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## Linguicism and Racism in Massachusetts Education Policy

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**Abstract:** The paper presents a frame analysis of Massachusetts state policy regarding the education of multilingual learners and their teachers through the lens of critical race theory (CRT). My analysis suggests that even though current policy in Massachusetts is framed in terms of the overarching goals of educational quality and equality, in reality it substantively sanctions inequitable practices. This paper demonstrates that racism and linguicism towards multilingual learners are legally sanctioned in Massachusetts public schools as a consequence of state policy, thus contributing to educational disparities.

**Keywords:** multilingual learners; English-only policies; critical race theory

### ***Lingüicismo y racismo en la política educativa de Massachusetts***

**Resumen:** Este artículo presenta un análisis de los marcos conceptuales de la política del estado de Massachusetts en relación con la educación de los alumnos multilingües y sus profesores usando la perspectiva de la teoría crítica de la raza (CRT por sus iniciales en inglés). Mi análisis sugiere que a pesar de que la política actual en Massachusetts se enmarca en términos de objetivos globales de calidad educativa e igualdad, en realidad de manera sustantiva justifica prácticas injustas. En este trabajo se demuestra que el racismo y lingüicismo hacia los alumnos multilingües son apoyados legalmente en las escuelas públicas de Massachusetts como consecuencia de políticas de Estado, lo que contribuye a las desigualdades educativas.

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**Palabras clave:** estudantes multilíngües; Inglês como único lenguaje; Teoría Crítica de la Raza

### ***Lingüicismo e racismo na política de educação em Massachusetts***

**Resumo:** Este trabalho apresenta uma análise dos marcos conceituais da política do estado de Massachusetts em relação à educação dos estudantes multilíngües e seus professores utilizando o ponto de vista da teoria racial crítica (CRT por sua sigla em Inglês). Minha análise sugere que, apesar da atual política em Massachusetts está enquadrada em termos de objectivos gerais da qualidade da educação e da igualdade, na realidade justifica um sistema substancialmente injusto. Neste trabalho demonstramos que o racismo e o lingüicismo para os estudantes multilíngües são suportadas legalmente nas escolas públicas de Massachusetts, como resultado das políticas de governo, contribuindo para as desigualdades educacionais.

**Palavras-chave:** alunos multilíngües; inglês como o único linguagem; teoria racial crítica

## **Introduction**

Even though many of the institutions and fundamental structures of our society were built on legally sanctioned racial discrimination and the perpetuation of white privilege (Campbell & Oakes, 1997; Horsman, 1997; Omi & Winant, 1994), many people today fail to see how they help reproduce social inequities, especially those based on race (Flagg, 1997; Kohli & Solórzano, 2012; Wildman & Davis, 1997). Racism is no longer explicitly legally sanctioned but it is still manifested, particularly institutionally (Jung, Vargas, & Bonilla-Silva, 2011).

Institutional racism was first conceptualized in 1967 by Stokely Carmichael and Charles Hamilton when they provided an explicit critique of the American white establishment and asserted that institutional racism operates through the attitudes and practices that support bureaucratic procedures that lead to racist outcomes. Sociologist Karim Murji (2007) discussed Carmichael and Hamilton's ideas about institutional racism pointing out that it is not about intention, referring to persistent processes that are outside of the control of a person or a group of individuals. These processes are embodied by "assumptions and values that produced skewed and racist outcomes" (p. 845) that are the result of social, political, and institutional structures that operate from the position of white normativity and perpetuate white privilege. López (2007) asserts that during the 1960s a broad consensus emerged that acknowledged racism as more than individual prejudice and as a deeply entrenched aspect of U.S. society, justifying massive structural reforms. However, he also describes the development, during the late 1960s and early 1970s, of a powerful narrative focused on "ethnicity" rather than "race" which asserted that racial subordination had largely ended and that social inequalities were due to the cultural failings of minorities, not racial subordination. This perspective that López terms "reactionary colorblindness" became dominant and was used to counter affirmative action and other structural reforms and as a result undermined the goals of the Civil Rights Movement. In less overt ways than during the pre-Civil Rights Era, the structures and institutions that were originally created to support overt racism and racial domination through slavery continue to exist today, ensuring the perpetuation of white dominance and power (Collins, 2000).

Evidence of these issues in educational contexts is demonstrated by contemporary patterns of school segregation. Over 50 years after the *Brown v. Board of Education* decision in which the Supreme Court concluded that, "separate educational facilities are inherently unequal" (*Brown v. Board of Education*, 1954), public schools are still highly segregated as well as unequally resourced and staffed (Holzman, Donnell, Fashola, Slama, Thapa, & Beaudry, 2009; Logan, Oakley, & Sowell,

2003; Orfield, Frankenberg, & Garces, 2008; Orfield, Frankenberg, & Lee, 2003; Wishon, 2004). In addition, racial segregation and inequality of access to advanced level curriculum, qualified teachers, and well-resourced schools persist (Fruchter, Hester, Mokhtar, & Shahn, 2012; Holzman et al., 2009). Meanwhile, the discourses surrounding these issues have shifted from a focus on equal opportunities to a deficit discourse focused on the so-called “achievement gap,” thus situating the blame for low educational attainment on the students, their families, and their communities rather than on the discriminatory practices of an inequitable system (Ladson-Billings, 2006; Love, 2004). Racism and in particular institutional racism has proven to be resilient despite changes in the law. In many ways some contemporary laws and policies (e.g., the recently passed laws in Arizona, Alabama and Georgia targeting undocumented immigrants) work to ensure the perpetuation of racist outcomes despite the absence of the explicitly racist rhetoric and sentiment that characterized U.S. public discourse before the Civil Rights Movement.

Essentially, we live in a time dominated by what Bonilla-Silva (2006) calls “racism without racists” where a colorblind ideology that relates to López’s (2007) “reactionary colorblindness” prevails and perpetuates racism. The combined arguments of López (2007) and Bonilla-Silva (2006) regarding colorblindness describe contemporary perspectives on racism. Specifically, these colorblind perspectives view racial hierarchies as an irrelevant artifact from the past. They perpetuate a belief that racism is only manifested in individual acts of prejudice rather than as a widespread phenomenon that is historically grounded in cultural and institutional practices. Further, colorblind perspectives suggest that the best way to achieve equality is to act as if race does not exist at all.

