Authority over Power in English Learner Accountability Policies: Maintaining a National Role within a Context of Local Control

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Abstract: Pushback against the perceived federal overreach into educational reform has led to renewed calls for a return to local control of schools. In contrast to this general trend, there has continued to be a strong national role for English learner (EL) accountability policies related to EL identification, monitoring and reclassification processes. In this article, we seek to bring attention to the historical development and contemporary instantiation of these EL accountability policies. The general accountability system has typically focused on coercive strategies connected to rewards and sanctions. In contrast, the EL accountability system has typically focused on harnessing the expertise of research to provide increasingly specific guidelines for how to meet federal mandates related to supporting students officially classified as ELs. This approach may help explain how national actors

have been able to maintain an active role in shaping these policies without being perceived as a threat to local control. We conclude with implications for national educational actors interested in using authority to shape other areas of educational policy as well as possible limitations of this approach.

Keywords: English learners; policy attribute theory; ESSA; standards-based reform; accountability

Autoridad sobre el poder en las políticas de rendición de cuentas de los aprendices de inglés: Mantenimiento de un rol nacional dentro de un contexto de control local

Resumen: El retroceso contra la percepción del extenso envolvimiento del gobierno federal en la reforma educativa ha llevado a que algunos exijan el regreso al control local de las escuelas. En contraste con esta tendencia general, continúa existiendo un rol nacional importante para las políticas de rendición de cuentas de los estudiantes aprendiendo inglés las cuales son identificación, monitorio y reclasificación de estos estudiantes. En este artículo, ponemos atención al desarrollo histórico y contemporáneo de estas políticas de los estudiantes aprendiendo inglés. Los sistemas de rendición de cuentas generales se han enfocado típicamente en estrategias coercitivas conectadas a recompensas y sanciones. En contraste, políticas de rendición de cuentas de los estudiantes aprendiendo inglés se han enfocado típicamente en usar las experiencias de investigación para proveer un incremento en directrices especificas, esto con el fin de alinearse a los mandatos federales, los cuales están relacionados con el apoyo para estudiantes que están oficialmente clasificados como estudiantes aprendiendo inglés. Este aproximamiento podría ayudar a explicar cómo los actores nacionales han podido mantener un rol activo moldeando estas políticas sin que sean percibidas como una amenaza para el control local. Concluimos con la descripción de las implicaciones para actores educativo-nacionales interesados en usar especificidad autoritativa para moldear otras áreas de las políticas educativas, como también las limitaciones posibles de este aproximamiento.

Palabras claves: estudiantes aprendiendo inglés; teoría de los atributos de la política; ESSA: reforma de estándares; rendición de cuentas

Autoridade sobre o poder nas políticas de *accountability* do aluno de inglês: Mantendo um papel nacional dentro de um contexto de controle local

Resumo: A reação contra a percepção do amplo envolvimento do governo federal na reforma educacional levou alguns a exigir o retorno do controle local das escolas. Em contraste com essa tendência geral, continua a haver um importante papel nacional para as políticas de responsabilização (*accountability*) do aluno de inglês, que são a identificação, monitoramento e reclassificação desses alunos. Neste artigo, prestamos atenção ao desenvolvimento histórico e contemporâneo dessas políticas para aprendizes de inglês. Os sistemas gerais políticas de responsabilização normalmente se concentram em estratégias coercitivas ligadas a recompensas e sanções. Em contraste, as políticas de responsabilização para o aluno de inglês geralmente se concentram no uso de experiências de pesquisa para fornecer diretrizes específicas aumentadas a fim de se alinhar com os mandatos federais, que se relacionam com o suporte para alunos que são oficialmente classificados como alunos de inglês. Essa abordagem poderia ajudar a explicar como os atores nacionais conseguiram manter um papel ativo na formulação dessas políticas sem serem percebidos como uma ameaça ao controle local. Concluímos descrevendo as implicações para os atores nacionais-educacionais interessados em usar a especificidade autoritária para moldar outras áreas da política educacional, bem como as possíveis limitações dessa abordagem.

Palavras-chave: alunos aprendendo inglês; teoria do atributo de política; ESSA: reforma normativa; *accountability*

Authority over Power in English Learner Accountability Policies: Maintaining a National Role within a Context of Local Control

At the core of the U.S. educational system is a highly decentralized system of public education—a governance arrangement commonly referred to as "local control" (Marsh & Wohlstetter, 2013). This long history of local control has created unique challenges for the federal government and other nationally oriented organizations in that they have had to balance their desire to shape educational reform with the risk of being perceived as undermining local control. It was this tension that confronted federal authorities looking to desegregate schools who were accused of undermining the local control of segregated school districts (Brennan, 2018), a rallying cry that would be reconfigured by the late 1960s as many communities of color began to demand community control of schools in response to what they saw as the racist and unresponsive bureaucratic structure of urban districts and the state and federal educational apparatus that supported it (Lewis, 2015). With the publication of *A Nation at Risk in* 1983, the federal government shifted its tactic in achieving this balance through the development of standards-based reform as an attempt to conceptualize a national role in increasing the rigor of instructional standards and associating assessments that respected the principle of local control by avoiding involvement in issues of curriculum and instruction (Smith & O'Day, 1991). A shared definition of minimum standards in math and English became core to a bipartisan national consensus that culminated with the passage of No Child Left Behind (NCLB) in 2002 (Schneider, 2011).

This bipartisan consensus quickly dissipated with many from both the Left and the Right condemning the high-stakes testing associated with NCLB as federal overreach that worked to undermine local control (Hess & Petrilli, 2006). Many state legislatures took the federal government to court to dismantle aspects of the law that they argued took away their local authority over educational decisions within their state (Gilliom, 2009). This was coupled by the emergence of grassroots organizations lobbying against the use of high-stakes testing and the two national teachers' unions beginning to condemn what they argued were the punitive sanctions associated with these tests (Hursh, 2005). All of this culminated in a national opt-out movement where parents began to opt their children out of taking standardized assessments as a way of protesting their use in classrooms and the sanctions they imposed on schools (Kirylo, 2018). Yet, this pushback extends beyond the explicit role of the federal government. The Common Core State Standards (CCSS), originally created by national philanthropic actors, also came under fire because of the relationships between its architects and the federal government including through the billions of federal dollars spent to encourage CCSS adoption via Race to the Top (Edgerton 2019, 2020; Bleiberg & Harbatkin, 2020; Saultz et al., 2017; Whitman, 2015) along with the punitive measures that were often associated with their implementation (Abraham et al., 2018).

While the general political winds have been blowing in the direction of local control for the general accountability system, there has continued to be a strong national role for English learner (EL) accountability policies related to EL identification, monitoring and reclassification processes. In this article, we seek to bring attention to the historical development and contemporary instantiation of these EL accountability policies. We argue that in contrast to the general accountability system that has typically focused on coercive strategies connected to rewards and sanctions, the EL accountability system has typically focused on harnessing the expertise of research to provide increasingly specific guidelines for how to meet federal mandates related to supporting students officially classified as ELs through both facilitating their English language development and by ensuring that they receive appropriate supports to thrive in mainstream classrooms. This approach,

may help explain how national actors have been able to maintain an active role in shaping these policies without being perceived as a threat to local control.

To develop this concept, we use policy attribute theory (Porter, 1994) as an analytic tool for analyzing both the historical and contemporary development of EL accountability policies. Policy attribute theory identifies five policy attributes that can be used to evaluate the strength of policies: (1) the *specificity* of policies or how detailed they are, (2) the *consistency* of various policies with one another, (3) the *authority* given to policies by key stakeholders based on social norms, laws, research or charismatic leadership, (4) the *power* associated with any rewards or sanctions built into policies and (5) the *stability* or the extent to which policies remain constant over time (Porter, 1994). While separated for illustrative purposes, scholars who utilize policy attribute theory have acknowledged the complex interrelationship between the different attributes. For example, due to the rewards and sanctions that have typically been associated with them, powerful policies have typically been the most controversial and least stable. One way of minimizing this controversy has been to balance power with authority, which has typically led to more stable policies (Desimone, 2002; Edgerton, 2020).

In line with this work, we examine the role of authority in shaping EL accountability policies and the ways that the focus on authority over power has shaped how the federal government and nongovernmental national actors support ELs while avoiding accusations of threatening local control. We also examine the possible benefits and limitations to this approach in promoting equity for students officially classified as ELs, as well as more generally in educational policy. We use surveys and interview analysis to examine this core research question: Why have national EL accountability increased in specificity just as national general accountability policies have become less specific and subject to fewer mandates at the national level?

The Increasing Specificity of EL Accountability Policies Across Time

In line with the general trend in U.S. education, EL policies have historically been an issue of local control with little to no specificity provided by the federal government (Moran, 1988). Some states have sought to address this lack of specificity by developing their own specific EL policies. One way that states sought to do this was by mandating bilingual education (Teitelbaum & Hiller, 1977). This eventually led to a backlash and the eventual banning of bilingual education in California, Massachusetts, and Arizona in favor of structured English immersion (SEI; Moran, 2011). This too proved to be politically controversial and, in line with recent shifts back toward local control in educational reform, all three of these states have since lifted their ban in the past few years once again allowing local districts to make these decisions (Mitchell, 2019). While some states do continue to have mandated bilingual education under specific circumstances (Carrasquillo et al., 2014; Hinojosa, 2019), most states leave decisions related to EL program models to local districts. This aligns with the federal approach adopted in *No Child Left Behind* and the more recent *Every Students Succeeds Act* (ESSA) with the federal government providing general guidelines for supporting ELs while leaving the discretion of what EL programs to develop to states and districts (Barrow & Markman-Pithers, 2016; Hornberger, 2006).

In this article, we are not exploring debates related to program models, which despite research evidence related to the effectiveness of bilingual education (Bialystok, 2018; Collier & Thomas, 2017), has not been able to develop the sufficient authority to combat the cultural politics of the many critics of bilingual education suggesting that these programs are working to undermine national unity by refusing to teach students English (Crawford, 1999; García et al., 2008). We are also not exploring questions related to the inclusion of ELs in the general accountability system,

which has experienced the same backlash as the general accountability system overall both because of the lack of authority typically associated with their inclusion in this accountability system based on questions related to the validity of general content assessments in evaluating their content knowledge (Abedi, 2004; Martinello, 2008; Solórzano, 2008) as well as the power associated with NCLB's reward and sanction approach resulting in negative consequences for EL instruction (Menken, 2008; Pandya, 2011). Instead, we are focused solely on EL accountability policies focused on the classification, monitoring and reclassification of students official classified as ELs.

While the rise of standards-based reform is typically connected with the publication of *A Nation at Risk* in 1983, a precursor can be found in the 1968 Bilingual Education Act (BEA). The BEA emerged within the context of the U.S. Civil Rights Movement where Latinx and other bilingual communities began to make demands for bilingual education as a fundamental civil right (De La Trinidad, 2015) coupled with policy discourses related to the culture of poverty that suggested that due to multiple generations of racialized poverty, Latinx communities lacked rich cultural and linguistic resources in the home that needed to be remediated through bilingual education (Flores, 2016). The resulting compromise was legislation that was predominantly informed by the culture of poverty with little acknowledgement of the broader social vision advocated by grassroots movements (García & Sung, 2018).

Because of its remedial orientation, a key aspect of the Bilingual Education Act was the development of a federal accountability system that mandated that programs receiving BEA funds both prove they were serving students deemed sufficiently limited in English to warrant special language services and that these students were making sufficient progress in their English language development (Office of Education, 1971). In the early days of EL accountability policies, districts and schools had wide discretion in the assessments they used to monitor English language development with many initially relying on locally created assessments, though there was a gradual shift through the 1970s to commercially made standardized language assessments (Sinclair, 2018). Some students assessed in English and their home language using these commercially produced standardized assessments scored as not fully proficient in either language (Heath, 1984). Relying on the culture of poverty theory that dominant social science research at the time, scholars argued that a lack of rich cultural and linguistic resources in their homes and communities led students to become "semilingual" in that they had failed to develop native-like proficiency in either of the two languages (Cummins, 1976).

The term semilingualism was quickly critiqued for its negative connotation, and the consensus that gradually emerged in the field was that the students were proficient in Basic Interpersonal Communication Skills (BICS) but struggled with Cognitive Academic Language Proficiency (CALP), and that there was a risk that these students would be prematurely exited from special language services if assessments were not designed in ways that assessed CALP in addition to BICS (Cummins, 1980). This dichotomous framing has since been critiqued for oversimplifying language and perpetuating deficit perspectives of racialized bilingual students and their communities (Edelsky et al, 1983; Martin-Jones & Romaine, 1986; MacSwan, 2000). Critics have suggested that this dichotomous framing is the continuation of a long history of deficit perspectives that frame racialized communities as inherently deficient and in need of remediation (Flores, 2020; García & Solorza, 2021). Despite these criticisms, BICS and CALP, along with the related and often interchangeably used terms social and academic language, have remained a common framework used to differentiate the language demands of classrooms with the language practices typically used outside of classroom settings (Uccelli & Galloway, 2017).

Within this framework, from 1980 until the present, the gradual movement has been for criteria related to the identification and reclassification of ELs to become more specific and more rigorous. In the 1980s, there were few common guidelines available with districts typically given the

ultimate discretion in determining the assessments and cutoff scores they would use to identify and reclassify ELs (Cardozo, 1986). Districts also reported using locally developed cut off scores for all these assessments, suggesting that even districts using the same assessments might identify and reclassify students differently (Olsen 1989). Gradually, more specific guidelines began to emerge. By 1984, experts were advising use of "a CALP test" rather than a "BICS test" to determine exit readiness (Solkov-Brecher, 1984). In the 1990s, there was a gradual push to encourage districts to increase the rigor of identification and reclassification criteria to ensure that students officially classified as ELs would be able to effectively engage with the language demands of mainstream classrooms and general assessments offered by districts to non-ELs before they were reclassified (Liu et al, 1997). Yet, most states continued to lack common identification and reclassification procedures with wide variance in definitions of ELs across districts even within the same state (O'Malley & Valdez Pierce, 1994).

It was within this context that the federal government worked to develop national oversight over EL accountability policies as part of its broader expansion of its role in educational accountability more generally with the passage of NCLB. Alongside disaggregating EL academic performance as part of the general accountability system to ensure that these students met Adequate Yearly Progress (AYP), NCLB also required states, districts and schools to develop Annual Measurable Achievement Outcomes (AMAOs) focused specifically on the English language development of these students across the four domains of listening, speaking, reading and writing (Deville & Chalhoub-Deville, 2011). In addition, NCLB mandated that states develop English Language Proficiency (ELP) standards that were aligned with state content standards (Boals et al, 2015). This led to the development of more rigorous ELP standards and ELP assessments aligned to these standards that sought to ensure that students officially classified as ELs demonstrated mastery of academic language as determined by standardized language assessments before being reclassified (Bailey & Huang, 2011).

To support these efforts, the U.S. Department of Education funded four state consortia charged with developing new ELP standards and assessments. Though three of these consortia were short-lived, the fourth, WIDA, managed to successfully develop traction for its ELP standards and assessments (Boals et al., 2015). At the time of our study began in 2015, 35 states and DC partnered with WIDA. More recently, the U.S. Department of Education funded WIDA and a new consortium called English Language Proficiency Assessment for the 21st Century (ELPA21) to develop new technology based ELP assessments. At the time our study began in 2015, ELPA21 had 11 partner states.

While questions have been raised by scholars as to the validity of the framing of language and approach to assessment that undergird the EL accountability system and the ways that it may perpetuate deficit perspectives of students officially classified as ELs and reinforces a remedial orientation to meeting their educational needs (Flores & Lewis, 2022; Macswan, 2000), very little political controversy has emerged in response to these national efforts in the ways that they did with national partnerships related to attempts to encourage the adoption of the CCSS. Our argument is that one major way that these consortia have been able to avoid political controversy and remain stable is that they lack power and instead rely on authority through providing technical assistance. Below, we analyze the ways that this focus on authority over power has played out in contemporary educational reform in three states. We are not attempting to take a stance here about the merits of the specific EL accountability policies that states are implementing in partnership with the national consortia. Instead, our primary goal is to better understand how this partnership has been able to thrive even within the context of massive resistance to similar partnerships in general educational accountability policies.

Methods

The data presented below was collected as part of a larger study conducted by the Center for Standards, Alignment, Instruction and Learning (C-SAIL) that seeks to examine how college- and career-readiness (CCR) standards are implemented, if they improve student learning, and what instructional tools measure and support their implementation. More information about C-SAIL can be found at www.c-sail.org. In this article, we examine data collected from three states with different EL accountability policies—Kentucky, Ohio, and Texas. These states offer a range of contexts for understanding the implementation of standards as they relate to students officially classified as ELs. Kentucky and Ohio are states with historically low numbers of ELs that have experienced a doubling of their numbers within the past 10 years. Kentucky joined WIDA in 2006, and Ohio joined ELPA21 in 2013. We juxtapose these two states with Texas, which has a long history working with this student population and has its own infrastructures in place for supporting the needs of these students and, as a result, has not joined either of the two consortia.

In the 2015-2016 school year, we conducted teacher surveys in all three states focused on a range of questions related to standards implementation. In this paper, we examine the professional development that teachers received as well as their instructional strategies and preparedness to teach ELs. We examine survey responses to three key sets of questions pertaining to ELs. First, we asked teachers, "How prepared did you feel to teach [name of state CCR standards] to English language learners?" Respondents answered either 1 = I do not feel prepared, 2 = I feel slightly prepared, 3 = I feel moderately prepared, or 4 = I feel well-prepared. Second, we asked, "Please indicate whether the professional development you received on [CCR standards] focused on instructional strategies for teaching [CCR standards] to ELLs." We report the percentage who responded "yes." Finally, we asked teachers a series of instructional support questions on a scale of 0-3, where 0 = I do not provide this, 1 = Occasionally provided, 2 = Often provided, and 3 = Always provided. To compare across states, we used an ANOVA test of state summary data with a Tukey post hoc correction. We focused only on these items to answer our research question, as we have previously analyzed the policy attributes theory by teacher and student subgroups, including ELs (Edgerton & Desimone, 2018).

We employed a stratified random sampling technique designed to ensure the sample was representative of districts in Texas, Ohio, and Kentucky. We included 42 Texas districts, 42 Ohio districts, and 89 Kentucky districts in the sample (there was a larger number in Kentucky because of integration with ongoing state survey data collection). In each district, we sampled up to two elementary schools and two high schools, making sure to capture representative samples of traditional public and charter schools based on demographics. In each elementary school, we sampled two Grade 5 math teachers, two Grade 4 ELA teachers, one teacher of students with disabilities (SWDs), and one teacher of ELLs. In each high school participating in the study, we sampled two ELA teachers and one teacher in each of the following specialties or subjects: SWD, ELL, Algebra I, Algebra II, and geometry. We wanted to identify the most common math classes as well as those enrolling students who would take the state mathematics assessment and are thus most subject to accountability policy. Of the eligible teachers, in Ohio, 417 of 654 sampled teachers responded (conditional response rate: 64.8%); in Texas, 603 of 1,089 (55.3%); in Kentucky, 740 of 1,890 (39.2%). Our results should be seen as representative of states, not of individual districts, considering this design.

As part of this study, our team also conducted interviews with state education agency (SEA) and district officials in all three states between the spring of 2016 and spring of 2018. Our team worked with SEA contacts to select approximately five officials in each state who were

knowledgeable about the policy areas addressed in our hour-long semistructured interview protocols: curriculum, instruction, professional development, assessment, and accountability related to all students, including SWDs and ELs. These areas of focus were selected as major aspects of standards-based reform that SEAs would address in their guidance of districts and schools through their implementation of the CCR standards (Desimone, 2002).

We also selected three districts in each state as sites of district-level interviews. These districts were chosen from the probability sample of districts participating in C-SAIL state-representative survey. One urban, suburban, and rural district in each state were chosen based on their (a) relatively high levels of SWDs and ELs and (b) relatively high levels of student growth. The process used to select SEA contacts was replicated to identify three to five key informants per district. The semistructured interview protocol resembled the protocol used for SEA interviews and included questions of district perception of state leadership and supports. We did not collect any demographic information on these interviewees beyond their official title.

After conducting the interviews, we had them transcribed and then adopted a hybrid inductive and deductive coding approach to theme development (Fereday & Muir-Cochrane, 2006). We began with our deductive coding scheme, which included theoretical codes based on the policy attributes to examine the co-occurrence of codes for specificity, consistency, authority, power, and stability. Throughout this process, we assessed interrater reliability through paired coding, research team discussions, and recoding (Ravitch & Carl, 2016). These deductive codes allowed us to better understand the strength of the various policy attributes as they related to a range of policies. Most relevant to this paper is the descriptive EL code, which allowed us to identify all discussions related to ELs to better understand how they relate to the policy attributes. We then went back through the interviews and developed inductive codes that were derived from the data. These inductive codes allowed us to better understand emergent themes that we had not previously considered and ensured that we were not overlooking key aspects of the experiences of state and district leaders.

Below we first delve into our teacher survey to provide a general overview of the current EL policy context in each state from the perspective of teachers. We then use interview data to examine the ways that each state is working to further develop authoritatively specific EL accountability policies designed to improve EL academic achievement.

The Three States

Our first case study is Texas. Texas is a state that has consistently resisted the CCSS with a state law banning districts from adopting it passed in 2013 at least in part because of fear of federal intrusion on local control of education (Lindell, 2014). Texas also never joined either of the two national consortia charged with partnering with states to develop and implement CCSS-aligned assessments (Rothman, 2010). In line with this view, Texas state officials typically described their state as a local control state and identified the responsibility for supporting ELs as primarily a responsibility of local districts. Indeed, Texas being one of only four states at the time of our study to have selected not to join either WIDA or ELPA21 serves to further illustrate its commitment to local control over these issues.

Our second case study is Kentucky. As with Texas, Kentucky state education leaders described the state as a local control state. It was this strong commitment to local control that led to a political backlash against the state's early adoption of the CCSS. One consequence of this backlash was the state's decision to withdraw from the PARCC testing consortium in favor of issuing a general request for proposals for an assessment system (Gewertz, 2014). The dismantling of the CCSS was strengthened the following year when the state elected Matt Bevin as governor who

campaigned on repealing the CCSS as a way of counteracting federal overreach into local control of schools (Ujifusa, 2015). This coupled with increasing opposition to the CCSS in the state legislature led to the official repeal of the CCSS in 2017 (Honeycutt Spears & Brammer, 2017).

Ohio is similar to Kentucky in that both states were early adopters of the CCSS and members of PARCC and have relatively small but growing numbers of students officially classified as ELs. Like Kentucky, Ohio has also witnessed political backlash to its adoption of the CCSS and began to retreat from these efforts by ending its partnership with PARCC (Livingston, 2015). While at the time of our study the state had not officially repealed the CCSS, a state official reported to us in 2017 that the state was undergoing a standards revision process that was designed to bring in various stakeholders as a way of building authority around revised standards that modified the CCSS and responded to concerns raised by these stakeholders. One key difference is that it decided to partner with ELPA21 instead of WIDA in further developing its EL accountability policies.

EL Policy Environment Across the Three States

To assess the internal capacity of each state in supporting students officially classified as EL, we measured the overall policy environments as reported by teachers as well as the instructional supports they provide to ELs. As illustrated in Table 1, Ohio and Kentucky teachers received significantly less professional development than Texas teachers. Texas teachers also report feeling significantly more prepared, as shown in Table 2.

Table 1

Percentage of teachers who received PD on teaching CCR standards to ELs

State	Math Teachers	ELA Teachers
Kentucky	22%	23%
Ohio	13%	20%
Texas	48%**	60%**

** indicates significance at the 0.01 level compared to Ohio and Kentucky.

Table 2

*Teachers' level of preparedness to teach CCR standards to ELs (1-4 scale)*

State	Math Teachers	ELA Teachers
Kentucky	2.5	2.25
Ohio	2.45	2.4
Texas	3.25**	3.25**

** indicates significance at the 0.01 level compared to Ohio and Kentucky. 1 = I do not feel prepared, 2 = I feel slightly prepared, 3 = I feel moderately prepared, or 4 = I feel well-prepared.

Finally, as shown in Figure 1, Texas teachers were significantly more likely to provide home language instruction, which is unsurprising given the strong preference for bilingual education reflected in Texas state educational policy. While Texas teachers also reported higher rates of using all of the other instructional supports none of these differences were statistically significant.

Figure 1

Instructional supports provided to ELs in the classroom
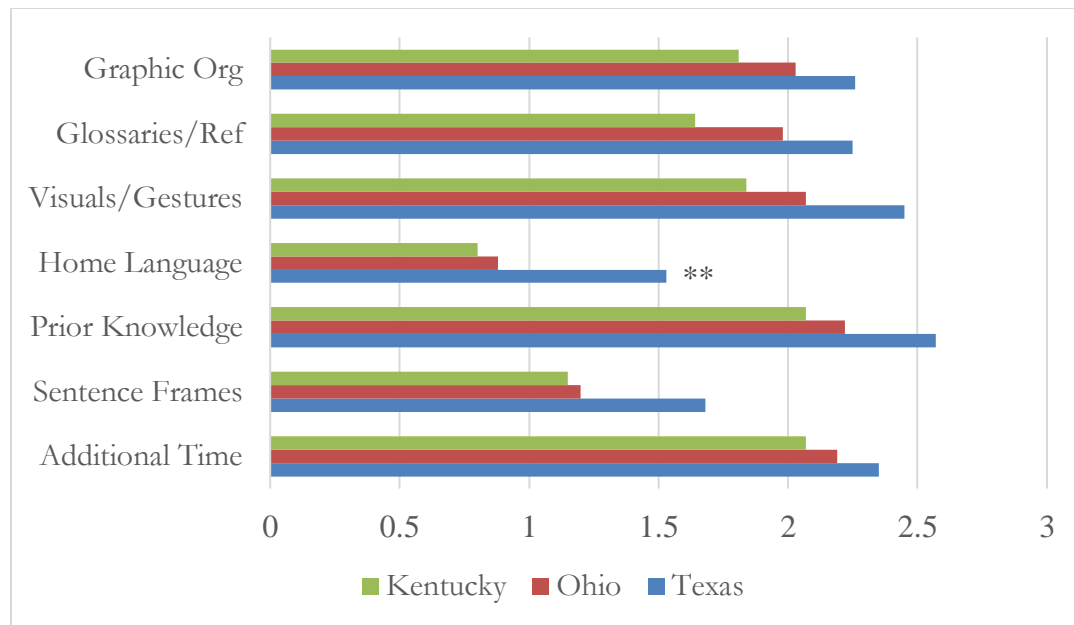
** indicates significance at the 0.01 level compared to both Ohio and Kentucky.
0 = I do not provide this, 1 = Occasionally provided, 2 = Often provided

Overall, these findings suggest that a state with historically large numbers of students officially classified as ELs (Texas) has been able to develop relatively robust infrastructures for supporting teachers in meeting the needs of these students without the support of a national consortium while two states with historically low but growing populations of students officially classified as ELs (Ohio and Kentucky) need more support in developing a comparable infrastructure. Within a context of increasing desires for local control, the approach taken by these two states in collaboration with two different national consortia indicates one path forward for further developing the necessary infrastructure to ensure that teachers in their states feel more prepared to work with their increasing numbers of students officially classified as ELs within existing EL accountability mandates. Below we delve more deeply into the local implementation of EL accountability policies in all three of these states to examine the ways that they have managed to avoid political controversies associated with perceived assaults on local control of schools through a reliance on authority over power.

The Foundational Authority of Infrastructure Development

Interviews in all three states with state and district leaders revealed an underlying authority attributed to centralized efforts to strengthen statewide infrastructure for supporting the English language development of students officially classified as ELs. At the heart of Texas' EL accountability system is the Language Proficiency Assessment Committee (LPAC) that each school with students officially classified as ELs is required to have. The primary responsibility of the LPAC is to oversee the successful implementation of EL programs including (a) reviewing pertinent information on ELs, (b) making recommendations concerning the most appropriate placement for

ELs and (c) reviewing EL progress at the end of the year. While there are a range of choices that LPACS make regarding the services that will be provided to the students officially classified as ELs at their schools, these choices are constrained by the LPAC Framework Manual that they are expected to adhere to when making these decisions. As opposed to describing it as a top-down mandate, district leaders typically described the LPAC as an integral component of their own district-specific EL accountability policies. For example, one district leader described how their department of research and evaluation relied on the LPAC guidelines and leadership of the LPAC committee to ensure that reclassification processes were carried out efficiently and in accordance with federal guidelines. For this district leaders, and for others that we spoke with, the LPAC guidelines were not an onerous mandate that undermined local control but rather valuable guidance that could be seamlessly incorporated into their district's EL policies.

Similar dynamics were reported in both Kentucky and Ohio related to their reliance on national consortia in supporting their work in creating similar statewide infrastructures. According to a former Kentucky state educational leader who had since switched to working as a WIDA liaison to the state at the time of our interview, the state decided to join WIDA in 2006 because of their growing numbers of students officially classified as ELs coupled with increasing federal mandates around the need for states to develop robust EL accountability systems. She noted that prior to becoming a WIDA state Kentucky had inconsistent EL identification and reclassification procedures and that WIDA provided the necessary expertise to develop consistent criteria across the state. In short, with NCLB mandates that brought increased attention to the needs of students officially classified as ELs in Kentucky, as a state with small but growing numbers of ELs and limited internal expertise in supporting them, saw many advantages to partnering with WIDA, which had successfully positioned itself as a national expert on serving this student population.

In a similar way, ELPA21 was able to position itself as a national expert with authority in supporting Ohio in meeting the needs of its students officially classified as ELs. When asked what attracted members to joining the consortium, an ELPA21 representative suggested that "this is the only set of English language proficiency standards that I know of out there that started out at its inception to make a deliberate correspondence with the Common Core State Standards in English language arts and mathematics as well as the new generation science standards…that's what makes the standards unique and that seems to be what has drawn state interest." Concurring with this perspective, a state official suggested that the primary reason the state chose ELPA21 was that state leaders "found the standards to be integrated" adding that the smaller size of ELPA21 as a potential advantage indicating that "it would be easier to change" and also indicated that becoming a member of ELPA21 was "less costly dollar per dollar" in comparison to WIDA.

In all three states, the increasing centralization of EL accountability policies were described in positive terms. In the case of Texas, these policies were produced at the state level and, in this way, might be able to be framed as within the context of local control. In contrast, in the case of both Kentucky and Ohio, these policies were created through partnership with national organizations who provided the tools and resources that the states could use to create these policies. In all three states the lack of political controversy seemed to be at least partially a product of the fact that the infrastructure being created was seen as having authority because of its basis in research expertise and because it was providing specific guidelines that districts and schools were seeking. Below we describe the ways that this focus on authority over power played out for the development of ELP standards that provided the foundation for EL accountability policies across all three states before examining the resulting de facto nationalization of EL accountability that this has created.

The Authority of the ELP Standards

At the core of EL accountability policies across all three states were English Language Proficiency (ELP) standards. We observed the same authority attributed to these standards by state and district leaders across all three states. In the case of Texas, the state led the development of the Texas English Language Proficiency Standards (ELPS) that districts are expected to use when developing standards-aligned instruction for ELs. State and district leaders explained that the ELPS are not addendums to general education conversations but rather integrated in almost all conversations and professional development opportunities provided by the state and districts. According to district officials, the consistency between content and ELPS standards has contributed to perceptions of the appropriateness of the ELPS and facilitated their implementation. One district leader credited the ease with which their district integrated the ELPS into their scope and sequence to the consistency between both sets of standards:

> If I'm a teacher in my district, I have the content standard, and then I have an ELPS that might go with that standard. And so the teachers are required to put that ELP or that ELP standard in the framework in a language objective type thing or a product.

As was the case with the specific guidance provided to LPACs, the specific guidance provided by the ELPS was seen as providing useful resources that district leaders and teachers could use to improve the instruction of ELs. This was because these policies were seen as authoritative as opposed to powerful, which led them to be seen as supportive rather than punitive.

As a WIDA state, Kentucky districts were required to use WIDA's ELP standards to inform instruction for students officially classified as ELs. Because of the lack of internal capacity to do this infrastructure building, Kentucky was not able to ensure consistency between these standards and the state content standards in the ways that Texas could and relied on WIDA to support them in doing this. The state also relied on WIDA to provide resources for the successful implementation of the ELP standards alongside resources for supporting ELs in mainstream classrooms. One district leader specifically discussed the WIDA "Can Do Descriptors" as a powerful tool for helping teachers translate ideas related to differentiation and scaffolding for ELs into classroom practices:

> They have something called the 'Can Do Descriptors' so, based on the scale or the performance, the 'Can Do Descriptors' say if the student is scoring at this level across listing reading, writing, and speaking can do these things…So then a teacher can…say okay I want to, if I'm teaching this way they should be able to do this at the end, and by this time, so that, so that we see the give them some degree of predictability in terms of language acquisition growth.

For this district official, the WIDA Can Do Descriptors offered specificity around how to effectively differentiate instruction for ELs.

Like Kentucky, Ohio also lacked the internal capacity to develop its own ELP standards and this was a primary rationale for the state's decision to join ELPA21. In their case it was ELPA21 that provided support in ensuring the consistency between these ELP standards and the general state content standards while also providing specific resources for supporting districts and schools in the implementation of the standards. ELPA21 offered a range of professional development resources through its partnership with Understanding Language at Stanford University that the ELPA21 member liaison described as bringing together "some very heavy-hitters in the field of English language proficiency…to help to deliver six modules to the consortium based on ELP standards to help practitioners to understand better how to deliver instruction to English learners." A similar appreciation was expressed by Ohio state and district leaders for the support of ELPA21

in supporting the work of ensuring consistency across the ELP standards and content standards as illustrated in the comment below in one district leader:

> What I like about the new standards is that they support each other. In the past English language proficiency standards were a separate set of objectives. They were hey go take your students over here and work with them on English grammar, and, and how to speak and listen, and how to do this, and now they complement each other. I think that's the good thing.

Yet, district leaders yearned for more specific guidelines and resources from the state regarding how to support the unique needs of ELs. In response to this demand and others from districts looking for more support from the state, state officials have engaged in discussions of changes to their structural organization that would allow EL experts who work at the state level to collaborate more frequently with general education experts. These efforts at collaboration increased with the passage of ESSA and the need for the state to develop an ESSA plan that includes plans for how it will meet the needs of its ELs.

At the heart of contemporary EL accountability policies are ELP standards that all states are now federally required to have. Building on the foundation created by the BEA, these ELP standards seek to provide a framework for monitoring the academic language development of students officially classified as ELs. Texas, with a long history of serving students classified as ELs and consequently a large amount of local expertise, was able to create these standards on its own. In contrast, Kentucky and Ohio lacked a great deal of local expertise and relied on national consortia to create this framework for them. In all three states, the ELP standards were seen by state and district leaders as authoritative because of their perceived consistency with the general content standards. What was especially appreciated by state and district leaders were when the creators of the ELP standards were able to provide specific guidance on how to implement them successfully as part of the overall differentiation that students classified as ELs require to be able to successfully progress based on the standards. Indeed, state and district leaders yearned for more of this specific guidance.

The Nationalization of ELP Assessments

In line with federal requirements for states to develop ELP Standards are federal requirements for states to develop ELP assessments that will be used to classify, monitor, and reclassify ELs as part of the development of a statewide consistent definition of EL. In the case of Texas, the state had played an active role in efforts to develop and evaluate the consistency of the (Texas English Language Proficiency Assessment System) TELPAS with the State of Texas Assessments of Academic Readiness (STAAR), the general content assessment. As a WIDA state, Kentucky uses WIDA's ELP assessments to identify ELs, monitor their English language development and determine whether they will be reclassified as fully English proficient. Since it began its partnership in 2006, Kentucky has regularly consulted WIDA in its establishment of common definitions, assessments, and classification criteria that all districts are expected to use. At the time of our interviews in 2015, all districts in Ohio were mandated to use the Ohio English Language Proficiency Assessment (OELPA) to determine EL student proficiency and reclassification from EL status. In addition, at the time of our interviews, ELPA21 was working on an EL screener that would be used to determine eligibility for EL services and ensure common identification processes across districts throughout the state. Interviews with state leaders suggested that the supports that ELPA21 has provided to the state with developing ELP assessments have

allowed the ODE to centralize some of their EL supports, providing specific and consistent guidance to districts.

That is, in a general educational context of local control of education that includes states recoiling from partnerships with national consortia to support the creation of general content assessments, Texas' decision to create their own locally developed ELP assessment is the exception that goes against the broader national trend. This has led to what is essentially a de facto national EL accountability policy with most states collecting comparable data for students officially classified as ELs that they are using to identify, monitor, and reclassify them and utilizing comparable resources to best meet their needs even as states have the ultimate responsibility for determining how they will use this data and resources to meet the needs of students officially classified as ELs. This nationalization of EL accountability policy stands in stark contrast to the decline in overall specificity around general education accountability, beginning with NCLB waivers and concluding with state ESSA plans, which were uniformly approved without much critical review following political pushback (Author, 2019a). It is also notable that in the context where CCSS-aligned national assessment consortia have struggled to maintain stable relationships with states due to political backlash (Smith & Thier, 2017), WIDA's and ELPA21's standards and assessments have remained relatively stable with most states utilizing the same ELP standards and assessments with little concern about if and how reliance on these national consortia undermines local control.

The Promise and Perils of Authority

State and federal EL policies have historically lacked a great deal of specificity with questions related to program models and the identification and reclassification of ELs being left primarily to the discretion of districts. Indeed, efforts to develop federal and even state policies in support of specific program models for meeting the needs of students officially classified as ELs—be they bilingual education or structured English immersion—has often been met with fierce opposition with the current consensus primarily favoring leaving such curricular decisions to local control. Yet, in recent years questions related to the identification and reclassification of ELs and accountability systems associated with their progress have become increasingly more rigorous and centralized, with many states partnering with two national consortia to assist them in developing statewide criteria for these processes. Importantly, these centralization processes have not been met with resistance within a context of increased calls for local control. On the contrary, our findings suggest that these centralized efforts have been welcomed with many district leaders expressing appreciation for the increasing specificity of these policies.

Texas is a state that prides itself on local control. Yet, the state has created an EL accountability system in line with federal requirements that seems counter to this trend toward local control. Our interviews indicated that district leaders appreciated the specificity of these policies and described them as offering important guidance in ensuring that they are most effectively able to meet the needs of their ELs. The level of specificity of these supports contributed to the authority with which EL accountability policies are perceived by district leaders in Texas. It should be noted that Texas was able to develop its own authoritative EL accountability policies that adhered to federal mandates because of its large numbers of students officially classified as ELs and long history serving this student population. As our survey results and state and district interviews indicated, this same internal capacity did not exist in Kentucky and Ohio pushing them to rely on national consortia to support their work to meet the federal guidelines.

Kentucky's partnership with WIDA has provided a common infrastructure within which all districts are expected to make their decisions related to the education of students officially classified

as ELs. Rather than seeing this as infringing on local control, district leaders appreciated this support and saw it as allowing them to be able to make informed decisions for the students officially classified as ELs in their district. This is because the EL accountability policies in place in Kentucky have garnered authority through a reliance on the expertise of the WIDA consortium, which was filling a niche that the state felt it did not have the internal capacity to develop on its own. The fact that this partnership has been maintained since 2006 illustrates that the increasing specificity that WIDA standards and assessments have provided to Kentucky has also led to relatively stable EL accountability policies that have supported the state in meeting the needs of the increasing numbers of ELs that it has received in recent years.

Similarly, while the rhetoric of local control in Ohio remains strong, there are indications that the state's partnership with ELPA21 coupled with changes to EL policy introduced with ESSA have prompted a transition in the state towards more specific policies for ELs. This specificity in turn has created the conditions for the state to build capacity and collaboration amongst state department offices as well as with districts. Our interviews suggest that the partnership with ELPA21 has been instrumental in increasing the specificity of EL accountability policies in the state and the resources provided to districts to implement these policies. Contrary to being seen as a threat to local control, the development of this infrastructure was seen as a necessary component in ensuring that districts can most effectively meet the needs of students officially classified as ELs.

In short, EL accountability policies have developed authority through a reliance on expertise, often in collaboration with national consortia, to develop specific guidelines and resources that districts can use to improve instruction for ELs. More specifically, these national consortia were able to identify possible areas where many states lacked strong levels of internal capacity and were able to develop flexible procedures for states and local districts to consult in harnessing and implementing the resources developed by the consortium. Crucially, this expertise exists outside of the formal federal and state accountability structure, allowing these consortia to focus on supporting states and districts rather than ensuring their compliance with federal and state regulations.

While this focus on authority may be expedient in addressing the political realities of the moment, it remains to be seen if and how authority as a framework can improve educational outcomes. To begin to answer such a question we might begin by examining the impact of relying on authority on EL performance on ELP assessments. That is, does increased authority brought via increased specificity of EL accountability policies increase EL achievement on these assessments? Does this, in turn, increase EL achievement in other areas such as ELA, math or science?

Of course, it may be that this framing is itself limited in promoting equity for students officially classified as ELs and other bi/multilingual students. After all, the intensive focus on assessing academic language promoted by the federal government and supported by national consortia and state educational leaders may have avoided political controversy precisely because it reinforces longstanding deficit perspectives of racialized bilingual communities (Flores, 2020; Flores & Lewis, 2022). Yet, the fact that this aspect of EL policy has been able to avoid political controversy in ways that other aspects of EL policy, such as program models, have not suggests that there is something different about EL accountability policies that are worth paying attention to for national educational actors hoping to shape state and local educational policy and practice. That said, while the lack of political controversy may be expedient from the perspective of national actors working to impact local policy decisions, it may also prevent critical scrutiny of this work and the ways that the more rigorous classification and reclassification criteria for bilingual students may negatively impact their educational experiences through the creation of inflexible policies that force more bilingual students into remediation (Brooks, 2019; Callahan, Wilkinson & Muller, 2010). That is, perhaps this lack of political controversy has negative consequences and more systematic

engagement with key stakeholders that might come from more political controversy might be beneficial.

Our study was not designed to answer whether focusing on authority is an effective path forward in promoting educational equity for students officially classified as ELs nor was it designed to answer the question of whether authority is a framework that could or should be applied to other aspects of educational reform. What our findings do indicate is that an approach to educational reform that embraces authority over power is possibly one way to maintain a robust role for national partners in shaping state and local educational policies. This being the case, it behooves all national actors, regardless of their perspective on the current state of EL accountability policy, to study this model closely as a point of entry for thinking through how they may be able to have a national impact in ways that do not experience political backlash because of perceived threats to local control.

References

Abedi, J. (2004). The No Child Left Behind Act and English language learners: Assessment and accountability issues. *Educational Researcher*, *33*, 4-14. https://doi.org/10.3102/0013189X033001004

Abraham, S., Wassell, B., Luet, K., & Vitalone-Racarro, N. (2018). Counter engagement: Parents refusing high stakes testing and questioning policy in the era of the Common Core. *Journal of Education Policy, 34,* 523-546. https://doi.org/10.1080/02680939.2018.1471161

Bailey, A., & Huang, B. (2011). Do current English language development/proficiency standards reflect the English needed for success in school? *Language Testing, 28*(3), 343-365. https://doi.org/10.1177/0265532211404187

Barrow, L., & Markman-Pithers, L. (2016). Supporting young English learners in the United States. *The Future of Children, 26*, 159-183. https://www.jstor.org/stable/43940586

Bialystok, E. (2018). Bilingual education for young children: Review of the effects and consequences. *International Journal of Bilingual Education and Bilingualism, 21*, 666-679. https://doi.org/10.1080/13670050.2016.1203859

Bleiberg, J., & Harbatkin, E. (2020). Teacher evaluation reform: A convergence of federal and local forces. *Educational Policy*, *34*(6), 918-952. https://doi.org/10.1177/0895904818802105

Boals, T., Kenyon, D., Blair, A., Cranley, M., Wilmes, C., & Wright, L. (2015). Transformation in K-12 English language proficiency assessments: Changing contexts, changing constructs. *Review of Research in Education*, *39*(1), 122-164. htpps://doi.org/10.3102/0091732X14556072

Brennan, M. (2018). Whiter and wealthier: "Local control" hinders desegregation by permitting school district secessions. *Columbia Journal of Law and Social Problem, 52,* 39-82.

Brooks, M. (2019). A mother's advocacy: Lessons for educators of long-term EL students. In H. Linville & J. Whiting (Eds.), *Advocacy in English language teaching and learning* (pp. 175-189). Routledge.

Callahan, R., Wilkinson, L., & Muller, C. (2010). Academic achievement and course taking among language minority youth in US schools: Effects of ESL placement. *Educational Evaluation and Policy Analysis*, *32*(1), 84-117. https://doi.org/10.3102/0162373709359805

Carrasquillo, A, Rodríguez, D., & Kaplan, L. (2014). New York State Education Department policies, mandates and English language learners. *Journal of Multilingual Education Research, 5,* 67-91.

Collier, V., & Thomas, W. (2017). Validating the power of bilingual schooling: Thirty-two years of large-scale, longitudinal research. *Annual Review of Applied Linguistics, 37,* 203-217. https://doi.org/10.1017/S0267190517000034

Crawford, J. (1999). *Bilingual education: History, politics, theory and practice.* Crane Publishing Company.

Cummins, J. (1976). *The influence of bilingualism on cognitive growth: A synthesis of research findings and explanatory hypotheses.* [ERIC Number: ED125311]. https://files.eric.ed.gov/fulltext/ED125311.pdf

Cummins, J. (1980). The entry and exit fallacy in bilingual education. *NABE Journal, 4*(3), 25-59. https://doi.org/10.1080/08855072.1980.10668382

De La Trinidad, M. (2015). Mexican Americans and the push for culturally relevant education: The bilingual education movement in Tucson, 1958-1969. *History of Education, 44,* 316-338. https://doi.org/10.1080/0046760X.2014.1002015

Desimone, L. (2002). How can comprehensive school reform be successfully implemented? *Review of Educational Research, 72*(3), 433-479. https://doi.org/10.3102/00346543072003433

Deville, C., & Chalhoub-Deville, M. (2011). Accountability-assessment under No Child Left Behind: Agenda, practice, and future. *Language Testing, 28*(3), 307-321. https://doi.org/10.1177/0265532211400876

Edelsky, C., Flores, B., Barkin, F., Altweger, B., & Jilbert, K. (1983). Semilingualism and language deficit. *Applied Linguistics, 4*(1), 1–22. https://doi.org/10.1093/applin/4.1.1

Edgerton, A. (2019). The essence of ESSA: More control at the district level? *Phi Delta Kappan, 101*(2), 14-17. https://doi.org/10.1177/0031721719879148

Edgerton, A. (2020). Learning from standards deviations: Three dimensions for building education policies that last. *American Educational Research Journal, 57*(4), 1525-1566. https://doi.org/10.3102/0002831219876566

Edgerton, A. & Desimone, L. (2018). Teacher implementation of college – and – career readiness standards: Links among policy, instruction, challenges, and resources. *AERA Open, 4*(4). https://doi.org/10.1177/23328418806863

Fereday, J., & Muir-Cochrane, E. (2006). Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods, 5*(1), 80–92. https://doi.org/10.1177/160940690600500107

Flores, N. (2016). A tale of two visions: Hegemonic whiteness and bilingual education. *Educational Policy, 30*(1), 13-38. https://doi.org/10.1177/0895904815616482

Flores, N. (2020). From academic language to language architecture: Challenging raciolinguistic ideologies in research and practice. *Theory into Practice, 59*(1), 22-31. https://doi.org/10.1080/00405841.2019.1665411

Flores, N., & Lewis, M. (2022). "False positives, reentry programs, and long term English learners": Undoing dichotomous frames in U.S. language education policy. *Equity & Excellence in Education, 55*(3), 257-269. https://doi.org/10.1080/10665684.2022.2047408

García, O., Kleifgan, J., & Falchi, L. (2008). *From English learners to emergent bilinguals.* Campaign for Educational Equity.

García, O., & Solorza, C. (2021). Academic language and the minoritization of U.S. bilingual Latinx students. *Language and Education, 35*(6), 505-521. https://doi.org/10.1080/09500782.2020.1825476

García, O., & Sung, K. (2018). Critically assessing the 1968 Bilingual Education Act at 50 years: Taming tongues and Latinx communities. *Bilingual Research Journal. 41,* 318-333. https://doi.org/10.1080/15235882.2018.1529642

Gilliom, J. (2009). Lying, cheating and teaching to the test: The politics of surveillance under No Child Left Behind. In T. Monahan & R. Torres (Eds.), *Schools under surveillance.* (pp. 194-209). Rutgers University Press.

Gewertz, C. (2014, January 31). Kentucky withdraws from PARCC testing consortium. *Education Week.* https://www.edweek.org/teaching-learning/kentucky-withdraws-from-parcc-testing-consortium/2014/01

Heath, S. B. (1984). Linguistics and education. *Annual Review of Anthropology, 13,* 251-74. https://www.jstor.org/stable/2155669

Hess, F., & Petrilli, M. (2004). The politics of No Child Left Behind: Will the coalition hold? *Journal of Education, 185,* 13-25. https://www.jstor.org/stable/42744085

Hinojosa, D. (2019). Bilingual education policy in Texas: Promises and lost opportunities. In D. DeMatthews & E. Izquierdo (Eds.), *Dual language education: Teaching and leading in two languages* (pp. 19-34). Springer.

Honeycutt Spears, V., & Brammer, J. (2017, February 17). Kentucky senate approves repeal of Common Core standards in schools. *Lexington Herald Leader.* https://www.kentucky.com/news/local/education/article133367274.html

Hornberger, N. (2006). Nichols to NCLB: Local and global perspectives on US education policy. In O. García, T. Skutnabb-Kangas & M. Torres-Guzmán (Eds.), *Imagining multilingual schools in education and glocalization* (pp. 223-237). Multilingual Matters.

Hursh, D. (2005). The growth of high-stakes testing in the USA: Accountability, markets and the decline in educational equality. *British Educational Research Journal, 31,* 605-622. https://doi.org/10.1080/01411920500240767

Kirylo, J. (2018). The opt-out movement and the power of parents. *Phi Delta Kappan, 99,* 36-40. https://doi.org/10.1177/0031721718775676

Lewis, H. (2015). *New York City public schools from Brownsville to Bloomberg: Community control and its legacy.* Teachers College Press.

Lindell, C. (2014, June 18). Greg Abbott: Common Core not welcome in Texas. *Stateman.* https://www.statesman.com/story/news/2014/06/18/greg-abbott-common-core-not-welcome-in-texas/10116468007/

Linquanti, R., & Cook, H. (2013). *Toward a "common definition of English learner": Guidance for states and state assessment consortia in defining and addressing policy and technical issues and options.* The Council of Chief State School Officers.

Liu, K., Thurlow, M., Erickson, R., Spicuzza, R., & Heinze, K. (1997). *A review of the literature on students with limited English proficiency and assessment.* Minnesota State Department of Children, Families, and Learning.

Livingston, D. (2015, July 1). Ohio fires PARCC for student testing but keeps Common Core. *Akron Beacon Journal.* https://www.beaconjournal.com/article/20150701/NEWS/307019019

MacSwan, J. (2000). The threshold hypothesis, semilingualism, and other contributions to a deficit view of linguistic minorities. *Hispanic Journal of Behavioral Sciences, 22*(1)*,* 3–45. https://doi.org/10.1177/0739986300221001

Marsh, J. A., & Wohlstetter, P. (2013). Recent trends in intergovernmental relations: The resurgence of local actors in education policy. *Educational Researcher*, *42*(5), 276-283. https://doi.org/10.3102/0013189X13492193

Martin-Jones, M., & Romaine, S. (1986). Semilingualism: A half-baked theory of communicative competence. *Applied Linguistics*, *7*(1)*,* 26–38. https://doi.org/10.1093/applin/7.1.26

Martiniello, M. (2008). Language and the performance of English-language learners in math word problems. *Harvard Educational Review, 78*(2), 333-368. https://doi.org/10.17763/haer.78.2.70783570r1111t32

Menken, K. (2008). *English learners left behind: Standardized testing as language policy*. Multilingual Matters.

Mitchell, C. (2019). 'English-Only' laws in education on verge of extinction, *Education Week*. https://www.edweek.org/teaching-learning/english-only-laws-in-education-on-verge-of-extinction/2019/10

Moran, R. (1988). Politics of discretion: Federal intervention in bilingual education. *California Law Review, 76,* 1249-1352.

Moran, R. (2011). Equal liberties and English language learners: The special case of structured immersion initiatives. *Howard Law Journal*, *54*, 397-423.

Olsen, R. (1989). A survey of limited English proficient student enrollment and identification criteria. *TESOL Quarterly, 23*(3), 469-488. https://doi.org/10.2307/3586921

O'Malley, J., & Valdez Pierce, L. (1994). State assessment policies, practices, and language minority students. *Educational Assessment, 2*(3), 213-255.https://doi.org/10.1207/s15326977ea0203_2

Ovando, C. (2003). Bilingual education in the United States: Historical development and current issues. *Bilingual Research Journal, 27*, 1-24. https://doi.org/10.1080/15235882.2003.10162589

Pandya, J. (2011). *Overtested: How high stakes accountability fails English language learners*. Teachers College Press.

Parsi, A. (2016). ESSA and English language learners. *Policy Update: National Association of State Boards of Education, 23*(21).https://nasbe.nyc3.digitaloceanspaces.com/2016/08/Parsi_ELLESSA-Final-3.pdf

Porter, A. (1994). National standards and school improvement in the 1990s: Issues and promise. *American Journal of Education, 102*, 421-449. https://doi.org/10.1086/444081

Ravitch, S. M., & Carl, N.M. (2016). *Qualitative research: Bridging the conceptual, theoretical, and methodological.* Sage.

Rothman, R. (2010, November/December). The promise of new state tests. *Harvard Education Letters*. https://www.hepg.org/hel-home/issues/26_6/helarticle/the-promise-of-new-state-tests_485#home

Saultz, A., Fusarelli, L., &McEachin, A. (2017). Every student succeeds at, the decline of the federal role in educational policy, and the curbing of executive authority. *Publius: The Journal of Federalism*, *47*, 426-444. https://doi.org/10.1093/publius/pjx031

Schneider, J. (2011). *Excellence for all: How a new breed of reformers is transforming America's public schools*. Vanderbilt University Press.

Sinclair, J. (2018). 'Starving and suffocating': Evaluation policies and practices during the first 10 years of the US Bilingual Education Act. *International Journal of Bilingual Education and Bilingualism*, *21*(6), 710-728. https://doi.org/10.1080/13670050.2016.1210565

Smith, M. S., & O'Day, J. (1991). *Putting the pieces together: Systemic school reform* (CPRE Policy Brief, RB-06-4/91). Consortium for Policy Research in Education. http://www.cpre.org/sites/default/files/policybrief/847_rb06.pdf

Smith, J., & Thier, M. (2017). Challenges to Common Core State Standards implementation: Views from six states. *NASSP Bulletin*, *101*(3), 169-187. https://doi.org/10.1177/0192636517712450

Solkov-Brecher, J. (1984). Improving bilingual education exit criteria and mainstreaming programs. *The Clearing House*, *57*(8), 348-350. https://doi.org/10.1080/00098655.1984.11478161

Sórolozano, D. (2008). High stakes testing: Issues, implications, and remedies for English language learners. *Review of Educational Research, 78*, 260-329. https://doi.org/10.3102/0034654308317845

Teitelbaum, H., & Hiller, R. (1977). Bilingual education: The legal mandate. *Harvard Educational Review, 47,* 138-170. https://doi.org/10.17763/haer.47.2.u762286x1221500k

Uccelli, P., & Galloway, E. (2017). Academic language across content areas: Lessons from an innovative assessment and from students' reflections about language. *Journal of Adolescent & Adult Literacy*, *60*(4), 395-404. https://doi.org/10.1002/jaal.553

Ujifusa, A. (2015, November 2). Elections in three states are low-profile, but high-stakes for education. *Education Week*. https://www.edweek.org/policy-politics/elections-in-three-states-are-low-profile-but-high-stakes-for-education/2015/11

Whitman, D. (2015). *The surprising roots of the Common Core: How conservatives gave rise to 'Obamacore'.* Brown Center on Education Policy, Brookings Institution. https://www.brookings.edu/wp-content/uploads/2016/06/Surprising-Conservative-Roots-of-the-Common-Core_FINAL.pdf

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