Multiply Minoritized: Science of Reading for Multilingual Learners in an English-only State

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Abstract: Policies informed by the science of reading (SOR) have gained traction in English-dominant contexts. In the United States, initial policy efforts that gave rise to SOR initiatives were dyslexia-specific, prioritizing early intervention guided by universal screening for the characteristics of dyslexia in early grades. These efforts transitioned into right-to-read policies whose stated objective was prioritizing a risk prevention model to ensure the acquisition of foundational literacy skills of all students. Yet, in English-only policy contexts, many educators wrestle with differentiating characteristics of dyslexia from the linguistic differences among multilingual learners. In this policy analysis, we triangulate policy documents at the state and district level with interviews

and transcripts from data team meetings held across four schools and two districts in Tennessee. Operating from the lens of intersectionality, our analysis highlights how policy generates dilemmas for educators whose interpretation meet the needs of *either* multilingual students designated English learners *or* students with reading difficulties, but not students whose intersectional identities include *both* multilingualism *and* reading difficulties. These dilemmas limit multilingual learners' access to early literacy intervention, lead to potential misidentification of learning disabilities, and fail to shield multilingual learners designated as English learners from grade retention.
Keywords: multilingual; science of reading; dyslexia; response to intervention

Multiplicar la minorización: La ciencia de la lectura para los estudiantes multilingües en un estado de "sólo inglés"

Resumen: Las políticas basadas en la ciencia de la lectura (SOR, por su sigla en inglés) han ganado fuerza en los contextos de inglés-dominante. En los Estados Unidos, los esfuerzos políticos iniciales que dieron lugar a las iniciativas SOR se centraron en la dislexia, dando prioridad a la intervención temprana guiada por la detección universal de las características de la dislexia en los primeros grados. Estos esfuerzos evolucionaron en políticas de derecho a la lectura cuyo objetivo declarado era dar prioridad a un modelo de prevención de los riesgos para garantizar la adquisición de la alfabetización de todos los estudiantes. Sin embargo, en los contextos de las políticas de sólo-inglés, muchos educadores luchan por diferenciar las características de la dislexia de las diferencias lingüísticas entre los estudiantes multilingües. En este análisis político, triangulamos documentos políticos a nivel estatal y de distrito con entrevistas y transcripciones de juntas de análisis de datos, las cuales fueron celebradas en cuatro escuelas y dos distritos de Tennessee. Operando desde la lente de la interseccionalidad, nuestro análisis destaca cómo la política genera dilemas para los educadores que interpretan la política para atender las necesidades de los estudiantes multilingües designados como estudiantes de inglés (ELL, por su sigla en inglés) o estudiantes con dificultades de lectura, pero no los estudiantes cuyas identidades interseccionales incluyen tanto el multilingüismo como las dificultades de lectura. Estos dilemas limitan el acceso de los estudiantes multilingües a las intervenciones tempranas de alfabetización, conducen a una posible identificación errónea de las dificultades de aprendizaje y no protegen a los estudiantes multilingües designados como estudiantes de inglés de la retención escolar.
Palabras-clave: multilingüe; ciencia de la lectura; dislexia; respuesta a la intervención

Multiplicar a minorização: A ciência da leitura para alunos multilingues num estado de "somente inglês"

Resumo: As políticas baseadas na ciência da leitura (SOR, na sigla em inglês) ganharam força em contextos onde o inglês é dominante. Nos Estados Unidos, os esforços políticos iniciais que deram origem às iniciativas SOR centraram-se na dislexia, dando prioridade à intervenção precoce orientada pela deteção universal das características da dislexia nos primeiros anos escolares. Esses esforços evoluíram para políticas de direito à leitura cujo objetivo declarado era dar prioridade aum modelo de prevenção de riscos para garantir a aquisição da literacia por todos os alunos. No entanto, nos contextos das políticas de inglês exclusivo, muitos educadores têm dificuldade em diferenciar as características da dislexia das diferenças linguísticas entre os alunos multilingues. Nesta análise política, triangulamos documentos políticos a nível estadual e distrital com entrevistas e transcrições de reuniões de análise de dados, que foram realizadas em quatro escolas e dois distritos do Tennessee. Operando a partir da lente da interseccionalidade, a nossa análise destaca como a política gera dilemas para os educadores que interpretam a política para atender às necessidades dos alunos multilingues designados como alunos de inglês (ELL, na sigla em inglês) ou alunos com dificuldades

de leitura, mas não os alunos cujas identidades interseccionais incluem tanto o multilinguismo quanto as dificuldades de leitura. Esses dilemas limitam o acesso dos alunos multilingues a intervenções precoces de alfabetização, levam a uma possível identificação errada das dificuldades de aprendizagem e não protegem os alunos multilingues designados como alunos de inglês da retenção escolar.

Palavras-chave: multilingue; ciência da leitura; dislexia; resposta à intervenção

Multiply Minoritized: Science of Reading for Multilingual Learners in an English-only State

Discourses surrounding the science of reading (SOR) have gained traction in the United States over the past decade, leading to state laws that specify definitions of dyslexia, promote universal screening, and delineate what constitutes effective programs for dyslexia intervention (Gabriel, 2020). In spite of the fervor that motivated their enactment, recent analysis of their effects suggest that dyslexia continues to be under-identified in the general population (Phillips & Odegard, 2017). In addition, students who belong to racially and/or ethnically minoritized social groups are less likely to be identified for dyslexia than their white peers (Odegard et al., 2020), suggesting that racial bias may shape educator decision-making in dyslexia identification.

More recently, several states have taken up discourses from the SOR to enact comprehensive literacy reforms aimed at protecting all students' right-to-read. These reforms prescribe processes for screening and intervention for reading difficulties, integrate changes to teacher licensure requirements, provide teacher professional development, constrain instructional materials, and most controversially, mandate grade retention for third-grade students who fail standardized reading tests (Olson, 2023).

In this manuscript, we employ intersectionality as a theoretical framework, triangulating policy documents, interview transcripts, field notes, and recordings of data team meetings collected as part of a larger comparative case study to describe how multilingual learners (MLLs)[1] are multiply minoritized by literacy reform policies in Tennessee. Tennessee is an English-only state, which means that state law designates English as the sole language for official communication in government and public services. Our analysis finds that students have been assessed based solely on their English literacy skills, have been denied access to early interventions based on English language proficiency, and have received limited protection against third- grade retention.

Literature Review

Prior to explaining our analysis, our literature review will clearly define our theoretical framework, explain the response to intervention (RTI) frameworks that situate our data, and then synthesize research on best practices for RTI with MLLs. In this analysis, we operate from the assumption that there is growing evidence in interdisciplinary literacy research for how to effectively support the needs of MLLs who demonstrate literacy difficulties (TRL & NCEL, 2023). Thus, we

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[1] Many terms are used to describe individuals who speak more than one language. The state of Tennessee uses the term English learner (EL) to refer to multilingual learners who have demonstrated a need for supplementary instruction to increase their proficiency in English, and English as a second language (ESL) to describe the instructional programming provided to MLLs. We acknowledge the deficit implications of EL and ESL labels and will use the descriptor MLL unless referencing the specific classification and programming descriptions adopted by the state.

utilize intersectionality as a theoretical framework to better understand how policies that claim to be informed by the SOR do not equitably serve MLLs.