Within this supposed colorblind era, the U.S. is experiencing a significant demographic shift. Immigration trends over the past couple of decades are changing the overall ethnic and racial demographics of this country (Crawford, 2004). Awokoya and Clark (2008) report that currently, 13.5 million immigrants of color are residing in the United States, which is the highest number recorded in U.S. history. Crawford (2004) summarizes this demographic shift saying, “Immigrants are remaking America – racially, culturally, and of course, linguistically. Few communities have remained untouched” (p. 4).

In response to these visible and extensive demographic changes, anti-immigrant and nativist (Galindo, 2011) sentiments are strong, as they have often been throughout various periods of U.S. history (Suárez-Orozco & Suárez-Orozco, 2001). Suárez-Orozco & Suárez-Orozco suggest that anti-immigrant public opinions in the U.S. are as old as immigration itself. However, they also argue that the current form of anti-immigration discourse is the “final frontier” in explicitly racist public speech in which “citizens openly vent racial and ethnic hostilities” (p. 7). They further argue that “while blatant racism is largely confined to the fringes of society, anti-immigrant sentiments are more freely indulged in public opinion, policy debates, and other social forums” (p. 7).

The current debate over controversial laws passed in Arizona, Georgia, and Alabama that empower police to utilize race, culture, and language as indicators of undocumented status are examples of the explicitly racist anti-immigrant sentiment that pervades contemporary U.S. society. For instance, the governor of Arizona, Jan Brewer, described undocumented immigrants as dangerous criminals by claiming that most work as “drug mules” for powerful and violent drug cartels (as cited in Alfano, 2010). Government agencies often label immigrants “aliens” and anti-immigrant advocates like Pat Buchanan (2006) use the term “invaders” when discussing immigrants. Further, several national polls show strong support for Arizona’s law targeting undocumented immigrants (Archibold & Thee-Brenan, 2010; Wood, 2010). Clearly, contemporary public discourse and sentiment regarding immigrant populations is highly racialized and negatively charged. Additionally, the majority of the American public appears to support legislation similar to the

restrictive immigration laws that operationalize, legitimize, and legalize discriminatory practices based on race, culture, and language.

Debates about immigration highlight how contemporary racism significantly intersects with other issues like culture, language, and class. Markers of dissimilarity from the White, monolingual, middle class, able-bodied, heterosexual, standard English speaking norm are frequently used as tools to promote racialized agendas and outcomes through institutional practices. In this time of “racism without racists” (Bonilla-Silva, 2006), in which race can no longer be an explicit tool for discrimination, culture and language have become powerful factors in institutionalized discrimination and racist outcomes, especially for multilingual learners and their teachers.

## **The Education of Multilingual Learners in Massachusetts**

An example of an apparent racially neutral policy that actually perpetuates institutionalized racism comes from three states: California, Arizona, and Massachusetts. Each of these three states has passed voter referenda limiting the use of native languages in schools by teachers of multilingual learners. This study focuses on Massachusetts where in 2002, voters overwhelmingly supported “Question 2,” the voter referendum that supplanted the 30 year state mandate for bilingual education with a policy focusing on instructing multilingual learners in English only. The campaign promoting the ballot initiative was titled “English for the Children” and attacked bilingual education for not helping immigrant students learn English. The thrust and promise of both the referendum and the campaign was that, “immigrant children can easily acquire full fluency and literacy in a new language, such as English, if they are taught that language in the classroom as soon as they enter school” (M.G.L.c.71A§1).

The stated goal of this referendum -- to improve academic outcomes for approximately 60,000 multilingual learners (around 6% of the student population in 2009) who are designated by the state as Limited English Proficient (LEP) in Massachusetts -- has not been realized (ELL Sub-Committee of the Massachusetts Board of Elementary and Secondary Education’s Committee on the Proficiency Gap, 2010). In 2010, a report revealed that bilingual learners designated by the state as LEP have increased by 27% state-wide since 2001, are over enrolled in special education programs with proportions in special education higher than 30% in some districts, and generally are not becoming English proficient even over a substantial period of time. In fact, only about 25% of bilingual learners designated as LEP in the state reach high levels of English proficiency after five years or more (ELL Sub-Committee, 2010).

While publicly available data regarding student populations in Massachusetts do not disaggregate the multilingual learner population by race, we can get a snapshot of this population based on their linguistic backgrounds. Fifty four percent of students labeled LEP speak Spanish. The next largest language group is Portuguese (7.6%) then Chinese (5.2%), Khmer (4.2%) and Haitian Creole, Cape Verdean Creole, and Vietnamese at about 4% of the population (ELL Sub-Committee, 2010). Predominantly, though not exclusively, student populations speaking these languages are Students of Color.

Regardless of the indicator used (e.g., graduation rates, dropout rates, etc.), multilingual learners who are designated LEP in Massachusetts are consistently the student subgroup with the lowest educational achievement (Mitchell, 2010). These disparities have led to several investigations of state and individual school districts by the Federal Department of Justice. These investigations found serious issues of inequity around programming and the preparation of teachers to work with multilingual learners (Vaznis, 2011).

This paper presents a critically conscious frame analysis of the laws and policies in place in early 2010 that resulted from Question 2, and that were the target of sanctions and interventions by the Department of Justice. Despite some actions by the state and several districts, most of the policies analyzed herein are still in place and are extremely troubling from an equity and social justice perspective. To explore these issues, I will first introduce the theoretical framework utilized in this analysis: critical race theory. Then I will describe the analytical tool utilized to examine state policy: frame analysis. Next I will describe the sources of data examined in this study and my analytic approach. Finally I will present the overarching findings of my analysis and describe the two major frames (educational quality and educational equality) in Massachusetts state education policy regarding the education of secondary multilingual learners and their teachers as well as the ideologies informing these frames. I argue that current state policies in Massachusetts institutionalize racism and linguicism and legally sanction discriminatory practices in regards to the education of multilingual learners and their teachers.

### **Theoretical Framework: Critical Race Theory**

This paper draws on critical race theory (CRT) (Crenshaw, 1988; Ladson-Billings & Tate, 1995), a theory developed as a response to the stalled advances of the Civil Rights Era during the mid 1970s. CRT exposes the “ways that so-called race-neutral laws and policies perpetuate racial and/or ethnic and gender subordination” (Bernal, 2002, p. 108). Therefore, it is a powerful theoretical tool for this study focused on investigating state level policies regarding the education of multilingual learners and their teachers.

CRT analyses position race at the center of analyses and discussions; challenge meritocracy, objectivity, neutrality, and ahistoricism; emphasize experiential knowledge (particularly of People of Color); and support interdisciplinarity (Matsuda, Lawrence, Delgado, & Crenshaw, 1993). The central goal of CRT is to challenge dominant ideologies that perpetuate inequities at the intersections of race, class, gender, language, ability, and heteronormativity as well as substantially promote social justice and equity (Yosso & Solórzano, 2005).

Several theoretical perspectives have grown out of CRT and work in concert with CRT to analyze and highlight various forms of oppression. Of particular value for this study is LatCrit, which emerged in legal scholarship during the mid-1990s in order to expand the analysis of civil rights beyond race (Aoki & Johnson, 2008). Issues around nationality, language, immigration, culture, identity, ethnicity, and sexuality are theorized through LatCrit (Bernal, 2002). LatCrit works together with CRT as a powerful theoretical tool for this study because of its expanded focus on issues like language, immigration, and culture in relation to racial subordination.

Lippi-Green (2006), though not a LatCrit scholar, points out the significance of linguicism, defined as language-based discrimination in contemporary society (García, 2009; Phillipson, 1992). She highlights how linguicism is socially accepted, prevalent, and to some extent invisible: “Most would be surprised (if not shocked) at an employer or teacher who turned away an individual on the basis of skin color; most would find nothing unusual or wrong with a teacher of Puerto Rican students who sees her students as a problem to be solved” (p. 292). Similarly, the racial content and language-based discrimination present in Massachusetts state policies, which explicitly construct multilingual learners as problems to be solved, are not readily obvious to most observers.

CRT scholars like Gillborn (2005, 2008), have already demonstrated the strong role education policies can play in sustaining white supremacy; other scholars have established the racist nature of restrictive language policies (Camarrota & Aguilera, 2012). This study adds to these arguments by illustrating exactly how racism and linguicism are codified into state level education

policies through the use of language discrimination that perpetuates white supremacy. Therefore, this analysis furthers the effort to bring legally sanctioned racism and linguisticism out of obscurity and into clear view. The first step in fighting these instances of racism and linguisticism is to expose them.

### **Frame Analysis**

Frame analysis is a methodology first discussed by Erving Goffman in his now classic book, *Frame Analysis* (1974). Frame analysis is used to examine the frames, or the “vehicles for larger systems of belief” (Jefferies, 2009, p. 27) that convey and promote messages, claims, grievances, proposals, and policy. Frames structure systems of representation in society by articulating discourses, ideas, or sets of shared beliefs (Tucker, 1998). Tucker further explains, “Many of these discourses are promoted by specific social interests that work to construct images of the world in which the dominance of particular groups, institutions and their ideas is legitimized and naturalized” (p. 144). In other words, these discourses play a strong role in maintaining the interests of the most powerful in society by representing their worldviews and perspectives as neutral or natural, one of the issues CRT overtly challenges. Therefore, frame analysis considers how messages, including policies, are framed in order to examine the ideologies linked to such frames and how each frame “opens up and legitimizes certain avenues of action and closes off and delegitimizes others” (Coburn, 2006, p. 344). Frame analysis is therefore a useful tool to investigate state education policy through the lens of CRT because it provides a way to analyze ideologies as a communicative conduit.

Bateson (1972) clarifies the concept of frames as follows: “The frame around a picture, if we consider this frame as a message intended to order or organize the perception of the viewer, says, ‘Attend to what is within and do not attend to what is outside’” (p. 187). All message makers (or framers) use cultural resources like beliefs, ideologies, values, and myths in order to frame a message that legitimates, motivates, and persuades (Davies, 2002) by deliberately choosing what is contained within the frame and what is not. Therefore, frame analysis looks at frames as methods of interrogating beliefs, ideologies, values, and myths by both noting which of these resources are drawn on to create the frame as well as highlighting the cultural resources that are outside the frame.

### **Data Sources**

The policy documents analyzed in this paper are drawn from the Massachusetts General Laws, State Board of Education regulations, and policy documents created by the Massachusetts Department of Elementary and Secondary Education (DESE). I analyzed nine chapters of law, twenty-six regulations as voted on by the State Board of Education, and eleven policy documents (referred to as policy tools in this paper) from the DESE specifically related to the education of multilingual learners and their teachers (see Appendix A for more details). The laws and policy tools I analyzed were created and enforced by several entities. The laws were created by the state legislature and interpreted by the State Board of Education when they determined regulations to enact the laws. Then the laws were implemented by the DESE.

### **Data Analysis**

I read the policy documents closely multiple times to identify the frames employed as well as to examine the underlying ideologies and messages conveyed through the way the policy is framed. I deliberately read the policy documents in chronological order to examine the flow from law to regulation to policy tool. While reading each document multiple times, I wrote extensive notes

focusing on the following key aspects of the policy documents: problem definition, participants, diagnosed causes, moral judgments, suggested remedies, and omissions (Bustelo & Verloo, 2006; Entman, 1993). Through continued reading of the policy documents, extensive analysis of my notes, and paying close attention to the concepts of race and language, I found that two frames were consistently utilized across the policy documents to shape meaning and convey messages about the education of multilingual learners and their teachers: (a) educational quality, and (b) educational equality.

Once the two frames were pinpointed, I determined and analyzed the ideologies undergirding the messages these frames communicated about the education of multilingual learners and their teachers within and across the policy documents. The ideologies underlying the state policies play a substantial role in producing “skewed and racist outcomes” (Murji, 2007, p. 845) due to the assumptions and values they promote. The following discussion illustrates these issues and how state policies in Massachusetts may be contributing to racist and linguicist outcomes for multilingual learners and their teachers.

### **The Framing of the Education of Multilingual Learners and their Teachers in Massachusetts State Policy**

Within Massachusetts state policies regarding the education of multilingual learners and their teachers, policy content is framed by two intersecting and overarching goals of educational quality and educational equality. Based on what is located inside and outside of these frames as well as how the frames are interrelated, powerful messages about educational quality and educational equality are conveyed. These messages are imbued with various ideologies such as assimilationism, individualism, technicism, localism, and standard language ideology. The messages within the educational equality and educational quality frames and the ideologies that underlie them are defined and discussed in this section. Additionally, this section showcases the findings of my analysis, which reveals how these ideologies combine to create state policies that promote language and race-based, legally sanctioned discrimination governing the education of multilingual learners and their teachers.

Figure 1 is a visual representation of the major frames in Massachusetts state policies and the topics discussed within each frame. The various topics in state policies that are framed in terms of educational quality and equality (e.g., curriculum and instruction, assessment, parental involvement, and racial balance) convey messages about the education of multilingual learners and their teachers by drawing on the ideologies (which are thoroughly defined and discussed below) listed around the outside of each frame.

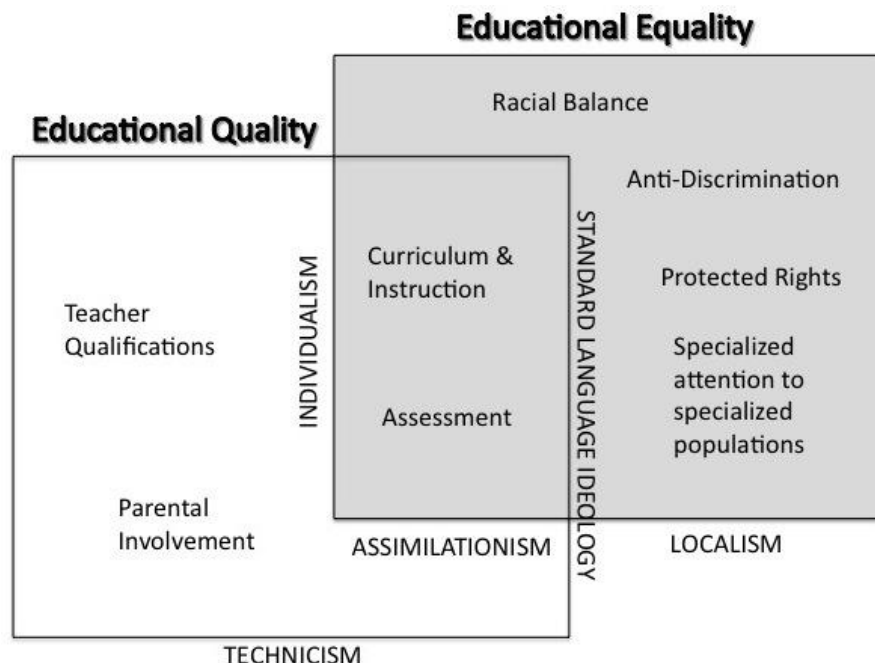


Figure 1. Frames of Massachusetts State Policy Regarding the Education of Multilingual learners and their Teachers

As shown in Figure 1, the two major frames found in Massachusetts state policies regarding the education of multilingual learners and their teachers overlap. Curriculum and instruction as well as assessment are topics that are framed in terms of both educational quality and educational equality. Additionally, the ideologies of individualism, assimilationism, and standard language ideology underlie both frames. Technicism is the distinguishing ideology within the educational quality frame and localism is the distinctive ideology within the educational equality frame.

The frames of educational quality and educational equality are not explicit features of state policy documents. Rather, the policy documents frame the issues regarding the education of multilingual learners and their teachers in ways that deliberately include some topics and questions and exclude others.

### Ideologies Infused Throughout the Educational Quality and Equality Frames

In this analysis an ideology is understood as a “system of ideas which couple understanding of how the world works with ethical, moral, and normative principles that guide personal and collective action” (Oliver & Johnston, 2000, p. 44). From this perspective, ideologies are complex, deeply held, and shape social action.

Before the frames depicted above can be dissected and discussed, clear definitions of the five employed ideologies are needed. The goal of assimilation pushes new immigrants to change their languages and cultures to be seamlessly absorbed into mainstream America (Tardy, 2009). From the perspective of assimilationism, the burden of change rests on newcomers and requires no structural or systemic alterations by mainstream groups and institutions (Horenczyk & Tatar, 2002). This perspective assumes that the strength and unity of the host country are sacrificed when newcomers are unwilling to assimilate. Additionally, learning the language of power and dominance (English in the case of the United States) is fundamental to assimilation and should occur as rapidly as possible.



Essentially, the assimilationist ideology “values the preservation of the status quo by newcomers” (Tardy, 2009, p. 281).

To discuss assimilationism, I draw heavily on the work of human geographer Caroline Nagel (2002, 2009) who suggests that assimilation is “more than observable patterns of similarity or dissimilarity” (Nagel, 2009, p. 403). She argues that assimilation “signifies observable, material processes of accommodation of and conformity to dominant norms” (Nagel, 2002, p. 259). However, the dominant norms—as well as the assimilationist push for sameness and conformity by all groups to those norms—are fluid and socially constructed in order to both deliberately perpetuate domination for some groups and outsider status for others (Nagel, 2002, 2009).

Another ideology that underlies the educational quality and educational equality frames in Massachusetts’ policies is individualism. The ideology of individualism posits that the individual is of primary importance in society and is imbued with natural rights, freedoms, and responsibilities. In educational discourse, individualism is manifest through the view that social mobility is the result of individual efforts and achievement (Noyes, 2008; Wiley & Lukes, 1996).

Sleeter (2000) demonstrates the deeply influential nature of the ideology of individualism by discussing the individualistic perspective that many teacher candidates have: “As students progressed through the teacher education program, they maintained the view that achievement differences result from individual effort and home values” (p. 212). English (2009) further describes this individualistic perspective within educational discourse by saying, “Equal opportunity and merit are represented as the sole determinants of students’ success: Individual actions produce individual consequences” (p. 498). Sleeter (2000) and English (2009) both critique individualism, asserting that this ideology veils systemic and structural issues of discrimination and inequity, perpetuating the myth of meritocracy.

An additional ideology underlying both the educational quality and educational equality frames is “standard language ideology” which is “a bias toward an abstracted, idealized, homogeneous spoken language which is imposed from above, and which takes as its model the written language. The most salient feature is the goal of suppression of variation of all kinds” (Lippi-Green, 1994, p. 166).

Standard language ideology depends on a narrow concept of what language is and how it is used. García (2009) argues that, “Language is truly a social notion that cannot be defined without reference to its speakers and the context in which it is used” (p. 25). However, standard language ideology promotes a restricted concept of language proficiency that dismisses the social and fluid nature of language as well as the variations in language across differing contexts. It also privileges academic or “standard” language by marginalizing and suppressing “non-standard” varieties including dialects, creoles, and accents.

Lippi-Green (1994, 2006) argues that standard language ideology is introduced in schools, promoted by the media, and supported by the corporate sector. She argues that many people do not recognize spoken languages and national language standards as having systematic, structured, and inherent variations. Lippi-Green finds it surprising, if not deeply disturbing, that many democratically minded people who consider themselves free of prejudice “hold tenaciously to a standard language ideology which attempts to justify restriction of individuality and rejection of the other” (Lippi-Green, 1994, p. 170). The dominance of standard language ideology across multiple forums is consistent and troubling because this ideology rejects language variation.

Along similar lines, the ideology of technicism has an extremely narrow view of teaching and learning. Technicism views education as the practice of teachers transmitting their knowledge of discrete subjects to students through the use of effective teaching strategies. Halliday (1998) defines technicism as “the notion that good teaching is equivalent to efficient performance which achieves

ends that are prescribed for teachers” (p. 597). He further explains, “For technicians, general theories can be set out to guide particular practices. Practical development is amoral and describable in a mechanistic way through criteria of performance” (p. 597). Essentially, from a technician perspective, teaching and learning are not political endeavors and can and should be reduced to “best practices” that support the acquisition of ideologically-free discrete pieces of knowledge valued by those in dominant positions in society.

Though technicism claims amorality, as Stevens (2009) illustrates, this ideology often positions non-dominant students as deficient and then prescribes a series of “positivistically measurable interventions” intended to remediate the apparent deficit (p. 11). Bartolomé (1994) critiques the technician perspective, naming it a “methods fetish” and calls instead for a “humanizing pedagogy that respects and uses the reality, history, and perspectives of students as an integral part of educational practice” (p. 173). The mechanistic, transmission-focused nature of education from the perspective of technicism stands in direct contrast to an education that flexibly builds on students’ backgrounds, perspectives, languages, and cultures.

The final ideology underlying Massachusetts state policies regarding the education of multilingual learners and their teachers is localism. From the perspective of localism, decision-making power should rest with local communities and individuals (Parvin, 2009). Localists argue that local decision-making is a more direct form of democracy and “bridge[s] the gap between the people and the politicians that work on their behalf” (p. 351). Notions of how governmental control should be distributed are, according to Cowling (2005), important within localism. This is particularly true for the purpose of increasing participation in education and political processes.

A common critique of localism is addressed by Parvin (2009) who emphasizes the importance of decision-making processes that protect “minority groups from the tyranny of the majority” (p. 353). Cline, Necochea, and Rios (2004) expose how the localist distribution of power in terms of voter referenda on state propositions creates a “tyranny of the majority” and severely limits minority group rights. The passage of Question 2 and its sister referenda in California and Arizona are examples of the effects of localism.

The five ideologies defined above underlie Massachusetts state policies and thus help to frame the education of multilingual learners and their teachers in terms of educational quality and educational equality. Additionally, these five ideologies, by promoting the values, assumptions, and perspectives about educational quality and educational equality described above, institutionalize racism and linguicism.

### **The Frames: Educational Quality and Educational Equality**

It is not within the scope of this paper to present a comprehensive, in-depth analysis of every topic and ideology identified through this frame analysis. Therefore, a brief discussion of the overall messages communicated through the educational equality frame is presented below followed by a more in-depth analysis of the components of the educational quality frame.

### **The Educational Equality Frame**

Policies related to racial balance in schools, anti-discrimination, protected rights, and specialized attention for particular populations are framed in terms of educational equality. The framing of these topics for the purpose of educational equality conveys messages anchored in assimilationism, individualism, standard language ideology, and localism.

One of the major features of this frame is the inconsistency between the rhetoric of equality and the absence of policies, regulations, and management systems that will ensure the kind of equality it describes. This inconsistency in state policy creates legally sanctioned opportunities for

linguicism and racism. This is true especially in consideration of the way equality is constructed across state policies. Crenshaw (1988), one of the legal scholars who began the CRT movement, defines two views of equality: the expansive and the restrictive view. In the expansive view of equality, results, outcomes, and consequences are of utmost importance because they have the ability to eradicate the conditions of subordination. In the restrictive view of equality, outcomes are downplayed and equality is treated as a process. Crenshaw states that, “The primary objective of antidiscrimination law, according to this vision [the restrictive view of equality], is to prevent future wrongdoing rather than to redress present manifestations of past injustice” (p. 1342). She further describes the restrictive view of equality as banning only the kinds of oppression that occur in situations in which the interests of others are not “overly burdened” (p. 1342).

In my analysis, I discovered that Massachusetts education policies are based on a restrictive vision of equality that is not supportive of genuinely equitable outcomes. For instance, the policies regarding racial balance in schools are individualistic and localist and therefore not powerful enough to actually racially balance the public schools of Massachusetts. State law and policy pays frequent and clear attention to the issues of racial imbalance in schools. However, the legal responsibility for racially balancing schools is left to local school committees with little oversight or motivation from any other governing entity to implement serious action in order to achieve racial balance in schools. The result is that schools in Massachusetts are highly racially segregated (Logan, Oakley, & Sowell, 2003; Orfield, Frankenberg, & Lee, 2003). This individualist and localist approach to racial balance is not producing equitable outcomes in terms of racial segregation. Along these same lines, although there are policies that protect students’ rights around issues of race and ability, language rights are not explicitly protected. Therefore, the assimilationist policies based on standard language ideology are not promoting equitable outcomes for multilingual learners.

While Stone’s (2002) notion of a “policy paradox” posits that the intent of any policy may never be actualized due to the complex factors mediating the processes of policy creation through implementation, the issues in Massachusetts state policies are not simply examples of Stone’s paradoxes. Instead, despite policy rhetoric that espouses equality, the actual policies are simply too restrictive to create equity in opportunity and outcomes for multilingual learners and their teachers.

## **The Educational Quality Frame**

Chapter 69 in Massachusetts General Law begins as follows:

It is hereby declared to be a paramount goal of the commonwealth to provide a public education system of sufficient quality to extend to all children including a limited English proficient student[...]and also, including a school age child with a disability[...]the opportunity to reach their full potential and to lead lives as participants in the political and social life of the commonwealth as contributors to its economy (M.G.L.c.69§1).

This declaration that it is important to have public schools of “sufficient quality” for “all children,” including multilingual learners, as a “paramount goal” exemplifies how an educational quality frame is constructed in Massachusetts policies. State policies regarding curriculum and instruction, teacher qualifications, assessment, and parental involvement are all framed in terms of educational quality; that is, they describe what a quality education for multilingual learners and their teachers should look like.

### **Curriculum and Instruction**

Across state policies the topic of curriculum and instruction is mainly framed in terms of educational quality and communicates the message that a quality education for multilingual learners

is one that only occurs in English, is standards-based, supports both English language development and grade level content knowledge, and should be accessible to all multilingual learners. Additionally, there is a clear message that the outcome of a quality education for multilingual learners is the rapid acquisition of English in order for multilingual students to be quickly absorbed into school districts' general programs. These messages clearly reflect assimilationism, technicism, and standard language ideology as discussed in detail in the following sections.

### *English-Only and Sheltered English Immersion*

State law calls for multilingual learners to attend “sheltered English immersion” (SEI) classes, which are taught for one year only, and conducted solely in English using the same standards and curriculum frameworks as all other students. This requirement is imbued with standard language ideology that both privileges English and implies that learning English is a transmissionist process that occurs rapidly. The assumption embedded in state law is that multilingual learners only require a short amount of time in English learning environments to acquire the language skills necessary for academic success in mainstream courses.

Because of the provisions in the law and how they have been interpreted, legally sanctioned discrimination against multilingual learners in Massachusetts has been codified into policy. For example, Chapter 71A provides the following definition:

“Sheltered English immersion” means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. Books and instruction materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child’s native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English. This educational methodology represents the standard definition of “sheltered English” or “structured English” found in educational literature (M.G.L.c.71A§2).

The only aspect of SEI in this definition that can clearly be implemented is the language of instruction: English. However, the provisions regarding SEI curricula and instruction are not detailed enough to guide school leaders and teachers in designing programs and classroom practices that will provide multilingual learners with a quality education.

There are no State Board of Education approved regulations that provide additional definition or guidance regarding the creation and implementation of SEI. Moreover, conflicting labels are used to describe SEI across state policies. For example, SEI is called a type of instruction in Massachusetts law (M.G.L.c.71A); in one policy tool, SEI was characterized as a type of classroom (Driscoll, 2004); and in another policy tool SEI is described as a program (MA DESE, 2008). Such inconsistencies ensure confusion and variation in implementation. In addition to the lack of clarity around what SEI is, neither state law nor State Board of Education approved regulations specify the qualifications a teacher needs in order to teach in an SEI classroom. Further, there is no guidance from the state regarding what instruction within that classroom or program should look like.

The DESE did address these issues within some of its policy tools. For instance, the Chapter 71A Frequently Asked Questions (FAQs) document released in the summer of 2003 by the DESE describes an effective SEI classroom as follows: “In effective sheltered English immersion classrooms, instruction and curriculum are designed to permit active engagement by LEP [Limited English Proficient] students throughout the school day” (MA DESE, 2003, p. 7). The document further describes the need for language and content objectives; frequent opportunities for

multilingual learners to interact, discuss, and apply new language and content in English; methods of making content comprehensible; and vocabulary instruction. The majority of these recommendations came directly from the Sheltered Instruction Observation Protocol (SIOP)<sup>1</sup> (Echevarria, Vogt, & Short, 2008).

While this document outlined useful approaches for working with multilingual learners, it is problematic that the explicitly stated purpose of SEI instruction is student engagement rather than English language development and academic content learning gains. Additionally, the definition of SEI in this document reduces the acquisition of English as a second language to vocabulary development by only calling for “instruction that emphasizes English vocabulary by combining the teaching of vocabulary and the teaching of content” (MA DESE, 2003, p. 7). The descriptors of SEI supplied in the Chapter 71A FAQs document are insufficient to ensure quality curriculum and instruction for multilingual learners because mastery of academic English is more than vocabulary acquisition (Schleppegrell, 2004) and developing grade level content knowledge requires more than the active engagement of multilingual learners (Echevarria et al., 2008).

The most explicit definition of SEI is outlined in the Coordinated Program Review (CPR) Procedures document, an information package that provides guidance to districts preparing for the DESE conducted review of bilingual learner programs (MA DESE, 2008). In this document, SEI is defined as a program that ensures the progress of multilingual learners in “developing listening comprehension, speaking, reading, and writing in English, and in meeting academic standards by providing instruction in the two components of SEI. They are (1) English as a Second Language/English Language Development, and (2) sheltered content” (p. 2, emphasis in the original). This definition requires school districts to pay explicit attention to the development of both content knowledge and English language proficiencies for multilingual learners. However, the paragraphs that follow this are limited to describing a method of providing such instruction only for “students who have, at least, an intermediate level of English proficiency” (p. 3).

If as described above, SEI is composed of both ESL and sheltered content instruction (yet sheltered content instruction is designed only for students at the intermediate level of English proficiency) what happens to students at the beginning levels of English proficiency? How can beginning level multilingual learners be “taught to the same academic standards and curriculum frameworks as all students” (M.G.L.c.71A§7) when the state mandated program (SEI) is not designed to provide access to academic content learning for beginning multilingual learners?

State policies do not specify how and from whom beginning level multilingual learners should learn academic subjects. The way state policies frames curriculum and instruction in terms of educational quality suggests that SEI provides quality curriculum and instruction so that all multilingual learners will be able to meet the same academic standards as their native English speaking peers. The reality is that beginning level multilingual learners are discriminated against due to the absence of a quality program designed to support their mastery of grade-level academic content.

One of the main arguments for the use of native language instruction and bilingual education techniques is that it is more effective than English immersion at teaching grade level content to students who are not yet proficient in academic English (Brisk, 2006; Proctor, August, Carlo, & Barr, 2010; Ramírez, Yuen, & Ramey, 1991; Rolstad, Mahoney, & Glass, 2005; Slavin & Cheung, 2005; Slavin, Madden, Calderón, Chamberlain & Hennessy, 2010). However, the

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<sup>1</sup> SIOP was originally developed as an observation protocol to look at classroom practice that shelters instruction for multilingual learners. Overtime, it has developed into a comprehensive training and professional development approach for teachers to work in content area classrooms with multilingual learners. More information regarding SIOP is available at: <http://www.cal.org/siop/>

implementation of Massachusetts state law severely restricts districts and teachers from using languages other than English in classrooms.

Despite some limited flexibility written into the law for dual-language programs and “parent exception waivers” for programs at the secondary level, SEI has become the default program for multilingual learners in Massachusetts. According to a recent report, 94.2% of multilingual learners in programs for “ELLs”<sup>2</sup> in Massachusetts are in SEI programs with only 3.3% in transitional bilingual education (TBE) programs and 2.4% in 2-way or dual language programs (ELL Sub-Committee, 2010). Even the very limited opportunities for schools and districts to utilize languages other than English in the classroom are not being implemented substantially across the state. The content of the law focusing on English-only instruction through SEI has received the most attention from schools and districts.

The way Massachusetts state policy frames curriculum and instruction for multilingual learners in terms of educational quality contrasts with the extensive research outlining high-quality curriculum and instruction for multilingual learners. Researchers have demonstrated the value of culturally and linguistically responsive educational approaches that build on and affirm students’ linguistic and cultural strengths while ensuring academic English mastery as well as strong grade level content knowledge (e.g., Brisk, 2006; Crawford, 2004; Cummins, 2000; De Korne, 2012; de Oliveira, 2008; Hakuta, 2011; Lucas, 2011; Valdés, 2001). Quality curriculum and instruction for multilingual learners as described in decades of research does not match the content of Massachusetts state policy. Research-based best practices are absent due to the ideologies of assimilationism, technicism, and standard language ideology that are driving the content of state policies regarding curriculum and instruction. Moreover, restrictive language policies, like those governing curriculum and instruction for multilingual learners in Massachusetts, create a hostile environment for students and teachers who face sanctions for using languages other than English (e.g., Arellano-Houchin, Flemenco, Merlos, & Segura, 2001; Cammarota & Aguilera, 2012; Valdez, 2001). Researchers have also documented how English-only policies have created opportunities for school personnel to overlook multilingual learners and prematurely push them into mainstream courses with unprepared teachers (e.g., Gándara, 2000; Harper & de Jong, 2009; Mora, 2000; Reeves, 2004). This gap between research-based best practices and current state policy in Massachusetts limits the educational opportunities of multilingual learners and legally sanctions race and language-based discrimination.

### *Successful Multilingual Learners*

Another message regarding curriculum and instruction that is conveyed through the frame of educational quality is that multilingual learners need to quickly acquire English skills to be absorbed into “the district’s mainstream educational program” (MA DESE, 2003, p. 10). An “English learner” is defined as “a child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English” (M.G.L.c.71A§2). Additionally, the law asserts that multilingual learners should move into English language mainstream classrooms and no longer be classified as English learners once they “acquire a good working knowledge of English and are able to do regular school work in English” (M.G.L.c.71A§4).

This positioning of multilingual learners as English-deficient and in need of English remediation is consistent across Massachusetts policy tools and regulations. Even the description of

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<sup>2</sup> I put “ELLs” in quotation marks as it is not a term I use nor believe is helpful in our efforts to disrupt the serious issues of inequity around racism and linguisticism that our education system is riddled with. Rather, I prefer to name students by what they are, specifically, multilingual, rather than in terms of perceived language deficiencies that only focus on English.

the purpose of ESL instruction focuses on “catching-up” multilingual learners to their native speaking peers (MA DESE, 2008, p. 3). Multilingual learners are thus framed as a problem of English deficiency that can quickly be solved through technicist, assimilationist approaches that support standard language ideology and the rapid acquisition of English.

Framing multilingual learners in terms of their English deficiency and as a problem to be solved is problematic for multiple reasons (Safford & Drury, 2012). First, the phrases, “speak English,” (M.G.L.c.71A§2) having a “good working knowledge of English” and being able to “perform ordinary classroom work in English,” (M.G.L.c.71A§4) paint a monolithic and simplistic picture of language acquisition and attainment that overlooks the complexity of the language forms dominating classrooms (Schlepppegrell, 2004). Even multilingual learners who are no longer identified as English language learners may still benefit from explicit language instruction in order to master the complex, intricate language forms of different academic disciplines (Mitchell, 2012). The narrow understanding of language development (De Korne, 2012) in state policies limits the learning opportunities of both multilingual learners and their teachers to minimal and potentially insufficient conceptions of English proficiency.

Second, even when multilingual learners do reach high levels of academic English proficiency, the limited understandings of language use contained in state policies overlooks critical aspects of literacy for the success of multilingual learners outside of schooling environments. Along these lines, Stevens (2009) critiques such unidimensional understandings of language use and acquisition by illustrating the multiliteracies adolescent multilingual learners often utilize in and out of schooling contexts. Due to this mismatch, a student may be literate for schooling purposes, “but not for critically engaging with her life realities” (p. 7), such as negotiating identities across cultural contexts or serving as a language broker for family and community members. The narrow conceptions of language use promoted in state policy limits the opportunities for multilingual learners and their teachers to engage with the critical multiliteracies necessary for success across a range of settings.

Third, the way state policy positions multilingual learners only in terms of their English deficiency makes it difficult for educators and administrators to see the linguistic skills and strengths multilingual learners have. For instance, the multiliteracy skills that multilingual learners draw upon when they serve as interpreters and language brokers for their parents or other family members and friends may not be visible in schooling contexts. Rubinstein-Ávila (2007) found that several teachers in her study did not know that one of their multilingual learners interpreted for her parents, nor did they perceive that multilingual learner as having the English competency necessary to be able to perform such tasks. When multilingual learners are viewed in terms of narrow conceptions of what it means to know English, many of their abilities, strengths, and accomplishments are invisible or marginalized in instructional contexts. An improved policy would recognize and create strong learning opportunities for multilingual learners at all levels of English proficiency rather than focus exclusively on limited conceptions of English language development for students the state labels “English learners.”

Fourth, state level policy describes multilingual learners as problems to be solved rather than as students with qualities and strengths that can enhance the learning communities they join. Stevens (2009) argues that by constructing multilingual learners as merely in need of language instruction, their “pathology may be remedied through achievement on test scores” (p. 7). But ultimately, an education focused narrowly on limited conceptions of language acquisition as measured through standardized test scores “will do little to help these populations understand well the interplay among self, institution, and society” (p. 7). The actual quality of the instruction multilingual learners can receive is severely limited when the focus is exclusively on their technical mastery of standard

English. However, Massachusetts state policies frame educational quality for multilingual learners entirely in terms of their limited levels of English acquisition.

Positioning multilingual learners as merely deficient in English has been critiqued in various ways across the research literature (Mitchell, 2013). Valdés (1998) and MacGregor-Mendoza (2000) discuss how language remediation can be utilized as a tool for segregation, creating a school within a school that marginalizes and limits multilingual learners' opportunities for academic growth. Wiley and Wright (2004) and Johnson (2005a, 2005b) show how the push for linguistic assimilation, as communicated in Massachusetts state policies, has generally been a method of social control through deculturation for the purpose of subordination and assimilation (Spring, 2004).

In contrast, researchers such as Expósito and Favela (2003) and Gándara and Rumberger (2009) argue for an additive approach to teaching multilingual learners that builds on their strengths, assets, and linguistic abilities while also pushing both higher levels of English language development and academic content mastery. Clearly a multilingual learner is much more than a student that needs to quickly master English. Unfortunately, Massachusetts state policy consistently constructs multilingual learners as merely English-deficient and defines their success entirely in terms of limited levels of English acquisition. By framing multilingual learners in this way, state policy creates substantial opportunities for linguistic and racist practices to occur in schools across the state.

### *Standards-Based Curriculum*

An important element of the educational quality frame is a standards-based curriculum for all students including multilingual learners. According to state law, the standards established at each grade level should “set high expectations of student performance,” be similar to the “competencies and knowledge possessed by typical students in the most educationally advanced nations,” and “be expressed in terms which lend themselves to objective measurement” (M.G.L.c.69§1D). Because most state standards limit the representation of the knowledge and traditions of minority groups and promote white normativity, the use of standards themselves often promotes assimilationist ideals for multilingual learners (Cohen & Allen, 2012). The use of standards is particularly problematic for multilingual learners because of their multicultural and linguistic backgrounds. State policies require the same high student performance expectations across all student populations, which overlooks the linguistic and cultural challenges multilingual learners face in classrooms (de Oliveira, 2010) particularly when the use of their native languages for instructional purposes is restricted. Multilingual learners are held to the same standards as their native English-speaking peers in a context that does not actually provide the supports multilingual learners need to be successful. In this manner, state policies ensure inequity for multilingual learners and thus perpetuate institutionalized racism and linguisticism.

### **Teacher Qualifications**

There are a substantial number of state policies regarding the qualifications of teachers that are framed in terms of educational quality. Policies concerning teacher qualifications imply that quality teachers are knowledgeable content experts who are fluent and literate in English and are capable of transmitting both their content and language knowledge to all their students through the application of various pedagogical strategies (603 CMR 7.00). These policies and the messages around teacher quality are founded on standard language ideology and technicism.

Like many other states, Massachusetts requires teachers to pass content knowledge tests, a practice that has been extensively critiqued for its ineffectiveness in determining teacher competency (e.g., Buddin & Zamarro, 2009; Cochran-Smith, 2001; Cochran-Smith & Dudley-Marling, 2001; Darling-Hammond, 2001; Goldhaber, 2007). Teacher tests for licensure have also been shown to have higher passing rates for White teachers than for their peers from minority backgrounds (Hood



& Parker, 1991; Latham, Gitomer, & Ziomek, 1999) and therefore serve as a gatekeeping mechanism that often prevents minorities and non-native speakers of English from becoming teachers (Barnes-Johnson, 2008).

Additional state requirements for teacher licensure are established in the board approved regulation 603 CMR 7.00 in which requirements for particular licenses are specified. The contrast between the requirements to become a special education teacher versus a teacher working with multilingual learners is noteworthy. 603 CMR 7.00 repeatedly specifies requirements and assurances regarding the licensure of teachers to work with children with special needs. However, the regulations do not stipulate specific qualifications for teachers who work with multilingual learners, even for ESL and TBE licensed teachers. For instance, section 7.04 (4) defines the requirements for field-based experiences that qualify teachers for an initial license. There are detailed regulations regarding the number of hours and exact locations of field-placements for teachers of students with both moderate and severe disabilities. However, specific field-based experiences aimed at preparing teachers of multilingual learners are not required. The regulations also do not stipulate that teacher candidates work in field-placements where multilingual learners are present.

The inattention in state policy regarding the qualifications and experiences essential for teachers to work effectively with multilingual learners stands in sharp contrast to empirical research. Research on teacher education for multilingual learners has documented a clear need for quality teachers to have extensive experiences working with bilingual students in order to effectively support their language and academic content development in classrooms (e.g., Lucas & Grinberg, 2008; Lucas, Villegas, & Freedson-Gonzalez, 2008, Youngs & Youngs, 2001).

In addition, none of the subject matter knowledge requirements listed in section 7.06 call for teacher expertise in the academic language of their content area (i.e., the language of science, the language of social studies, etc.). Research on teaching multilingual learners has documented the various linguistic challenges each content area uniquely presents, especially for students still developing their language proficiencies in English (e.g., Bruna, Vann, & Escudero, 2007; de Oliveira, 2010; Schleppegrell, 2004; Wright & Li, 2008). