to perpetuate injustices within society; however, its methods typically remain unchallenged due to perceptions that have been indoctrinated for generations (Giroux, 1981). Under this discriminatory structure, existing English-only instruction policies oppress those who don't speak English by classifying them as *deficient* because they don't speak English fluently (Garcia & Guerra, 2004). By defining what is deficient, those with power can define what is *adequate*. In such a manner, a binary system is created in which English is thought to be *good* and other languages are thought to be *bad* (Foucault, 1977).

The means by which educational systems formulate what knowledge to instill in its students has become flawed with "restricted assumptions and criteria" (Giroux, 1981, p. 154). Holding a static view of knowledge has been argued as elitist and supports a top-down structure of authority (Giroux, 1981). Failing to question the idea that a group of elite can define knowledge and can decide who shall have access to it perpetuates institutionalized control structures within society (Giroux, 1981). The existing educational system is structured to limit the knowledge of non-English speaking children, which prevents them from becoming socially active against the system that controls them. In this way, the school system is analogous to the penal system that offers procedures and privileges to those who conform and ultimately results in parole to society. A school system's procedures and privileges culminate in graduation for its conforming members. By offering non-English speaking students a flawed language of instruction program the school system perpetuates an ineffective model for preparing students for life (Wiley & Wright, 2004).

## Problem Statement

To date, contradictory evidence exists surrounding what policy makers tout as their intentions for creating a policy and for the true motivations behind that policy's development (Haarmann, 1991; Dasgupta, 1990; Pool, 1990). By exposing the layers of discourse used to construct a policy, underlying political intent and power structures can emerge (Berg, 2007; Wodak & Meyer, 2001; van Dijk, 2003).

## Purpose

The purpose of this study was two-fold. First, this study sought to investigate the institutional control structures behind language of instruction policies in public education.

Secondly, it examined how the policies shaped and were shaped by relationships between institutions and society. Language of instruction policies were the unit of analysis and a holistic, multiple-case study approach was utilized to increase the robustness of the findings (Yin, 2003). The study was conducted in three phases. The first phase analyzed the discourse used in four state language of instruction policies: two states with English-only and two states without. The second phase compared and contrasted the within-group findings of the two sets of states. During the third phase, a between-group analysis was conducted comparing and contrasting the findings among the two groups.

## Research Questions

The researcher sought to answer the following questions:

1. How does a policy's discourse influence expectations for students?
2. What control structures and power relationships are embedded in state language of instruction policies?
3. What similarities and differences exist in policy discourse between states with English-only policies and states without?

## Conceptual Framework

This study combined neo-institutional theory and postmodern theory as a framework for investigating control structures and power relations. Neo-institutional theory was used to outline accepted structures of control and to frame how public school systems operate as organizations. Postmodern theory was used as a lens in which to view power relations; specifically through discourse and knowledge. Currently, the use of neo-institutional theory exists within educational

research, however, the field would benefit from combining emergent constructs to "elaborate and strengthen contemporary institutional thinking" (Burch, 2007, p. 93).

Within the context of this study, four key propositions central to neo-institutional theory were relevant (Powell & DiMaggio, 1991). *First*, neo-institutional theory suggests that organizational power is not explicit but resides within unspoken, underlying relationships. *Second*, neo-institutional theory offers that organizations are structured in such a way that its goals and actions are misaligned, which leads to a diffusion of departments and procedures. *Third*, neo-institutional theory suggests that institutions foster the spread of homogeneity across various environments: societal, organizational, and intra-organizational. *Finally*, neo-institutional theory contends that organizations operate by scripts, rules, and classifications rather than by moral values and reason. The combination of covert power relations, structural misalignments, homogeneity endorsements, and control structures embody public school systems under the neo-institutional theory framework (Powell & DiMaggio, 1991).

While neo-institutional theory was used to frame the operational aspects of this study, postmodern theory was used to frame the more abstract structure of power relations found in discourse and knowledge. Postmodern theory was used as a "different way of seeing and working, rather than a fixed body of ideas" (Usher & Edwards, 1994, p. 2). It is a discourse of plurality without a static definition. Postmodern theory has come to challenge and contrast democracy with totalitarianism and contends that reflective inquiry can lead to insights applicable to "progressive and emancipatory democratic politics" (Giroux, 1991, p. 17). Ontologically, postmodern theory represents a transformative paradigm where multiple realities exist and are continually constructed by various sociopolitical and economic factors (Mertens, 2010). Epistemologically, postmodern theory suggests that underlying skepticism is present and

the nature of knowledge is relative and pluralistic (Koro-Ljungberg, Tendol-Hoppey, Smith, & Hayes, 2009). In a broad sense, postmodern theory represents a fluid perspective that consists of pluralistic realities shaped by changes in history, evolving power structures, and shifting political environments (Giroux, 1991).

Neo-institutional theory contends that socially constructed realities challenge the covert power relations, the structural misalignments, the homogeneity endorsements, and the control structures that exist within organizations (Powell & DiMaggio, 1991). Socially constructed realities have challenged tenets central to neo-institutional theory by "producing new truths, new models by which to understand themselves and their societies" (Powell & DiMaggio, 1991, p. 254). In doing so, individuals of a society can manipulate organizational control structures to suit their evolving needs (Giroux, 19919). However, postmodern theory contends that these structures of control are disproportionately symbiotic and are part of a binary system consisting of those who control and those who are being controlled (Foucault, 1977; Giroux, 1991). This control is often masked and the interests of the institution remain unexamined (Giroux, 1991). As a result, the controlled are continually punished by having their power and knowledge predetermined by the institution that controls them (Foucault, 1977; Powell & DiMaggio, 1991). Dual manipulations take place: society attempts to manipulate the control structures placed on them and institutions attempt to maintain their legitimacy and power by manipulating society.

Our current education system is represented by these manipulations. Today's public schools are reported as being "redefined through a corporate ideology" and have become "sites of political and cultural contestation" (Peters, 1996, p. viiii). This institutionalism has increased at the federal, state, and local levels and has resulted in an increase of centralized control structures and policies aimed at maintaining power relations (Powell & DiMaggio, 1991;

Foucault, 1977). This institutionalism has been well documented in neo-institutional theory and educational literature. By incorporating postmodern theory into the evolution of institutionalism, the researcher aimed to investigate the structures used to instill obedience in society and to control the dissemination of knowledge in today's public school systems.

## Summary of Methodology

This study was a form of naturalistic inquiry in which the meaning of the data is understood within the context of a specific participant or case (Creswell, 2008). While suitable under many conditions, naturalistic inquiry is an appropriate research approach when the investigator seeks to examine a "contemporary phenomenon within some real-life context" (Yin, 2003, p. 1) or when few cases exist with multiple variables (Creswell, 1998). Both conditions pertain to this study, which supported the use of natural inquiry.

A multiple-case study design provides an in-depth description and analysis of a bounded system (Merriam, 2009). Four bounded systems were selected to comprise this multiple-case study. Two cases were selected that have English-only state language of instruction policies and two cases were selected that do not. A replication model was used to verify the propositions that emerged from the multiple-case analysis (Yin, 2003) When using a replication model, the cases selected should be able to produce literal or theoretical replication and they should be chosen for specific reasons (Yin, 2003). Literal replication occurs in the first two to three cases and theoretical replication occurs during the investigation of four or more cases (Yin, 2003). The selected cases were considered unique and theoretical propositions were revised after the analysis of each case (Yin, 2003). A goal of the replication model was to find conclusions at the micro level that converge on a macro level (Yin, 2003).

Data analysis took place in three distinct phases and was ultimately guided by Fischer's (1995) framework for public policy analysis. To expand upon this framework, critical discourse analysis (CDA) was applied to deconstruct and examine the underlying layers of discourse used to write the policies (Fischer, 1995; Chouliaraki & Fairclough, 2009; Wodak & Meyer, 2001; Wodak, 2009). The specific linguistic markers used to analyze the data emerged as the study progressed (Merriam, 2009; Schiffrin, 1995). During *Phase One*, the discourse in each of the four cases was critically analyzed using a Layers of Analysis Framework developed for this study. *Phase Two* grouped the cases into two categories: states with English-only language of instruction policies and states without, and within-group commonalities and dissimilarities were established. During *Phase Three*, a cross-case analysis was used to determine between-group similarities and differences.

## Significance of the Study

This study is significant to educators, policy makers, as well as the general American public. The information presented in this research will help those vested to better understand the intertwining variables of institutional power and political intent. Also, the research will help those vested to better understand a policy maker's role in controlling individuals within an institutional system and the resulting impact on both individuals and society as a whole.

## Definition of Terms

The following terms were considered throughout this study:

- Bilingual – Educationally, students with a native language (L1) that differs from the language (L2) that they learn in school (Cummins, 1981).

- Critical Discourse Analysis – A theoretical and methodological approach to social research which acknowledges that current social practices are not finite (Wodak & Meyer, 2001; Chouliaraki & Fairclough, 2009). Focus is on advocacy, language/discursive structures, and semiotics (text, tactile, visual, and auditory) (Chouliaraki & Fairclough, 2009).

- Discipline – A calculated form of coercion used to gain power over others, physically and/or psychologically. Manipulation is used to increase obedience, thus decreasing an individual's power and increasing subjection (Foucault, 1977).

- Discourse – Structures of language, written or verbal, with latent and manifest meanings (Foucault, 1977). "A form of power, a mode of formation of beliefs/values/desires, an institution, a mode of social relating, a material practice" (Chouliaraki & Fairclough, 2009, p. 6).

- Homogeneity – Result of institutions becoming similar in "structure, culture, and output" (DiMaggio & Powell, 1983, p. 147).

- Isomorphism – A process of homogenization where "rational actors make their organizations increasingly similar as they try to change them" (DiMaggio & Powell, 1983, p. 147). "A useful tool for understanding the policies and ceremonies that pervade much modern organizational life" (DiMaggio & Powell, 1983, p. 150).

- Knowledge – The ability to challenge and the act of questioning what is accepted as truth. Inquiring into whether or not information is "sincere or deliberately misleading, well informed or ignorant, authentic or tampered with" (Foucault, 1972, p. 6). Questioning

"heterogeneous statements; the system that governs their division, the degree to which they depend upon one another, they way in which they interlock or exclude one another" (Foucault, 1972, p. 34).

- Neo-Institutional Theory –Focuses "on a broad and finite slice of sociology's institutional cornucopia: organizational structures and processes" (Powell & DiMaggio, 1991, p. 9). Suggests that institutional structure can be developed unconsciously; stresses the relationship of stability, legitimacy, and underlying meanings; and "links actor interests to political outcomes" (Powell & DiMaggio, 1991, p. 5).

- Postmodern Theory – Used to "deconstruct grand narratives" and "address and re-create binaries and stable structures" (Koro-Ljungberg, Yendol-Hoppey, Smith, & Hayes, 2009, p. 689). Knowledge is considered to be subjective, socially constructed, relative, skeptic, and pluralistic (Mertens, 2010; Koro-Ljungberg et al., 2009).

- Power – Produced to maintain social practices and to construct subjective power relations (Foucault, 1994). Employs discipline to achieve its goal of control (Foucault, 1977).

- Punishment — A way to "deprive the individual of a liberty that is regarded both as a right and as property…. An economy of suspended rights" (Foucault, 1977, p. 11).

- Semiotics – The study of language represented by signs. Three most common aspects include the exploration of syntax, semantics, and pragmatics (Schiffrin, 1995).

## Assumptions

The policies downloaded from each state's department of education websites were assumed to be true and accurate. The language used to write the policies were assumed to have been purposively selected by the author or authors.

## Delimitation

Several delimitations bound this study. First, state language of instruction policies were chosen for examination over federal policies or school district policies. Second, two states with English-only language of instruction policies were selected to be compared and contrasted against two states without English-only language of instruction policies. Finally, this study was bound by limiting the content of each state policy that was included for analysis.

## Limitations

When conducting research, several limitations emerge depending on the nature of the research questions posed and the data collected. For this study, policy makers were not interviewed, public debates and speeches were not considered, and citizens were not polled for their perspectives (Chouliaraki & Fairclough, 2009). Data collection focused exclusively on policy documents, which in the field of qualitative research, are reported to be an underused data source (Merriam, 1998). While many documents are readily available and can provide valuable insights, most researchers prefer to create their own data or are not confident in the data's ability to yield the desired information (Merriam, 1998).

Distrust for using documentary material as the primary data source has emerged and unique issues exist (Merriam, 1998). Merriam (1998) has offered four challenges to consider

when working with documentary materials. First, the documents collected may not have been produced for research purposes, therefore certain information that the researcher would like to know might not exist. In the current research study, the language of instruction policies were created to be operationalized by the states, not studied by researchers. For this reason, the researcher needed to ensure that the questions posed could be answered by the documents collected.

Second, Merriam (1998) warns that there might be an unrepresentative or small sample of documents available. However, while a limited number of documents could pose certain limitations, Merriam (1998) contends that a lack of documents can indicate something about the topic being studied as well. When examining the policies, the researcher took specific care to note not only what the policies included, but also what they *excluded* in their policy discourse.

A third limitation presented by Merriam (1998) is the possibility that the data collected might not match the research purposes or fit the conceptual model used. After consideration the research purpose, the conceptual model, and the data sources were determined to be in alignment. This ensured cohesiveness and viability of the study.

A final limitation to working with documentary materials is cited as establishing the documents' legitimacy and accuracy (Merriam, 1998). Merriam (1998) warns, "even public records that purport to be objective and accurate contain built-in biases that a researcher may not be aware of" (p. 125). While evaluating the discursive content of the policies, the researcher took into account that as documents of public record, state language of instruction policies may contain inherent biases and value statements.

In conclusion, specific limitations were considered for conducting research with documents as the primary source of data. The researcher has considered that the policy documents produced may not have been created with research as the primary goal. The sample size and availability of the documents to review was also considered. The researcher has ensured that the data collected matches the purpose of the study and the conceptual model selected. Finally, the researcher considered the validity of the documents and the possibility of inherent biases.

## Summary

This study has been organized into a total of six chapters. After this first introductory chapter, the second chapter reviews the literature pertinent to the research questions. Chapter three describes the methodology used to collect, organize, and analyze the data. Chapters four and five present findings. Specifically, chapter four discusses findings relevant to each individual case and chapter five presents within-group and between-group findings. Chapter six discusses conclusions, implications, and directions for future research.

# CHAPTER 2

# LITERATURE REVIEW

Popkewitz (2000) argues that "one of the major difficulties of contemporary policy studies is its nonreflexivity toward the way in which its systems of knowledge change" (p. 17). Understanding the historic context of an issue can lead to fluidity and responsiveness in educational policy research (Popkewitz, 2000). This review of literature presented five areas that are impacted by systems of change in the policy process.

First, legal mandates behind language of instruction policies were reviewed. Second, popular language programs were introduced. Third, a discussion about second language acquisition success was presented. Fourth, policy processes were reviewed as they relate to creation and implementation. Fifth, the institutionalization of education was explored.

## Legal Background

In the last 40 years, several lawsuits have taken place that has impacted the education of LEP students. In 1974, the federal Supreme Court ruled in the Lau v. Nichols case that LEP students have a constitutional right to have their language deficiencies rectified in order to receive an education that is equal to their monolingual peers (U.S. Department of Education, 2005; Public Broadcasting Service, 2010). While the Lau decision mandated that states attempt to rectify language differences, it did not specify how states were to establish these corrective services or what the accountability standards should be. In 1981, the Castaneda v. Pickard case established the criteria for evaluating compliance with the Lau finding (U.S. Department of Education, 2005). While this supplied the accountability standard for the Lau mandate, it did not address the programmatic component. Currently, the state of Arizona is engaged in a lawsuit,

Flores v. Arizona, which has been in progress for nineteen years (Arizona Education Association, 2010; The Legal Broadcast Network, 2009; National School Boards Association, 2004). The plaintiffs in Arizona allege that the state has violated LEP students' civil rights by failing to provide adequate English language instruction programs to rectify the students' language deficiencies (Arizona State Senate, 2008). The lawsuit made it to the U.S. Supreme Court before the court sent the case back to the Ninth Circuit Court of Appeals for further consideration on June 25, 2009. The appeals court is now considering the adequacy changes the state of Arizona has made in recent years regarding the education of LEP students (Arizona Central, 2009).

## Language Programs

Language programs addressing the unique needs of LEP students have emerged as a result of these litigations. Before the authorization of the No Child Left Behind Act of 2001 (NCLB), *bilingual* was a common term used federally to describe language programs for LEP students (Wiley & Wright, 2004). However, with the passage of NCLB, *bilingual* was eliminated from all program descriptions at the federal level. Not only were program descriptions modified, departmental offices were also renamed. For example, The Bilingual Education Act (Title VII) was changed to the Language Instruction for Limited English Proficient and Immigrant Students (Title III) and the National Clearinghouse for Bilingual Education was renamed the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (Wiley & Wright, 2004).

While the term *bilingual* has been eliminated from federal program descriptions, several states still use the term in their LEP policies. The following are six examples of common

educational programs available to LEP students at the state level: dual language immersion, transitional bilingual, maintenance, structured immersion, English-as-a-second-language, and English-only (Wiley & Wright, 2004; Rolstad, Mahoney, & Glass, 2005; Cummins, 1979; Wright, 2004; Medina & Escamilla, 1992).

Three programming options exist for LEP students that allow for instruction to occur in the home language (L1) as well as in English (L2). In *Dual Language Immersion* programs, students are taught academic material in both L1 and L2 (Karam, 2005). *Transitional Bilingual* programs target mainstreaming LEP students within two or three years and use the home language as a bridge to acquiring English (Medina & Escamilla, 1992; Wiley & Wright, 2004). They support the supplemental use of instruction in L1 during this timeframe with instruction in L1 gradually phasing out as greater proficiency L2 is achieved (Medina & Escamilla, 1992; Baker & de Kanter, 1981). *Maintenance* programs focus on language fluency and literacy in both L1 and L2 (Medina & Escamilla, 1992). There is no push to transition the students into English-only classes and the program may span a timeframe of up to seven years (Medina & Escamilla, 1992).

Three program options are popular for instructing LEP students that do not include the use of L1. In S*heltered Immersion* programs, the curriculum is structured in such a way to facilitate development of the English language as well as academic content (Baker & de Kanter, 1981; Wiley & Wright, 2004). *English-as-a-Second-Language* programs place LEP students in English-only classrooms for the majority of the school day. For a short period each day the LEP students receive concentrated instruction in English to facilitate the acquisition of English (Baker & de Kanter, 1981). In *English-only* instructional programs, LEP students are submersed in English-only classrooms with no additional assistance (Wiley & Wright, 2004).

## Language Programs and Second Language Acquisition Success

Cummins (1979) contends that while bilingual education programs are beneficial to LEP students, there is not a one size fits all approach to bilingual education. In a grounded theory study, Cummins (1979) proposed that success in any given bilingual educational program is a function of three variables: background, child input, and educational treatment. Cummins (1979) defined *background* as the socio-cultural variables that contribute to a student's academic success, *child input* as the linguistic tools and proficiencies the student maintains, and the *educational treatment* as the school program the student receives. When assessing a bilingual program's effectiveness, all three variables must be considered and evaluated. When bilingual programs are evaluated and these three variables are not all taken into account, data regarding the programs being studied becomes inconclusive and uninterpretable (Cummins, 1979).

In order to adequately assess the interaction between social-cultural background, linguistic input, and the educational program, Cummins (1979) developed a *threshold hypothesis*, which maintains that there are two thresholds a student must pass through to gain positive cognitive effects from being bilingual. The first level is termed *semilingual* and designates LEP students who are not proficient in either their native language (L1) or their language of instruction (L2). Cummins (1979) describes this group of students as having a lower level of bilingual competence resulting in negative cognitive effects. In the classroom, these students are not reported to experience negative cognitive effects in the early grades. It is not until the later grades that negative cognitive effects are recognized due to the required increase in language mediation and cognitive reasoning (Cummins, 1979). The second level is termed *dominant bilingualism* and designates students who are proficient in either L1 or L2 but not both languages. This group is described as having a higher level of bilingual competence and display

neutral cognitive effects. Around third grade, students who have gained high levels of competency in L2 begin to outperform students with low levels of competency in L2 on cognitive reasoning tasks (Cummins, 1979). Their performance is comparable to students who have high competencies in L1, however, over time; the high L2 competency students will outperform high L1 students (Cummins, 1979). The third and final level is coined *additive bilingualism* and designates students who are proficient in both L1 and L2. These students demonstrate positive cognitive effects as a result of their bilingualism. In the classroom, these students are better able to "analyze ambiguities in sentence structure", their response strategies pay greater attention to structure, and they are more readily able to "reorganize cognitive schemata" (Cummins, 1979, p. 232).

Rolstad, Mahoney, and Glass (2005) conducted a meta-analysis of 17 bilingual program evaluation studies that have transpired since 1985. The researchers reported that bilingual education programs were consistently superior to English-only language of instruction programs. Of the bilingual programs, the researchers found that long-term dual-language programs were more effective than short-term transitional programs (Rolstad, Mahoney, & Glass, 2005). However, the meta-analysis by Rolstad et al. (2005) failed to take into account the socio-cultural background, linguistic inputs, and the educational programming variables as outlined by Cummins (1979). However, while the Rolstad et al. (2005) conclusions did not individually consider such variables, the researchers' general findings of bilingual program superiority were consistent with existing findings that permeate the literature (Karam, 2005; Wright, 2004; Wiley & Wright, 2004; Murphy, 2003). Data not only supported bilingual program superiority, it also identified negative effects of English-only programs. For example, LEP students who attended English-only programs were found to have the highest dropout rates and they were the lowest

academic performers when compared to LEP students enrolled in some form of bilingual program (Rolstad, Mahoney, & Glass, 2005; Murphy, 2003).

The Rolstad, Mahoney, and Glass (2005) findings were also consistent with results reported in a dissertation on language policies and the impact bilingualism had on linguistic and academic achievement (Karam, 2005). Karam (2005) conducted a study in a large Southern California school district collecting data from three elementary schools, grades kindergarten through six. A Language Development Service survey was used to collect language development data and the types of services provided to the students at the three schools. Language proficiency data and performance data were collected from the school district. In total, there were 1,895 students that comprised the sample size. Karam (2005) studied five common types of language programs offered to LEP students in the United States: transitional bilingual, maintenance, dual immersion, structured immersion, and English-only. The first three programs offer language assistance in the native language while the last two programs use English instruction exclusively. The researcher also evaluated the students' language proficiency in their native language (L1) and compared it to their performance in English (L2). This expanded the Rolstad, Mahoney, and Glass (2005) study of language program effectiveness; however, Rolstad et al. (2005) did not measure the students' proficiency in L1. By considering each student's L1 linguistic input, Karam's (2005) study built upon Cummins's (1979) assertion that a child's input plays a significant role in their ability to acquire a second language.

Karam (2005) found that LEP students enrolled in some form of bilingual programming (transitional bilingual, maintenance, or dual-immersion) demonstrated greater achievement both linguistically and academically. The researcher further studied the language proficiencies of the LEP students to determine which instructional programs were best suited to each student based

on their level of L1: proficient or not proficient. Karam's (2005) found that students who were proficient in their native language benefit from receiving some sort of bilingual programming, whether it be transitional bilingual, maintenance, or dual immersion. Students with a solid foundation in L1 had a basic skill set meta-linguistically that they could use to facilitate transfer of knowledge from L1 to L2 (Karam, 2005). Students who were not proficient in their native language were found to be significantly more successful in English-only language of instruction programs. Karam (2005) suggested that students not proficient in L1 experience "linguistic confusion" (p. 173) when exposed to bilingual programming. Since they are not proficient in their native language, they do not have the basic skill set necessary for transfer of knowledge to take place. Instead of using their native language as an asset, it actually became detrimental to their learning and linguistic competence (Karam, 2005).

## Policy Processes

Ingram and Schneider (1990) have identified an ongoing policy dilemma in America: the production of dysfunctional policies that lead to poor implementation. The researchers fault statutory design as the reason for policy problems. They found that vague statutes lead to poorly written policies, which result in ineffective policy implementation (Ingram & Schneider, 1990). Further confounding effective implementation are bureaucratic structures and the separation of powers at each level of government, which are able to "thwart effective implementation" of statutes (Ingram & Schneider, 1990, p. 67). The researchers proposed a framework to be used as a method for measuring aspects of a statute that are necessary for implementation success. This framework was then compared and contrasted against four common implementation models: strong statutes, Wilsonian, grass roots, and consensus building.

*Strong statutes* suggests that those implementing policy have "no discretion to add values" (Ingram & Schneider, 1990, p. 74) and must reproduce policy identical to the statute. Within the statute there is little uncertainty regarding relationships or responsibilities and goals are clear and comprehensive. The strong statute model assumes that compliance with the statute automatically leads to goal attainment. The *Wilsonian* approach mimics strong statutes regarding clarity of goals; however, it differs regarding discretionary powers. For example, the Wilsonian model proposes that politicians provide agencies with clear goals but that discretion of goal attainment is left up to each individual organization (Ingram & Schneider, 1990).

The *grass roots* approach supports vague statues "because ambiguity provides maximum leeway" (Ingram & Schneider, 1990, p. 79). With this model, discretion of policy implementation begins at the bottom or with the population most affected by the statute. Goals, responsibilities, relationships, and accountability measures are purposely nonspecific and can be tailored to the needs of the local community. The *consensus* approach focuses less on statute goals and more on statute values, participation, and interest groups (Ingram & Schneider, 1990). Institutionalization of rules, assignments, and participation guide statute formation and effective implementation of statutes is impeded by lack of agreement amongst policy makers. Unintended consequences are common with the consensus approach as those "with power may sidestep all conceivable procedures and be able to exercise dominant influence" (Ingram & Schneider, 1990, p. 81). Ultimately, Ingram and Schneider (1990) report that no approach to policy implementation is preferred over another. They indicate that depending on the political climate in which the statute originates, the appropriate implementation model should be selected.

Peters (2010) contends that in Anglo-American democracies, public agencies are often removed from the policy making process in an attempt to "make the civil service politically

neutral" (p. 166). This separation is a key feature of the strong statutes implementation approach outlined by Ingram and Schneider (1990). Peters (2010) indicates that the removal of agencies in the policy making process allows politicians to make difficult policy decisions but absolves them from having to "face the public" (p. 166) since decisions will be delivered by public administrators. Peters (2010) warns of the dangers when this bureaucratic separation takes place. When politicians have the ability to set statutes and to mask the agenda setters, only the most astute members of society will be able to identify the true political influence behind a policy's development and implementation (Peters, 2010). When evaluating the influence behind a policy, it is important to examine the relationship between statute formation and policy implementation (May, 1991). This examination is oftentimes "difficult to do in a democratic political system" due to the multitude of agencies involved (Peters, 2010, p. 174).

When challenging the influence behind a policy, researchers must address the discourse used to write the policy: "Policy studies need to make problematic the discourses of policy" (Popkewitz, 2000, p. 27). In recent decades, the media has increasingly influenced policy makers and the language they choose to write policies (Cohen, 2010). Using a case study design, Cohen (2010) conducted a critical discourse analysis of grammar patterns present in educational news as reported in a large United States newspaper. The researcher examined grammar patterns prevalent in the texts to reveal how teacher identity is shaped by knowledge and power. Educational reports, totaling 170, from 2006 and 2007 were collected and articles were selected based on target words found in the headline and in the body of the article. The researcher engaged in peer debriefing and recorded the comments made by observers as they read the articles. Content analysis was used by identify key themes in the texts and grammar features were analyzed using structural analysis (Cohen, 2010).

Cohen (2010) found that grammar can be used to allocate knowledge and substantiate power relationships between different groups of people. Findings also suggest that notions of ideology are latent and require the readers to supply missing information by following social scripts. These social scripts are framed by specific grammar patterns and "make the most sense from particular subject positions over others, and in this way gain persuasive power" (Cohen, 2010, p. 115). The researcher also confirmed previous findings of how preferred discourses gain power over others in the educational setting. She validated this finding in three ways. First, if two themes are recurring in texts, one can carry more influence than the other depending on the "syntactical, lexical, stylistic, and rhetorical strategies" used by the writer (Cohen, 2010; p. 115). Second, one theme can carry more importance depending on the "ideologically based status relations operating in society" (Cohen, 2010, p. 116). Third, the researcher found that political debates in education are reported in such a way as to garner support for one theme over another (Cohen, 2010).

## Institutionalization of Education

Meyer (1977) conducted a meta-analysis of three theoretic frameworks commonly applied to public education and found that education is "a system of institutionalized rites transforming social roles through powerful initiation ceremonies" (p. 56). By synthesizing socialization theory, allocation theory, and legitimation theory Meyer (1977) concluded that public education is an allocating institution which allows social privileges to some over others. The researcher argued that this binary structure not only legitimizes and validates different levels of knowledge; it also supports a social caste system.

In another study, Meyer, Tyack, Nagel, and Gordon (1979) examined the effect of political and religious social movements on the bureaucratization of public education from 1870 to 1930. Their findings suggest that religious ideologies have a greater impact on the increase in public school enrollments than economic urbanization. The researchers used a multiple regression analysis to examine various social factors of early educational economies. By using multiple economic, political, and cultural variables in their interpretation they were able to combine, not isolate, the influence of the variables. Meyer et al. (1979) found that the proliferation of public education and the values imposed were backed by powerful actors who were "ethnocentric and served their own religious, political, and economic interests" (p. 601). Often times these powerful actors weren't official bureaucratic organizations but were social groups with unofficial authority (Meyer, Tyack, Nagel, & Gordon, 1979). In other words, socially constructed groups can have more clout than politicians. The researchers argued that the beliefs of socially constructed organizations and the moral agendas they promote have become institutionalized as part of today's public education paradigm (Meyer et al., 1979).

DiMaggio and Powell (1983) have found that that bureaucratization has spread from the private sector to the public sector. The authors proposed that organizations are becoming more homogeneous while simultaneously becoming less efficient. In a meta-analysis, the authors examined several organizations that have evolved to become isomorphic and found that they did not become more efficient over time. In other words, with institutional isomorphism, goals of efficiency were no longer a priority. Instead, when organizations change, they fight for political power, institutional legitimacy, and economic resources (DiMaggio & Powell, 1983).

DiMaggio and Powell (1983) found that there are three processes by which institutional isomorphism emerges: mimetic, normative, and coercive. *Mimetic processes* occur when

organizations model themselves after other organizations, regardless of how similar they are. *Normative processes* include training programs and educational systems that create homogenous individuals who can follow bureaucratic process without upsetting the status quo of the organization. *Coercive processes* include environmental pressures that tend to be more political than social-cultural in nature. Coercive isomorphism is not always obvious and "may be felt as force, as persuasion, or as invitations to join in collusion" (DiMaggio & Powell, 1983, p. 150). In the field of public education, this force is evident in the policies and procedures that exist at each level of the bureaucracy. "Schools mainstream special students and hire special education teachers, cultivate PTAs and administrators who get along with them and promulgate curricula that conform to state standards" (DiMaggio & Powell, 1983, p. 150). Similar to the private sector, the public sector has adopted a hierarchical form of power that is necessary for political control and institutional legitimacy where it might not have otherwise existed (DiMaggio & Powell, 1983).

Scribner, Aleman, and Maxcy (2003) also examined the evolution of politics in the field of education. Using a grounded theory approach, the researchers argued that three theoretic ideologies have emerged with the proliferation of public education. These three ideologies complement each other while simultaneously competing against each other (Scribner, Aleman, & Maxcy, 2003). Their theoretic framework integrates micro-politics, political culture, and neo-institutionalism, which the researchers believe can be used to help policy makers and educational administrators understand the relevance of politics in the field of public education. From the three paradigms, the researchers found that education has become highly political with competing interest groups and elitist research agendas. A polity has emerged with opposing belief systems and institutional self-interest. Scribner et al. (2003) argued that advancement in

the field would greatly benefit from decreasing the tension between the political actors and integrating their research agendas.

## Summary

To review, public schools are mandated to remedy language differences of LEP students. A variety of language programs are available to fulfill this requirement ranging from programs that offer support in L1 to programs that prohibit use of L1. This review of literature has indicated that the process of second language acquisition is more successful with some degree of support in L1.

This review of literature has also identified several trends surrounding educational policy. Educational policies are created in a dysfunctional manner and are ineffectively implemented (Ingram & Schneider, 1990; Peters, 2010). An increase in institutional bureaucracy may be responsible for educational policy problems (Ingram & Schneider, 1990; Peters, 2010) and various factors contribute to the discourse policy makers use when writing educational policies (Cohen, 2010).

The literature review also found that educational policies have become increasingly competitive in the social privileges they allow, the research agendas they promote, and the means by which political actors operate (Meyer, 1977; Scribner, Aleman, & Maxcy; 2003; Shapiro, 1984). In recent decades, the education system has emerged as a system of allocation, free to award successes to some and failures to others (Meyer, 1977). Education has achieved the status of a social institution that "restructures whole populations, creating and expanding elites and redefining the rights and obligations of members" (Meyer, 1977, p. 55). In addition to becoming a privileged social institution, the field of education has also become highly political (Scribner et

al., 2003). Ongoing tensions between political actors and proposed researcher agendas are consistently problematic and interfere with advancement in the field (Scribner et al., 2003). This competition is evident in complex forms: “In no other social institutions are notions of hierarchy and equality and democracy and authoritarian control forced to co-exist in quite the same proximity” (Shapiro, 1984, p. 37).

# CHAPTER 3

# METHODOLOGY

Neo-institutional theory suggests that institutions such as the federal government exert a powerful influence over the ways in which people formulate their wants and needs. It also suggests that institutions dictate who succeeds and who fails in society (Meyer, 1977). A postmodern framework builds upon this notion and suggests that state politicians write English-only language of instruction policies with concealed meanings and motivations. Covert policy formation not only leads to ambiguous and uncertain educational practices, it "obscures the issues of power embedded in school practices" (Popkewitz, 2000, p. 17).

The language chosen in policy formation is indicative of the organizational power that the politicians and the institution represent. Oftentimes the institutional power is concealed behind social media campaigns, confusing policy language, and bureaucratic posturing (Renauer, 2007; Scribner, Aleman, & Maxcy, 2003; DiMaggio & Powell, 1983; King, 2009; Cohen, 2010). While English-only language of instruction policies have frequently been touted to be in the 'best interest' of LEP students for gaining proficiency in English in a timely manner, existing research does not support such claims (Black, 2006; Hawkins, 2004; Rolstad, Mahoney, & Glass, 2005; Stritikus & Garcia, 2005; Wiley & Wright, 2004; Wright, 2007). This discrepancy has raised questions about embedded policy significance and the power behind a policy's development.

## Problem Statement

To date, contradictory evidence exists surrounding what policy makers tout as their intentions for creating a policy and the motivation behind a policy's development. Oftentimes, political intent and power is masked behind the discourse used in policy formation (Haarmann,

1991; Dasgupta, 1990; Pool, 1990). The textual language used to write a policy can be used as a power structure to control the knowledge and opportunities of a society (Foucault, 1977; Wodak & Meyer, 2001; Wilson, 2003; van Dijk, 2003). Policy formation can be viewed as a societal action, suggesting that "it can be seen as a collection of symbols expressing layers of meaning" (Berg, 2007, p. 304). By exposing the layers of discourse used to construct a policy, underlying political intent and power structures can emerge.

## Purpose

The purpose of this proposed study was two-fold. First, this study sought to investigate the institutional control structures behind policies. Secondly, it examined power relationships between institutions and society. Language of instruction policies were the unit of analysis and a holistic, multiple-case study approach was utilized to increase the robustness of the findings (Yin, 2003). The study was conducted in three phases. The first phase analyzed the discourse used in two English-only state instruction policies and in two states without English-only instruction policies. During the second phase, the researcher conducted a within-group analysis to compare and contrast findings from each set of states. During the third phase, the researcher conducted a between-group analysis to compare and contrast findings from the cases with English-only language of instruction policies to cases without.

## Research Questions

The researcher sought to answer three principle questions. To help structure and organize each of the research questions, Table 3.1 was created to outline the specific processes used in answering each of the research questions.

1. How does a policy's discourse influence expectations for students?

2. What control structures and power relationships are embedded in state language of instruction policies?

3. What similarities and differences exist in policy discourse between states with English-only policies and states without?

Table 3.1. Research Question Matrix for Qualitative Research

| Research Questions | Kind of Data Collected | Process of Analysis | Literature | Time of Collection |
|---|---|---|---|---|
| 1.) How does a policy's discourse influence expectations for students? | **Documents**: State language of instruction statues | Searle's Speech Act Theory<br><br>Content Analysis<br><br>Fischer's Four Discourses for Public Policy Analysis | • Fischer (1995)<br>• Searle (1979)<br>• Berg (2007)<br>• Wodak & Meyer (2001)<br>• Wodak (2009)<br>• Schiffrin (1995)<br>• Ingram & Schneider (1990)<br>• DiMaggio & Powell (1983) | **Collection**: February 20, 2012 to February 29, 2012<br><br>**Analysis**: March 1, 2012 to April 20, 2012 |
| 2.) What control structures and power relationships are embedded in state language of instruction policies? | **Documents**: State language of instruction statues | Searle's Speech Act Theory<br><br>Content Analysis<br><br>Fischer's Four Discourses for Public Policy Analysis | • Fischer (1995)<br>• Searle (1979)<br>• Berg (2007)<br>• Schiffrin (1995)<br>• Cummins (1979)<br>• Karam (2005)<br>• Rolstad, Mahoney, & Glass (2005)<br>• Wiley & Wright (2004)<br>• Yin (2003) | **Collection**: February 20, 2012 to February 29, 2012<br><br>**Analysis**: March 1, 2012 to April 20, 2012 |
| 3.) What similarities and differences exist in policy discourse between states with English-only policies and states without? | **Documents**: State language of instruction statues | Searle's Speech Act Theory<br><br>Content Analysis<br><br>Fischer's Four Discourses for Public Policy Analysis | • Fischer (1995)<br>• Searle (1979)<br>• Berg (2007)<br>• Schiffrin (1995)<br>• Chouliaraki & Fairclough (2009)<br>• Schiffrin (1995)<br>• Fairclough (2009) | **Collection**: February 20, 2012 to February 29, 2012<br><br>**Analysis**: March 1, 2012 to April 20, 2012 |

*Note.* Research matrix adapted from "*Collective-individual development in a fifth grade bilingual class: An interactional ethnographic analysis of historicity and consequentiality,"* by L. G. Putney, 1997, UMI Dissertation Publishing. (9809642).

## Design

This study was a form of naturalistic inquiry in which the meaning of the data is understood within the context of a specific participant or case (Creswell, 2008). While suitable under many conditions, naturalistic inquiry is an appropriate research approach when the investigator seeks to examine a "contemporary phenomenon within some real-life context" (Yin, 2003, p. 1) or when few cases exist with multiple variables (Creswell, 1998). In this study, both conditions apply.

A holistic, multiple-case study research design was used to provide "an in-depth description and analysis of a bounded system" (Merriam, 2009; Yin, 2003). For this investigation, four bounded systems were selected to comprise the multiple-case design. When selecting a multiple-case design over a single-case design, "each case should serve a specific purpose within the overall scope of inquiry" and should "follow a replication logic" (Yin, 2003, p. 47). In other words, the cases selected should be able to produce literal or theoretical replication and should be selected for specific reasons (Yin, 2003).

*Literal replication* typically occurs in the first two to three cases studied and tends to predict similar findings (Yin, 2003). *Theoretical replication* occurs when contrasting results can be anticipated "for predictable reasons" in four or more cases (p. 47). According to this method, "each individual case study consists of a 'whole' study, in which convergent evidence is sought regarding the facts and conclusions for the case" (p. 50). Conclusions from each case are then "considered to be the information needing replication by other individual cases" (p. 50). Modifications are made to the theoretic framework as cases emerge that differ from the original framework proposed (Yin, 2003). See Figure 3.1 for this study's organization.

Figure 3.1. Multiple-Case Study of Language of Instruction Policies

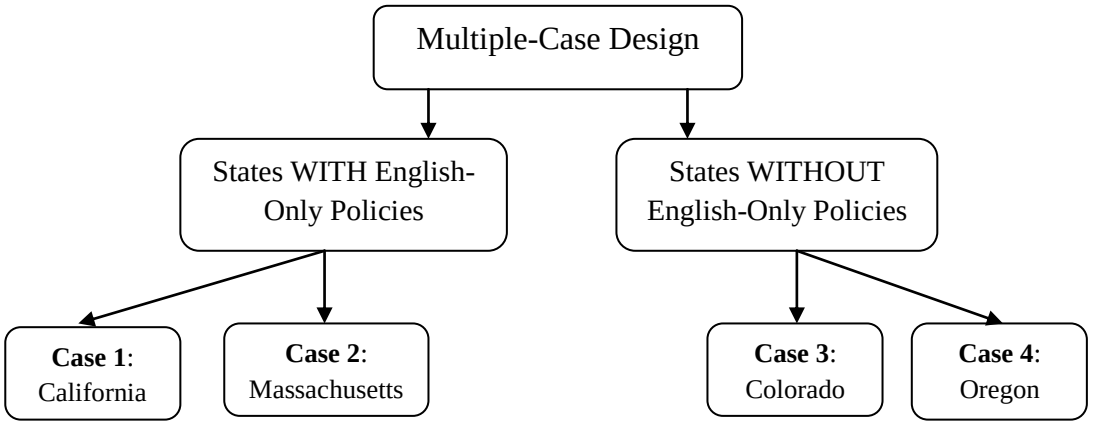



*Figure 3.1.* Visual representation of the study's individual cases; two with English-only language of instruction policies, two without.

## Sampling

Purposing sampling was used to select a total of four states, or four *cases*, two that have adopted English-only instruction policies and two that have not. The two states selected that have adopted English-only policies are California and Massachusetts. California passed English-only legislation in 1998 and Massachusetts passed similar legislation in 2002. The two states selected that do not have English-only instruction policies are Colorado and Oregon. Colorado and Oregon were selected because they are both states in which English-only instruction was proposed but was not voted into law, in 2002 and 2008 respectively. In both sets of states, the first case was chosen to represent a starting point of how the policy discourse originated. The second case of each set was chosen to represent how the policy discourse evolved as additional initiatives were proposed.

## Data Collection

All data were collected from public documents. During the first phase of the study, the four state language of instruction policies were downloaded from each state's individual State Department website and were saved as individual Word documents. The cases were kept separate in order to analyze the results individually while simultaneously looking for similar categories or themes (Merriam, 2009). See Table 3.2 for the specific statutes selected.

Table 3.2. Isolated Statutes

*Language of Instruction.*

| **State** | **Statute Location** |
|---|---|
| California | California Education Code<br>Title 1, Division 1, Part 1, Chapter 1, Article 3, Section 30 &<br>Title 1, Division 1, Part 1, Chapter 3, Article 1, Section 300 |
| Massachusetts | General Laws of Massachusetts<br>Part I, Title XII, Chapter 71A, Section 1 |
| Colorado | Colorado Revised Statutes<br>Title 22, Chapter 2, Article 24, Section 102 |
| Oregon | Oregon Revised Statutes<br>Volume 9, Title 30, Chapter 336, Article 074 |

*LEP Student Expectations.*

| **State** | **Statute Location** |
|---|---|
| California | California Education Code<br>Title 1, Division 1, Part 1, Chapter 3, Article 2, Section 305 |
| Massachusetts | General Laws of Massachusetts<br>Part I, Title XII, Chapter 71A, Section 4 |
| Colorado | Colorado Revised Statutes<br>Title 22, Chapter 2, Article 24, Section 102 |
| Oregon | Oregon Revised Statutes<br>Volume 9, Title 30, Chapter 336, Articles 079 & 081 |

When deciding which policy documents to include in the analysis, the researcher began by examining the education statutes from each of the four states. Once the education statutes were located, the researcher narrowed the search by selecting laws specific to LEP students. To assist in answering this paper's research questions, the search was further narrowed and two

statutes were isolated. The first pertains to the stated language of instruction and the second pertains to the expectations set forth for LEP students. During the selection process, the researcher chose to exclude statutes specific to definitions, legal recourse procedures, or any other topic not directly outlaying academic expectations for LEP students or the language of instruction used to guide their education.

## Data Analysis

### Three Phases of Analysis

Analysis was conducted in three distinct phases and Fischer's (1995) framework for public policy analysis was used as an overarching guide to determine the broad societal impact of the policies. During Phase I, a Layers of Analysis Framework was created to investigate the four language of instruction policies. The framework was individually applied to each of the four cases. First, speech acts were determined using Searle's (1979) theoretical framework for utterances. Next, content analysis was conducted to extrapolate manifest and latent meanings embedding within the policy discourse (Berg, 2007). Lastly, Fischer's (1995) four discourses, verification, validation, vindication, and social choice were applied to ultimately determine the impact each policy had on society.

During Phase II, the four cases were separated into one of two groups: cases with English-only language of instruction policies and cases without. Cross-case analysis was conducted to determine within-group commonalities and dissimilarities. During Phase III, the two groups were compared and contrasted against each other to determine between-group commonalities and dissimilarities. As the phases progressed, the analysis became more detailed to assess for macro-level societal impact versus the individual meanings contained within the

micro-level of the policies. See Figure 3.2 for the three phase analysis model developed for this study.

Figure 3.2. Three Phase Model of Analysis

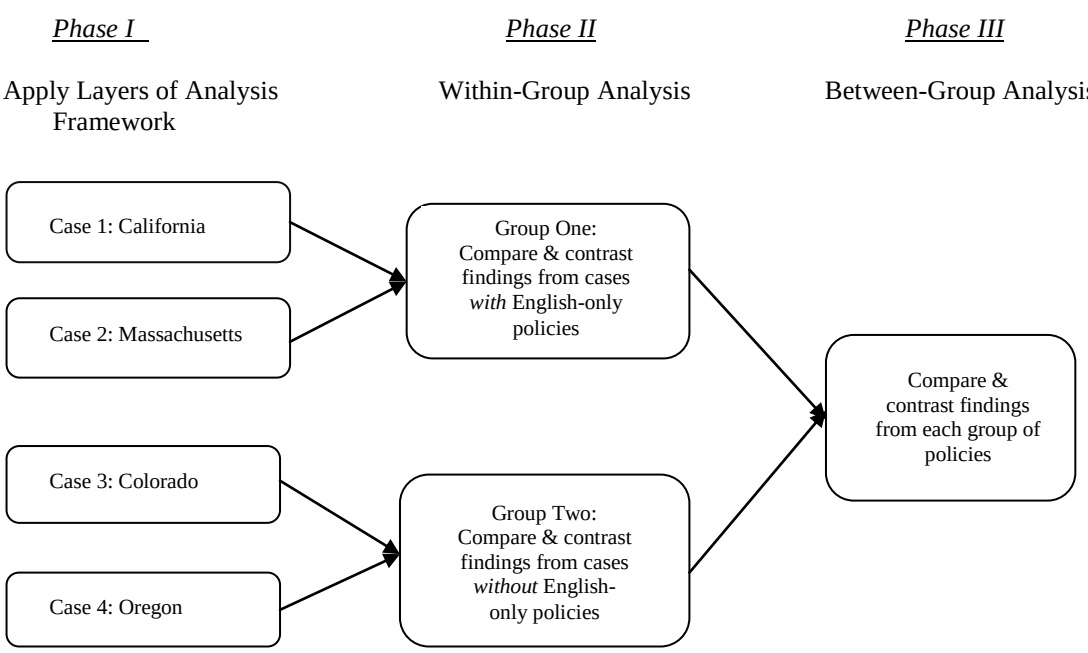



*Figure 3.2.* Analysis design for the language of instruction policies selected. Analysis began with the individual cases in Phase I of the model. Analysis continued in Phase II using within-group analysis and Phase III provided between-group analysis.

## Critical Discourse Analysis

Critical discourse analysis (CDA) was used to explore how the language used in policy formation "establishes, reflects, or perpetuates power differences between actors in society" (Bernard & Ryan, 2010, p. 223). Discourse analysis that focused on politics was utilized since one of its core goals "is to seek out the ways in which language choice is manipulated for specific political effect" (Wilson, 2003, p. 410). Central to CDA is the notion that language is

used to control society and is used to award access and knowledge to certain groups of people over others (van Dijk, 2003). This form of "mind control" can present itself in structures of discourse (text or talk), topics addressed, or implicit assumptions meant to manipulate people with little chance of being challenged (van Dijk, 2003, p. 357).

Two specific methods that were employed to critically examine the data include speech act theory and content analysis (Searle, 1979; Berg, 2007). The speech act approach was selected to demonstrate how text contains various meanings, both manifest and latent in nature (Schiffrin, 1995; Searle, 1979). The approach suggests that the literal meaning of a text's and a speaker's (or in this case an author's) meaning may in fact be two very different things (Schiffrin, 1995). Content analysis was used to delve deeper into manifest and latent meanings within the text. Manifest content "is comparable to the *surface structure* present in the message, and latent content is the *deep structural* meaning conveyed by the message" (Berg, 2007). As such, manifest content was the literal utterances or individual words. Latent content was the underlying meaning extrapolated from the text based on its pragmatics. The speech act approach paired with content analysis helped to critically, explicitly, and systematically analyze how discourse is used within public education to control knowledge and power (Wodak & Meyer, 2001).

## Fischer's Framework

Fischer's (1995) framework for public policy analysis consists of four discourses: verification, validation, vindication, and social order. The framework was intended as a means for logical policy inquiry and deliberation and took the form of "an open and flexible exploration" (Fischer, 1995, p. 19). Each of the four discourses contributes to policy makers' collective understanding of the policy's transformational qualities. Ultimately, the framework

sought to clarify and theorize the ways "through which political actors form, function within, dissolve, and restructure political worlds" (Fischer, 1995, p. 23). Understanding a policy's qualities stands to benefit policy makers, as well as society as a whole (Fischer, 1995).

The first two discourses of Fischer's framework are concrete in nature and are intended to answer specific questions about the situational context of a policy (1995). For example, the discourses of *Verification* and *Validation* explore policy objectives and outcomes. Questions of interest include whether or not a policy fulfills its stated objectives and whether or not a policy is relevant to a specific problem (Fischer, 1995). The third and fourth discourses of Fischer's framework, *Vindication* and *Social Choice*, are more abstract in nature. These two discourses deal specifically with policy goals and values. Here, the focus of the framework shifts from concrete evaluation to ideological evaluation (Fischer, 1995). The impact the policy has on society as a whole is considered as well as any underlying value judgments that might be assigned to the social order (Fischer, 1995). The overarching goal of Fischer's framework is to provide "a multimethodological alternative to the narrow empirical methodology that has dominated policy analysis" (Fischer, 1995, p. 24).

Verification. The first of Fischer's four discourses applied is verification. Verification is the most typical discourse seen in the field of policy analysis and seeks to examine whether or not the program implemented fulfills its intended goals (Fischer, 1995). A program is created by translating a policy into "specific objectives deduced from the general goals" (Fischer, 1995, p. 28). Two predominant methods for verifying a program's objectives are experimental program research and cost-benefit analysis (Fischer, 1995).

Experimental program research targets the identification of a program's objectives and their associated consequences (Fischer, 1995). For example, research typically identifies who or what is to be changed by the program, how the identified group is to be measured pre-program, and how the group is to be measured post-program (Fischer, 1995). Ethical issues arise when conducting experimental research, especially in the field of education where young children are the targeted group (Fischer, 1995). For example, exploitation and harmful effects are common research concerns and as the targeted group, students must be able to "withdraw freely from the experiment if they so choose" (Fischer, 1995, p. 32). When a policy is translated into a program that is required to serve *all* members of a specific group, ethical issues inherently arise regarding student participation and the program's underlying objectives and consequences.

Cost-benefit analysis follows experimental program research by assigning "numerical costs and benefits to the inputs and outputs" (Fischer, 1995, p. 35). Ultimately, the goal of cost-benefit analysis is to determine if the program is financially efficient. To begin a cost-benefit analysis, a program's inputs and outputs are identified and assigned a monetary value. Then, the input-output ratio is analyzed and ideally the benefits of the program will outweigh the costs of the program (Fischer, 1995).

Three types of limitations arise when attempting to simply verify a program's objectives (Fischer, 1995). First, verification assumes that policy research can be objectively and empirically evaluated. Second, from a social-political view, the question arises as to "which group is entitled to interpret and decide the meaning of a given policy goal and its criteria?" (Fischer, 1995, p. 41). Lastly, concerns arise with the assumption that economic or social policy problems can be reduced to a series of inputs and outputs that can be assigned monetary values (Fischer, 1995). To circumvent the limitations of traditional verification discourse, Fischer

(1995) offers three additional discourses to better understand policies that emerge from contentious social issues and the political system (Fischer, 1995).

Validation. The second of Fischer's four discourses applied is validation, which "asks whether the policy objectives are appropriate to the specific problem situation under investigation" (Fischer, 1995, p. 69). Fundamental to this question is the assumption that the identified problem is a legitimate dilemma. When attempting to validate the appropriateness of a program's objectives, the social relevance, the situational circumstances, and the conflicting objectives are examined (Fischer, 1995). Within this context, the policy makers' subjective interpretations become evident as do the ways in which they define situations, identify problems, and make program action plans (Fischer, 1995). Qualitative research methods can be a valuable tool for policy evaluators and can be used to uncover the social rules used by policy makers at the time of policy and program creation (Fischer, 1995).

Vindication. Vindication shifts the focus of a policy evaluation from concrete analysis to abstract analysis (Fischer, 1995). Instead of examining the development of a program's objectives and its goals, the evaluator examines the social system as a whole and seeks to "show that a policy goal is or is not compatible with or instrumental to the existing societal arrangements" (Fischer, 1995, p. 111). In other words, the evaluator examines the role and function of the policy within existing social constructs. Ideally, for a policy to be justified, it must have "contributive value for the society as a whole", the consequences of the policy must be "equitably distributed", and unintended consequences must be appraised based on their function and value (Fischer, 1995, p. 21). A central tenet to vindication is the consideration of underlying social assumptions held by policy makers and political actors. If a goal created for society "represents a fundamental perversion" of policy makers' assumptions about society, then

the policy cannot be vindicated as an effective strategy to remediate an existing societal arrangement (Fischer, 1995, p. 112).

Social Choice. Fischer's final discourse examines the extent to which a policy contributes to ideologically restructuring the social order. Policy makers reconfigure values such as "equality, freedom, or community" as they deem necessary to make what they believe to "rationally informed choices about societal systems" (Fischer, 1995, p. 22). A challenge for policy evaluators is to "tease out the value implications of policy arguments" to determine if the policy legitimately seeks to resolve conflict within the social order and to determine if more equitable or ideologically justifiable alternatives to the social conflict exist (Fischer, 1995, p. 22). The discourse of social choice is largely political and the concept of ideology is highly abstract (Fischer, 1995). The policy evaluator's role is not to place value on the various ideologies identified but rather to facilitate discussion regarding the policy's potential contribution to the social order (Fischer, 1995).

## Role of the Researcher

In this study, the researcher served as both evaluator and interpreter (Stake, 1995). In such a role, specific categories were deconstructed by the researcher to evaluate various linguistic aspects of each case selected. This required contextual knowledge of the issue being studied, consideration of several points of view, and consultation of multiple sources of information (Stake, 1995). While attempting to "recognize and substantiate new meanings" the researcher was sensitive to not promote her personal presentation and bias interpretation of the issue (Stake, 1995, p. 97). In the role of evaluator/interpreter, the researcher was able to construct

knowledge that could be experienced individually by readers based on their own life experiences (Stake, 1995).

As a practicing school psychologist who works exclusively with families of LEP students, the researcher has contextual knowledge of the challenges specific to that population. Awareness of the linguistic and cultural challenges that face the LEP population allowed the researcher to consider multiple viewpoints. The researcher has also gone through the process of learning a second language and is sensitive to linguistic nuances and word selection. This can serve as both an asset when evaluating discourse but has the potential to create bias. Throughout this study, the researcher remained vigilant to omit her personal bias and interpretation.

## Trustworthiness

Multiple perspectives exist regarding the definition and importance of a study's accuracy as well as how to achieve it (Creswell, 1998; Stake, 1995; Yin, 2003; Merriam, 2009). While rationalistic inquiry establishes rigor with clear forms of reliability and validity, naturalistic inquiry establishes this accuracy, or *trustworthiness,* with various techniques such as credibility, confirmability, dependability, and transferability (Lincoln & Guba, 1985; Creswell, 2008).

### Credibility

Creswell (2008) has identified three primary methods for validating the accuracy or credibility of qualitative research. These three methods are: triangulation, member checking, and an external audit. Triangulation was the strategy used to determine the credibility of this study and was used to search "for the convergence of information" (Creswell, 1998, p. 213). Since the primary source of data for this project was in the form of four unique public documents, triangulation was an appropriate method to employ because it allowed for the examination of

data from various sources (Yin, 2003; Creswell, 2008; Creswell, 1998). The various documents examined in this study were: language of instruction policies from the states of California, Massachusetts, Colorado, and Oregon.

## Confirmability

Confirmability was used to "establish the value of the data" (Creswell, 1998, p. 198) and to build an explanation about the case being studied (Yin, 2003). When conducting a case study, explanation building tends to occur in a narrative format, with better studies building explanations based on "theoretically significant propositions" (Yin, 2003, p. 120). When these theoretical propositions are tied to public policy processes, they can "lead to recommendations for future policy actions" (Yin, 2003, p. 120). Yin's (2003) six-step process of explanation building was used to ensure the confirmability of this study. First, initial theoretical statements or propositions about a policy or social behavior were made. Second, the findings of the initial case studied were compared to the theoretical propositions. Third, the propositions were revised accordingly. Fourth, additional details of the initial case were compared to the revision. Fifth, subsequent cases were compared to the revised theoretical propositions. Sixth, the process of theoretical proposition revision took place multiple times to establish the data's value.

## Dependability

The goal of dependability is to make certain that the results can withstand "change and instability" (Creswell, 1998, p. 198) while minimizing "the errors and biases in a study" (Yin, 2003, p. 37). This can be achieved by maximizing the number of operational steps that can be followed by an outsider (Yin, 2003). This study maintained a "chain of evidence" and documented the steps taken from the beginning of the research process all the way through to the

research conclusions (Yin, 2003, p. 105). By maintaining a chain of evidence, the researcher increased the "overall quality of the case" (Yin, 2003, p. 105). The chain of evidence log along with the data analysis for this study has been stored on a compact disc.

## Transferability

This study assured transferability by employing a replication model (see Figure 3.3).

Figure 3.3. State Language of Instruction Replication Model

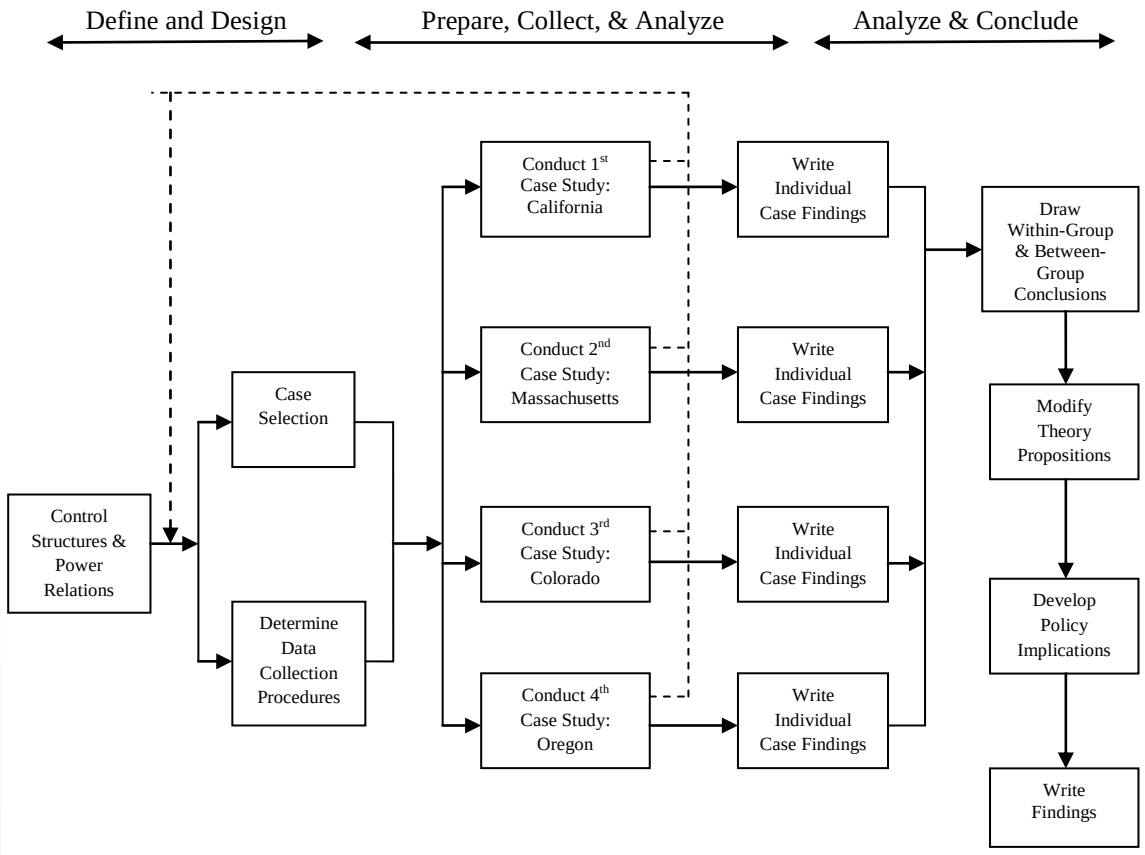



*Figure 3.2.* Multiple-Case Replication Model used to ensure rigor of transferability. Solid lines indicate progression to the next step in the model; dashed lines indicate feedback loops for process revision. Adapted from COSMOS Corporation, as cited in Yin, R. K. (2003). *Case study research: Design and methods*. Thousand Oaks, CA: Sage Publications.

When conducting naturalistic research, analytic generalization is used to ensure transferability of a study's findings (Yin, 2003). In this manner, the researcher attempted to generalize her findings to a larger theory versus a larger population (Yin, 2003). Ultimately, it is left to the discretion of the study's readers to determine whether or not the research findings have merit and apply to their own circumstances (Merriam, 2009). Transferability can also be enhanced by using a multiple-case study design and by following a replication model based on specific theoretical propositions (Merriam, 2009; Yin, 2003). By doing so, replications that follow the particular model "would be considered robust and worthy of continued investigation or interpretation" (Yin, 2003, p. 47). The researcher used a multiple case design as well as a replication model, which increased the robustness of the study.

## Summary

To conclude, contrary evidence exists surrounding policy development and political motivation. This study investigated the control structures behind policies and examined power relationships between institutions and society. Fischer's (1995) framework for public policy analysis was used to evaluate how political actors restructure society. Critical discourse analysis was used to demonstrate how language is used to control knowledge and power within the field of public education (Schiffrin, 1995; Wodak & Meyer, 2001; Wodak, 2009).

The study's unit of analysis was state language of instruction policies and a holistic, multiple-case study research design was used. Purposive sampling was used to select four states to examine, two states with English-only instruction policies and two without. Data were analyzed in three distinct phases. In Phase I, the Layers of Analysis Framework developed for this study was applied to all four language of instruction policies. In Phase II, the four cases were

separated into two groups, states with and states without English-only instruction policies, to identify within-group commonalities and dissimilarities. Finally, in Phase III the two groups were compared and contrasted against each other to determine what similarities and differences exist between the two groups.

# CHAPTER 4

## PHASE I: FINDINGS AND ANALYSIS

The intent of Phase I was to demonstrate the manifest and latent meanings as well as the social consequences of the four language of instruction policies. Each policy was analyzed separately but all followed the same layers of analysis framework. A Layers of Analysis Framework was used to increase the complexity and depth of the previous layer's analysis. See Figure 4.1 for the layer of analysis model the researcher developed for this study.

Figure 4.1. Layers of Analysis Framework

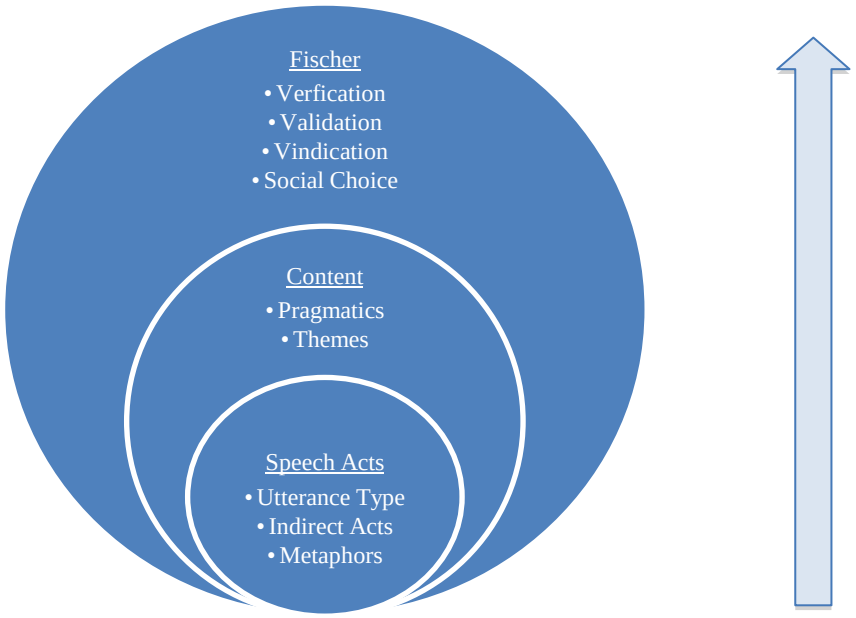



*Figure 4.1.* Layers of Analysis Framework developed to demonstrate how a policy's discourse creates consequences within society. The framework functions to disaggregate the data, thus uncovering an aggregate social impact.

To increase the complexity and depth of the analysis, content analysis builds off speech act theory and Fischer (1995) builds off content analysis. If only the first two layers of analysis were conducted, the utterances would be classified and contextualized but the overall meaning and impact of the policy would remain superficial. Ultimately, the researcher sought to explore the policy's greater impact on society.

The first layer of analysis isolated manifest and latent meanings through speech act theory and served to classify the utterances used to write the policy (Searle, 1979). The second layer used contextual data to extrapolate collective discursive meaning via content analysis (Berg, 2007). The third and most extensive phase of the analysis explored the policy's greater implications for society (Fischer, 1995). To explore the larger impact on society, Fischer's (1995) framework for public policy analysis was used to demonstrate how the policy contributes to restructuring society through sociopolitical influences, power structures, and value systems.

Each language of instruction policy was analyzed using the Layers of Analysis Framework and individual findings were documented. Since California was the first state to implement English-only instruction, this state was the first to be analyzed. Analysis proceeds with Massachusetts, Colorado, and then Oregon. The actual steps conducted during each layer of analysis are discussed in detail during the first case and are meant to serve as a model for the following cases. In the subsequent cases, the discussion has been abbreviated since the process has already been modeled and remained constant across the four cases. See Appendices A-D for each state's utterance framework and Appendices E-H each state's discourse framework.

## California

*Speech Act*

Seale (1979) believes that there are five uses of language. The purpose of applying speech act theory was to classify the policy utterances into one of five categories and to determine how the utterances were used. The researcher began by creating a framework and organizing California's 20 policy utterances into a table (Cal. Ed. Code ch. 1, § 30, 1998; Cal. Ed. Code ch. 3, § 300, 1998; Cal. Ed. Code ch. 3, § 305, 1998). See Appendix A for California's detailed utterance framework. The first two columns designate the utterance number and the actual utterance including the manifest content of the utterance. The third column specifies what type of act the utterance represents and the fourth column outlines the structure of the utterance (Searle, 1979). Columns five and six represent the latent meanings that emerge in the form of indirect acts or metaphors, depending on the speech act classification (Searle, 1979). See Table 4.1 for a sample of the utterance framework created.

Table 4.1. Utterance Framework

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
|---|---|---|---|---|---|
| | **CALIFORNIA** | | | | |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |

After the table was formatted, each of California's 20 utterances were classified into one of five speech acts (Searle, 1979). *Assertives* tell people how things are, *Directives* try to get others to do things, *Commissives* commit ourselves to do things, *Expressives* express our feelings and attitudes, and *Declarations* bring about change (Searle, 1979). Once the speech act was

identified, it was reported in column three and its corresponding structure was reported in column four. See Table 4.2 for three utterances taken from the research to serve as examples.

Table 4.2. Utterance Examples I

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
|---|---|---|---|---|---|
| | **CALIFORNIA** | | | | |
| 1 | English shall be the basic language of instruction in all schools. | Directive | S requires H + H to instruct | | |
| 12 | Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. | Assertive | S concludes + children can acquire | | |
| 13 | Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible | Directive | S requires H + H to teach | | |

Utterance 1 in Table 4.2 reads "English shall be the basic language of instruction in all schools" and was classified as a *Directive*. It is represented by the structure of*: S requires H + H to instruct*, where S is the Speaker and H is the Hearer (Searle, 1979). (Constant throughout the study: the Speaker is the state and the Hearer is the school or district.) Structurally, the state is requiring of the schools that they instruct all students in English. As a Directive, the utterance tries to get the school to do what the state wants. Utterance 13 was also classified as a *Directive:* "Therefore, it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible". This utterance tries to get the schools to do what the state wants and is represented as *S requires H + H to teach.* Comparatively, Utterance 12 in Table 4.2 was classified as an *Assertive* and tells people how things are: "Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily

exposed to that language in the classroom at an early age". In other words, the utterance represents the state telling the schools what it believes to be true and is represented as *S concludes + children can acquire.*

None of California's 20 utterances were found to be Expressive or Declarative acts. Therefore, the first layer of analysis proceeded with a focus on Directive, Commissive, and Assertive acts. Following Searle's (1979) methodology, Directives and Commissives typically have corresponding indirect acts and Assertives typically have corresponding metaphors. When the speaker commits an indirect act, they mean what they say but they also mean something *more* (Searle, 1979). When the speaker makes a metaphorical utterance, they say one thing but they mean something *else* (Searle, 1979). Table 4.3 expands upon the previous table and identified the latent meanings derived from Utterances 1, 12, and 13.

Table 4.3. Utterance Examples II

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
|---|---|---|---|---|---|
| | **CALIFORNIA** | | | | |
| 1 | English shall be the basic language of instruction in all schools. | Directive | S requires H + H to instruct | The indoctrination of English must take place.<br><br>English will be taught because it is valued as most important | |
| 12 | Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. | Assertive | S concludes + children can acquire | | The English language is personified.<br><br>English is a possession to attain. |
| 13 | Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible. | Directive | S requires H + H to teach | Rapid supersedes effective<br><br>Expects schools to teach English but does not expect students to learn English. | |

Utterance 1 is indirectly stating that the indoctrination of English must take place. The state believes so strongly in their language of instruction philosophy that they require the dissemination of this ideology to all schools and all students. Subsequent analysis suggests Utterance 1 to be a value statement. By definition, indirect acts mean what they say but they also mean something *more* (Fischer, 1995). In Utterance 1, the speaker means what it says about the instructional language of the classroom; however, it is also making a value statement that English is the most important language.

Utterance 12 is a metaphorical statement in which something that is nonhuman is personified as human (Lakoff & Johnson, 1980). The language of English is personified and the metaphor is that English is a possession. For example, students can *easily acquire* English if they are *heavily exposed*. Personification covers a broad range of metaphors and is used to make sense of abstract concepts. Learning a second language is an abstract phenomenon in which the state makes human by using "terms that we can understand on the basis of our own motivations, goal, actions, and characteristics" (Lakoff & Johnson, 1980, p. 34). Acquire, heavily, and exposed are terms that make sense to most people, especially as they relate to possessing something. As a metaphorical utterance, Utterance 12 says one thing but means something *else*. In this case, the state says that students will be taught English but what they mean is that the English language is a possession to attain.

Utterance 13 is indirectly stating that the rate in which students are taught English is more important that the effectiveness of that teaching. The utterance is not based in learning theory or second language acquisition theory and emphasizes the swift indoctrination of the English language. The utterance means what is says but it also means something *more:* it expects schools to teach English but it does not expect students to learn English.

The same process of analysis was conducted for all 20 utterances to establish overt and implicit meanings within the policy. Collective manifest findings indicate that 19 of California's 20 utterances were either Directive statements or Assertive statements. There were 12 instances of Directives that the state tried to get schools to do what the state wanted and 7 instances of Assertives in which the state told people how things are. Only one utterance was a Commissive in which the state told the schools what the state committed itself to doing. However, this one Commissive statement contained a qualifier that absolved the state of actually following through with what they were committing to do.

Latent findings suggest that behind their speech acts, the state had underlying motivations and meanings. For example, there were 12 occurrences of indirect acts in which the state meant what the policy text says, but they also meant something more. There were 6 occurrences of metaphorical utterances in which the state said one thing in the policy but based on the discourse they chose to write the policy, they really meant something else. Two utterances were determined to have no indirect meaning or metaphorical content.

Overall, the first layer of analysis for California's language of instruction policy indicates a pervasive amount of latent meanings embedded within the policy text. The way the state chose to formulate their utterances lead to a specific type of speech act heard by schools. This mode of delivery has resulted in the majority of the policy text examined being written in a coercive manner in which the schools are being told what to do. Writings of this type typically tend to carry indirect meanings where one thing may be stated but something more is also meant.

*Content Analysis*

Content analysis was the second layer of analysis and was used to deconstruct the manifest and latent meanings established through the first layer of inquiry. Content analysis was used to organize the data to uncover patterns, language use, and relationships (Berg, 2007). Each of California's 20 utterances were read holistically to determine their pragmatics (meaning, context, and communication) and to assess for key words or phrases (Schiffrin, 1995; Berg, 2007). As key terms emerged, they were italicized and made bold within the utterance framework and were studied both contextually and in isolation (Schiffrin, 1995; Berg, 2007). An example of key terms identified includes: interfere, exposed, American Dream, and productive members. In general, key words or phrases were selected that appeared to be subjective, laden, or metaphoric in nature. The criteria used to determine what content to include or exclude in analysis were systematically and objectively applied, thus minimizing investigator bias (Berg, 2007). Once the key terms were identified and highlighted within the utterance framework, an Interpretation section was created below each utterance.

After key terms and phrases were identified, the researcher systematically applied meaning to the words by defining the key terms using the online version of Merriam-Webster's dictionary (2012). When multiple definitions existed, contextual clues were used to determine which definition was most applicable. Once the terms were defined, the researcher evaluated the state's word selection and usage. For example, depending on the utterance, bilingual instruction in California might be *offered* or it might be *authorized*. Similarly, California schools are required to *teach* English but students are not expected to *learn* English. From this analysis, the researcher was able to discern latent meanings of the policy utterances and classify them into

themes. Table 4.4 organizes and interprets the key terms, definitions, word usages, and latent meanings found in California's Utterances 1, 12, and 13.

Table 4.4. Utterance Examples III

| Utterance | State | Act | Representation | Indirect Acts | Metaphors |
|---|---|---|---|---|---|
| | **CALIFORNIA** | | | | |
| 1 | English ***shall*** be the ***basic*** language of instruction in ***all*** schools. | Directive | S requires H + H to instruct | The indoctrination of English must take place.<br>English will be taught because it is valued as most important. | |
| Interpretation:<br>SHALL=expressing a command<br>BASIC=fundamental, most important<br>ALL=every member or individual component<br>Value statement that English is the most important language | | | | | |
| 12 | Whereas, Young immigrant children can ***easily acquire full fluency*** in a new language, such as English, if they are ***heavily exposed*** to that language in the classroom at an early age. | Assertive | S concludes + children can acquire | | The English language is personified.<br><br>English is a possession to attain. |
| Interpretation:<br>EASILY=with little difficulty<br>FULL=maximum, highest or greatest degree<br>ACQUIRE=to come into possession by unknown means<br>Full Fluency=mastery<br>HEAVILY=severely, dully, or grievously<br>EXPOSED=unprotected, vulnerable, endangered<br>Word Usage: exposed, not learn<br>LEP students can easily achieve mastery of the English language without being instructed in that language.<br>No evidence of learning theory or second language acquisition theory. | | | | | |
| 13 | Therefore, It is resolved that: ***all*** children in California public schools ***shall*** be ***taught*** English as ***rapidly and effectively*** as possible. | Directive | S requires H + H to teach | Rapid supersedes effective<br><br>Expects schools to teach English but does not expect students to learn English. | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>TAUGHT=to instruct or cause to know something<br>Word Usage: rapidly supersedes effective<br>Word Usage: taught not learn; it is the expectation that schools will teach but not that students will learned, learning is not explicitly valued<br>Not based in learning theory or second language acquisition theory | | | | | |

Building off the Utterance 1 example: "English ***shall*** be the ***basic*** language of instruction in ***all*** schools". Key terms that emerged were made bold and italicized: shall, basic, and all. According to Merriam-Webster (2012), *shall* is used to "express a command" by "mandating" that one must do something. Using the word *shall* eliminates the desire, choice, or consent of the hearer to execute the action. The latent message of the utterance would suggest that the term shall is used to command what one must do, not to command what one is able to do. In other words, the state is specifically dictating to the schools what they must and do, not what they are able to do or what is suggested that they do. The key term *basic* has multiple definitions; however, based on the holistic analysis of the text, the most applicable definition relates to the "fundamental" or "most important part of something" (Merriam-Webster's online dictionary, 2012). The term *all* is defined as every member or individual component (Merriam-Webster's online dictionary, 2012). The fundamental essence of Utterance 1 is that the English language must be the language of instruction used in all schools to all students. The latent content of the utterance indicates the presence of a value statement that English is the most important language to speak and exceptions will not be accepted.

Using the same pattern of identifying and defining key terms, the word usage and latent meanings of Utterance 12 and Utterance 13 are examined. Utterance 12 reads "Whereas, Young immigrant children can ***easily acquire full fluency*** is a new language, such as English, if they are ***heavily exposed*** to that language in the classroom at an early age". The word choice by the state suggests that young immigrant children only need be *exposed* to English to *acquire* the language, not purposefully instructed in such a manner that they *learn* English. Using the word acquire as opposed to learn and exposed versus a more specific language program suggests that the state has not consulted or applied empirical research in their statement. Ultimately, the state is making

the claim that LEP students can easily learn English and have full mastery of the language simply by being around other English speakers. However, the utterance lacks evidence of learning theory or second language acquisition theory to support their claim.

Utterance 13 reads "Therefore, It is resolved that: ***all*** children in California public schools ***shall*** be ***taught*** English as ***rapidly and effectively*** as possible". The state is commanding that no exceptions will be made to the indoctrination of the English language. They also proceed to use the term *taught* over *learn*, again devaluing student learning. In essence, it is the state's expectation that schools teach English, but not that students actually learn English. The word selection and application of *rapidly and effectively* indicates that rapid instruction supersedes effective instruction, even if it is counterproductive to the learning process. Finally, the utterance lacks evidence that learning theory or second language acquisition theory were considered to ground their statement.

The second layer of analysis uncovered specific uses of language, relationships, and patterns that exist within the policy text. The state's selection and use of words supported the manifest and latent meanings previously identified and helped to identify priorities. The verbs, nouns, and colloquial terms the state chose served to intentionally convey a specific overt meaning. However, when considered collectively the key words and terms served to portray underlying patterns of meaning. A relationship structure between the state and voters emerged as authoritarian; which collaborates findings established in the first layer of analysis. Also affirmed is the existence of assertive statements that are not backed by research or supporting data.

Throughout California's 20 utterances, patterns emerged including the pervasive indoctrination of English, the valuation that English is superior to other languages, the absence of

theory to support the state's assertions, and the belief that differentiated language instruction is not best for LEP students. Another pattern woven throughout the policy text is the expectation that schools teach English but not that students learn English. It is expected that schools teach a good knowledge of English but it is expected that student's obtain full mastery of the language simply by being exposed to it.

*Fischer*

Fischer's four discourses for public policy analysis was the third layer of analysis and was used to illuminate social consequences through deliberative inquiry (Fischer, 1995). Verification, validation, vindication, and social choice were used by the researcher as a springboard to structure an analysis framework targeting concerns, questions, and conclusions. See Table 4.5 for a sample of the Discourse Framework created for this study.

Table 4.5. Discourse Framework

| **Four Discourses** | **Concern Addressed** | **Question(s) to be Answered** | **Conclusions** |
|---|---|---|---|
| VERIFICATION | | | |
| Supporting Documentation: | | | |
| VALIDATION | | | |
| Supporting Documentation: | | | |
| VINDICATION | | | |
| Supporting Documentation: | | | |
| SOCIAL CHOICE | | | |
| Supporting Documentation: | | | |

The framework created by the researcher consists of four columns. The first column lists each of Fischer's four discourses. The second column describes the concern addressed and the

third column states key questions to be considered. Under Fischer's framework, the goal is not to have the questions satisfied by plugging in answers. Rather, the goal "is to engage in an open and flexible exploration of the kinds of concerns raised in the various discursive phases of the probe" (Fischer, 1995). As such, the questions listed in column three help guide the analysis process and helps to facilitate discussion. The fourth and final column summarizes conclusions gleaned through using Fischer's framework. See Appendix E for the entirety of California's discourse framework.

## Verification and Validation

Fischer's first two discourses deal with identifying the outcomes and objectives of a policy. Since this study sought to answer questions regarding the impact of the policy on the larger societal system and not the policy's problems and goals, these first two discourses were responded to only briefly. Table 4.6 outlines the analysis of California's verification discourse and Table 4.7 reviews the analysis of its validation discourse.

Table 4.6. Verification Example

| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
|---|---|---|---|
| VERIFICATION | Examines policy objectives and goal fulfillment | Does the program empirically fulfill its stated objective(s)?<br><br>Does the empirical analysis uncover secondary or unanticipated effects that offset the program objective(s)?<br><br>Does the program fulfill the objective(s) more efficiently than alternative means available? | Overarching policy objective: All children in California public schools will be taught English as fast as possible in English-only classrooms.<br><br>No empirical evidence is offered to indicate that this type of program is effective.<br><br>The policy fulfills its stated objective by commanding the implementation of English-only instruction.<br><br>Policy does not consider educational objectives of parents or other stakeholders.<br><br>Policy objective does not mention the success of students in learning and using the English language.<br><br>Objective is implemented to the exclusion of research, parental desires, and goals of student success. |

Verification asks if the policy empirically fulfills its objectives. Validation questions whether or not the objective(s) are relevant to the problem identified (see Table 4.7). The overarching policy objective is that all children in California public schools be taught English as fast as possible in English-only classrooms. The reported reason for this goal is to insure that LEP students have the English language skills required to be productive members of society. It is unknown whether or not the objective has fulfilled the goal; but it does appear to be relevant to the problem situation. It is also unknown if other objectives were considered and if procedures exist for measuring success.

Table 4.7. Validation Example

| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
|---|---|---|---|
| VALIDATION | Examines underlying conceptualizations and assumptions of the policy | Is the program objective(s) relevant to the problem situation?<br><br>Are there circumstances in the situation that require an exception to be made to the objective(s)?<br><br>Are two or more criteria equally relevant to the problem situation? | The problem situation: LEP students do not have the English language skills required to produce abundant benefits to society.<br><br>Program objective is relevant to the problem situation; however, methods for goal attainment are not empirically founded.<br><br>The program enforces English at the exclusion of all other languages and the loss of native languages.<br><br>No exception to the program objective is sanctioned by the state.<br><br>Policy conceptualizes the problem situation as a deficit in need of manipulation and remediation.<br><br>Underlying assumptions about the program include the ease with which young LEP students can learn English and the cost-effectiveness of an English-only program. |
| Supporting Utterances:<br>9) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society,<br>10) And of these skills, literacy in the English language is among the most important; and<br>11) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and<br>12) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. | | | |

For the purpose of this analysis, findings suggest that the program objective was relevant to the problem situation; however, methods for goal attainment were not empirically founded.

## Vindication

In its broadest sense, Vindication (see Table 4.8) examines the role and function of the policy within existing societal constructs based on several variables (Fischer, 1995).

Table 4.8. Vindication Example

| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
|---|---|---|---|
| VINDICATION<br><br>*Consequences*<br>*Values*<br>*Function*<br><br>*Unit of analysis:*<br>*Social System*<br><br>*Reviews the social and political landscape of the time* | Examines the role and function of the policy within existing societal constructs | Does the policy goal have contributive value to society as a whole?<br><br>Does the policy goal result in unanticipated problems with important societal consequences?<br><br>Does a commitment to the policy goal lead to consequences that are judged to be equitably distributed? | The policy goal places no value on students learning English or their success in doing so.<br><br>The policy devalues a multilingual society.<br><br>Unanticipated problems include a monolingual society unprepared to succeed in the global marketplace or to assist with important aspects of national defense.<br><br>Unintended consequence observed by the families includes the children's loss of Spanish language skills.<br><br>Commitment to the policy goal leads to inequitable societal consequences. Those with native English language skills are perceived as having greater potential for success in American society.<br><br>Program does not consider parental expectations or goals for the students.<br><br>Systemic method to eradicate languages other than English from being spoken.<br><br>Program serves to restrict the existing societal arrangement, not enhance it.<br><br>The abstract value of egalitarianism is proffered; however, a repressive policy is put in place to achieve equality.<br><br>The policy systematically suppresses groups of people by identifying them as not having contributive value to society. |
| *Utterances Reviewed:*<br>7) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and<br>8) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and<br>*External Data:*<br>California Department of Education DataQuest<br>Editorials, English-only Supporters & Dissenters<br>The New York Times News Reports<br>Ballotpedia<br>Linguist Reports & Research<br>Policy Reports & Research<br>*From Fischer: p. 112*<br>Does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity of its residents.<br>Was the goal well designed to guide LEP instruction toward long term student success?<br>Did the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner?<br>Did the policy seek to redress instrumentally the "LEP problem" within the legitimate political and economic parameters of American society?<br>-OR-<br>Did the "LEP problem" goal and its assumptions about American society represent a fundamental perversion of all that American's hold dear? | | | |

The unit of analysis is the social system and the focus is on the consequences, values, and function of the policy. "Vindication is an attempt to measure the consequences of accepting and adhering to a policy prescription within the larger social system which it is designated to regulate or facilitate" (Fischer, 1995, p. 118). Central to this notion is the understanding that the manifest purpose of a function or goal may not match the latent purpose (Fischer, 1995). To begin the process of vindication, the political and social landscape at the time English-only instruction passed in California must first be understood.

**Background.** At the time English-only instruction passed in the state of California, the state was experiencing extreme political pressure to increase the test scores of its students (Steinberg, 2000). The state department placed pressure on school administrators and administrators placed pressure on teachers, which lead to teachers increasing the demand for students to perform well on state mandated tests. Parents felt the demand for their children to score well and politicians were pressured from their constituents to raise the test scores of California's children. Collectively, a domino effect was transpiring for Californians to increase the test scores of its school children (Steinberg, 2000).

A major demographic group targeted for improvement was the LEP group. Limited English proficient students were viewed as consuming far too many resources, primarily financial, and their education was touted as being too costly for the limited results that it produced (Crawford, 1997). In an effort to remedy the low reading scores of LEP students, Proposition 227 was passed in 1998 eliminating bilingual education and mandating English-only instruction. In that election, some 20 million Californians were eligible to vote; however, a mere 5.8 million did so, with 3.5 million voting for and passing the initiative (Ballotpedia, 1998;

Mastrogiorgio, 1998). This exemplifies how society can be restructured by apathy, not by force (Mayer, 1955; Mastrogiorgio, 1998).

**Findings**. As previously identified, the objective of the language of instruction policy is to teach California students English by being taught in English in English speaking classrooms. The identified problem is that LEP students hold limited contributive value to society. Upon review, the manifest function of the policy is to facilitate an English speaking society and the latent function is to restrict the existing societal arrangement, not enhance it. Vindication would question whether the policy's goal and its assumptions about American society represent a distorted view of what Americans value (Fischer, 1995, p. 112). Historically, America has been a country of minorities who place value on civil liberties, language rights included (Takaki, 2008). California's language of instruction policy assumes that its LEP population is not productively contributing to society and that forced English-only instruction is the way to remedy the problem. The mandate devalues a multilingual society and misrepresents traditional American values. For example, egalitarianism is proffered but a repressive language policy is put in place to achieve equality. The enacted English-only language of instruction policy distorts society's value system and systematically suppresses groups of people by identifying them as not having contributive value to society.

Instructionally, the policy goal places no value on students learning English or their success in doing so. The policy consistently commands that students be taught English but not that they actually *learn* to use and/or understand English. Their learning is implied but without being made explicit, the actual goal of learning evaporates. Vindication asks if the policy is based upon a valid understanding of how to best instruct LEP students and if it was designed for long-term success (Fischer, 1995). Mandating one particular program type for all students,

regardless of their pre-existing language skills or their parents' desires does not suggest a socially just policy. The implementation of one language policy for all students with various language backgrounds and skills would suggest that the policy was not based upon a valid understanding of how to best instruct LEP students.

Commitment to the policy goal has lead to unintended and inequitable social consequences. Unanticipated problems include a monolingual society that is unprepared to compete in the global marketplace or to assist with important aspects of national defense (Government Accountability Office, 2002; Government Accountability Office, 2009; Tochon, 2009). Students have also become unable to communicate with their parents if the parents do not speak English (Steinberg, 2000). This frequently leads to the breakdown of native culture and eradicates the use of the home language (Hakuta, 1986). This accomplishes several things. Limited English proficient students lose employment opportunities in which their bilingualism would have been an asset, families are no longer able to communicate or pass on their histories, and the culture of a community disintegrates. The policy attempts to increase productivity within the LEP population; however, it implements a restrictive language policy that limits LEP student opportunities later in life.

Vindication is an effort to measure the large-scale societal consequences of a policy (Fischer, 1995). The researcher has found that California's English-only language of instruction policy distorts society's value system, it serves to repress groups of people, and its consequences and methods for goal attainment are not socially just. The sociopolitical landscape at the time suggests that various stakeholders were searching for a way to solve a political and economic issue. Ultimately, the policy was not empirically grounded and served to transform a political and economic problem by defining it as a social problem.

Social Choice

Social choice examines the extent to which a political ideology contributes to reshaping the social order. Three components to establishing an ideology include beliefs, values, and change (Fischer, 1995). First, the researcher questioned the nature of the social order. "The question is thus not whether people's beliefs are true or false; rather, it is simply a matter of recognizing that behavior is based on people's beliefs, regardless of their validity" (Fischer, 1995, p. 158). Second, a relationship was established between the ideology's fundamental values (equality, freedom, community) and how they were prioritized. Finally, social change and power distribution were reviewed (see Table 4.9).

Table 4.9. Social Choice Example

| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
|---|---|---|---|
| SOCIAL CHOICE<br><br>*Social critique and political philosophy*<br><br>*Configuration of equality, freedom, and community to restructure society*<br><br>*Impact of ideology on policy evaluation* | Examines the extent to which the policy contributes to restructuring the social order | Do the fundamental ideals that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?<br><br>If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?<br><br>Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes? | Political tool used to force language assimilation.<br><br>Fosters the existing social structure, those with power retain their power.<br><br>Policy supports an empirically unfounded program that is politically, not socially, supported.<br><br>Program directly opposes the value of freedom, contradicts the notion of equality, and disregards the value of community.<br><br>LEP communities are historically a repressed social order without power or powerful allies to advocate on their behalf.<br><br>Policy cites economic and social advancement as a means to restructure the social order it but supports a repressive program to do so. |
| Data Reviewed:<br>7) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and<br>8) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement | | | |

Data would suggest that the various groups impacted by the policy made decisions based on different belief systems and they prioritized their values differently (Crawford, 1997). Review of the data reveals that politicians held an autocratic political philosophy and their constituents held an egalitarian political philosophy. Based on the information they were given, voters elected to adopt English-only instruction, thus perpetuating a stratified world and the existing distribution of power.

Data from the third layer of analysis suggests that through *verification* the policy implemented may have fulfilled its objective; however, *validation* indicates that the methods for goal attainment were not empirically founded. Vindication examined the large-scale societal consequences of the implemented policy. Findings indicate that a restrictive language policy was put in place in order to perpetuate the existing social arrangement. Consequences include a monolingual society in which bilingualism is devalued, LEP students are not prepared to compete in the global marketplace, community cultures are disintegrating, and family members are struggling to communicate with each other. The policy proffers an egalitarian social arrangement but values a restrictive form of government. Overall, *vindication* found that the policy distorts society's value system, suppresses groups of people, classifies groups of people as not having contributive value to society, and is not socially just.

*Social choice* examined how political ideology contributed to shaping society. Findings suggest that the state and the voters held different beliefs, values, and priorities regarding the language of instruction initiative. The policy implemented was rooted in an autocratic political philosophy whereas voters value an egalitarian political philosophy. The difference in value systems contributed to advancing the existing distribution of power and perpetuated the absence of an egalitarian social arrangement.

## Massachusetts

*Speech Act*

Using the same framework as designed for California, the researcher began the first layer of analysis for Massachusetts by classifying the state's 17 utterances into speech acts (Mass. Gen. Laws ch. 71A, §1, 2002; Mass. Gen. Laws ch. 71A, § 4, 2002). Seven of the acts were determined to be Assertives and 10 were determined to be Directives (see Appendix B). The verbiage of many of the utterances was identical or nearly identical to the utterances used in California's language of instruction policy. Therefore, their structure, representation, and meanings discerned were very similar. Three utterances that significantly differed from California's are Utterances 32, 35, and 37. All three utterances were *Directives* and are attempts by the state to get the schools to do what the state wants.

Utterance 32 reads: "kindergarten English learners shall be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language". Structurally, the state is dictating to the schools how it wants LEP students to be educated and is represented as: *S requires H + H to educate.* In Utterance 32, the state is indirectly declaring that no LEP student, from kindergarten on up, would benefit from some degree of instruction in their native language. Since this utterance is a *Directive*, it also carries an indirect act in which the state means what it says but it also means something *more.* In this case, the state is not only saying what instructional program LEP students will receive, it is also commanding that LEP students will not receive any instruction in their native language.

Utterance 35 reads: “Once English learners acquire a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners”. The utterance is represented as: *S requires H + H to classify* and was classified as a *Directive.* The manifest meaning of the utterance is that once LEP students can do regular schoolwork in English they shall be reclassified as English language speakers. The latent meaning of this utterance is that LEP students will not be successful in public education until they are reclassified and freed of the LEP stigma. In other words, while LEP students are classified as LEP, they will not be successful according to regular measures of academic success.

Utterance 37 reads: “Foreign language classes for children who already know English, 2-way bilingual programs for students in kindergarten through grade 12 and special education programs for physically or mentally impaired students shall be unaffected”. This utterance was classified as a *Directive* and is represented by *S requires H + H to not change*. The state overtly means for there to be no instructional changes in the aforementioned programs. What the state also means is that the indoctrination of English is already taking place or indoctrination is impossible to occur in the listed programs.

Collectively, 14 of Massachusetts’ 17 language of instruction utterances appear to be modeled directly after California’s. With the exception of a word here or a phrase there, the 14 utterances were identical. Seven of Massachusetts’ utterances were Assertives and 10 were Directives. Of the 3 utterances unique to Massachusetts, all were Directives. There were two utterances, one Assertive and one Directive, which were taken at face value without metaphorical content or an indirect act. It became evident that the state of Massachusetts had specific objectives that it was trying to achieve based on the utterance types that it selected to

construct their language of instruction policy. This form of coercion typically tends to carry indirect acts in which the state means what it says but it also means something more.

*Content Analysis*

Content analysis was the second layer of analysis applied to Massachusetts' 17 utterances and was used to deconstruct the manifest and latent meanings established through the first layer of inquiry. Key terms and phrases were highlighted and examined contextually and in isolation for word selection and usage. The utterances were also evaluated for their pragmatics, which was used to help place meaning to the identified key terms or phrases. Following the Utterance Framework developed for the study, an Interpretation section was utilized following each utterance.

Content analysis built off the examples detailed in the first layer of analysis and was used to identify the word usages and latent meanings for Massachusetts' utterances. For example, Utterance 32 reads: "***kindergarten*** English learners ***shall*** be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language". Key terms that emerged include kindergarten and shall. The latter half of the utterance is also significant in that it specifies language program options. The word choice of *shall* was an acute decision by the state to issue a command regarding who will receive what type of programming. In this case, the state is speaking of *kindergarten* age LEP students who often times enter school without any language skills in English. They are then commanded to be put in various types of instructional programs, none that use native language supports to facilitate the acquisition of English. Utterance 32 is stating that LEP kindergarten students will not receive native language instructional supports and

they will be placed in English-only classrooms. The latent meaning of the utterance is that the state wants to be perceived as offering various instructional programs for young LEP students; however, in actuality, all options offered are English-only instructional programs.

Utterance 35 reads: "Once English learners ***acquire*** a ***good working knowledge*** of English and are able ***to do regular school work*** in English, they ***shall no longer be classified*** as English learners". According to Merriam-Webster (2012) *acquire* means to come into possession by unknown or ambiguous means. *Good* is defined as adequate or conforming to a standard. To acquire a *good working knowledge* of English insinuates that language skills are a possession to be had. This certain standard of skill possession will then lead to an ability *to do regular schoolwork* in that language. The state implies that attainment of their predetermined amount of English language skills will correlate to immediate literacy success in English. The state commands that once this arbitrary skill level is achieved, LEP students will no longer be categorized as LEP. Instead, they will be placed in the English-speaking rank of students whose academic potential is greater than the LEP rank of students. Ultimately, the latent meaning of the utterance is that until LEP students are reclassified as English proficient, their academic potential will be limited.

Utterance 37 reads: "Foreign language classes for children who already know English, 2-way bilingual programs for students in kindergarten through grade 12 and special education programs for physically or mentally impaired students ***shall*** be ***unaffected***". The state is commanding that these three programs remained unchanged. However, to benefit from foreign language classes, students must already know English and in 2-way bilingual programs students are taught English by being taught in English at least part of the day. Finally, special education programs are to remain unchanged and not impacted by the language status of its students. The

overt meaning of the utterance would suggest that the state is magnanimous in the programs that it allows. However, the latent meaning would suggest that the state's goals are already being met through the programs or the state has no jurisdiction over them.

Several patterns emerged from Massachusetts's 17 utterances. For example, the utterances made subjective value statements regarding the superiority of certain behaviors over others. The policy also correlated cause and effect relationships without data to validate their claims. The state repeatedly made particular word selections to convey specific messages. Finally, throughout the utterances there was a lack of evidence to suggest that established theoretical frameworks (e.g. learning theory or second language acquisition theory) were considered during the writing of the utterances.

*Fischer*

Fischer's (1995) four discourses for public policy analysis was the third layer applied to Massachusetts's language of instruction policy. The discourses of verification, validation, vindication, and social choice were used to uncover the social impact of the policy following deliberative inquiry. The discourse framework previously created was applied to Massachusetts in order to target key concerns, questions, and conclusions (see Appendix F).

Verification and Validation

The first two of Fischer's (1995) four discourses deals with program goals and objectives. Since this study was primarily concerned with the societal impact of the policy, not its objectives and goals, verification and validation were only discussed briefly. As revealed earlier, verification addresses the issue of policy objectives and goal fulfillment and validation examines underlying conceptualizations and assumptions of the policy. More specifically, verification asks

if the program fulfills its stated objectives. The overarching policy objective of Massachusetts's language of instruction policy is that all Massachusetts children will be taught English rapidly by being taught in English in English-only speaking classrooms. Validation asks if the program objectives are relevant to the problem situation. The state of Massachusetts has identified the problem as LEP students having low literacy levels and their inability to become productive members of American society. Analysis reveals that the goal objective was relevant to the problem situation; however, it is unknown whether or not the policy's goal has been attained. It is also unknown whether or not alternatives were considered during the decision making process or if measures exist by which to evaluate the policy.

### Vindication

Fischer's (1995) third discourse examines the role and function of Massachusetts's language of instruction policy within existing societal constructs. Two questions are central to the analysis of vindication: what are the consequences of the enacted policy and what is the real social function of the policy? In order to answer these questions the consequences, values, and function of the policy must be evaluated in relation to the social system present at the time the policy was enacted.

**Background.** At the time when the English-only initiative appeared on the 2002 Massachusetts ballot, national debate over immigration was in full swing (Vaznis, 2009). Voters were inundated with information regarding the claimed effectiveness of English-only instruction as a way to remediate the language differences of the large number of immigrants and non-English speakers in America. Proponents of the initiative warned that multilingualism "will lead to disunity and separatism in the United States" (Massachusetts English Plus, 2002). Large

coalitions with extensive financial backing were steamrolling their English-only agenda across the country after claiming two previous victories: California in 1998 and Arizona in 2000 (Massachusetts English Plus, 2002). During 2002 there were two states with English-only initiatives on their ballots: Massachusetts and Colorado. In the end, the measure passed in Massachusetts but was rejected in Colorado.

Proponents of the bill in Massachusetts declared that using native language support as an instructional strategy denies LEP students opportunities for success when compared to their English speaking counterparts. They believed that bilingual education was a futile experimental program and educators of the program were in denial regarding the failure of the program. Finally, proponents claimed that LEP students without any knowledge of English would be allowed in English-immersion programs; however, the language of instruction in such programs would remain English-only (Ballotpedia, 2002).

Opposition of the initiative was strongest in the metropolitan area of Boston where approximately a quarter of the state's LEP students attend school (Vazquez-Toness, 2009; Vaznis, 2009). Those opposed to the measure cite arrogance and myopic ideologies of English-only advocates (Language Legislation, 2002). English speaking communities of African Americans feel the proposed initiative is racist and goes against libertine ideologies (Language Legislation, 2002). Opponents believe that the initiative sends the message to LEP students and their families that their native language and culture is not as good as American culture and the English language (Fox News, 2002). They also feel that the proposed initiative is unfair to educators since it would allow for personal lawsuits and is unjust to parents because it removes the element of parent choice from programming decisions (LRCCWM, 2002; Language Legislation, 2002).

**Findings.** Vindication is primarily concerned with examining the role and function of the policy within existing societal constructs (Fischer, 1995). Analysis reveals that the manifest function of the policy is to create a society that speaks English to the exclusion of all other languages. The latent function of the policy is to systematically suppress groups of people by declaring them as non-contributive members of society. This repression serves to restrict the social order and to maintain an elitist social arrangement.

Under the enacted policy, students who speak a language other than English are devalued and are declared as not having the potential to become economically productive within elitist socially defined parameters. The policy inherently distorts society's values to fulfill their objective. The policy specifically values literacy (reading and writing) in English; however, it fails to emphasize the importance of learning to *speak* in English. Subsequently, the policy values LEP group scores on standardized literacy tests for accountability and reporting purposes; however, it does not value individual growth of LEP students in the domains of literacy *and* speaking. While the state does not value the role it plays in teaching students to *speak* English, it explicitly states that parents of LEP students believe fluency and literacy are equally important. It is with this understanding that parents assume their children are being taught to read, write, and speak the English language, not merely read and write English to perform on mandated standardized tests.

Commitment to the policy goal has led to inequitable social consequences. On the surface, it could be perceived that since all students are being taught English from the time they enter school, they are being instructed in an equitable manner. However, this simple interpretation fails to consider the complexities of learning a second language and does not consider that the LEP students enter school several years behind their non-LEP peers in time of

English language exposure. Latent meanings of the policy suggest that members who speak English with greater fluency are perceived as having greater potential for success. Limited English proficient students are penalized for speaking another language and are viewed from a deficit perspective versus an additive perspective. The systematic identification and classification of LEP students serves to perpetuate a separatist caste system within society. Analysis reveals that commitment to English-only instruction results in social consequences that are not equitable.

Vindication asks several guiding questions. First, does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity. Evidence suggests that research-based data were not considered during the decision making process as a means to elicit LEP student success and productivity. Vindication also asks if the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner. The manifest message of the policy states that English-only instruction is the way to achieve socially just instruction; however, latent analysis reveals that the restrictive language of instruction policy achieves the exact opposite. Finally, vindication situates the stated problem in relation to social values and economic-political parameters. Massachusetts has declared that LEP students have low literacy levels and are unable to become productive members of society. The enacted policy has addressed the social problem in a political manner by declaring it an economic issue. However, this solution comes at the expense of core American values such as equality, freedom, and social justice.

### Social Choice

Fischer's (1995) fourth discourse questions the manner by which political ideology contributes to reshaping the social order. This deliberative inquiry must first acknowledge the

policy's beliefs; then it determines how the values of equality, freedom, and community are prioritized; and finally it identifies the existing distribution of power within society. Once these themes have been addressed, the social impact of the ideology can be determined.

Analysis revealed that the fundamental beliefs and values behind the policy's organization were distorted when conveyed to the public. The distinct difference between the manifest and latent meanings of the policy suggest that it did not provide a legitimate resolution to the problem situation. The existing social arrangement did not have an equitable distribution of power and social coalitions with clout failed to advocate against English-only instruction. Finally, the enacted policy impacted society in ways that the voters did not anticipate by restructuring society in a repressive not egalitarian manner.

Findings from the third layer of analysis reveal through *verification* that the policy objective was relevant to the problem situation; however, *validation* suggests that the methods for goal attainment were questionable. Data suggest through *vindication* that the stated role and function of the policy carried multiple meanings; with the latent messages having greater social consequences than the manifest messages. *Social choice* revealed that the policy contributed to restructuring the social order; however, it did so by restricting the social arrangement, not enhancing it.

## Colorado

### *Speech Act*

During the first layer of analysis, Colorado's 4 language of instruction utterances were classified into one of five speech acts (Colo. Rev. Stat. ch. 2, § 102, 2002). The intent was to determine how the utterances were used and if they carried any indirect acts or metaphorical

statements. Analysis revealed that Colorado's language of instruction policy was comprised of 2 Assertive utterances and 2 Commissive utterances (see Appendix C). *Assertives* tell people how things are and *Commissives* commit ourselves to do things. None of Colorado's utterances were found to be Directives, which try to get others to do things. In other words, Colorado's language of instruction policy explained how things are and then committed itself to taking action. None of the utterances placed demands on the schools to achieve what the state wants.

Utterance 39 reads: "The general assembly recognizes the need to provide for transitional programs to improve the language skills of these students" and was classified as an *Assertive*. It is represented by the structure of: *S recognizes + a need to provide and improve.* The state is acknowledging a current situation that needs addressing. Following this Assertive utterance is Utterance 40, a *Commissive*, which declares: "in order to improve educational and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language proficiency program in the public schools". The utterance is represented by a structure of: *S declares H + S to establish* and builds upon the previously acknowledged need to explain how the state was going to address the situation.

As an Assertive, Utterance 39 potentially carries metaphorical content. However, for this utterance, no metaphorical meaning was detected. Utterance 40 was classified as a Commissive and indirectly declares that the state values the language skills of LEP students and wants to utilize these skills to facilitate the acquisition of English.

*Content Analysis*

Content analysis was the second layer of analysis and was used to deconstruct the manifest and latent meanings established through the first layer of inquiry. Each utterance was

interpreted using the utterance framework created in the first case. For example, each utterance was interpreted individually and then contextually within the parameters of the policy.

To build on Utterance 39, the following key terms have been outlined: "The general assembly ***recognizes*** the ***need to provide for transitional programs*** to ***improve*** the English language skills of these students". Key terms include recognize, need, and provide. Merriam-Webster (2012) defines *recognize* as a formal acknowledgement, *need* as a necessary duty, *provide* as the preparation to meet a need, and *improve* as making progress or advancing. In other words, the state is formally declaring that LEP students have a need for transitional programs to make progress in the academic setting. Using the word *improve* indicates that the state has considered the well being of LEP students and explicitly wants them to make progress in learning the English language. The word is not used in reference to improving test scores, improving literacy rates, or improving the graduation rate; it is used in direct reference to improving the English language skills of LEP students. As such, it implies that the improvement would be to the personal benefit of the LEP student, not to the benefit of the school, state, or economic stakeholders. In an effort to accomplish this improvement, the state is acknowledging that LEP students must be given transitional programs that utilize the native language of the students.

In Utterance 39 the state of Colorado formally recognizes a programming need of LEP students and in Utterance 40 it commits itself to meeting that need. Utterance 40 reads: "in order to ***improve*** educational and career opportunities for every student in this state, it is the purpose of this article to ***provide*** for the ***establishment*** of an ***English language proficiency program*** in the public schools". Improve and provide are again key terms as well as *establishment;* a settled arrangement or code of laws. The state is formally committing itself to creating an English

language proficiency program and in Utterance 41 it extends the commitment by assuming financial responsibility for funding the program. The state does not dictate specific programs, languages, ages, timeframes, or accountability measures; it simply states that it will establish and fund an English language proficiency program. In doing so, the specifics are left up to the individual districts and schools to decide.

Overall, none of Colorado's utterances were determined to be Directives in which the state takes a commanding role by placing demands on the schools. The second layer of analysis confirmed the findings from the first layer in that the state only places demands on itself. Manifest meanings of layer two analyses indicated that the state recognizes a need for transitional programs for LEP students and it commits itself to establishing and funding an English language proficiency program. Latent meanings indicated that individual LEP student improvement was a priority of the state, which supersedes collective improvement of that demographic group for reporting purposes. Value was also placed on transitional programs that utilize the home language for instructional purposes. Finally, underlying the establishment and funding of a program for LEP students was the trust and freedom the state has in the schools to carry out the program in any manner that they see fit.

*Fischer*

Fischer's four discourses for public policy analysis was the third layer of analysis and was used to illuminate social structures through deliberative inquiry (Fischer, 1995). Verification, validation, vindication, and social choice are the four discourses that guide this third layer of the analysis. The discourse framework used was the same framework applied to all

the states. The researcher sought to explore the various concerns addressed within the four discourses (see Appendix G).

## Verification and Validation

Fischer's (1995) first two discourses help to identify a policy's objectives and its outcomes. Verification questions whether or not the policy's objectives are fulfilled and validation asks if the objectives are relevant to the problem identified. Colorado's overall policy objective is to establish and fund an English language proficiency program. The problem that led to the current situation is cited as the restricted educational potential of LEP students due to their lack of proficiency in English. The policy's objective was relevant to the problem situation and the state appears to have fulfilled its goal. Unanticipated effects of the objective include ambiguity in the means by which the state intended to obtain the goal. Since the objective was stated in the form of a Commissive, it is the state's responsibility to follow through with the goal, not the schools'.

## Vindication

Fischer's (1995) third discourse examines the role and function of the policy within the existing social structure. It attempts to determine the consequences of the policy while considering that the greatest societal impact of the policy may not the stated purpose of the policy (Fischer, 1995; Merton, 1957). To evaluate vindication, the political and social landscape at the time the policy was enacted must be understood.

**Background.** The political climate in Colorado was very heated concerning instructional programming for LEP students. In 2000 an English-immersion bill that was largely backed by Ron Unz was proposed in Colorado, which would require LEP students to be immersed in

English-only classrooms without supports in their home languages (Escamilla, Shannon, Carlos, & Garcia, 2003). A similar bill was being proposed simultaneously in Arizona and both bills were spin-offs of California's English-only initiative, which was enacted in 1998. The bill passed in Arizona; however, the Colorado Supreme Court declared the bill unconstitutional which kept it off the 2000 ballot. However, instead of admitting defeat, supporters of the bill vowed to modify it and reintroduce the bill in 2002. For two years, Unz's English-immersion allies worked to promulgate their agenda. At the same time, the political action committee (PAC), English Plus, and the education committee, Colorado Common Sense, began working together to fight the bill's passage. The PAC and the education committee hired a political consulting firm to run the campaign which ultimately garnered broad-based bipartisan support and ample funding. These two factors contributed to the groups' eventual success and defeat of the English-immersion bill in 2002 (Escamilla et al., 2003; Ballotpedia, 2002).

Proponents of the bill cited many social reasons for voters to pass English-immersion programs (Escamilla et al., 2003; Ballotpedia, 2002). Led by monolingual English language speakers, proponents targeted voters who were concerned with immigration and the large number of LEP residents in the state that did not speak English or who were not learning English fast enough. Opponents of the bill countered this with brief, substantive messages of what the bill entailed. For example, parent choice would be eliminated, segregated classrooms would be created, an additional layer of testing would occur, and the amendment would be an unfunded mandate (Escamilla et al., 2003). Teaching options would be taken away from teachers and Colorado's students would be "dumbed-down" with a one-size-fits-all instructional program (ESL MiniConference, 2002).

The English-immersion bill was modified and put forth again in 2002. Amendment 31 was deemed constitutional and was put on the Colorado ballot for the November 2002 election. At the same time, the English-only initiative had spread and was being voted on in the state of Massachusetts. Come November, the amendment was rejected in Colorado but its sister-amendment was passed in Massachusetts. Colorado was the first state to formally reject restrictive English-only immersion programs since Ron Unz's English-only tidal wave swept through and passed in California (1998), Arizona (2000), and Massachusetts (2002).

**Findings.** Ultimately, Colorado's two-year political battle supported the finding that English-only is an economic and political issue, not a social one. As political actors were defending their positions, society was determining what type of community they wanted to be a part of. By defeating the English-immersion amendment, Colorado's voters chose to reject restrictive social policies and to endorse a policy that values freedom, individual rights, and the power of the local community. The goal of the enacted policy was to establish and fund an English language proficiency program. Upon review, the manifest meaning of the policy is that the state assumes all responsibility for creating and funding an English language program for LEP students without restricting programming options. The latent function of the policy is to enhance the existing social arrangement, not restrict it.

Vindication would question whether or not the policy rests on a valid understanding of how to best instruct LEP students (Fischer, 1995). Findings suggest that the policy is based on a firm understanding of best-practice instructional techniques for LEP students. For example, by not specifying any one type of program for all schools (English-only or otherwise), the state is empowering the local school districts to organize their programs to best fit the existing social climate of their local communities. The policy also understands that best-practice encompasses

the various educational needs of LEP students and their unique growth rates. The policy values the individual improvement of LEP students versus the collective improvement of the LEP demographic group for reporting and accountability purposes. As such, the policy goal was designed to guide LEP programming and instruction toward long-term success.

Finally, vindication questions if the policy sought to redress the problem situation legitimately or if the policy misrepresented fundamental American beliefs (Fischer, 1995). As previously identified, the problem situation is the restricted educational potential of LEP students due to their lack of proficiency in English. Analysis reveals that by defeating the proposed amendment and enacting a flexible, empowering amendment, the problem situation was legitimately resolved within existing political and economic parameters. It held true to America's social beliefs of equality, freedom, and community without compromising specific groups of people.

## Social Choice

Social choice examines the extent to which a political ideology contributes to reshaping the social order based on a configuration of equality, freedom, and community (Fischer, 1995). The political ideology of the combating groups must be understood not in terms of right and wrong, but rather by acknowledging the validity of their philosophical differences (Fischer, 1995).

Findings suggest that proponents of the English-immersion amendment believed in political intervention as a means to restructure society. By attempting to enact a socially restrictive language of instruction policy, the group's monolingual English speakers sought to increase the power of English-only peoples and to decrease the power of multi-lingual speakers

within Colorado's society. The defeated amendment was not based in research or best-practice instruction for LEP students. As a result, latent meanings suggest that the policy would have set LEP students up for failure from the beginning of their academic career. The amendment was counter-productive to the goal of increasing the English proficiency levels of Colorado's school children that the pro-English-immersion group touted to the public. Overall, the political philosophy of the group was self-serving and was not founded on the values of the social order their policy targeted to reform.

Opponents of the English-immersion bill had a political philosophy centered on a collaborative and diverse social order. They believed that society should evolve naturally without political intervention as a means to reorganize the social order. Collectively, opponents of the amendment valued equality, freedom, and community for all Colorado's residents, not the select groups of elite who would have benefited from a restrictive language policy. These beliefs were upheld by activist groups outside the targeted LEP social group and the equitable treatment of all students was advocated for by various coalitions and bipartisan groups. Latent findings suggest that in the state of Colorado, the existing social order had the collective power to rise against and defeat elitist political agendas.

Findings from the third layer of analysis suggest through *verification* that the accepted policy fulfilled its objective; however, *validation* suggests that the means for goal attainment were ambiguous. Vindication examined the large scale societal consequences of the implemented policy. Consequences identified through *vindication* include a society where local schools are empowered to make programming decision for their students, multilingualism is honored, all social groups are viewed as having contributive value to society, and individual LEP student improvement is valued over demographic reporting of that group for accountability purposes.

Social choice examined how political ideology contributed to shaping society. Findings of *social choice* suggest that the existing social order had the power to defeat an autocratic political agenda that sought to restructure society with a restrictive and elitist language of instruction policy.

## Oregon

### *Speech Act*

During the first layer of analysis, Oregon's 6 language of instruction utterances were classified into one of five speech acts (Or. Rev. Stat. ch. 336, article 74, 2008; Or. Rev. Stat. ch. 336, article 79, 2008; Or. Rev. Stat. ch. 336, article 81, 2008). The intent was to determine how the utterances were used and if they carried any indirect acts or metaphorical statements. Analysis revealed that Oregon's language of instruction policy was comprised of 1 Assertive utterance and 5 Directive utterances (see Appendix D). *Assertives* tell people how things are and *Directives* attempt to get others to do things. None of Oregon's utterances were found to be Commissives, which commit ourselves to doing things. In other words, Oregon's language of instruction policy primarily tries to get others to do what it wants by marginally explaining how things are. None of the utterances committed the state to achieving what the state wants.

Utterance 44 reads: "Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to those children who are unable to profit from classes taught in English". This utterance was classified as a *Directive* and is represented by *S requires H + H to provide.* In this utterance, the state is trying to get the schools to provide specific courses for LEP students. Since the utterance is a directive, it means what it says, but it also means something *more* in the form of an indirect act. Indirectly, the state

is commanding that all LEP students who are struggling in English speaking classrooms will be given support in all grade levels to increase their speaking and literacy skills.

Utterance 46 is also a *Directive* and reads:

> All school districts providing courses pursuant to ORS 336.079 shall afford the licensed personnel of that district that are assigned to perform teaching duties for such courses an opportunity to qualify to assist non-English-speaking students to learn English at no cost to the personnel. (Or. Rev. Stat. ch. 336, article 81, 2008)

The utterance is represented by *S requires H + H to offer* and is an attempt by the state to get districts to offer opportunities for teachers to learn how to instruct LEP students at no cost to the teachers. This utterance carries an indirect act in which something *more* is meant. In this case, the utterance indirectly supports teachers obtaining extra training to learn LEP instructional strategies. It also indirectly implies that there are specific teaching strategies that LEP students benefit from that differs from traditional instructional methods.

*Content Analysis*

Content analysis was the second layer of analysis applied to Oregon's 6 utterances and was used to deconstruct the manifest and latent meanings established through the first layer of inquiry. Key terms and phrases were highlighted and examined contextually and in isolation for word selection and usage. The utterances were also evaluated for their pragmatics, which was used to help place meaning to the identified key terms or phrases. Following the Utterance Framework developed for the study, an Interpretation section was utilized following each utterance.

Utterance 44 reads: "Specific courses to teach ***speaking, reading and writing*** of the English language ***shall*** be ***provided*** at ***kindergarten and each grade level*** to those children who are unable to ***profit*** from classes taught in English". Key terms identified include: shall, provide, and profit. Merriam-Webster (2012) defines *shall* as expressing a command, *provide* as the preparation made to meet a need, and *profit* as a valuable return. The state is making a command that LEP students receive specific courses that teach literacy and language skills to LEP students who are not profiting from English-only classes. Several purposeful and acute word choices were made in this utterance. The state purposefully lists speaking, reading, and writing as separate entities and did not group them together with an ambiguous phrase such as "English language skills". By specifying reading and writing, the state acknowledges that each area requires different instructional strategies to achieve success. It also makes an overt value statement on the teaching of academic skills as well as the teaching of language skills. By placing importance on both, the state recognizes that both literacy and speaking skills are mutually exclusive, they are necessary to be successful, and explicit teaching in each area is required.

The state made an acute word choice by selecting *profit* instead of a word such as benefit. By choosing profit, the state recognizes that excessive effort goes into learning a language and unless there is a return on this investment, the language acquisition has no value in and of itself. If the state had chosen the word benefit, it would be making the statement that learning the English language promotes the students' well being. This hypothetical word choice clearly differs from the state's actual word choice of *profit.* Finally, the state specifically indicates that all LEP students can receive assistance from this program, regardless of grade level.

The manifest meaning of Utterance 44 indicates that the state is requiring that LEP students receive specific courses that teach literacy and language skills to such students who are

not profiting from classes taught in English. Latent meanings suggest that value is placed not only on speaking English, but being able to read and write in English. There is also an underlying emphasis on students learning English not for the sake of learning English, but for enhancing their overall personal merit and knowledge. Finally, by emphasizing that LEP students from all grades can receive specific courses that teach English literacy and language skills, the state is not excluding or devaluing the learning of any age student.

Utterance 46 is also a *Directive* and reads:

> ***All*** school districts providing courses pursuant to ORS 336.079 ***shall afford*** the licensed personnel of that district that are assigned to perform teaching duties for such courses an ***opportunity*** to ***qualify*** to ***assist*** non-English-speaking students to ***learn*** English at ***no cost*** to the personnel. (Or. Rev. Stat. ch. 336, article 81, 2008)

Key terms that emerge include: all, shall, opportunity, qualify, assist, and learn. The manifest meaning of this utterance is that schools are required to support teachers that want to learn how to best help LEP students learn English. The utterance astutely uses the word *learn* in reference to LEP students instead of words such as teach or instruct. By using the word *learn,* the emphasis is not on the teacher, it is on the student gaining knowledge or understanding and keeps the student at the core of the policy. Two latent meanings of the utterance emerge. First, the utterance protects teachers who want to instruct LEP students by not penalizing them for acquiring the skills needed to help LEP students learn. Also, the state is supporting the increase in teachers qualified to instruct LEP students.

The second layer of analysis uncovered specific uses of language and relationships that exist within the policy text. The purposeful selection and acute use of words clearly outlined the

state's priorities and values. This led to specific overt and covert meanings. Patterns emerged such as the state's priority to put the student's needs first. An emphasis was also placed on learning English to increase overall knowledge, not to learn English for the sake of learning English. Overall, layer two analysis uncovered that not all Directives were restrictive. Some Directives commanded that freedoms be allowed to the schools, some were commands that respect the rights of LEP students, and some were commands that protect teachers. Initially, Oregon's utterances that were classified as Directives were initially read as authoritative; however when deconstructed, it was discovered that the utterances were actually protecting the rights of schools, teachers, and LEP students.

*Fischer*

The third layer of analysis explored the social consequences of the policy using Fischer's (1995) four discourses for public policy analysis. The discourse framework the researcher created was applied to Oregon's language of instruction policy to identify key concerns, questions, and conclusions for each discourse: verification, validation, vindication, and social choice (see Appendix H).

Verification and Validation

Fischer's (1995) first two discourses deal with identifying the outcomes and objectives of a policy. Their primary function is to report the policy's problems and goals, not to explore the larger impact the policy has on society. Since this study targets the societal consequences of the policy and not the policy itself, these two discourses will only be discussed briefly. Verification asks if the policy fulfills its objective and validation questions whether or not the objective is relevant to the identified problem. The overarching policy objective is to instruct all students in

such a manner so that they gain the skills needed to profit from English-only classes. The flexible goal does not restrict programming options for districts and encourages schools to implement programs as they see fit. The problem situation is that not all students acquire English language speaking, reading, and writing skills in the same manner. By offering flexible instructional programming for LEP students, not only is the objective relevant, but it also makes goal attainment possible. For the purpose of this analysis, findings suggest that the program objective was relevant to the problem situation; however, the ambiguous objective makes measuring goal attainment a challenge.

### Vindication

Fischer's (1995) third discourse examines the role and function of the policy within existing societal constructs. The unit of analysis and the social system and the focus is on the consequences, values, and function of the policy. When examining the discourse of Vindication, the researcher must acknowledge that the stated purpose of the policy might not be the message that has the greatest impact on society. Latent meanings as well as manifest meanings must be explored to extract the true role and function of the policy and its societal consequences. In order to achieve this, the political and social landscape at the time English-immersion instruction was proposed in Oregon must be understood.

**Background.** Oregon voters were faced with an initiative on their 2008 ballot to implement English-immersion programs for LEP students and to eliminate programs that utilized home language instruction (Ballotpedia, 2008; Manning, 2008). The past decade had been fraught with national debate over language of instruction programs for LEP students with several states passing English-only instruction mandates and several states rejecting such initiatives. By

the time the proposed English-immersion measure appeared on the Oregon ballot, the importance of learning English was not the center of public debate, the core of the debate had shifted and now addressed the methods for how to best achieve English language fluency (Opposing Views, 2008).

Supporters of the bill included groups such as Oregonians For Immigration Reform and the Marion County Republican Party, which put forth many arguments in favor of the English-only ballot item. They believed that instructional programs that incorporate the home language create a crutch for students and restrict opportunities for immigrants (Opposing Views, 2008). They also believed English-immersion programs with English-only instruction were the most effective method in which to learn a second language (Opposing Views, 2008; Ballotpedia, 2008). Proponents for the initiative cited that speaking English with an accent reduces the economic opportunities available in the workforce (Opposing Views, 2008). Finally, proponents argued that the proposed initiative would motivate school districts to move students from the LEP language category to the fluent speaker category (Ballotpedia, 2008). They believed that school districts were abusing the money that they received for each LEP student and were purposely not instructing LEP students effectively because they would lose funding. However, supporters of the proposal are largely stating opinion without data to support their viewpoints.

Opponents of the initiative countered the arguments made by the bill's supporters. Many groups were included in the coalition against the proposed English-immersion bill, for example the Oregon PTA, Oregon Education Association, American Federation of Teachers-Oregon, Oregon School Employees Association, the Human Services Coalition of Oregon, and the Parents and Teachers Know Better Coalition (Ballotpedia, 2008; Opposing Views, 2008). They challenged that the proposed bill reduced the local control of schools and communities, it

mandated an increase in local spending, it was legally restrictive, it violated the civil rights of LEP students, and it was not backed by research (Ballotpedia, 2008; Opposing Views, 2008; Manning, 2008; American Civil Liberties Union of Oregon, 2008).

Both sides of the conflict agreed on two things: Oregon's proposed English-immersion bill was the most restrictive language of instruction policy to date and it potentially violates current civil rights principles (Manning, 2008; American Civil Liberties Union of Oregon, 2008).

**Findings**. After reviewing the social and political landscape at the time English-immersion was proposed in Oregon, the evidence suggests that Oregon voters opposed restrictive education laws in their state. The overarching role and function of the enacted policy served to empower local social systems to make programming decisions in the public schools. By rejecting the restrictive English-immersion bill, Oregon voters sent an underlying message about what they value as a society. For example, the enacted policy valued student learning and specifically outlined the need for students to *profit* from learning the English language. The policy also valued the knowledge of teachers and operated with a trust in school districts to use their best judgment when making programming decisions. The policy valued multilingualism and did not place value judgments on the superiority of any particular language.

The policy goal contributed to a social system that was shaped by the values of the people it represents, not the political elite who try to manipulate it. Commitment to the policy led to consequences that were judged to be equitable considering the English-immersion alternative that was proposed. Unanticipated consequences of the policy include students who have the potential to be multilingual speakers, who can communicated effectively with their families, and who are prepared for employment in the global workforce.

Vindication specifically asks if the policy is based upon a valid understanding of how to best instruct LEP students (Fischer, 1995). Analysis revealed that the enacted policy was based on the *lack* of research in support of English-immersion. Without sufficient evidence to support the restrictive English-immersion program, Oregon voters chose to enact a flexible policy which left language of instruction programming decisions up to school districts. The policy's goal of instructing LEP students in any manner so that they gain the skills needed to profit from English-only classes was designed to help guide LEP instruction toward long-term student success. However, the ambiguity of the policy design may actually be counterproductive to its goal. Finally, Vindication asks whether or not the policy is socially just and is based on the values that Oregonians hold dear. Analysis revealed that the enacted policy was not only socially just, but it was the epitome of Oregonian values.

## Social Choice

Fischer's (1995) fourth discourse, Social Choice, examines the extent to which a political ideology contributes to reshaping the social order. Three components must be evaluated to determine the ideology of a policy: beliefs, values, and change (Fischer, 1995). Opponents of the English-immersion bill believed that the social order should be allowed to occur organically without politically restricting language rights. They valued equality, freedom, and community and as a result, a policy that does not benefit any particular group at the expense another was enacted. The proposed English-immersion bill was an attempt to change the social order and to redistribute power to the benefit of the bill's backers. The political ideology of the majority of Oregon voters had an impact on society by respected the existing social order and denouncing the political motivations of the English-immersion proponents.

Findings from the third layer of analysis reveal that the enacted policy was socially just and functioned to respect, not restructure, the existing social order. Fischer's (1995) framework suggests through *verification* that the policy's objective was relevant to the problem situation; however, *validation* suggests that goal attainment was difficult to measure due to the ambiguous objective. *Vindication* suggests that the constituency considered the values, the function, and the consequences of the proposed English-immersion bill before voting against it. The enacted policy opposed the restrictive language of instruction bill and served to value the needs of students, teachers, and society as a whole. In general, the enacted policy has contributive not restrictive value to the social system. Finally, *social choice* suggests that Oregon's enacted language of instruction policy represents a political ideology that respects the existing social order and condemns the political motivations of the English-immersion supporters.

## Summary

To summarize, Chapter 4 deconstructed the manifest and latent meanings as well as the social consequences of four language of instruction policies. As the first phase of analysis, each state was considered an individual case and was analyzed according to the Layers of Analysis Framework developed for this study. The framework utilized speech act theory, content analysis, and Fischer's (1995) framework for public policy analysis to ultimately explore each policy's greater impact on society. Findings were then compiled to begin the second and third phases of analysis presented in the following chapter.

# CHAPTER 5

## PHASES II & III: FINDINGS AND ANALYSIS

The purpose of Chapter 5 was to report the findings from the second and third phases of analysis. Phase II compiled the findings from the first phase and separated the states into two groups. Phase III further synthesized the data by conducting a between-group analysis amongst the two groups identified in the second phase. Figure 5.1 visually illustrates the three phase model of analysis and demonstrates how the second and third phases fit into the overall framework of this study.

Figure 5.1. Three Phase Model of Analysis

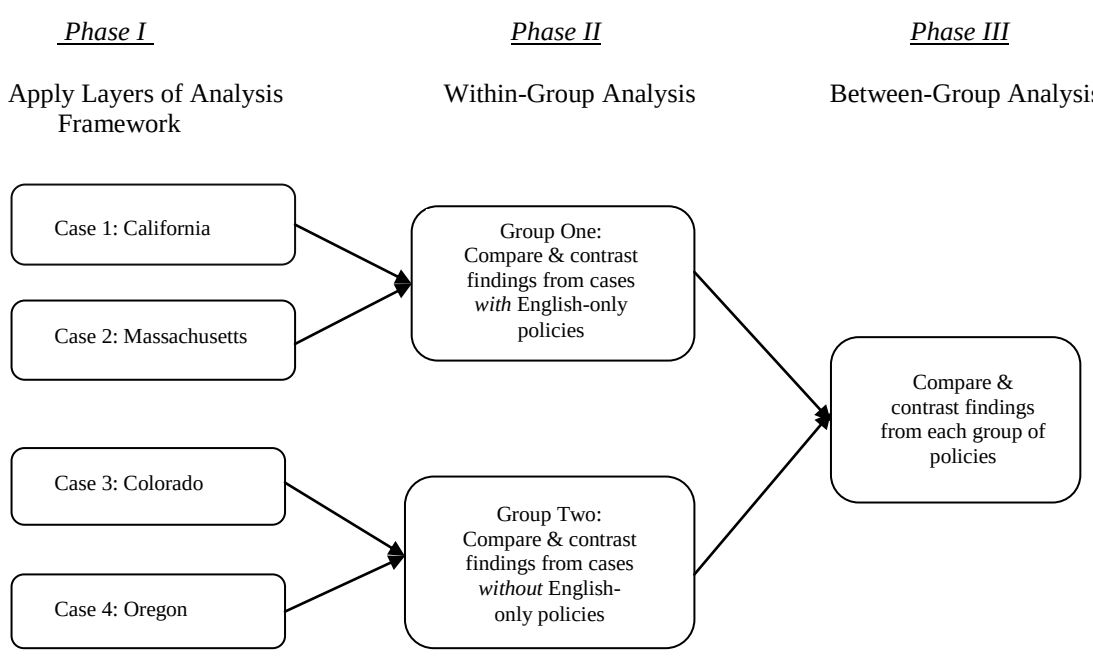



*Figure 5.1.* Adapted from Figure 3.2 of this research study.

## Phase II

The intent of Phase II was to demonstrate the commonalities and dissimilarities amongst the two groups of policies. The first group was comprised of the selected states with English-only instructional mandates: California and Massachusetts. The second group consisted of the selected states that voted to reject English-only instruction: Colorado and Oregon.

To begin Phase II analysis, Table 5.1 was created to organize the layered data from Phase I according to state. The data were first reported by layer and were then deconstructed by specific categories. For example, Layer One was derived from speech act theory and was broken down into Number of Utterances, Utterance Usage, and Overall Utterance Type. Layer Two derived from content analysis and contains Relationship Structure and Themes. Finally, Layer Three was derived from Fischer's four discourses and consists of Verification & Validation, Vindication, and Social Choice.

Once the data were organized, within-group analysis took place. Categorical data for the states with English-only policies, California and Massachusetts, were compared and contrasted against each other to identify common and individual themes. The process was repeated for the states without English-only policies; Colorado and Oregon (see Table 5.1).

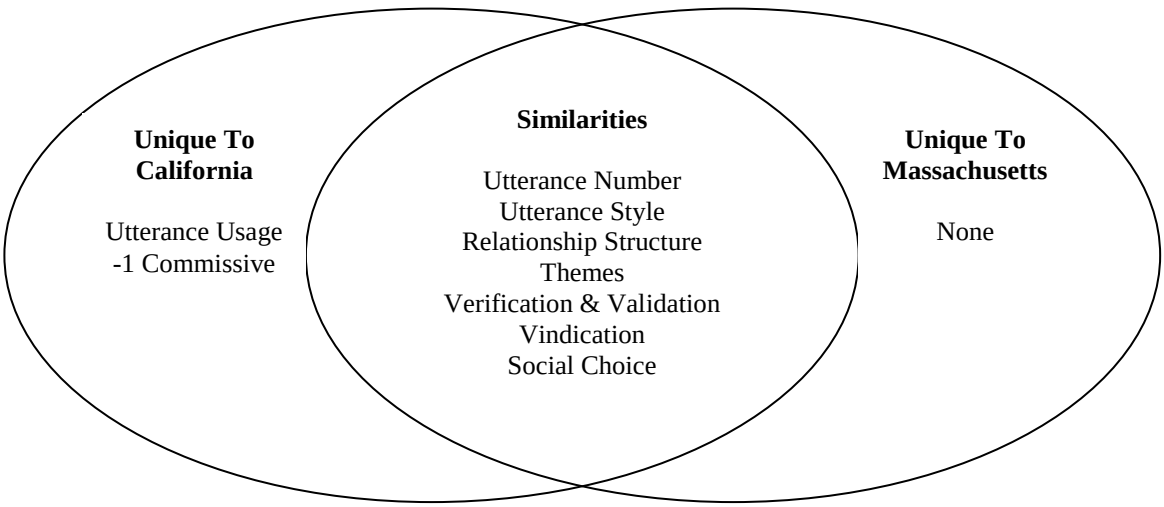
Table 5.1. State Findings by Layer of Analysis

| | State | | | |
|---|---|---|---|---|
| | **CA** | **MA** | **CO** | **OR** |
| **Layer 1: speech act** | | | | |
| Number of Utterances | 20 | 17 | 4 | 6 |
| Utterance Usage | | | | |
| Assertives | 7 | 7 | 2 | 1 |
| Directives | 12 | 10 | 0 | 5 |
| Commissives | 1 | 0 | 2 | 0 |
| Expressives | 0 | 0 | 0 | 0 |
| Declarations | 0 | 0 | 0 | 0 |
| Overall Utterance Style | Coercive | Coercive | Self-Action | Coercive |
| | | | | |
| **Layer 2: content analysis** | | | | |
| Relationship Structure | Authoritarian | Authoritarian | Guardian | Guardian |
| Themes | | | | |
| Indoctrination of English | Yes | Yes | No | No |
| Bias Value Statements | Yes | Yes | No | No |
| Lack of Data | Yes | Yes | Yes | Yes |
| Lack of Theory | Yes | Yes | Yes | Yes |
| Expectation Disconnect | Yes | Yes | No | No |
| Need Acknowledgment | No | No | Yes | No |
| Protection of Rights | No | No | No | Yes |
| | | | | |
| **Layer 3: Fischer's four discourses** | | | | |
| Verification & Validation | | | | |
| Objective Fulfillment | Ambiguous | Ambiguous | Explicit | Ambiguous |
| Relevant Objective | Yes | Yes | Yes | Yes |
| Manifest Problem Orientation | Social | Social | Social | Social |
| Latent Problem Orientation | Economic | Economic | Social | Social |
| Alternate Objectives | No | No | Yes | Yes |
| Measures of Success | No | No | No | No |
| Vindication | | | | |
| Manifest Function | Restrictive | Restrictive | Supportive | Supportive |
| Latent Function | Restrictive | Restrictive | Supportive | Supportive |
| Contributive Value to Society | No | No | Yes | Yes |
| Instructionally Sound | No | No | Yes | Yes |
| Socially Just | No | No | Yes | Yes |
| Equitable Social Consequences | No | No | Yes | Yes |
| Society's Value System | Distorted | Distorted | Maintained | Maintained |
| Social Arrangement | Elitist | Elitist | Equitable | Equitable |
| Social Choice | | | | |
| Political Philosophy of the State | Totalitarian | Totalitarian | Egalitarian | Egalitarian |
| Political Philosophy of Voters | Egalitarian | Egalitarian | Egalitarian | Egalitarian |
| Philosophical Alignment | No | No | Yes | Yes |

Group One: States With English-Only Instruction

Findings for California and Massachusetts are significant not because they were divergent, but because they are so similar. By enacting nearly identical language of instruction policies, much could be interpreted about the political climate, the message that was sent to voters, and the success of those in power. See Figure 5.2 for the within-group analysis of the selected states with English-only instruction.

Figure 5.2. Within Group Analysis: Group One




Layer One. Of the eight categories identified in Table 5.1, Group One differed on only one: Utterance Usage. California's language of instruction policy was constructed of 20 utterances: 7 Assertives, 12 Directives, and 1 Commissive. In comparison, Massachusetts's policy was comprised of 17 total utterances with 7 Assertives and 10 Directives. This difference was minor in the overall scope of the analysis but is worth noting because it was the only

noticeable difference between the two states. Both states used many utterances and had a coercive utterance style but only California committed itself to doing something. In this case, it financially committed itself to providing supplemental funds for LEP instructional programs. However, content analysis revealed that while the state financially committed itself, it also included a provision that excused itself from having to pay the money at any time by stating that it would help maintain supplemental funding for LEP programs *as much as possible.* By including this phrase, the Commissive is no longer valid and becomes a pretense. This financial pretense was not attempted in the state of Massachusetts four years later as there was no mention of state funding for LEP programs in their language of instruction policy.

Layer Two. The overall relationship structure of Group One was authoritarian. Both states had a coercive utterance style with the state assuming a domineering role. This role has led to a concentration of power with the needs of those in power being put before the needs of the voters. A power-over relationship evolved with the state trying to get others to do what the state wants for the best interest of the state.

Within-group analysis revealed identical themes within the two states. Since policy writers in Massachusetts copied verbatim the majority of their utterances from California, the overt and underlying themes were also the same. These five themes include the indoctrination of English, biased value statements based on opinion, a lack of data to support the state's claims, a lack of theory to support the state's rationale, and an imbalance between what the state expects students to achieve in the public schools and what the state expects public schools to offer the students. There were no themes identified that were unique to either state.

Layer Three. Group One objectives were written in the format of Directives, which try to get others to do things. As such, objective fulfillment was ambiguous because it was unknown if the multitude of districts and schools upheld this order and to what degree. If the states had written their objectives from the perspective of what *the state* was committing itself to do, goal fulfillment would have been easier to determine. Analysis revealed that both California and Massachusetts had relevant objectives but neither state considered alternatives or included measures of success in their policy utterances. Both states claimed that the cited problem was a social issue that could be remediated but latent analysis revealed that the true orientation of the problem situation was economic in nature without definitive methods for how individual success would be measured or achieved.

The role and function of the policies in Group One served to confine the social order. Restricting the instructional languages used in the public schools was the cited function of the policies and largely went unchallenged by voters. Ultimately, the policies distorted society's value system by enforcing an elitist social arrangement. Group One policies did not hold contributive value to society, they were not instructionally sound or socially just, and they did not result in equitable social consequences.

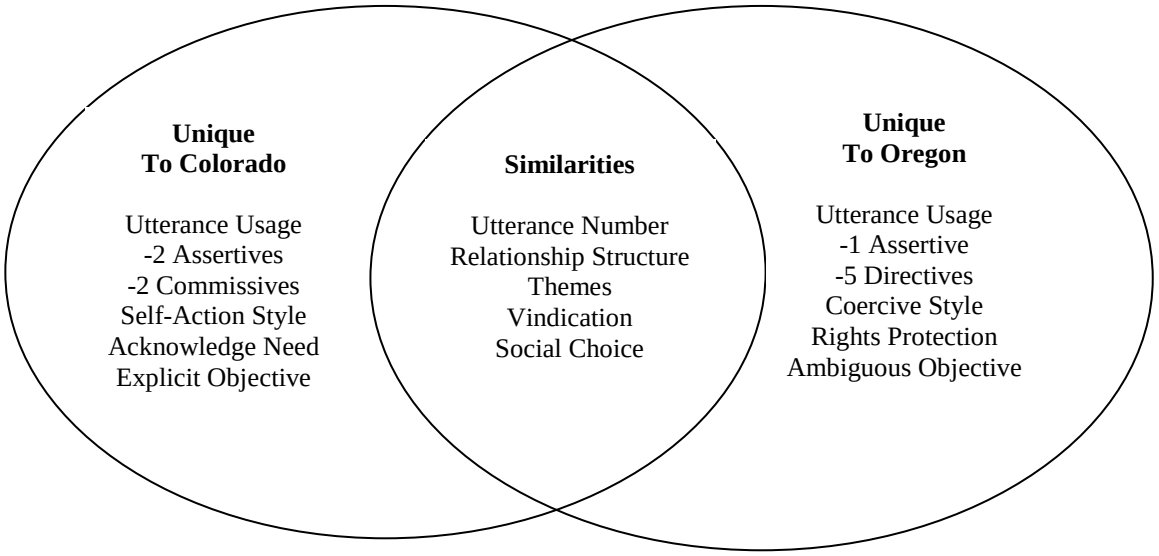
Within society, the policies represented a misalignment of the political philosophies between the voters and the state. In both California and Massachusetts, the voters believed that a restrictive language of instruction policy would lead to a more egalitarian society in which inequities would be removed among the people. However, both states held a totalitarian political philosophy in which individuals were viewed as subordinate to the state and all aspects of life and national productivity should be controlled by coercive means (Merriam-Webster's online dictionary, 2012). The misalignment between the states and voters represented a difference of

political philosophies and provided a glimpse into the motivations that each group had for supporting the policy. Voters sought to create an equitable society; however, the state sought to obtain power over the people.

Group Two: States Without English-Only Instruction

Colorado and Oregon had marked differences between their language of instruction policies. Both states rejected English-only initiatives; however, they each chose to construct their enacted language policies in very different manners (see Figure 5.3). While each policy was uniquely written, each had positive social consequences resulting from philosophical agreement between the state and voters.

Figure 5.3. Within Group Analysis: Group Two



Layer One. Both states chose to write their language of instruction policies with a limited number of utterances. Colorado used 4 utterances and Oregon used 6 utterances. While their utterances were few, their usages varied. For example, Colorado used 2 Assertives and 2 Commissives while Oregon used 1 Assertive and 5 Directives. As a result, the utterance style for Colorado was one of self-action in which the state acts primarily alone to achieve its goal. The mix of utterances indicated that the state first tells schools how things are, then commits itself to action. In comparison, Oregon had a coercive utterance style in which it tried to get the schools to do what the state wants. However, content analysis revealed that a coercive utterance style was not synonymous with an authoritarian relationship structure.

Layer Two. The relationship structure of both Colorado and Oregon was that of a guardianship. The states used separate approaches (self-action and coercive) in the discourse they used to construct their language of instruction policies but the result was the same: the state assumed the role of protector of the children. In Colorado, the state attempted to guard the children by committing itself to establishing and funding LEP programs. In Oregon, the state assumed the role of protector by trying to get the schools to instruct LEP students in any manner possible so that they could eventually profit from English-only classes. Both approaches achieved a symbiotic relationship between the state and the schools with the children's best interests held at the core.

Further analysis in Layer Two revealed a key similarity between the two states. Colorado's and Oregon's policies lack evidence that data or theory was consulted when they wrote their policies. Two dissimilarities were also notes. Unique to Colorado was the acknowledgement of a need for LEP programs to assist LEP students learn English. Unique to Oregon was the explicit protection of student and teacher rights.

Layer Three. Both of Group Two's states had objectives that were relevant to the identified problem. However, Colorado's objective was determined to be fulfilled whereas Oregon's was not. Colorado wrote their policy objective in the form of a Commissive, which committed the state to action. Therefore, goal fulfillment was able to be determined because there was only one entity to evaluate. Oregon's policy objective was written in the form of a Directive, which required others to take action. Goal fulfillment became ambiguous due to the multitude of schools that would have had to be evaluated in order to determine if the goal had been obtained.

Group Two's enacted policies served to support society by upholding and defending their language of instruction rights. Colorado's and Oregon's policies held contributive value to society, they were instructionally sound, they were socially just, and they had equitable social consequences. Both policies functioned in such a way that society's value system was maintained and the social arrangement remained equitable. The values that Coloradans and Oregonians held dear were preserved and its members of society were treated fairly.

The social impact of Group Two's policies included the removal of inequities among the people. This egalitarian political and social philosophy was used by the state when writing the enacted policies and was also held by the voters when they voted against the proposed restricted language of instruction policies. This resulted in philosophical alignment between the state and the voters.

## Phase III

Between-group analysis was conducted during the third and final phase of analysis. Findings from Group One were compared and contrasted against the findings from Group Two to identify common and dissimilar themes (see Table 5.2).

Table 5.2. Between Group Analysis

| *Unique to Group One* *(California and Massachusetts)* | *Similarities* | *Unique to Group Two* *(Colorado and Oregon)* |
|---|---|---|
| Layer 1:<br>• Many Utterances<br><br>Layer 2:<br>• Authoritarian Relationship<br>• Indoctrination of English<br>• Bias Value Statements<br>• Expectation Disconnect<br><br>Layer 3:<br>• Latent Problem is Economically Oriented<br>• No Alternatives<br>• Manifest Function Restricts Society<br>• Latent Function Restricts Society<br>• No Contributive Value to Society<br>• Not Instructionally Sound<br>• Not Socially Just<br>• Social Consequences not Equitable<br>• Distorted Society's Values<br>• Elitist Social Arrangement<br>• Totalitarian Philosophy of the State<br>• Not Philosophically Aligned | Layer 1:<br>• None<br><br>Layer 2:<br>• Lack of Data<br>• Lack of Theory<br><br>Layer 3:<br>• Objectives are Relevant<br>• Manifest Problems Socially Oriented<br>• No Measures of Success Exist<br>• Egalitarian Philosophy of Voters | Layer 1:<br>• Few Utterances<br><br>Layer 2:<br>• Guardian Relationship<br>• Value Need and Rights<br><br>Layer 3:<br>• Latent Problem is Socially Oriented<br>• Alternatives Considered<br>• Manifest Function Supports Society<br>• Latent Function Supports Society<br>• Contributive Value to Society<br>• Instructionally Sound<br>• Socially Just<br>• Equitable Social Consequences<br>• Maintains Society's Values<br>• Equitable Social Arrangement<br>• Egalitarian Philosophy of the State<br>• Philosophically Aligned |

### Similarities.

Few similarities were noted between the two groups of states. Fundamental to all four policies was the lack of data or theory to support their policy utterances. As a result, the statements could be interpreted as conjecture and cannot be substantiated. Both groups had relevant objectives; however, neither group stated how the success of their objectives was to be

measured. Group One and Group Two touted that their policies were socially oriented and analysis revealed that the voting publics of both groups maintained an egalitarian socio-political philosophy.

Dissimilarities.

Analysis revealed that no similarities existed between the two groups regarding how the utterances were constructed and used. For example, Group One's policies were comprised of many utterances whereas Group Two's policies were comprised of only a few. Each group also used their utterances differently to foster a specific type of relationship with those that the policy served. Group One constructed their utterances so that an authoritarian relationship evolved, but Group Two constructed their utterances so that a guardianship relationship developed.

Further analysis revealed that the groups' policies held significantly different latent meanings. The patterns that emerged from Group One suggested that the states perpetuated the indoctrination of English, they maintained expectations that were not aligned to the policies, and they held biased value statements. Latent meanings of Group Two suggested that the rights of stakeholders were valued and that the needs of the students were acknowledged. In other words, the underlying policy meanings of Group One were self-serving and the fundamental policy meanings of Group Two were to serve the needs of others.

Deliberate inquiry uncovered the different implications the policies had on society. Group One distorted society's values by passing a language of instruction policy that restricted individual rights. It twisted the values of freedom, equality, and community by claiming that the policy would help solve a social issue when in reality the problem was economic in nature.

Society's values were misrepresented to perpetuate an elitist social arrangement and a totalitarian political system.

Group Two upheld society's values by rejecting a restrictive policy and enacting a policy that defended individual rights. The problem situation was redefined as social in nature and a policy meant to positively impact society was written. The policy was instructionally sound, was socially just, and had equitable social consequences. By rejecting a restrictive policy, an alignment of beliefs emerged between the state and the people resulting in an egalitarian political and social philosophy.

## Summary

Phase II analysis uncovered findings directly related to the social and political motivations behind the policies, existing philosophical alignment, and the greater impact the policies had on society. Findings from the within-group analysis revealed that Group One states distorted society's value system and perpetuated an elitist social arrangement. The socio-political beliefs of the voters and the state were not aligned and their motivations for enacting the policy directly contradicted each other. Findings from the within-group analysis of Group Two states revealed that the states enacted a socially just policy that upheld the best interests of society, not the best interests of the state. There was also an alignment of motivations between the socio-political philosophies of the voters and the state.

Phase III analysis found that there were more dissimilarities than similarities between the two groups. Regarding political motivation, Group One policies were self-serving in nature whereas Group Two policies were meant to serve the needs of others. Regarding social impact,

Group One policies perpetuated an elitist social arrangement while Group Two policies maintained an egalitarian social arrangement.

# CHAPTER 6

# SUMMARY, CONCLUSIONS, and RECOMMENDATIONS

Findings of this study were a result of three distinct phases of analysis of four state language of instruction policies. Phase I, addressed in Chapter 4, deconstructed the manifest and latent meanings of four individual cases using a layers of analysis framework. The four cases were then placed into two groups according to their language of instruction policy. In Chapter 5, Phase II was conducted using a within-group analysis that compared and contrasted findings in each group of policies along with Phase III that engaged in a between-group analysis, which assessed findings amongst Group One and Group Two. Finally, this chapter reviews the collective findings to assist in answering the three guiding questions of this study.

## Summary of the Findings

1. *How does a policy's discourse influence expectations for students?*

Language of instruction policies that were written with an authoritarian relationship structure had the potential to have negative consequences for students. This was evidenced through disconnected student expectations and methods for goal attainment, lack of state commitment to student success, and state imposed values. A power-over relationship created an imbalance between what LEP students were expected to achieve and how they were expected to achieve it. Policies written with this type of structure used confusing discourse that sent mixed messages. For example, Group One states with authoritarian discourse outlined criteria for LEP students to achieve but they did not specify how the state was going to support them in achieving such measures. Students were expected to perform well but were not given the instructional tools necessary to do so.

This is consistent with findings from Cohen (2010) in which grammar was shown to allocate knowledge and to validate power relationships between different groups of people. It also substantiates findings from Meyer (1977), which demonstrated that public education serves as an allocating institution, distributing social privileges to some over others. The current study revealed that states with authoritarian discourse outline LEP student expectations but do not provide LEP students with the requisite tools to achieve the state's mandates. In doing so, the grammar used in the policies validates the state's position of power, reduces the power of schools and students, and restricts access to viable methods for increasing the knowledge and social standing of LEP students.

States using authoritarian discourse also specified that LEP students were expected to easily acquire English so that they could be reclassified from LEP to non-LEP. Until this transition takes place, policy discourse implies that LEP students would not be successful. Students who did not make this arbitrary transition within the allotted time frame were not expected to hold contributive value in the academic or social setting. In essence, Group One states expected that only a certain amount of LEP students would be successful and the rest would be failures. With this expectation, the state set their LEP student population up for failure before they were given a chance to succeed. Finally, states that used authoritarian discourse dictated what values were important within society, including speaking the English language. By defining student values, Group One states expected LEP students to acquiesce and obey the states' ideals.

This is consistent with findings that suggest preferred discourses and ideologies gain power over others in the educational setting depending on who the controlling actors are (Cohen, 2010; Meyer, Tyack, Nagel, & Gordon, 1979). Findings from the current study indicate that

states that used authoritarian discourse were able to manipulate the values of society by declaring that learning English was easy to do and by framing the acquisition of English as a social issue. By reframing society's values, the state was able to gain support for their political agenda without mass opposition from society. Rhetorical strategies, social ideology, and political reporting are key to gaining power over others (Cohen, 2010).

Conversely, Group Two policies that were written with a guardianship relationship structure had the potential to have a positive impact on student expectations. For example, states that assumed the role of protector expected their students to actually *profit* from learning English, not to merely acquire English language skills in order to perform better on tests with arbitrary cut-off scores. These states also did not expect LEP students to succeed in learning English without the structural and financial support of the state. Specific student expectations were intentionally left ambiguous at the state level to provide flexibility at the district level. In general, Group Two states expected LEP students to learn English individually and did not expect them to achieve mass benchmarks as a demographic group. There were differentiated expectations in reading, writing, and speaking; and states with guardianship discourse expected each student to learn at different rates within each of these categories. Finally, in states with a guardianship relationship structure, LEP students were expected to learn English fluency and literacy skills using whatever programming methods were available to best meet the students' individual needs. This learning was not given an expected time frame or deadline.

This is consistent with findings which indicate that there is not a one size fits all approach to learning a second language (Cummins, 1979; Rolstad, Mahoney, & Glass, 2005) and that the acquisition of linguistic and literacy skills may differ (Karam, 2005). Findings from this study suggest that in order for policies to have a positive impact on students, they must be written with

flexible programming options at the district level, differentiated expectations in academic and linguistic domains, and with structural and financial support from the state. Policy uniformity is not necessary for student success as long as the fundamental ideals are present.

Overall, states with an authoritarian relationship structure had a negative impact on LEP students. They created an imbalance between student expectations and the methods for goal attainment. They also set LEP students up for failure before giving them a chance to succeed. Finally, they expected LEP students to accept the states' language ideals. In comparison, states with a guardianship relationship structure positively impacted LEP students. These states offered flexible programming options and assumed responsibility for LEP students' successful acquisition of English. Finally, states with guardianship discourse expected LEP students to learn individually and at their own unique pace.

2. *What control structures and power relationships are embedded in state language of instruction policies?*

Findings indicate that control structures and power relationships exist within a policy's social function, problem orientation, value system, and social arrangement. These four latent forms of control manifest themselves through the manipulation of society in order to achieve the goals of the agenda setters. First, the broad social function of language of instruction policies was to appear more socially just in each new state it was proposed. However, the latent function of the policies was to become more restrictive with time. For example, the discourse of the proposed initiatives gradually changed from *English-only instruction* in California in 1998 to *English-immersion* in Oregon in 2008. Agenda setters wanted the proposed policy to appear less

restrictive and more equitable in order to garner the support required for the initiatives to pass. In states that passed the initiative, a policy was implemented that served to restrict the social order by propagating elitist beliefs. In states that rejected the initiative, the social order had the collective power to rise against and defeat elitist political agendas.

Second, power-over relationships were evidenced in the way that each state described the problem situation. The manifest problem orientation of all policies examined was touted to be social in nature. However, the underlying function of authoritarian policies was economic and the underlying function of guardianship policies was social. The authoritarian relationship structure of Group One policies indicated that these states were looking for a social method to achieve their personal economic goals. In doing so, the best interests of society were not valued. This disconnect fostered a coercive relationship and served to distort society's value system by claiming that the restrictive language of instruction policies would remove inequities among the people. However, the problem misalignment did not remove inequities; it served to perpetuate an inequitable power-over control structure.

Third, value systems acted as another source for embedded control structures. In states with authoritarian discourse, society's value system was distorted, which created a misalignment between the state's political philosophy and voters' political philosophy. The stated function of the restrictive language of instruction policies was said to be social in nature and was reported to support an egalitarian political philosophy. Since voters in Group One states held an egalitarian political philosophy, they assumed that the goal of the restrictive policy was to remove inequities within society. This contradicts the totalitarian political philosophy held by the state in which the goal was not to make society more equal, but was to create a society that was subordinate to the state and could be controlled by coercive methods. As a result, social control structures emerged

in states with totalitarian socio-political philosophies but not states with egalitarian socio-political philosophies.

Finally, the arrangement of society in each state provided evidence of power relationships and control structures. As a result of various political and social misalignments, a restrictive policy was enacted in Group One states that maintained an elitist social arrangement. In these states, the constituency was manipulated by the state in order to achieve the states' goals. Conversely, Group Two states rejected a restrictive language policy and enacted a policy that served the best interests of society. A guardian relationship emerged due to the state and the voters having similar socio-political philosophies and to identifying the problem situation in a similar manner. As a result, a supportive policy was put in place, perpetuating an equitable social arrangement. In Group Two states, the constituency had the power to challenge restrictive initiatives and had the support of the state to create a more equitable society.

These findings are consistent with findings which indicate that education has become fraught with elitist agendas, institutional self-interest, and opposing belief systems (Scribner, Aleman, & Maxcy, 2003). Also supported is the notion that powerful actors use social scripts and specific grammar patterns to exploit their elitist agendas and to conceal their true beliefs (Cohen, 2010). Findings from the current study suggest that voters in Group One states did not challenge the restrictive language of instruction policies because the true motivations and beliefs of the agenda setters were concealed. In Group Two states, voters sought to uncover the agenda setters' latent ideologies. As a result, relationships based on control and power became embedded in states with restrictive language of instruction policies but not in states without. States with restrictive language policies tended to use authoritarian discourse whereas states

without restrictive language policies tended to use discourse consistent with a guardianship relationship structure.

These findings are also consistent with findings which suggest that institutions use social issues to achieve economic and/or political clout (DiMaggio & Powell, 1983). Findings from the current study suggest that states in Group One used normative processes to create homogenous language of instruction policies and engaged in coercive isomorphism to achieve political power and control. For example, policies were created that did not allow for flexible programming options, those in power were not directly impacted by the policies, and those who viewed the problem situation in a similar manner were allotted greater clout within the organization. Group Two states did not engage in power-over processes because they were able to achieve resolution to a social issue in a socially just manner.

Finally, findings from this study are consistent with current literature which suggests that the true motivations of agenda setters shall remain obscured and dysfunctional policies will be poorly implemented while bureaucratic separation exists (Ingram & Schneider, 1990; Peters, 2010). Due to the lack of transparency between powerful actors and society, voters may never know or understand the true issue at hand, thus creating a misalignment between what society desires and what they believe they are voting for. As a result, dysfunctional language of instruction policies are created which are not properly implemented because they were created to serve a misrepresented need.

Overall, findings from this study suggest that when manipulation and misalignments exist between agenda setters and society, power relationships and control structures emerge. These manipulations may occur in the orientation of the problem, the social function of the policy, the

representation of society's values, or the social arrangement. Power is sought by those with authority, thus transparency of policy motivation is obscured. As a result, a power-over control structure has emerged in states with a totalitarian socio-political philosophy and remains embedded within policy discourse.

3. *What similarities and differences exist in policy discourse between states with English-only policies and states without?*

A key similarity between the two groups of policies was found regarding relationship structure. *The utterance style used to construct the policy did not dictate the relationship structure.* What determined the relationship structure was the way in which the state viewed their role in policy implementation. For example, it did not matter if the overall utterance style was coercive or self-action in nature, what mattered was how the state acted upon the utterances. If the state assumed a power-over role, an authoritarian relationship style evolved, but if the state assumed the role of protector, a guardianship relationship style emerged. Therefore, utterance type alone could not be used to determine the relationship structure of a policy. The use of the utterances *and* the underlying role of the state had to be considered to accurately determine the relationship that exists between the state and the people.

Policy discourse also did not support the use of research or theory in utterance construction. Neither group of policies demonstrated evidence that research based practices or popular theoretical frameworks were considered in the construction of their policies. Without documenting the source of their language of instruction decisions, the policies could be viewed as conjecture and their utterances cannot be substantiated. However, it did appear that both

groups of states were operating with some underlying assumptions about how to best serve LEP students.

This is consistent with findings which suggest that vague statutes lead to vague policies (Ingram & Schneider, 1990). As a result, ineffective language of instruction policies have been implemented with states assuming different relationship structures and without documenting research based practices. Without being able to substantiate a state's actions, evaluation of the policy's effectiveness is made impractical and modifications or improvements are unable to be made. Further compounding the issue of policy effectiveness is how to measure implementation success, through compliance or through progress of problem solving (Ingram & Schneider, 1990).

## Conclusions

This study was grounded on the notion that knowledge is fluid and continually evolving (Giroux, 1991). As part of this evolution, institutional relationships have become misaligned, classifications have replaced values, and underlying meanings oftentimes supersede explicit meaning (Powell & DiMaggio, 1991).

In answering the research questions, the following implications emerged:

- Authoritarian relationship structure held negative consequences for LEP students
    - Student expectations and the methods for attaining the expectations were disconnected
    - LEP students were set up for failure before given a chance to succeed
    - LEP students were expected to accept the states' language ideals
- Guardianship relationship structure positively impacted LEP students

    - Programming options were flexible
    - LEP student learning was expected to take place individually and at unique rates
    - State assumed responsibility for LEP students' successful acquisition of English
- Misalignments led to power relationships and control structures
    - Embedded problem orientation was economic in nature for states with authoritarian discourse and was social in nature for states with guardianship discourse
    - Embedded social function was restrictive for states with authoritarian discourse and was supportive for states with guardianship discourse
    - Embedded political philosophy was misaligned in states with authoritarian discourse but aligned in states with guardianship discourse
- Relationship structure was not based solely on the type of utterances used to write the policy but also depended on how the state viewed their role

## Recommendations and Further Research

The purpose of this study was twofold. First, it sought to investigate institutional control structures behind language of instruction policies in public education. Secondly, it sought to examine how the policies shaped and were shaped by relationships between institutions and society. While the focus was on language of instruction policies, expanding the study to include other types of policies would increase the breadth and depth of the relationships and control structures uncovered by this investigation.

Specifically, additional policies in education should be examined to validate the notion that a guardianship relationship structure produces policies that positively impact students. While

language of instruction policies have shown to directly impact LEP students, further policy analysis should include the evaluation of educational policies that impact *all* students who attend public schools. If a guardianship relationship structure can be generalized to additional education policies, policy makers and educators can strive to write policies where students are positively, not negatively, impacted by the policy's discourse.

Similarly, education policies should be evaluated to identify markers in the discourse that indicates whether a totalitarian or an egalitarian political philosophy is being upheld. Western societies have gradually become indifferent to the goals and political agendas of the State (Giroux, 1991). As a result, democracy has failed and those with power are able to mask their political motivations. By identifying the discourse that supports a totalitarian political philosophy and the discourse that supports an egalitarian political philosophy, policy makers can ensure that they choose to construct their policies with language that supports an egalitarian society. In doing so, the motivations of those with power are made transparent.

Policies outside of education should also be examined for embedded control structures and power relationships. Alignment or misalignment of the eight categories and subcategories identified in Table 5.1 can provide insights regarding what domains tend to be more contentious than others. These power structures can then be evaluated by category to identify trends in the policy writing process and to identify underlying motivators. Exposing a policy's power relationships and control structures is an arduous task but can lend great insight regarding the true intent of a policy.

Finally, further study should include the evaluation of policy effectiveness. Neo-institutional research suggests that goals of efficiency are no longer an organizational concern

and have been replaced by goals of power, legitimacy and economic resources (DiMaggio & Powell, 1983). This study has identified that when policy goals are written in the form of a Commissive, policy effectiveness is easier to determine. If a policy's goal is written as a Commissive, does it also value policy effectiveness over institutional power? A study addressing this subject could provide insight toward 1) how a policy can become more effective and 2) whether efficiency or power is the dominant goal of the organization.

Appendix A

California Utterance Matrix

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
|---|---|---|---|---|---|
| | **CALIFORNIA** | | | | |
| 1 | English ***shall*** be the ***basic*** language of instruction in ***all*** schools. | Directive | S requires H + H to instruct | No other language will be used to instruct students. | |
| Interpretation:<br>SHALL=expressing a command<br>BASIC=fundamental, most important<br>ALL=every member or individual component<br>Value statement that English is the most important language<br>Indoctrination of English will take place. | | | | | |
| 2 | The governing board of any school district, or community college district, and any private school may determine when and under what circumstances instruction may be given bilingually. | Directive | S permits H + H to determine | S is absolved of all liability because if the students receive bilingual instruction and don't reach mastery, it is the H's fault. | |
| Interpretation:<br>As is. | | | | | |
| 3 | It is the policy of the state to ***insure*** the ***mastery*** of English by ***all*** pupils in the schools | Directive | S requires H + H to master | Assumes that all students can attain mastery according to S's definition.<br><br>Supports the indoctrination of English and places H at fault if English is not mastered. | |
| Interpretation:<br>INSURE=to make certain<br>MASTERY=complete ability of a skill to do, use, or understand<br>ALL=every member or individual component<br>State is attempting to make sure that every student has complete facility to use and understand the English language.<br>Does not allow for variations or degrees of mastery by students. | | | | | |
| 4 | provided that bilingual instruction may be ***offered*** in those situations when such instruction is ***educationally*** | Directive | S permits H + H to offer | S is absolved of all liability because if the students receive bilingual instruction and | |

| | | | | | |
|---|---|---|---|---|---|
| | ***advantageous*** to the pupils. | | | don't reach mastery, it is the H's fault. | |
| Interpretation:<br>OFFERED=proposed or suggested<br>Subjective statement | | | | | |
| 5 | Bilingual instruction is ***authorized*** to the extent that it does not ***interfere*** with the ***systematic, sequential, and regular instruction*** of ***all*** pupils in the English language. | Assertive | S authorizes + bilingual instruction | | The indoctrination of English (of teaching a belief/ideology to discourage independent thought) |
| Interpretation:<br>AUTHORIZED=empowered with legal authority<br>INTERFERE=to oppose, hinder, or impede; bilingual instruction is detrimental to students<br>ALL=every member or individual component<br>Word Usage: authorized over offered<br>Value statement that English-only is better than multi-lingual<br>Mass instruction of one-size fits all | | | | | |
| 6 | Pupils who are proficient in English and who, by successful completion of advanced courses in a foreign language or by other means, have become fluent in that language may be instructed in classes conducted in that foreign language. | Directive | S permits H + H to instruct | Unless mastery of English has been achieved, instruction in another language is forbidden. S reserves the right to decide who they deem is English proficient and who isn't. | |
| Interpretation:<br>As is. | | | | | |
| 7 | Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the ***vast majority*** of California ***residents***, and is also the ***leading world language*** for science, technology, and international business, thereby being the ***language of economic opportunity*;** and | Assertive | S concludes + language of opportunity | | English is the unofficial preferred language in America.<br><br>Successful people speak English. |
| | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Interpretation:<br>RESIDENTS=living in a place for some length of time<br>CITIZENS= members of a state entitled to rights and privileges, owes allegiance to a government and is entitled to protection<br>LEADING=ranking first<br>Word Usage: vast majority is a redundant term exemplifying the perceived prevalence of English<br>Word Usage: did not use citizens. A vast majority of CA citizens may speak English; however, a vast majority of CA residents may not.<br>Subjective value statement about what it means to lead | | | | | |
| 8 | Whereas, ***Immigrant parents are eager*** to have their children acquire a ***good knowledge of English,*** thereby allowing them to ***fully participate*** in the ***American Dream*** of economic and social advancement; and | Assertive | S concludes + parents are eager | | English speaking, employed, home ownership, 2 children, and married to a member of the opposite sex. Can earn more money than the generation before you. |
| Interpretation:<br>EAGER=very excited and interested<br>GOOD=adequate, conforming to a standard<br>KNOWLEDGE=range of one's information gained through experience<br>AMERICAN DREAM=American social ideal that stresses egalitarianism and material possessions;<br>Word Usage: S uses the terms mastery and good knowledge synonymously when in fact they have very different meanings<br>Word Usage: participate not achieve, but an attempt to achieve<br>**It is the expectation of the S that LEPs obtain mastery in English but they are only expecting schools to teach a good knowledge of English**<br>Contradiction: egalitarianism and advancement<br>**S assumes knowledge of immigrant parents' desires** | | | | | |
| 9 | Whereas, The government and the public schools of California have a ***moral obligation and a constitutional duty*** to provide ***all*** of California's children, regardless of their ethnicity or national origins, with the skills necessary to become ***productive members*** of our society, | Assertive | S concludes + obligation to provide | | English speaking, employed, pay taxes, accumulate debt, and no criminal record. |
| Interpretation:<br>OBLIGATION= bound to provide an assigned service<br>ALL=every member or individual component<br>PRODUCTIVE=yielding results, benefits, or profits in abundance<br>Word Usage: not willfully engaged to perform the discussed service<br>Word Usage: could not use all children if discussing CA citizens<br>**Productive members term used as mutually exclusive to bilingual members of society** | | | | | |
| 10 | and of these skills, | Assertive | S concludes + | | None |

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| | literacy in the English language is among the ***most important***; and | | English literacy importance | | |
| Interpretation:<br>MOST=greatest in extent or degree<br>Superiority and value statement | | | | | |
| 11 | Whereas, The public schools of California currently ***do a poor job*** of educating immigrant children, ***wasting financial resources*** on ***costly experimental language programs*** whose ***failure*** over the past two decades is demonstrated by the current ***high drop-out rates*** and ***low English literacy levels*** of many immigrant children; and | Assertive | S concludes + poor immigrant education | | The S has failed. They've failed to educate ELLs to prevent them from dropping out of school and from becoming literate in English.<br><br>Time is money metaphor; orientation metaphor |
| Interpretation:<br>FAILURE=lack of success or falling short<br>**Word Usage: failure is attributed to student skill attainment, not state or school implementation error**<br>Correlates drop-out rates and literacy rates to the language of instruction without supporting data | | | | | |
| 12 | Whereas, Young immigrant children ***can easily acquire full fluency*** in a new language, such as English, if they ***are heavily exposed*** to that language in the classroom at an early age. | Assertive | S concludes + children can acquire | | English is personified.<br><br>English is a possession.<br><br>Be fully indoctrinated.<br><br>Older students are more difficult to indoctrinate. |
| Interpretation:<br>EASILY=with little difficulty<br>ACQUIRE=to come into possession by unknown or ambiguous means<br>FULL=maximum, highest or greatest degree<br>Full Fluency=mastery<br>HEAVILY=severely, dully, or grievously<br>EXPOSED=unprotected, vulnerable, endangered<br>Word Usage: exposed, not learn<br>**LEP students can easily achieve mastery of the English language without being instructed in that language.**<br>No evidence that learning theory or second language acquisition theory was considered. | | | | | |
| 13 | Therefore, It is resolved that: ***all*** children in California | Directive | S requires H + H to teach | Indoctrination of English must take place | |

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| | public schools ***shall*** be ***taught*** English as ***rapidly and effectively*** as possible | | | swiftly.<br><br>Assumes that rapid instruction is the most effective method for ELLs to become proficient in English. | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>TAUGHT=to instruct or cause to know something<br>Word Usage: rapidly supersedes effective<br>**Word Usage: taught not learn; it is the expectation that schools will teach but not that students will learned, learning is not explicitly valued**<br>Not based in learning theory or second language acquisition theory | | | | | |
| 14 | to the exceptions provided in Article 3 (commencing with Section 310), ***all*** children in California public schools ***shall*** be ***taught English by being taught in English.*** | Directive | S requires H +H to teach | If you speak another language you will not receive instructional support in that language.<br><br>Assumes this is the most effective method for all types of learners.<br><br>Supports the indoctrination of English. | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>TAUGHT=to instruct or cause to know something<br>**Word Usage: taught not learn; it is the expectation that schools will teach but not that students will learned, learning is not explicitly valued**<br>English-only is superior method of instruction for LEPs<br>Not based in learning theory or second language acquisition theory | | | | | |
| 15 | In particular, this ***shall*** require that ***all*** children be ***placed in English*** language classrooms | Directive | S requires H + H to place | None | |
| Interpretation:<br>SHALL=expressing a command<br>ALL=every member or individual component<br>PLACED=to set in a particular place, to rank<br>Word Usage: schools are commanded to place all students in English speaking classrooms because they are superior to other types of classrooms<br>English-only is superior method of instruction for LEPs<br>Not based in learning theory or second language acquisition theory | | | | | |

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| 16 | Children who are English learners ***shall*** be educated through sheltered English immersion during a temporary transition ***period not normally intended to exceed one year.*** | Directive | S requires H + H to educate | After 1 year, students are expected to have achieved a specific level of mastery and are expected to be successful in mainstream classrooms. | |
| Interpretation:<br>SHALL=expressing a command<br>Not based in learning theory or second language acquisition theory<br>Periods longer than one year are not desired | | | | | |
| 17 | Local schools ***shall*** be ***permitted to place*** in the same classroom English learners of different ages but whose degree of ***English proficiency is similar***. | Directive | S permits H + H to place | Regardless of practicality or practice, H is allowed to mix ages but not proficiency levels.<br><br>S does not want more experienced ELLs to teach less experienced ELLs. | |
| Interpretation:<br>SHALL=expressing a command<br>PERMIT=allow, an authoritative verb<br>PLACE=to set or rank<br>Word Usage: permit not encouraged<br>Not based in learning theory or second language acquisition theory<br>Favorable to combine different age students of similar proficiencies but not different age students of different proficiencies | | | | | |
| 18 | Local schools ***shall*** be ***encouraged to mix*** together in the same classroom English learners from different native-language groups but with the ***same degree of English fluency***. | Directive | S encourages H + H to mix | Regardless of practicality or practice, H is allowed to mix languages but not proficiency levels.<br><br>S does not want more experienced ELLs to teach less experienced ELLs. | |
| Interpretation:<br>SHALL=expressing a command<br>ENCOURAGED=to inspire with spirit or hope<br>MIX=to blend or bring into close association, collaborative verb<br>Not based in learning theory or second language acquisition theory<br>Favorable to combine different native groups of similar proficiencies but not different native groups of | | | | | |

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| different proficiencies<br>Supports the hope that different native language groups will be blended together | | | | | |
| 19 | Once English learners have acquired a ***good working knowledge*** of English, they ***shall*** be transferred to English language mainstream classrooms. | Directive | S requires H + H to transfer | Until ELLs have attained a standard set by S, they cannot be transferred.<br><br>However, after 1 year they will typically be transferred regardless (see CA #16). | |
| Interpretation:<br>GOOD=adequate, conforming to a standard<br>WORKING=in use<br>KNOWLEDGE=range of one's information gained through experience<br>SHALL=expressing a command<br>Word Usage: adequacy/good assumes success<br>Once LEPs can adequately use the English language they are transferred | | | | | |
| 20 | ***As much as possible***, current supplemental funding for English learners ***shall*** be maintained, subject to possible modification under Article 8 (commencing with Section 335) below. | Commissive | S requires S + S to fund | S will try to help fun ELL programming but doesn't commit to guaranteeing funding. | |
| Interpretation:<br>POSSIBLE=potential or something that may or may not happen<br>SHALL=expressing a command<br>Word Usage: possible is not guaranteed, can be rescinded at any time<br>**The only Commissive statement committing the state to execute an action is made exempt by the availability of possible funds, thus alleviating it of responsibility.** | | | | | |

Appendix B

Massachusetts Utterance Matrix

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
|---|---|---|---|---|---|
| | **MASSACHUSETTS** | | | | |
| 21 | The English language is the ***common public language*** of the United States of America and of the Commonwealth of Massachusetts. | Assertive | *S concludes + English language popularity* | | English is the unofficial preferred language in America (see CA # 7). |
| Interpretation:<br>COMMON= shared by all members of a group<br>PUBLIC=affecting all the people or the whole area of a nation or state | | | | | |
| 22 | It is spoken by the ***vast majority*** of Massachusetts ***residents***, and is also the ***leading world language*** for science, technology, and international business, thereby being the ***language of economic opportunity***; and | Assertive | *S concludes + language of opportunity* | | Successful people speak English (see CA #7). |
| Interpretation:<br>RESIDENTS=living in a place for some length of time<br>CITIZENS= members of a state entitled to rights and privileges, owes allegiance to a government and is entitled to protection<br>LEADING=ranking first<br>Word Usage: vast majority is a redundant term exemplifying the perceived prevalence of English<br>Word Usage: did not use citizens. A vast majority of MA citizens may speak English; however, a vast majority of MA residents may not.<br>Subjective value statement about what it means to lead | | | | | |
| 23 | ***Immigrant parents are eager*** to have their children become ***fluent and literate in English***, thereby allowing them to ***fully participate*** in the ***American Dream*** of economic and social advancement; and | Assertive | *S concludes + parents are eager* | | English speaking, employed, home ownership, 2 children, and married to a member of the opposite sex. Can earn more money than the generation before you (see CA #8). |
| Interpretation:<br>EAGER=very excited and interested | | | | | |

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| FLUENT=capable of using a language easily and accurately<br>LITERATE= able to read and write<br>AMERICAN DREAM=American social ideal that stresses egalitarianism and material possessions;<br>Word Usage: participate not achieve, but an attempt to achieve<br>**S assumes knowledge of immigrant parents' desires** | | | | | |
| 24 | The government and the public schools of Massachusetts have a ***moral obligation and a constitutional duty*** to provide ***all*** of Massachusetts's children, regardless of their ethnicity or national origins, with the skills necessary to become ***productive members*** of our society. | Assertive | *S concludes + obligation to provide* | | English speaking, employed, pay taxes, accumulate debt, and no criminal record (see CA #9). |
| Interpretation:<br>OBLIGATION= bound to provide an assigned service<br>ALL=every member or individual component<br>PRODUCTIVE=yielding results, benefits, or profits in abundance<br>Word Usage: not willfully engaged to perform the discussed service<br>Word Usage: could not use all children if discussing MA citizens<br>**Productive members term used as mutually exclusive to bilingual members of society** | | | | | |
| 25 | Of these skills, ***literacy*** in the English language is among the ***most important***. | Assertive | *S concludes + English language importance* | | None (see CA #10). |
| Interpretation:<br>LITERACY=state of being able to read and write<br>MOST=greatest in extent or degree<br>Superiority and value statement | | | | | |
| 26 | The public schools of Massachusetts have done an ***inadequate job*** of educating many immigrant children, requiring that they be placed in native language programs whose ***failure*** over past decades is ***demonstrated by the low English literacy levels of those children.*** | Assertive | *S concludes + poor immigrant education* | | The S has failed. S has failed to provide instructional services to ELLs so that they can increase their English literacy skills (see CA #11). |
| Interpretation:<br>INADEQUATE=not capable<br>FAILURE=lack of success or falling short<br>Correlates the language of instruction program that was offered to low literacy levels without supporting data | | | | | |
| 27 | Immigrant children can ***easily acquire full*** | Assertive | *S concludes + children can* | | English is personified. |

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| | ***fluency and literacy*** in a new language, such as English, if they are ***taught*** that language in the classroom ***as soon as they enter school.*** | | *acquire* | | English is a possession.<br><br>Can read and write the English language.<br><br>Be fully indoctrinated (see CA #12). |
| Interpretation:<br>EASILY=with little difficulty<br>ACQUIRE=come into possession by unknown or ambiguous means<br>FULL=maximum, highest or greatest degree<br>Full Fluency=mastery<br>LITERACY=able to read and write<br>TAUGHT=to instruct or cause to know something<br>**No evidence that learning theory or second language acquisition theory was considered.** | | | | | |
| 28 | Therefore it is resolved that: ***all*** children in Massachusetts public schools ***shall*** be ***taught*** English as ***rapidly and effectively*** as possible. | Directive | *S requires H + H to teach* | Indoctrination of English must take place swiftly.<br><br>Assumes that rapid instruction is the most effective method for ELLs to become proficient in English (see CA #13). | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>TAUGHT=to instruct or cause to know something<br>Word Usage: rapidly supersedes effective<br>**Word Usage: taught not learn; it is the expectation that schools will teach but not that students will learned, learning is not explicitly valued**<br>Not based in learning theory or second language acquisition theory | | | | | |
| 29 | Subject to the exceptions provided in Section 5 of this chapter, ***all*** children in Massachusetts public schools ***shall*** be ***taught English by being taught in English*** | Directive | *S requires H +H to teach* | If you speak another language you will not receive instructional support in that language.<br><br>Assumes this is the most effective method for all types of learners. | |

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| | | | | Supports the indoctrination of English (see CA #14). | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>TAUGHT=to instruct or cause to know something<br>**Word Usage: taught not learn; it is the expectation that schools will teach but not that students will learned, learning is not explicitly valued**<br>English-only is superior method of instruction for LEPs<br>Not based in learning theory or second language acquisition theory | | | | | |
| 30 | and ***all*** children ***shall*** be ***placed*** in English language classrooms. | Directive | *S requires H + H to place* | None (see CA #15). | |
| Interpretation:<br>SHALL=expressing a command<br>ALL=every member or individual component<br>PLACED=to set in a particular place, to rank<br>Word Usage: schools are commanded to place all students in English speaking classrooms because they are superior to other types of classrooms<br>English-only is superior method of instruction for LEPs<br>Not based in learning theory or second language acquisition theory | | | | | |
| 31 | Children who are English learners ***shall*** be educated through sheltered English immersion during a temporary transition period ***not normally intended to exceed one school year***, | Directive | *S requires H + H to educate* | After 1 year, students are expected to have achieved a specific level of mastery and are expected to be successful in mainstream classrooms. (see CA # 16). | |
| Interpretation:<br>SHALL=expressing a command<br>Not based in learning theory or second language acquisition theory<br>Periods longer than one year are not desired | | | | | |
| 32 | provided, however, that ***kindergarten*** English learners ***shall*** be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language, so-called. | Directive | *S requires H + H to educate* | Only kindergarten ELLs benefit from various assistance approaches (but only in English, not the native language). | |
| Interpretation:<br>KINDERGARTEN=a school or class for children usually from four to six years old<br>SHALL=expressing a command | | | | | |

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| Value statement that English is the best language | | | | | |
| 33 | Local schools ***shall*** be ***permitted*** but ***not required*** to ***place*** in the same classroom English learners of different ages but whose degree of ***English proficiency is similar***. | Directive | *S permits H + H to place* | Regardless of practicality or practice, H is allowed to mix ages but not proficiency levels.<br><br>S does not want more experienced ELLs to teach less experienced ELLs (see CA #17). | |
| Interpretation:<br>SHALL=expressing a command<br>PERMIT=allow, an authoritative verb<br>REQUIRE=to claim or ask for by right and authority<br>PLACE=to set or rank<br>Word Usage: permit not encouraged<br>Not based in learning theory or second language acquisition theory<br>Favorable to combine different age students of similar proficiencies but not different age students of different proficiencies | | | | | |
| 34 | Local schools ***shall*** be ***encouraged*** to ***mix*** together in the same classroom English learners from different native-language groups but with the ***same degree of English fluency.*** | Directive | *S encourages H + H to mix* | Regardless of practicality or practice, H is allowed to mix languages but not proficiency levels.<br><br>S does not want more experienced ELLs to teach less experienced ELLs (see CA #18). | |
| Interpretation:<br>SHALL=expressing a command<br>ENCOURAGED=to inspire with spirit or hope<br>MIX=to blend or bring into close association, collaborative verb<br>Not based in learning theory or second language acquisition theory<br>Favorable to combine different native groups of similar proficiencies but not different native groups of different proficiencies<br>Supports the hope that different native language groups will be blended together | | | | | |
| 35 | Once English learners ***acquire*** a ***good working knowledge*** of English and are able ***to do regular school work*** in English, they ***shall no longer be classified*** as English learners and | Directive | *S requires H + H to classify* | Assumes a good working knowledge (BICS) = ability to complete regular work in English (CALP). | |

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| | | | | S determines the test criteria used to determine who they classify as ELL or not ELL. | |
| Interpretation:<br>ACQUIRE=to come into possession by unknown or ambiguous means<br>GOOD=adequate, conforming to a standard<br>KNOWLEDGE=range of one's information gained through experience<br>CLASSIFY=to assign to a category<br>Academic potential is limited until reclassified | | | | | |
| 36 | ***shall*** be ***transferred*** to English language mainstream classrooms. | Directive | *S requires H + H to transfer* | If they don't reach a preset level they will typically be transferred after 1 year regardless (see MA #31). | |
| Interpretation:<br>SHALL=expressing a command<br>TRANSFER=to convey from one person, place, or situation to another | | | | | |
| 37 | Foreign language classes for children who already know English, 2-way bilingual programs for students in kindergarten through grade 12 and special education programs for physically or mentally impaired students ***shall*** be ***unaffected***. | Directive | *S requires H + H to not change* | Assumes the indoctrination of English has taken place, is taking place, or is beyond possibility. | |
| Interpretation:<br>SHALL=expressing a command<br>UNAFFECTED=not influenced or changed | | | | | |

Appendix C

Colorado Utterance Matrix

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
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| | **COLORADO** | | | | |
| 38 | The general assembly hereby finds, determines, and declares that there is a ***substantial*** number of students in this state whose ***educational potential is severely restricted*** due to their lack of proficiency with the English language. | Assertive | S concludes + restricted educational opportunities | | None. |
| Interpretation:<br>SUBSTANTIAL=considerable in quantity<br>POTENTIAL=existing in possibility, capable of development into actuality<br>SEVERELY=of a great degree<br>RESTRICTED=subjected to restriction as available to the use of particular groups<br>State believes that LEP students' educational potential would increase with better English language skills | | | | | |
| 39 | The general assembly ***recognizes*** the ***need to provide for transitional programs*** to ***improve*** the English language skills of these students. | Assertive | S recognizes + a need to provide and improve | | None. |
| Interpretation:<br>RECOGNIZE=to acknowledge formally<br>NEED=necessary duty<br>PROVIDE=to make preparation to meet a need, to supply something for sustenance or support<br>Acknowledgement is made by the state that transitional programs that utilize the home language are not only beneficial but necessary | | | | | |
| 40 | The general assembly declares that, in order to ***improve*** educational and career opportunities for every student in this state, it is the purpose of this article to ***provide*** for the ***establishment*** of an ***English language proficiency program*** in the public schools and facility schools and | Commissive | S declares H + S to establish | S will establish ELL programs but does not indicate how they will be maintained, who is responsible, or what the goals might be. | |

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| Interpretation:<br>IMPROVE=to advance or make progress in what is desirable<br>PROVIDE= to make preparation to meet a need, to supply something for sustenance or support<br>ESTABLISHMENT=a settled arrangement, a code of laws<br>State is addressing the acknowledged need from Utterance 39 by committing and assuming responsibility for creating the program | | | | | |
| 41 | to ***provide*** for ***the distribution of moneys*** to the several school districts, the state charter school institute, and facility schools to help defray the costs of such program. | Commissive | S declares H + S to help fund | S will help fund for the establishment of the ELL programs. | |
| Interpretation:<br>PROVIDE= to make preparation to meet a need, to supply something for sustenance or support<br>DISTRIBUTION=a sum of money withdrawn from a fund and given to the beneficiary<br>State is addressing the acknowledged need from Utterance 39 by committing and assuming financial responsibility for the program | | | | | |

Appendix D

Oregon Utterance Matrix

| *Utterance* | *State* | *Act* | *Representation* | *Indirect Acts* | *Metaphors* |
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| | **OREGON** | | | | |
| 42 | Instruction in ***all*** subjects in public, private and parochial schools ***shall*** be conducted ***primarily*** in English, except: Instruction in foreign languages. | Directive | S requires H + H to instruct | Only foreign language instruction can be conducted in a language other than English. | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>PRIMARILY=for the most part<br>Word Usage: Instruction in all subjects versus instruction of all students | | | | | |
| 43 | Instruction ***may*** be ***conducted*** in ***more than one language*** in order that pupils whose native language is other than English can ***develop bilingual skills*** to make an ***early and effective*** transition to English and benefit from increased educational opportunities. | Directive | S permits H + H to instruct | Assumes the ELLs need instructional support in their native language to facilitate the learning of a second language and to be successful academically. | |
| Interpretation:<br>MAY=used to indicate possibility or probability<br>CONDUCTED=to lead from a position of command<br>DEVELOP=to create, produce, or grow especially by deliberate effort over time<br>SKILLS=a learned power of doing something competently, an aptitude or ability<br>Word Usage: Develop is a supportive word used to foster growth<br>Word Usage: Conducted is a command word indicating that permission has been given<br>Emphasis on early instruction above effective instruction<br>Schools are allowed to instruct LEP students in their home language | | | | | |
| 44 | Specific courses to teach ***speaking, reading and writing*** of the English language ***shall*** be ***provided*** at ***kindergarten*** and ***each grade level*** to those | Directive | S requires H + H to provide | All ELLs who are struggling in English speaking classrooms will be given support at all grade levels to increase their speaking and literacy skills. | |

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| | children who are unable to ***profit*** from classes taught in English. | | | | |
| Interpretation:<br>SHALL=expressing a command<br>PROVIDE=to make preparation to meet a need, to supply something for sustenance or support<br>PROFIT=a valuable return<br>Word Usage: Purposeful word selection of profit over another word such as benefit<br>Emphasis on English language fluency as well as literacy skills<br>Emphasis on all students being able to benefit from the courses offered | | | | | |
| 45 | Such courses ***shall*** be taught to such a level in school as may be required until children are able to ***profit*** from classes conducted in English. | Directive | S requires H + H to teach | No time limit on the support ELLs can receive. | |
| Interpretation:<br>SHALL=expressing a command<br>PROFIT=a valuable return<br>Word Usage: Purposeful word selection of profit over another word such as benefit<br>Time frame for the courses is not dictated to the schools | | | | | |
| 46 | ***All*** school districts providing courses pursuant to ORS 336.079 ***shall afford*** the licensed personnel of that district that are assigned to perform teaching duties for such courses an ***opportunity*** to ***qualify*** to ***assist*** non-English-speaking students to ***learn*** English at ***no cost*** to the personnel. | Directive | S requires H + H to offer | Supports teachers to obtain extra training in ELL instructional strategies for free.<br><br>Indicates that there are specific teaching strategies that ELLs benefit from and encourages teachers to learn them. | |
| Interpretation:<br>ALL=every member or individual component<br>SHALL=expressing a command<br>OPPORTUNITY=a favorable juncture of circumstances<br>QUALIFY=to fit by training, skill, or ability for a special purpose; declare competent<br>ASSIST=to give support or aid<br>LEARN=to gain knowledge or understanding by study, instruction, or experience<br>Word Usage: Choice of the word learn instead of teach or instruct<br>State does not penalize them for teaching LEP students<br>By making the classes available, the state is supporting the increase in teachers who are qualified to teach LEP students<br>State protects teachers by not making them financially responsible for the professional development | | | | | |
| 47 | Nothing in this section prevents a district from | Assertive | S allows + employing | | None. |

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| | employing licensed personnel who are qualified to teach courses under ORS 336.079. | | | | |
| Interpretation:<br>As is. | | | | | |

Appendix E

California Discourse Framework

| **California** | | | |
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| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
| VERIFICATION | Examines policy objectives and goal fulfillment | Does the program empirically fulfill its stated objective(s)?<br><br>Does the empirical analysis uncover secondary or unanticipated effects that offset the program objective(s)?<br><br>Does the program fulfill the objective(s) more efficiently than alternative means available? | Overarching policy objective: All children in California public schools will be taught English as fast as possible in English-only classrooms.<br><br>No empirical evidence is offered to indicate that this type of program is effective.<br><br>The policy fulfills its stated objective by commanding the implementation of English-only instruction.<br><br>Policy does not consider educational objectives of parents or other stakeholders.<br><br>Policy objective does not mention the success of students in learning and using the English language.<br><br>*Objective is implemented to the exclusion of research, parental desires, and goals of student success.* |
| Key Objectives:<br>1) English shall be the basic language of instruction in all schools.<br>13) All children in California public schools shall be taught English as rapidly and effectively as possible.<br>14) All children in California public schools shall be taught English by being taught in English.<br>15) This shall require that all children be placed in English language classrooms.<br>16) Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. | | | |
| VALIDATION | Examines underlying conceptualizations and assumptions of the policy | Is the program objective(s) relevant to the problem situation?<br><br>Are there circumstances in the situation that require an exception to be made to the objective(s)?<br><br>Are two or more criteria equally relevant to the problem situation? | The problem situation: LEP students do not have the English language skills required to produce abundant benefits to society.<br><br>Program objective is relevant to the problem situation; however, methods for goal attainment are not empirically founded.<br><br>The program enforces English at the exclusion of all other languages and the loss of native languages.<br><br>No exception to the program objective is sanctioned by the state. |

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| | | | Policy conceptualizes the problem situation as a deficit in need of manipulation and remediation.<br><br>Underlying assumptions about the program include the ease with which young LEP students can learn English and the cost-effectiveness of an English-only program.<br><br>*Who benefits most from a productive society?* |
| Supporting Utterances:<br>9) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society,<br>10) And of these skills, literacy in the English language is among the most important; and<br>11) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and<br>12) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. | | | |
| VINDICATION<br><br>*Consequences*<br>*Values*<br>*Function*<br><br>*Unit of analysis: Social System*<br><br>*Brief background of the social and political landscape of the time*<br><br>*Incorporate or "test" hypothesis of opinions from different angles/ stakeholders* | Examines the role and function of the policy within existing societal constructs | Does the policy goal have contributive value to society as a whole?<br><br>Does the policy goal result in unanticipated problems with important societal consequences?<br><br>Does a commitment to the policy goal lead to consequences that are judged to be equitably distributed? | The policy goal places no value on students learning English or their success in doing so.<br><br>The policy devalues a multilingual society.<br><br>Unanticipated problems include a monolingual society unprepared to succeed in the global marketplace or to assist with important aspects of national defense.<br><br>Unintended consequence observed by the families includes the children's loss of home language skills.<br><br>Commitment to the policy goal leads to inequitable societal consequences. Those with native English language skills are perceived as having greater potential for success in American society.<br><br>Program does not consider parental expectations or goals for the students.<br><br>Systemic method to eradicate languages other than English from being spoken.<br><br>Program serves to restrict the existing societal arrangement, not enhance it. |

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| | | | The abstract value of egalitarianism is proffered; however, a repressive policy is put in place to achieve equality.<br><br>The policy systematically suppresses groups of people by identifying them as not having contributive value to society. |
| *Utterances Reviewed:*<br>7) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and<br>8) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and<br>*External Data:*<br>California Department of Education DataQuest<br>Editorials, English-only Supporters & Dissenters<br>The New York Times News Reports<br>Ballotpedia<br>Linguist Reports & Research<br>Policy Reports & Research<br>*From Fischer: p. 112*<br>Does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity of its residents.<br>Was the goal well designed to guide LEP instruction toward long term student success?<br>Did the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner?<br>Did the policy seek to redress instrumentally the "LEP problem" within the legitimate political and economic parameters of American society?<br>-OR-<br>Did the "LEP problem" goal and its assumptions about American society represent a fundamental perversion of all that American's hold dear? | | | |
| SOCIAL CHOICE<br><br>*Social critique and political philosophy*<br><br>*Configuration of equality, freedom, and community to restructure society*<br><br>*Impact of ideology on policy evaluation* | Examines the extent to which the policy contributes to restructuring the social order | Do the fundamental ideals that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?<br><br>If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?<br><br>Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes? | Political tool used to force language assimilation.<br><br>Fosters the existing social structure, those with power retain their power.<br><br>Policy supports an empirically unfounded program that is politically, not socially, supported.<br><br>Program directly opposes the value of freedom, contradicts the notion of equality, and disregards the value of community.<br><br>LEP communities are historically a repressed social order without power or powerful allies to advocate on their behalf.<br><br>Policy cites economic and social advancement as a means to restructure the social order it but supports a repressive program to do so. |

Data Reviewed:
7) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and
8) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement

Appendix F

Massachusetts Discourse Matrix

| **Massachusetts** | | | |
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| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
| VERIFICATION | Examines policy objectives and goal fulfillment | Does the program empirically fulfill its stated objective(s)?<br><br>Does the empirical analysis uncover secondary or unanticipated effects that offset the program objective(s)?<br><br>Does the program fulfill the objective(s) more efficiently than alternative means available? | Overarching policy objective: All Massachusetts children will be taught English rapidly by being taught in English in English-only speaking classrooms.<br><br>Majority of the policy is a carbon copy of California's unfounded language of instruction policy.<br><br>The policy was not based on research-based findings.<br><br>Policy does not use student first language.<br><br>Policy does not consider educational objectives of parents or other stakeholders.<br><br>Policy objective does not mention success of students in learning and using the English language.<br><br>*Objective is implemented to the exclusion of research, parental desires, and goals of student success.* |
| Key Objectives:<br>28) Therefore it is resolved that: all children in Massachusetts public schools shall be taught English as rapidly and effectively as possible<br>29) Subject to the exceptions provided in Section 5 of this chapter, all children in Massachusetts public schools shall be taught English by being taught in English<br>30) and all children shall be placed in English language classrooms.<br>31) Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one school year,<br>32) provided, however, that kindergarten English learners shall be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language, so-called. | | | |
| VALIDATION | Examines underlying conceptualizations and assumptions of the policy | Is the program objective(s) relevant to the problem situation?<br><br>Are there circumstances in the situation that require an exception to be made to the | The problem situation: LEP students have low literacy levels and are unable to become productive members of American society.<br><br>The policy assumes effectiveness without questioning the motivations or unintended consequences of the policy.<br><br>Program objective is relevant to the problem situation; however, methods for goal attainment are not empirically founded. |

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| | | objective(s)?<br><br>Are two or more criteria equally relevant to the problem situation? | The program enforces English at the exclusion of all other languages and the loss of native languages.<br><br>No exceptions are sanctioned by the state, even at parent request.<br><br>Policy conceptualizes the problem situation as a deficit in need of manipulation and remediation.<br><br>Underlying assumptions about the program include the ease with which young LEP students can learn English.<br><br>The problem situation is attributed to a single issue and no evidence exists to suggest other causes were evaluated. |
| Supporting Utterances:<br>25) Of these skills, literacy in the English language is among the most important.<br>26) The public schools of Massachusetts have done an inadequate job of educating many immigrant children, requiring that they be placed in native language programs whose failure over past decades is demonstrated by the low English literacy levels of those children.<br>27) Immigrant children can easily acquire full fluency and literacy in a new language, such as English, if they are taught that language in the classroom as soon as they enter school. | | | |
| VINDICATION<br><br>*Consequences*<br>*Values*<br>*Function*<br><br>*Unit of analysis: Social System*<br><br>*Brief background of the social and political landscape of the time* | Examines the role and function of the policy within existing societal constructs | Does the policy goal have contributive value to society as a whole?<br><br>Does the policy goal result in unanticipated problems with important societal consequences?<br><br>Does a commitment to the policy goal lead to consequences that are judged to be equitably distributed? | The policy devalues a multilingual society.<br><br>Policy serves to restrict the existing social order, not enhance it.<br><br>The policy specifically values literacy (reading and writing) in English but does not mention the importance of learning to speak English.<br><br>The policy cites that parents believe fluency and literacy are important but the school only emphasizes literacy.<br><br>The policy values standardized test scores of LEP students as a demographic group, not the individual growth and success of individual LEP students.<br><br>Unanticipated problems include a monolingual society unprepared to succeed in the global marketplace or to assist with important aspects of national defense.<br><br>Commitment to the policy goal leads to inequitable societal consequences. Those with native English language skills are perceived as having greater potential for success in American society.<br><br>Program does not consider parental expectations or goals for the students.<br><br>Systematic method to eradicate languages other than English from being spoken. |

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| | | | The abstract value of egalitarianism is proffered; however, a repressive policy is put in place to achieve equality.<br><br>The policy systematically suppresses groups of people by identifying them as not having contributive value to society. |
| *Utterances Reviewed:*<br>Utterances 21-27<br>*External Data:*<br>Ballotpedia<br>Public Broadcasting Service<br>The Civil Rights Research Project<br>The Boston Globe News Reports<br>Boston Public Broadcasting (WGBN)<br>Voter Blogs<br>Project Dropout Reports<br>Fox News Reports<br>English Plus English-Only Movement Reports<br>*From Fischer: p. 112*<br>Does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity of its residents.<br>Was the goal well designed to guide LEP instruction toward long term student success?<br>Did the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner?<br>Did the policy seek to redress instrumentally the "LEP problem" within the legitimate political and economic parameters of American society?<br>-OR-<br>Did the "LEP problem" goal and its assumptions about American society represent a fundamental perversion of all that American's hold dear? | | | |
| SOCIAL CHOICE<br><br>*Social critique and political philosophy*<br><br>*Configuration of equality, freedom, and community to restructure society*<br><br>*Impact of ideology on policy evaluation* | Examines the extent to which the policy contributes to restructuring the social order | Do the fundamental ideals that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?<br><br>If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?<br><br>Do normative reflection and empirical evidence support the | Political tool used to force language assimilation.<br><br>Fosters the existing social order, those with power retain their power.<br><br>Policy supports an empirically unfounded program that is politically, not socially, supported.<br><br>Program directly opposes the value of freedom, contradicts the notion of equality, and disregards the value of community.<br><br>LEP communities are historically a repressed social order without power or powerful allies to advocate on their behalf.<br><br>Policy cites economic and social advancement as a means to restructure the social order but it supports a repressive program to do so. |

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| | | justification and adoption of an alternative ideology and the social order it prescribes? | |
| 22) It is spoken by the vast majority of Massachusetts residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and 23) Immigrant parents are eager to have their children become fluent and literate in English thereby allowing them to fully participate in the American Dream of economic and social advancement | | | |

Appendix G

Colorado Discourse Framework

| **Colorado** | | | |
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| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
| VERIFICATION | Examines policy objectives and goal fulfillment | Does the program empirically fulfill its stated objective(s)?<br><br>Does the empirical analysis uncover secondary or unanticipated effects that offset the program objective(s)?<br><br>Does the program fulfill the objective(s) more efficiently than alternative means available? | Overarching policy objective: to establish and fund an English language proficiency program.<br><br>The policy fulfills its objective by committing the state to following through with the goal.<br><br>An unanticipated effect of the program objective is that the state is at fault if the program is not established and funded, not the school districts.<br><br>Goal attainment supersedes goal efficiency. |
| Key Objectives:<br>40) The general assembly declares that, in order to improve educational and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language proficiency program in the public schools and facility schools<br>41) to provide for the distribution of moneys to the several school districts, the state charter school institute, and facility schools to help defray the costs of such a program. | | | |
| VALIDATION | Examines underlying conceptualizations and assumptions of the policy | Is the program objective(s) relevant to the problem situation?<br><br>Are there circumstances in the situation that require an exception to be made to the objective(s)?<br><br>Are two or more criteria equally relevant to the problem situation? | The problem situation: LEP students have restricted educational potential due to their lack of proficiency in English.<br><br>Program objective is relevant to the problem situation.<br><br>The objective is explicit at the state level and ambiguous at the school level: exceptions and specifics (program type, length, age, timeframes, and accountability) are not explained.<br><br>Single criterion used to define the problem situation. |
| Supporting Utterances:<br>38) The general assembly hereby finds, determines, and declares that there is a substantial number of students in this state whose educational potential is severely restricted due to their lack of proficiency with the English language.<br>39) The general assembly recognizes the need to provide for transitional programs to improve the English language skills of these students.<br>40) The general assembly declares that, in order to improve educational and career opportunities for every student in this state, it is the purpose of this article to provide for the establishment of an English language | | | |

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| proficiency program in the public schools and facility schools | | | |
| VINDICATION<br><br>*Consequences*<br>*Values*<br>*Function*<br><br>*Unit of analysis: Social System*<br><br>*Brief background of the social and political landscape of the time* | Examines the role and function of the policy within existing societal constructs | Does the policy goal have contributive value to society as a whole?<br><br>Does the policy goal result in unanticipated problems with important societal consequences?<br><br>Does a commitment to the policy goal lead to consequences that are judged to be equitably distributed? | State values individual LEP student improvement by making it a priority.<br><br>Individual improvement supersedes collective improvement of the LEP group for reporting purposes.<br><br>The policy values home language use when instructing LEP students.<br><br>Underlying the policy is the trust and freedom the school districts have earned (or have been given) by the state.<br><br>The policy serves to empower local school districts to organize their programs to best fit the existing social climate.<br><br>The policy goal holds contributive value to society as a whole; not to select groups.<br><br>Commitment to policy goal is largely judged to be equitably distributed.<br><br>English-immersion vote in Colorado (failed) was put forth concurrently with the English-only vote in Massachusetts (which did pass).<br><br>English-only initiative was politically supported and not based on the needs of the social system.<br><br>The policy supports the contributive value of all Colorado students. |
| *Utterances Reviewed:*<br>Utterances 38-41<br>*External Data:*<br>Ballotpedia<br>ESL MiniConference Publication<br>American Civil Liberties Union Briefing Paper<br>Lack of State News Reports<br>*From Fischer: p. 112*<br>Does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity of its residents.<br>Was the goal well designed to guide LEP instruction toward long term student success?<br>Did the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner?<br>Did the policy seek to redress instrumentally the "LEP problem" within the legitimate political and economic parameters of American society?<br>-OR-<br>Did the "LEP problem" goal and its assumptions about American society represent a fundamental perversion of all that American's hold dear? | | | |

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| SOCIAL CHOICE<br><br>*Social critique and political philosophy*<br><br>*Configuration of equality, freedom, and community to restructure society*<br><br>*Impact of ideology on policy evaluation* | Examines the extent to which the policy contributes to restructuring the social order | Do the fundamental ideals that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?<br><br>If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?<br><br>Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes? | The policy's fundamental ideals support a collaborative and diverse social order.<br><br>Activist groups outside the targeted LEP social group supported LEP interests and the equitable treatment of all students.<br><br>Ideologically, the social order values equality, freedom, and community.<br><br>Collectively, restrictions to these beliefs are not socially or politically supported.<br><br>Existing social order has the collective power to rise against and defeat elitist political agendas. |
| Data Reviewed:<br>Utterances 38-41 | | | |

Appendix H

Oregon Discourse Framework

| Oregon | | | |
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| **Four Discourses** | **Concern Addressed** | **Question to be Answered** | **Conclusions** |
| VERIFICATION | Examines policy objectives and goal fulfillment | Does the program empirically fulfill its stated objective(s)?<br><br>Does the empirical analysis uncover secondary or unanticipated effects that offset the program objective(s)?<br><br>Does the program fulfill the objective(s) more efficiently than alternative means available? | Overarching policy objective: To instruct all students is such a manner so that they gain the skills needed to profit from English-only classes.<br><br>Instructional flexibility does not restrict programming options; it actually encompasses and allows for alternative means to take place. |
| Key Objectives:<br>42) Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except: Instruction in foreign languages.<br>44) Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to those children who are unable to profit from classes taught in English. | | | |
| VALIDATION | Examines underlying conceptualizations and assumptions of the policy | Is the program objective(s) relevant to the problem situation?<br><br>Are there circumstances in the situation that require an exception to be made to the objective(s)?<br><br>Are two or more criteria equally relevant to the problem situation? | The problem situation: Not all students acquire English language speaking, reading, and writing skills in the same manner.<br><br>Program objective allows for exceptions to be made in an attempt to achieve the objective.<br><br>The program objective is relevant to the problem situation.<br><br>The state identifies three separate criteria (speaking, reading, and writing) in the problem situation that contribute to the achieving the objective.<br><br>The state explicitly separates the three criteria to demonstrate the importance of each.<br><br>The policy is written using student-first language in which the students' needs at the core of the policy.<br><br>The policy also uses teacher-first language in which the rights of teachers are protected. |

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| Supporting Utterances:<br>43) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities.<br>45) Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.<br>46) All school districts providing courses pursuant to ORS 336.079 shall afford the licensed personnel of that district that are assigned to perform teaching duties for such courses an opportunity to qualify to assist non-English-speaking students to learn English at no cost to the personnel. | | | |
| VINDICATION<br><br>*Consequences*<br>*Values*<br>*Function*<br><br>*Unit of analysis: Social System*<br><br>*Brief background of the social and political landscape of the time* | Examines the role and function of the policy within existing societal constructs | Does the policy goal have contributive value to society as a whole?<br><br>Does the policy goal result in unanticipated problems with important societal consequences?<br><br>Does a commitment to the policy goal lead to consequences that are judged to be equitably distributed? | The policy values student learning and specifically outlines the need for students to profit from learning the English language.<br><br>The policy does not place value judgments on the superiority of any particular language.<br><br>The policy values teachers and consequently protects their professional and financial rights.<br><br>Commitment to the policy goal leads to consequences that are judged to be equitable considering alternative methods of goal attainment.<br><br>The policy operates with an underlying trust in school districts to use their best judgment when making programming decisions based on the needs of their students.<br><br>The policy serves to empower local social systems to make programming decisions in the public schools.<br><br>The policy goal contributes to society by not restricting the languages used in the public schools.<br><br>Unanticipated consequences include the potential for multilingual/multiliterate students, students who can communicate with their families, and students who are prepared for employment within the global workforce.<br><br>The policy represents a constituency that opposes restrictive laws. |
| *Utterances Reviewed:*<br>43) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities.<br>44) Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to those children who are unable to profit from classes taught in English.<br>45) Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.<br>*External Data:*<br>Ballotpedia<br>Public Debates<br>Voter Blogs<br>Oregon Public Broadcasting<br>Opposing Views Forum | | | |

American Civil Liberties Union of Oregon
Oregon Live News
*From Fischer: p. 112*
Does the policy rest upon a valid understanding of how to best instruct LEP students or how to foster productivity of its residents.
Was the goal well designed to guide LEP instruction toward long term student success?
Did the goal and its assumptions help to create programmatic strategies to teach LEP students English in a socially just manner?
Did the policy seek to redress instrumentally the "LEP problem" within the legitimate political and economic parameters of American society?
-OR-
Did the "LEP problem" goal and its assumptions about American society represent a fundamental perversion of all that American's hold dear?

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| SOCIAL CHOICE<br><br>*Social critique and political philosophy*<br><br>*Configuration of equality, freedom, and community to restructure society*<br><br>*Impact of ideology on policy evaluation* | Examines the extent to which the policy contributes to restructuring the social order | Do the fundamental ideals that organize the accepted social order provide a basis for a legitimate resolution of conflicting judgments?<br><br>If the social order is unable to resolve basic value conflicts, do other social orders equitably prescribe for the relevant interests and needs that the conflicts reflect?<br><br>Do normative reflection and empirical evidence support the justification and adoption of an alternative ideology and the social order it prescribes? | The policy serves to respect, not restrict the existing social order.<br><br>Restructuring of the social order is allowed to occur organically without restricting language rights.<br><br>Politically, the policy does not serve any particular group over another.<br><br>The policy values equality, freedom, and community and allows the social structure to evolve without political intervention.<br><br>The policy is based on research from other states' English-only policies and the lack of evidence they've been able to produce regarding the policy's effectiveness.<br><br>Ideology of the majority denounced the political motivations of the English-only proponents. |

Data Reviewed:
Utterances 42-47

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