Intersectionality as a Theoretical Framework

As a theoretical model, intersectionality positions individuals at the crux of multiple sources of identity and locates individuals' experiences within the sociocultural context of their relationships to communities and institutions (Crenshaw, 1989; Smooth, 2013). Crenshaw (1989) elaborated three points central to this model: 1) Individuals for whom multiple minoritized identities intersect are subject to multiple sources of marginalization; 2) the effects of these multiple sources of institutional marginalization are multiplicative rather than additive, leading to harmful effects to multiply-minoritized individuals that are greater than the sum of the harms to singly-minoritized individuals; and 3) when institutions assign people experiencing multiple sources of discrimination to a single category, their experiences are evaluated through the lens of the most privileged members who are perceived as typical of that category. This last point, Crenshaw argues, results in the erasure of multiply-minoritized individuals from the perceptions and policies of societal institutions.

Intersectionality provides a model for revealing, examining, and critiquing the harms committed against multiply marginalized people by institutional policies and perceptions that reduce individuals to a single category. Smooth's (2013) tenets of intersectionality further refine the model by specifying, among other points, that a) both marginalization and privilege can exist simultaneously within communities and individuals, b) both identity categories and the power structures defining relationships between institutions and communities shift over space and time, and c) intersectional work by its nature supports justice, equity, and inclusion for all marginalized identities.

While intersectionality has historically been applied in legal research (Crenshaw, 1989), some theorists have also called for expanding intersectionality as a paradigm to education research (Muhammad & Haddix, 2016; Kanno & Kangas, 2024). Muhammad and Haddix (2016) proposed an intersectionality-focused Black girls' literacies framework for educators and, by extension, researchers to use in understanding the unique intersecting strengths and needs of students whose identity includes Black+girl. Kanno and Kangas (2024) call for intersectional analysis to advance linguistic justice and other forms of equity for multiply-minoritized learners.

In addition to calls for utilizing intersectionality in educational research overall, some theorists have specifically called for intersectionality as a paradigm to better understand the experiences of students at the intersection of minoritized identity+disability. Strand (2017) draws on the paradigms of intersectionality and neurodiversity to propose an interdisciplinary approach to understanding and supporting the intersecting needs of people who are both minoritized and neurodivergent. Artiles (2019) calls out the legacies of harmful categorizations of difference that still influence practice and research around the identification of students with disabilities and intersecting marginalized identities. He challenges researchers to employ an intersectional view when looking at how and why students with learning differences and other marginalized identities are over-, under-, or misrepresented in special education.

Education researchers have begun to answer this call to action to further intersectional research on the needs of multilingual learners with learning differences. In her work, Kangas (2014, 2021) employs the lens of intersectionality to interrogate the pervasive practice of asking "Is it language or disability?" when making decisions for how to support multiply-minoritized learners (Kangas 2021, p. 674). Park (2020) critiques the ways in which the categories and labels of "English learner" and "disability" are co-constructed as separate, although equally deficit-based, concepts. Both Kangas and Park situate their intersectional analysis in the context of national education policy;

they point out that practices that treat MLLs with learning differences as *either* multilingual *or* disabled run counter to the legal right of multiply-minoritized learners to the educational services enshrined in federal and state policy. Our research continues in this vein by investigating teacher sense-making about policies regarding instructional supports for MLLs who also demonstrate literacy difficulties. However, before examining our findings, we must first explain the RTI frameworks in which our data collection is situated.

Response to Intervention

Response to intervention (RTI) was introduced in the reauthorization of the Individuals with Disabilities Education Act in 2004 as an alternative to the IQ-achievement discrepancy model for special education eligibility, which has been criticized as a wait-to-fail approach (Fuchs & Fuchs, 2006). The RTI model adopted in Tennessee operates from three critical assumptions: 1) all students receive high-quality, evidence-based Tier 1 (core) instruction, 2) all students are given the opportunity for universal screening, and 3) students who are identified by universal screeners receive tiered or intensified intervention and their progress is monitored regularly (Fuchs & Fuchs, 2006). Universal screening is completed throughout the school year (i.e., beginning, middle, and end of the year), and students who do not meet designated performance levels are identified as needing more intensified support (Fuchs & Fuchs, 2006). These intensified supports, or tiered interventions, are offered in addition to the Tier 1 instruction, with higher tier numbers reflecting greater intensity of support (Fuchs & Fuchs, 2006).

In addition to receiving additional instructional supports, students who do not meet designated performance levels must receive progress monitoring, which is intended to gauge whether the interventions are sufficient or if instructional changes are needed (Fuchs & Fuchs, 2006). Progress monitoring helps school-based teams determine how students are *responding* to the interventions they are receiving. The RTI model is designed to be a fluid and interactive model, with data used to inform instructional decisions, allowing students to move in and out of levels of support based on their progress monitoring and screening data (Fuchs & Fuchs, 2006).

Multilingual Service Models in Tennessee

Historically, the percentage of MLLs in Tennessee schools has been relatively low in comparison with other regions of the U.S., but since 2000, the American South has experienced faster growth of Latiné immigrants than any other area of the United States (Gándara and Mordechay, 2017). The top countries of origin for immigrants in Tennessee are Mexico, Honduras, Guatemala, India, and Venezuela (American Immigration Council, 2025), and Spanish, Arabic, Swahili, Vietnamese, and Kurdish were reported as the top five most common languages (other than English) spoken by multilingual learners in Tennessee (United States Department of Education [USDOE], 2022). Approximately 80% of MLLs reported Spanish as their home language (Office of English Language Acquisition [OELA], 2023), however, the varied nationalities and language varieties listed above highlight the diversity within Spanish-speaking MLLs in Tennessee.

Tennessee statutes require an Individual Learning Plan (ILP) for any student classified as an English Learner receiving direct and indirect language development services (TNDOE, 2023a). "Direct ESL Services" include direct instructional services typically designed and provided by an ESL-endorsed educator, and "Indirect ESL Services" include linguistic accommodations and scaffolds provided by a general education classroom teacher (TNDOE, 2023a, p. 18). At the time of data collection, Tennessee partnered with the WIDA Consortium and used the WIDA assessment suite to assess and classify students according to their English language development and proficiency.

Schools may use one of seven approved service delivery models (sheltered English instruction, structured English immersion, specially designed academic instruction in English, content-based instruction, heritage language, virtual ESL classes, pull-out instruction) or another department-approved model (TNDOE, 2023a). The aforementioned models may be used in various settings (general education classrooms, ESL classrooms, and newcomer academies). The focal schools in our study primarily used a pull-out model with students most often grouped according to grade level rather than language development levels and served during the intervention time block or during science/social studies.

Despite its designation as an English-only state, which means mandated assessments are only administered in English, Tennessee state guidance includes provisions allowing native language assessments to better determine student needs and supports (TNDOE, 2023a). The ESL Manual also indicates annual parent notification must include "the methods of instruction used…, and the use of English and a native language in instruction" (TNDOE, 2023a, p. 18). However, there is no additional guidance or provision for using native language supports to scaffold learning for multilingual learners. Heritage language instructional models are not utilized to provide students access to academic content, rather they allow secondary students to earn world language credits via courses designed to build their academic literacy in languages other than English. Traditional bilingual approaches, such as transitional bilingual or dual language immersion instruction, are not approved English language development models in Tennessee. Moreover, logistical constraints, such as limited bilingual faculty and limited access to bilingual resources, present barriers to bilingual education in the state.

Best Practices for Response to Intervention with Multilingual Learners

Multilingual learners (MLLs) account for 10.6% of public school enrollment in the United States, with 15 states' MLL population topping ten percent (National Center for Education Statistics, 2022). They are not a monolithic group, and it can be challenging to distinguish between language differences and disability (Linan-Thompson et al., 2022; Miciak et al., 2022). As a result, MLLs may be identified with reading disorders such as dyslexia later than their monolingual English-speaking peers (Linan-Thompson et al., 2022; Miciak et al., 2022; Odegard et al., 2020; Solari et al., 2022). Miciak and colleagues (2022) found the underpopulation of MLL students in special education during Grades K-1 but an overpopulation of these same students in Grade 3. A more recent analysis by Mancilla-Martinez and colleagues (2024) found relative underrepresentation of MLLs identified for special education in the state of Tennessee compared to their native English-speaking peers.

The literature provides evidence for the benefits of early identification of potential reading difficulties for MLLs(Goldenberg, 2020). Studies have found the effects of intervention are greater in younger elementary-age students (K-3) than in older elementary or adolescents (Solari et al., 2022). Thus, it is important to recognize the heterogeneity of literacy learning needs of multilingual learners. In addition to having diverse home languages, cultures, and funds of knowledge (Linan-Thompson et al., 2022), MLLs also have varied literacy skills and unique instructional needs which may change across development (Mancilla-Martinez & Lesaux, 2011; Miciak et al., 2022; NCEL et al., 2022). For example, many MLLs are learning to speak English while they are tasked with learning its written system, which adds more complexity than that experienced by students who are only learning to map print onto familiar speech (Goldenberg, 2020). Early identification of potential reading risk can provide students access to specialized reading intervention that MLLs may require (Cárdenas-Hagan, 2018). Many learning difficulties can be remedied by focusing on early identification and subsequent early intervention (Gutiérrez et al., 2019).

The National Literacy Panel on Language-Minority Children and Youth (August & Shanahan, 2006) pointed out that the five components outlined in the National Reading Panel report (2000) were necessary but not sufficient for MLLs, and oral English language proficiency must also be included as an instructional element. This was supported in subsequent studies, which demonstrated the effectiveness of instruction focused on oral and written language development, particularly focused on developing academic English along with vocabulary instruction (August & Shanahan, 2006; Baker et al., 2014; Gersten et al., 2007).

Recommended practices include small group instruction, opportunities for students to work collaboratively, and leveraging native language supports (August & Shanahan, 2006; Linan-Thompson et al., 2022; NCEL, 2022; TRL & NCEL, 2023). In a meta-analysis conducted by Solari and colleagues (2022), interventions incorporating *both* code-focused and meaning-focused instruction were more effective than interventions that focused solely on code-based instruction *or* meaning-based instruction. It is important that this instruction take place simultaneously rather than sequentially; while working on word-level skills, effective literacy instruction exposes MLLs to complex vocabulary and texts to simultaneously build their oral language (Mancilla-Martinez & Lesaux, 2011). Students need explicit instruction on how to map oral language onto written language (TRL & NCEL, 2023), underscoring the importance of oral language skills as a foundation.

Utilizing effective RTI systems can help identify student needs early and prevent negative achievement outcomes (Gersten et al., 2007; Linan-Thompson et al., 2022). However, there are implications for screening and assessment to ensure MLLs are credited for all the linguistic knowledge they possess (Linan-Thompson et al., 2022). The use of monolingual instruments, along with monolingual norms to interpret MLLs' scores, may fail to fully represent their capabilities and can result in misidentification of students at risk for learning difficulties (Monsrud et al., 2022).

In addition to selecting and using culturally and linguistically responsive instruments, RTI processes with multilingual learners can be supported by training educators about language acquisition and its implications for data interpretation (Linan-Thompson et al., 2022), which can help educators adopt an asset-based lens toward multilingualism (August & Shanahan, 2006; Linan-Thompson et al., 2022; NCEL, 2022; TRL & NCEL, 2023). Educators must understand that MLLs are not simply "two monolinguals in one" (Grosjean, 1989, p. 3), and because of this, their data patterns will reflect the interaction of their linguistic knowledge across languages (McClain et al., 2021). Linan-Thompson and colleagues (2022) suggest interpreting data through the lens of an individual's language proficiency in all languages they speak and the amount of instruction they have received in the language(s) of assessment. Considering contextual factors and viewing student data through a cross-linguistic lens can assist in distinguishing whether learning is impacted by language acquisition or a potential language-based disability, and it can better ensure the team is not measuring knowledge of *one language* (English) as a proxy for knowledge of *language* (Linan-Thompson et al., 2022).

In sum, we argue that there is a preponderance of evidence about the importance of early identification and intervention for all students who experience reading difficulties, including MLLs. Operating from the lens of intersectionality, our policy analysis attends to ways that MLLs are multiply marginalized by policies that are designed to meet the needs of students who demonstrate reading difficulties *or* students who demonstrate limited English proficiency, but not *both*.

In order to better understand the intersectional implications of how policy informed by SOR is enacted across contexts within an English only state, we adopt an anthropological approach to policy analysis (Hamann & Rosen 2011) in which we define policy as "a form of social practice" (p. 6) that is enacted via "social and cultural processes of interpretation, contestation, adaptation, compromise, and sometimes resistance" (p. 7) among actors across varied levels of implementation.

As such, we utilize comparative case study to account for the messy, multilayered process of socioculturally constructing the interpretation of policy and selectively implementing policy across different levels of enactment (Bartlett & Vavrus, 2017). Comparative case study does not assume linear, straightforward process, and instead attends to how policies are translated horizontally (across contexts), and transversally (over time), in addition to how they are translated vertically (i.e. top down; Bartlett & Vavrus, 2017).

Figure 1

Bartlett & Vavrus's (2017) Three-dimensional Model for Case Study Analysis

In the section that follows, we will provide more details about our methods, including research questions, data collection processes, the context for data collection, and analysis.

Methods

In this analysis, we triangulate official policy documents at the state and district level with interview data, audio transcripts and field notes from RTI meetings, and artifacts collected as part of a larger comparative case study to address the following research questions:

1) How are policies regarding RTI for MLLs translated vertically, from state guidelines to district leaders?
2) How are policies regarding RTI for MLLs translated horizontally across schools as educators engage in data team meetings as part of the RTI process?
3) How are policies regarding RTI for MLLs shaped by temporal and historical factors?

Data Collection

Data for this analysis were collected as part of a larger comparative case study (Bartlett & Vavrus, 2017) about teacher sensemaking in the context of regular data team meetings that take place as part of the RTI framework in Tennessee. We retrieved relevant laws: English Official and Legal Language Law (1984), Say Dyslexia Law (2016), English as a Second Language Programs Rules of the State Board of Education (2019), Tennessee Literacy Success Act (2021), and The Promotion of Students From Third Grade (2022). We also retrieved current guidance documents from official government websites: *Promotion and Retention Guidelines and Toolkit* (TNDOE, 2024), *English as a Second Language Manual* (TNDOE, 2023a), *The Response to Instruction and Intervention Framework* (TNDOE, 2023b), *The Dyslexia Resource Guide* (TNDOE, 2023c), and the *Special Education Framework* (TNDOE, 2018).

In addition, we collected data in four schools from two districts: City District and Rural District[2]. The districts were purposively sampled to compare across different geographic regions and demographic populations (Schoch, 2020). We received approval from Institutional Review Board

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[2] Pseudonyms are used for each district, school, and educator

policies within our own institution and the school systems where we collected data and followed all required procedures, including obtaining informed consent from all participants. We began in spring of 2023 by interviewing district leaders responsible for coordinating response to intervention (RTI) and English as a second language (ESL) programs. Janna interviewed the leaders for each district independently in a small group format (i.e. Janna, the district ESL coordinator, and the district RTI coordinator), following a semi-structured interview protocol.

The district leaders then assisted in recommending two schools from each district that would serve as appropriate cases for the phenomenon we wished to observe (Yin, 2018). These selections were made based on demographics of the school and perceived openness of the school administration to outside observation. In summer 2023, Janna interviewed school level leaders, including principals and academic interventionists. The principal interviews were conducted one-on-one, and the academic interventionist interviews were conducted in pairs by school. These interviews were audio recorded and lasted between 15 and 45 minutes. The purpose of these interviews was to get a sense of how school level leaders perceived "business as usual" procedures for data team meetings.

From August 2023-May 2024, Janna and Lauren attended regularly scheduled data team meetings across the districts, where we collected structured field notes and audio recordings. We define each data team meeting as the time when a predetermined set of people gather to discuss student progress in key indicators for literacy development. Data team configuration varied across the schools: in two of the schools, data team meetings were always organized by grade level. At other schools, multiple grade levels would meet at the same time, which led to longer meeting times. We observed a total of 128 meetings across the four schools, ranging from 12 minutes to 181 minutes in length. One grade level at one school did not consent to being observed or recorded, therefore their data is omitted from the analysis. Another educator did not consent to being audio recorded, and therefore we only collected field notes during meetings where this educator was present. We collected consent forms from 119 participants, including district leaders, principals, assistant principals, academic interventionists, ESL teachers, school psychologists, classroom teachers, and paraprofessionals.

During data collection, Janna and Lauren met monthly to discuss preliminary patterns we noticed across sites and methodological concerns. Our field notes included spaces to bracket personal and methodological notes, and we routinely wrote methodological and synthesis memos to track the development of our thought process. We utilized otter.ai to assist with transcription. Trained research assistants simultaneously reviewed the field notes and cleaned the transcripts aligned with those field notes. In addition to field notes and transcripts, we collected artifacts such as district level guidance documents, blank tables utilized for data organization, and templates for PowerPoint presentations to triangulate our findings. Our IRB protocol prohibited the collection of student data.

Contexts for Data Collection

We collected data at four schools in two districts in Tennessee (see Table 1). City District is in a suburban region and is among the largest districts in the state. It serves a broad range of schools with diverse demographic make-up. We selected two elementary schools in the City District as the sites for data collection: Fisher and Armstrong Elementary. Both schools serve students in pre-kindergarten through sixth grade. Both schools are relatively large, serving over 650 students during the 2023-2024 school year, and approximately half of their student population receives free or reduced lunch through federal programs. Armstrong Elementary serves a greater percentage of

multilingual students designated as English learners (approximately 25%) than Fisher Elementary (approximately 15%).

　　We also collected data at two schools in Rural District. In spite of its remote geographic location, Rural District covers a large physical area and is thus seen as a mid-size district based on student population relative to other school districts in Tennessee. Evans Elementary serves students in pre-kindergarten through fifth grade and was centrally located (i.e. in town.) Though a bit smaller than Armstrong Elementary in City District, Evans served a similar demographic, with approximately half of students receiving free and reduced lunch and approximately 20% of students designated as English learners. Bennett's Cove Elementary was located on the far edge of Rural District and was considerably smaller than the other three schools in the study. It served 262 students pre-kindergarten through eighth grade, and each grade level had only one class of students. It also had a smaller proportion of students designated as English learners and a smaller proportion of students receiving free and reduced lunch.

Table 1

Demographic Makeup of Participating Schools

School Pseudonym	Total # of Students	Percentage of Students Designated EL	Percentage of Students receiving Free or Reduced Lunch	Geographic Context
Bennett's Cove Elementary[a]	262	8%	35%	rural
Evans Elementary[a]	489	19%	50%	rural
Fisher Elementary[b]	762	16%	44%	suburban
Armstrong Elementary[b]	663	23%	54%	suburban

Notes: [a] Rural District [b] City District

Data Analysis

　　We followed the heuristic provided by Bartlett and Vavrus (2017) for comparative case study by organizing our analysis vertically, horizontally, and transversally. Vertical analysis attends to the complexity of policy interpretation across scale: in this instance, the application and interpretation of abstracted findings from literacy research to concrete policies at the state level, then district, then school. In our vertical comparison, we uploaded documents at the state, district, and school level to the mixed-methods analytic software, DeDoose, then inductively and iteratively developed thematic codes to generate findings regarding tensions within official documents. We then triangulated

document analysis with interview data to demonstrate the multileveled process of appropriation (Bartlett & Vavrus, 2017).

While vertical comparative analysis attends to the similarities and differences in policy interpretation across hierarchically organized institutions, horizontal analysis compares across similar entities. Our horizontal analysis utilizes a nested homologous approach (Barlett & Vavrus, 2017), in that we are comparing similar entities (four schools) that are nested within similar institutions (two districts) within one state. For the horizontal findings, we reviewed synthesis memos generated during data collection to purposively sample dilemmas that arose during RTI meetings from each school. These dilemmas served to anchor our findings, as school sites experienced them similarly, yet responded to them uniquely. This allowed us to demonstrate how contextual factors shape the collective interpretation and selective implementation of state policy.

The last analytic dimension of comparative case study identified by Bartlett and Vavrus (2017) is the transversal. Transversal analysis attends to the temporal and historical dimensions of policy interpretation and enactment, providing contextual consideration of the relationships between the vertical and horizontal findings. In our analysis, we centered Tennessee's status as a "new immigrant destination" that constrains educators' response to the rapid demographic shifts. Both historical policy (i.e., the 1984 English only state law) and logistical constraints, such as limited availability of multilingual measures and staff that have adequate training to administer and evaluate the results of those measures, play an important role in how policies informed by the SOR are unequally applied to monolingual versus multilingual learners.

Findings

In our findings, we present three key dilemmas Tennessee educators face when making instructional decisions for multilingual learners who demonstrate reading difficulties, elaborating on each dilemma through the lens of vertical, horizontal, and transversal analysis (see Table 2).

Table 2

Consolidated Vertical, Horizontal, and Transversal Findings across Dilemmas

	Vertical	Horizontal	Transversal
	Tensions in policy as written:	Varied interpretations and responses across schools:	Temporal and historical factors shaping responses:
Dilemma 1: Access to Early Intervention for MLLs	We should not "wait to fail;" Early intervention is critical to later literacy access.	Central Office versus building-level decisions regarding scheduling	Precedent of English-only law makes English proficiency a prerequisite for intervention
	Vs. MLLs must have sufficient English proficiency to access early literacy intervention.	General interpretation is that ELD supersedes reading intervention	Limited access to multilingual assessments, limited capacity to interpret those assessments

	Vertical	**Horizontal**	**Transversal**
	Tensions in policy as written:	Varied interpretations and responses across schools:	Temporal and historical factors shaping responses:
Dilemma 2: Access to Psychological Assessment for MLLs	MLLs have a right to evaluation and referral for special education supports. vs. Language difference should not be mistaken for disability.	Limited access to school psychologists, resistance by school psychologists to assess MLLs Limited access to multilingual assessments as well as staff to administer and interpret them.	English-only laws permit but do not mandate use of multilingual assessments. Historical overrepresentation of subpopulations receiving special education
Dilemma 3: Protection from Grade Retention	Mandated grade retention for 3rd and 4th graders who score below proficient on state standardized testing, including for MLLs who have been in U.S. schools for 2 years vs. Guidance from the ESL manual to avoid retention of English learners.	Shifting responses to as policy is updated throughout the year: Teachers subverted policy by issuing an ILP-D or SPED referral for MLLs, even when they did not believe students needed those supports, to protect against retention.	Retention is a recent hallmark of literacy reform movements, despite its limited support from SOR research Meanwhile, extensive SOR research regarding best practices for MLLs is not included in literacy reform movements.

Dilemma 1: Access to Early Intervention for MLLs

Vertical Analysis

The state level literacy policies in Tennessee heavily emphasize the importance of early intervention to ensure that students acquire key foundational literacy skills in their first years of school. For example, the *Tennessee RTI Manual* (2023b) states that RTI emphasizes "early intervention services for at-risk children. Schools can no longer wait for students to fail before providing intervention. Instead, schools should provide a proactive, problem-solving model to identify and address areas of academic need" (p. 6). The *Tennessee Dyslexia Resource Guide* (TNDOE, 2023c) adds that "without early intervention and support, students struggling with foundational reading skills, such as phonological and phonemic awareness, sound-symbol correspondence, alphabet knowledge, word recognition and decoding, and encoding are at risk for not meeting proficiency standards in literacy" (p. 4). The *Tennessee Special Education Framework* (2018) elaborates further on the differences between RTI[2] and prior wait-to-fail models. It states: "It is the responsibility of school districts to seek ways to meet the unique educational needs of all children within the general education program prior to referring a child to special education" (p. 19).

State guidance for implementing RTI² for multilingual students designated English Learner presents dichotomous considerations that stand in tension with each other. On the one hand, policies emphasize that MLLs have a legal right to the same educational programs as their English proficient peers, including both RTI² and special education services. According to the Tennessee Board of Education ESL Program Rule, "LEAs shall have anti-discriminatory policies that preclude denial of equal education opportunities to individuals based on race, color, or national origin. In addition, LEAs shall ensure that EL students can meaningfully participate in their educational programs and services. LEA practices shall not result in the inappropriate placement of EL students in or the exclusion from special programs or activities based on English language proficiency or national origin" (p. 2), and more specifically, "LEAs shall ensure that all EL students who may have a disability are located, identified, and evaluated for special education and related services in a timely manner" (p. 2).

In terms of RTI procedures, the *ESL Manual* (2023), *RTI² Manual* (2023), and *Dyslexia Resource Guide* (2023) each provide specific guidance that ELs should be included in the RTI process. According to the *ESL Manual* (2023), "ELs must also be appropriately included in the Response to Instruction and Intervention (RTI²) process at a school. Thoughtful consideration should be made when determining how ELs will participate in tiered interventions. ELs should be provided the appropriate Tier I (core instruction), Tier II, and Tier III supports based on their individual needs identified by the universal screener" (p. 20). The *RTI² Manual* (2023) explains "RTI² is a process focused on prevention and early intervention and designed to ensure success for all students, including English learners (ELs). LEAs should administer a universal screener to ELs. Universal screeners will be culturally sensitive and free of bias, and thoughtful consideration should be made for how ELs will participate in tiered interventions" (p. 26). The *Dyslexia Resource Guide* (2023) adds that "LEAs shall ensure that EL students suspected of having characteristics of dyslexia are screened and served" and that instruction "shall be coordinated to ensure the seamless provision of coherent and complete services and support" (p. 16).

On the other hand, the guidelines caution educators to be aware of language differences that could be mistaken for disability. The *Special Education Framework* (2018) explains: "To determine whether a student who is an EL has a disability, it is crucial to differentiate a disability from a cultural or language difference" (p. 21) and "only after documenting problematic behaviors in the primary or home language and in English, and eliminating extrinsic variables as causes of these problems, should the possibility of the presence of a disability be considered" (p. 22). Multiple documents state that students should not be identified as having a learning disability "solely because of their limited English language proficiency" (ESL Program Rule 5020, 2019, p. 5; TNDOE, 2023a, p. 16).

To navigate the tensions that could lead to underrepresentation or overrepresentation of MLLs receiving special education services, Tennessee policy documents recommend deferring to English language proficiency levels when determining how to best meet ELs' instructional needs. Regarding the decision to provide Tier 2 Intervention services to EL students, the *ESL Manual* (2023) states: "For ELs, their language proficiency must also be considered regarding the decision to provide Tier II interventions. All interventions must be linguistically accessible to ELs" (p. 35). More specifically, "If an EL falls below the 25th percentile on the universal screener and they have not acquired sufficient English language to access academic interventions, they should continue to receive ESL services in lieu of RTI². If an EL falls below the 25th percentile on the universal screener and they have acquired sufficient English language to allow them to access academic interventions, they should receive accessible RTI² interventions, in addition to ESL services, based on their specific area of need" (p. 22). The guidance for Tier 3 interventions is very similar: "English

language proficiency is a factor in this decision. ELs should never be placed in services that are inaccessible to them" (p. 36).

While the two districts represented in our study took slightly different approaches to interpreting state policies for screening and providing early intervention for MLLs, there were no instances of clear diversion from Tennessee policy guidelines. In comparison with Rural District, City District took a more top-down approach. The ESL Director (ESLD) created a flow chart and guidance document for educators to refer to when making decisions about RTI services for MLLs. She explained:

> When I came, I felt like some decisions were made without thinking about specific considerations that are specific to multilingual learners (…) So I wanted to create a better structure for teachers to use when they're thinking about multilingual learners. So the first thing I started with was (...) a flowchart kind of to think about like, okay, have we looked at all these things? (…) If the child hasn't had enough time here, we probably shouldn't consider RTI yet. If they have, then let's move forward with, you know, providing intervention that is appropriate for them. I think what is hard is that some of our students can't even access the intervention, because they haven't had enough language.

City District leaders also provided top-down guidance about scheduling. In all elementary schools across City District, there is a master schedule that includes an hour of individualized learning time for each grade level. All literacy intervention and English language development instruction takes place during that hour. Then, if a student needs both reading intervention and English language development, the teams make decisions on an individual basis about how to rework that students' schedule so that they can receive both services. The RTI and ESL directors (RTID and ESLD) discussed how challenging this process is during our interview:

> ESLD: I think another thing is, I really want my teachers to understand that, yes, if they can access tier three, let's give them that and also English language development; they can have both. I think, I don't know, historically, maybe it's been either/or? (...) but I'm like, "You're gonna have to be creative with your schedule to make some changes. Because if they need both, give them both."

> RTID: And I think the dilemma from a tier one point of view (…) is ensuring every child has access to Tier I first; we've got to give them access (…) so yes, it is a scheduling nightmare sometimes.

In Rural District, the district did not provide a specific guidance document for determining whether an EL student should also receive intervention services. Instead, they rely on WIDA assessments of language proficiency and input from the ESL teachers to make decisions in collaboration with interventionists about how to meet learner needs. In addition, scheduling decisions are made by the principal at each school. Like City District, the district leaders in Rural District shared that scheduling was a challenge. The RTI director shared, "Yeah, like you do have those particular, you know, those instances where there's just not enough hours in the day."

In summary, the two districts followed Tennessee policy with fidelity in that they included all MLLs in universal screening procedures and required that data teams consider English language proficiency when making determinations about whether and how to serve MLLs who also demonstrated the need for tiered interventions. While City District provided more guidance for scheduling than Rural, both shared that scheduling was challenging.

Horizontal Analysis

When examining how different schools took up policy guidance from the state and their district leaders, each school negotiated the difficulty of scheduling EL students who also needed literacy intervention in a different way.

In City District, Fisher Elementary interpreted the flow chart from the district (and the related guidance for the state about students' linguistic access to intervention) as a rationale for making blanket determinations that EL students in their first two years of U.S. school would not qualify for literacy intervention. For example, when the reading interventionist displayed a students' data on the SmartBoard in a fifth-grade data team meeting, the classroom teacher stated, "She's ESL. Newcomer." The literacy interventionist responded "Alright," and then moved to the next student without further discussion.

Though in the same district, educators at Armstrong Elementary were more likely to include EL students in RTI, even if the student had been in U.S. schools for less than two years. This may be in part due to the leadership of the principal, who shared in our interview that she had misgivings about waiting to provide students intervention services.

> A1: What percentage of your multilingual learners would you say are needing RTI services as well?
>
> Principal: I really don't know a percentage, but I can say that the percentage has increased over time (…) I just feel like as we come to the table, and we have those meetings, more often than I would like, we're talking about those ML students. And we're talking about them sometimes before (...) they've been here for two years. [Because] the ones that have been here longer than two years, we're finding that hey, third grade, fourth grade, we're seeing that this child needs support, you know, so going back and starting to reevaluate. Could we have provided that support before now? Or is there something that we're missing?

In Rural District, the data team meetings also differed across the two schools. At Evans Elementary, students who qualified for intervention on universal screeners most often received intervention, regardless of how long they had been in U.S. schools. ESL teachers attended each data team meeting to weigh in on student progress. In contrast, at Bennett's Cove, the ESL teacher never attended a data team meeting that we observed. Bennett's Cove had proportionally fewer MLLs designated EL than the other schools. They only had one part-time ESL teacher who split her service time between schools, which made it challenging for her to attend meetings. Instead, they relied on casual drop-ins with the ESL teacher between meetings to get notes.

In one meeting at Bennett's Cove, they discussed a 7th grade student who was new to the country and scored in the 1st percentile on the oral reading fluency universal screener. When the principal asked the reading interventionist whether she could pull him, the reading interventionist replied, "There's no use pulling him. He speaks no English." She later elaborated "He can't do iReady. He's a true ESL kid." This was the only instance in our data collection when educators discussed native language assessments. They had administered oral fluency assessments, including letter name and letter sound fluency, in both Spanish and English, and the student demonstrated difficulty with alphabet recognition in both languages. This would suggest that the student was in dire need of literacy intervention. However, the team determined that his primary issue was limited English proficiency, and that this prevented him from accessing the intervention curriculum.

In summary, across all four schools in both districts, MLLs had differential access to reading intervention. Fisher and Bennett's Cove more commonly determined that MLLs

were better served by ESL services than reading intervention, and Armstrong and Evans prioritized providing both intervention and ESL services.

Transversal Analysis

Since 1984, Tennessee has had an English-only law that includes the following statement, "Instruction in the public schools and colleges of Tennessee shall be conducted in English unless the nature of the course would require otherwise" (English-Only Law, 1984). While Tennessee policy documents argue that students designated English Learner must have equal access to all educational programming, they also include the caveat that English Learners who do not have sufficient English proficiency to access tiered literacy interventions should not be placed in reading intervention. Districts have interpreted this guidance differently, with some including all ESL students in reading intervention, and others requiring as much as two years of instruction in U.S. schools before a student can qualify for literacy intervention. Regardless of these differences in how "sufficient English proficiency" is interpreted across schools, the state policies place the responsibility on the learner for first achieving English proficiency before receiving access to tiered supports, rather than requiring that the school develop culturally and linguistically responsive interventions that would meet the needs of all learners, regardless of language proficiency level. Because of the historically entrenched English-only law, providing culturally and linguistically responsive early literacy intervention that leverages students' native languages (which is predominantly Spanish in the state of Tennessee) is not considered an option.

In addition to limiting students' access to native language instruction, the entrenched English-only policies in Tennessee restrict access to equitable psychological assessment for multilingual learners.

Dilemma 2: Access to Psychological Assessment for MLLs

Vertical Analysis

Across state policy documents, there is consistent guidance that RTI can be used to support identification of students in need of special education services but may not be used to hinder referral and evaluation for special education. According to the *Special Education Framework* (p. 20) and the *Dyslexia Resource Guide* (p. 36), "the use of RTI[2] strategies may not be used to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability."

At the same time, policy documents caution against referring students for special education based on linguistic and cultural differences. The *Special Education Framework* (2018) asserts "to determine whether a student who is an EL has a disability, it is crucial to differentiate a disability from a cultural or language difference. Before concluding that an EL has a specific disability, the assessor must rule out the effects of different factors that may simulate language disabilities" (p. 21).

The *ESL Manual* (2023) elaborates on multiple examples of how language difference can be misconstrued as disability: "Interference from an EL's home language may cause them to be unable to discriminate or produce English sounds. This is not necessarily a learning, speech, or hearing disorder" (p. 21). Thus, educators "must determine that underachievement is not primarily the result of … limited English proficiency" (*RTI Manual*, 2023, p. 127). The *Special Education Framework* (2018) sets a very high bar for referring and evaluating English Learners for special education, explaining that "only after documenting problematic behaviors in the primary or home language and in English, and eliminating extrinsic variables as causes of these problems, should the possibility of the presence of a disability be considered" (p. 22).

One solution for the difficulty of differentiating language difference and learning disability that is presented in policy documents is the use of native language assessments. The *ESL Manual* (2023) states, "Tennessee is an English-only state, and mandated assessments are administered only in English. That does not preclude an LEA (local education agency) from using native language assessments for determining special needs or supports. If an LEA determines—on a case-by-case basis—that assessments in the native language would yield more accurate and reliable information on what an EL knows and can do, the LEA may decide to assess such a student in the native language" (p. 44). However, the district director of ESL (ESLD) and the district director of RTI (RTID) in Rural District shared that they had pushback from school psychologists about assessing students in RTI as well as students designated English learners:

> RTID: We have a couple of psychologists (...) that will just say, 'I'm not gonna test them.' But then do you want to go through all this court case?

> Janna: So as psychologists would say, "I don't want to test them," because they don't meet the rigid criteria?

> RTID: They don't have enough data points. And then this new manual, I even wrote down the page number, where it says, you don't even have to be in a tier (...)

> ESLD: And with ESL students we hear all the time. Well, they don't need to be tested because they're an ESL because it's language. Well, how can you prove that?

In addition, when asked what assessments they used specifically for MLLs who also qualify for literacy intervention, the district leadership teams referred only to the English language proficiency assessment. Although state guidelines allow for assessments in languages other than English (both informal and formal) to determine the need for additional literacy supports for MLLs, neither district described this as part of their business as usual for data team meetings.

Horizontal Analysis

When analyzing horizontally across the four schools, only Fisher Elementary in the City District consistently had their school psychologist present at data team meetings. In contrast, at both Evans and Armstrong, there were not sufficient school psychologists to complete psychological evaluations in a timely manner. For example, here is an exchange that took place at a second-grade meeting at Evans Elementary, in which the classroom teacher (CT), reading interventionist (RI), and ESL teacher (ESLT) discuss inconsistent support from school psychologists in the district:

> ESLT: I'm afraid though, the window is going to close if there's a giant number to be tested. The time-- the 60 days to get a meeting, get the permission, then the test. If you have a long list…

> CT: (nodding her head) We're gonna miss it.

> RI: The thing is, she (the school psychologist) may do like the last one did and be like, "Hey, I don't want to test this many kids" and she may be gone and then here we're gonna have to wait on another one.

Likewise, in a 3rd grade data team meeting that took place in April at Armstrong Elementary, the classroom teacher and reading interventionist appealed to the principal to step in on their behalf with a school psychologist who had not completed the psychological evaluation for a student who

was referred early in the academic year. The classroom teacher turned to the principal and explained that the student "was working at a first-grade level" and had been approved for testing early in the fall, but "nothing has been done." The reading interventionist then echoed the classroom teacher, telling the principal, "Our January notes say that the psychologist has everything she needs to complete the evaluation."

In addition, although the state manual provides options for native language assessments, in the data we collected across four schools spanning the entire academic year, there was only one instance of schools utilizing literacy assessments in languages other than English: the vignette described in dilemma 1 above, when a newcomer student was administered oral fluency assessments in reading, letter name, and letter sound in both languages. In this instance, the team was uncertain how to interpret or use the data, and so they chose to ignore it.

Transversal Analysis

Tennessee cites its 1984 English-only law as a rationale for evading the federal requirements under the Every Student Succeeds Act regarding assessments in languages other than English (New America, n.d.). The *RTI² Manual* (2023) calls for universal screeners that are "culturally sensitive" and "free of bias" (p. 26), and the *ESL Manual* (2023) states that the English-Only law "does not preclude an LEA from using native language assessments for determining special needs or supports (...) on a case-by-case basis" (p. 43). However, as a new immigrant destination, there are political and practical limitations that are inhibiting Tennessee schools from the practice of utilizing native language assessments. In the districts we observed, school psychologists were under-resourced to fulfill basic obligations regarding psychological assessment for students who had been referred for special education; thus, the inclusion of "optional" assessments in languages other than English were not a priority. Likewise, in the only instance in our observations that the data team chose to include native language assessments, the educators we observed were uncertain how to interpret Spanish language assessments and instead chose to use English language proficiency measures as the determining factor for instructional placement.

At the same time, special education referral processes require that a team be able to rule out cultural and linguistic differences as part of the identification process. Historically, patterns of overrepresentation of racially and ethnically minoritized children, including multilingual learners, have received much more attention in both research and media (Artiles, 2019). This may lead school districts to proceed more cautiously when determining whether a multilingual learner might also benefit from additional instructional supports. More recent analysis suggests trends of underrepresentation in special education (Mancilla-Martinez et al., 2024; Miciak et al., 2022), which is equally troubling (Artiles, 2019). Regardless of the nature of disproportionality, measures that consider a students' full linguistic repertoire are an essential component of instructional decision-making (McClain et al., 2021), and yet, historical, political, and pragmatic concerns make their use essentially non-existent in the data we collected.

Thus far, we have demonstrated how state policies can be interpreted in such a way to limit student access to early literacy intervention (dilemma 1) and referral to special education (dilemma 2). Aside from these tiered supports, including RTI and special education services, school retention is another option state policies present for addressing the problem of underachievement in literacy. In the following section, we will examine how MLLs are offered minimal protections against school retention.**Dilemma 3: Protection from Grade Retention**

Vertical Analysis

In July 2021, the Tennessee State Legislature passed the TN Code § 49-6-3115, which states "Beginning with the 2022-2023 school year, a student in the third grade shall not be promoted to the next grade level unless the student is determined to be proficient in English language arts (ELA) based on the student's achieving a performance level rating of 'on track' or 'mastered' on the ELA portion of the student's most recent Tennessee comprehensive assessment program (TCAP) test." This law was very newly in effect when we collected data, and schools were grappling with its implementation. The *Promotion and Retention Guidelines and Toolkit* (TNDOE, 2024), which provided more detail on how schools should enact the law, was not published until April 2024, near the end of our data collection cycle.

The *Promotion and Retention Guidelines and Toolkit* (TNDOE, 2024) divides students into two categories based on their achievement on the statewide standardized assessment of reading: "approaching expectations" versus "below expectations." For both groups, students are protected from retention if any of the following circumstances apply: 1) "The student is an English learner and has received less than two years of ELA instruction," 2) "The student has a disability or suspected disability that impacts reading," or 3) "The student was previously retained in grades K-3 prior to their current third grade year" (p. 8). In addition, students may retake the test before the end of their 3rd grade year to see if they can increase their score.

Other methods to avoid retention differ depending on whether the student was "approaching" versus "below expectations" (TDOE, 2024). Students who score below expectations must complete both a summer "learning loss bridge camp" with 90% attendance and small group TN ALL Corps tutoring 2-3 times a week for the entirety of their fourth-grade year. Students who score "approaching" can be exempt from retention if they score above the 50th percentile on benchmarks used as universal screeners within the RTI process. If they do not have sufficient benchmark scores, they can choose *either* summer school *or* 4th grade tutoring. Guidelines state that both groups of students "must score proficient or successfully meet their adequate growth target on their fourth grade ELA TCAP to be promoted to fifth grade," but the criteria for establishing an adequate growth target is not defined.

The *ESL Manual* (2023) was published after the passage of TN Code § 49-6-3115 regarding 3rd grade retention and prior to the publication of the *Promotion and Retention Guidelines and Toolkit* (TNDOE, 2024). Yet, the *ESL Manual* provides guidance regarding retention that contradicts the practices mandated by the third-grade retention policies, stating that "retention policies, especially for ELs, should not be based on one specific piece of data, or any sole criterion. In most cases, retention does not help the child with academic achievement. Every effort should be made to move the child to the next level of academic work and allow the child to continue in the age appropriate grade" (p. 55).

In our interviews with district leaders about business-as-usual processes for data team meetings within RTI, we did not initially ask any questions about 3rd grade retention, because it was not yet on our radar as a policy that shaped how RTI data team meetings would be enacted. However, when observing in schools, it quickly became apparent that the new retention policy was on the forefront of educators' minds, particularly for the third- and fourth-grade teams most directly impacted by it.

Horizontal Analysis

In February, the state provided a clarification to the law that explained that students who meet screening criteria as having characteristics of dyslexia and whose families signed an Individualized Learning Plan for Dyslexia (ILP-D) are protected from retention by the phrase in the

law that exempts students with a "suspected disability that impacts reading." This caused quite a bit of confusion at the February data team meeting at Fisher Elementary.

> Assistant Principal (AP): So the TN ALL Corps Tutoring kids are the ones who this is part of their like promotion path, right? So if they don't make adequate growth by the end of the year, they will be retained. There's no other path. But the law just passed, or they just did whatever they do, to say that the ILP-Ds could exempt them. So if they're one of your TN ALL Corps Tutoring kids (...) if they don't make the growth, their ILP-D could exempt them from being retained.
>
> Fourth-Grade Teacher (4CT): I have a girl who just started tutoring. She is ILP-D eligible, but her parents don't want her…
>
> AP: I think we're reaching back out to them.
>
> Reading Interventionist (RI): So they can change it.
>
> AP: Because at the beginning of the year, they're asking, "Well, why would we need this? Why would we need this?" And we didn't really have a good answer. But now I feel like all those parents are like, "Why would we need this?" and we've got a good answer.
>
> 4CT: Yeah. But does it matter that she will only have it half the year? Will it count for her?
>
> AP: I think it'll still count for her. Let me double check.

At that point, the fourth-grade teachers began listing all the students they were concerned might be retained and the interventionist checked to see if they had an ILP-D signed, or if they could have qualified for an ILP-D at the beginning of the year. They even looked at students who were borderline to see if there was a justification to be made to give an ILP-D to students who were not even considered for an ILP-D in the fall. They rationalized this practice as protecting their students from the negative aspects of retention. Once they realized they were running out of time in this meeting, the interventionist asked them to follow up regarding students they didn't get to.

> RI: Okay, if they're in tutoring, we need to look at their scores with a fine tooth comb and email me and say "Do this kiddo."
>
> AP: Like whatever we've gotta do…
>
> RI: A bunch of minds together, we can circumvent the state, right?

The pressure regarding retention began to increase as the annual state standardized test date in April approached, and teachers were eager to find loopholes to protect students from the risk of retention. At Evans Elementary, a fourth-grade teacher (4CT) expressed particular concern for her MLL students, explaining that she felt the law was unfair:

> 4CT: I told his parents to recommend him (for special education) because I worried about him getting held back, and honestly, I don't think he needs to be SPED, but also I don't think it's appropriate that SPED kids get passed, but ESL kids don't. So if that's what everyone is suggesting for him to do, then we're gonna have him tested.

RI: Because we couldn't do it, because (his oral reading fluency is) on grade level.

4CT: And if you look at the list (...) 18 of them are on the list for red flag of they will be retained this year for the testing and not meeting certain things or tutoring, or whatever. Eleven of them are ESL.

RI: Oh, wow.

While the law does provide protection for MLLs exempting them from retention, this only applies during their first two years in U.S. schools. Thus, teachers who previously felt ambivalent or even in opposition to assigning other labels like "SPED" or "having characteristics of dyslexia" to MLLs were eager to seek the protections that related documents, like Individualized Education Plans (IEPs) and Individualized Learning Plans for Dyslexia (ILP-D) might offer MLLs at risk for retention.

Transversal Analysis

Grade retention, though a controversial practice, has only recently become a hallmark of literacy reform movements, with 15 states currently implementing policies mandating grade retention for students who do not pass third-grade standardized reading assessments (Olson, 2023). It is somewhat surprising that grade retention is partnered with other initiatives that are endorsed by SOR discourses, as there is certainly no consensus from literacy research to support it. It is not part of the National Reading Panel recommendations (2000), nor is it among the practices endorsed literacy research organizations that embrace science of reading discourses (TRL, 2022). Research on grade retention paints a complicated picture of its effectiveness, with factors such as the age of retention and whether other supports are combined with retention playing an important role in determining its effectiveness (Özuk & Mariano, 2023). Regardless of whether it is effective, it is clear in our data that grade retention was largely unpopular among educators and parents. Teachers felt a heightened sense of pressure to find loopholes protecting students from the perceived negative consequences of grade retention.

The role of protections is particularly important in our discussion of the intersectional identity of MLLs who also have reading difficulties, because the policies as they are currently written can be doubly punitive for MLLs. On the one hand, Tennessee policies allow MLLs who otherwise qualify for early literacy intervention to be denied access to that intervention based on their language status, in some instances for as long as two years. On the other hand, MLLs only receive two years of protection from Tennessee policies that exempt them from grade retention.

Discussion

Per the central points and tenets of intersectionality, our investigation centers how learners with multiple sources of minoritized identity (i.e., multilingual and having reading difficulties) are perceived, understood, and responded to in specific institutional contexts. We found in some schools, school educators conceptualized the needs of MLLs with reading difficulties in terms of their language status only, effectively ignoring their need for additional literacy supports. State policy stated that "all interventions must be linguistically accessible to ELs" (TNDOE, 2023a, p. 35) but puts the onus on MLLs to acquire sufficient English proficiency, rather than the school district to ensure that culturally and linguistically responsive interventions were provided. In one district, this policy was interpreted such that MLLs who were designated ELs were denied early literacy intervention up to 2 years. This propensity for unidimensional categorization and labeling of learners minimizes the complex, heterogeneous needs that stem from the intersectional identities of MLLs.

In data team meetings, school personnel were at times incentivized to employ unidimensional perspectives of MLLs: It was challenging to create schedules that ensure students have access to core instruction, related arts, ESL programing, and tiered literacy interventions; policies designed to inhibit overrepresentation of MLLs in special education required educators to rule out language difference *before* considering the possibility of learning disability; and limited resources for administering assessments in languages other than English, as well as limited knowledge of how to interpret those assessments, made measuring multilinguals with a "monolingual yardstick" (Grosjean, 1989, p. 14) the norm.

However, as the pressure of grade retention mounted, educators realized that the monolithic label of English learner would not be sufficient to protect many students from the consequences of underachievement on the standardized state reading assessment. This prompted them to consider other avenues for protecting students, such as Individualized Education Plans (IEPs) through special education referrals or Individualized Learning Plans for Dyslexia (ILP-Ds) through universal screening processes.

In our analysis of the policies themselves and the ways they were interpreted vertically (scaled from state to district to school), horizontally (across four school sites in two districts) and transversally (as they are shaped by temporal and historical factors), we found that SOR discourses were applied unequally in ways that privileged monolingualism. There is a growing body of evidence in literacy research that identifies best practices to meet the needs of multilingual learners who also have literacy difficulties. Like monolingual learners, MLLs benefit from early identification and intervention to address literacy difficulties (Baker et al., 2014; Goldenberg, 2020; Goldenberg & Cárdenas-Hagan, 2023). However, MLLs require assessments that are sensitive to their complex linguistic repertoires and interventions that leverage their cultural and linguistic strengths for literacy success (TRL & NCEL, 2023.)

In Tennessee, literacy reform has made key strides to promote literacy achievement, however, this progress is not made equitably for all. As they are written and interpreted, the policies privilege access to early intervention for monolingual learners, who do not have to demonstrate English proficiency nor navigate complicated schedules to receive tiered literacy supports based on their universal screening data. Likewise, while monolingual students who have a learning disability or are suspected of having a learning disability are fully protected from grade retention, multilingual learners who are unilaterally identified as English Learners are only granted two years of protection.

This study is not without its limitations. Our IRB permissions did not include access to student data; therefore it is beyond the scope of our analysis to consider learners' actual achievement outcomes. Likewise, we do not have data on the actual proportionality rates for MLLs receiving tiered literacy supports in each of the schools included in our data collection.

These limitations notwithstanding, this analysis has considerable implications for both research and practice. In terms of research, our analysis highlights the importance of considering policy as it is written as well as how it is interpreted. Policy interpretation is a socially constructed, messy process that is shaped by hierarchical, locally situated, and historical factors. Future investigations of the impacts of policies shaped by the SOR would benefit from analysis that attends to the vertical, horizontal, and transversal dimensions of policy interpretation and enactment.

In terms of practice, our analysis points to key next steps to promote more equitable outcomes for MLLs: 1) States should ensure that policies are written to place responsibility for making literacy interventions culturally and linguistically accessible to MLLs on schools, rather than learners; 2) Researchers should continue developing and piloting literacy measures and literacy intervention curricula that honor and leverage the full linguistic repertoires of MLLs; and 3) Further professional development in culturally and linguistically responsive pedagogy is needed to ensure

that educational decision makers are equipped to understand MLLs' heterogeneous, complex literacy needs.

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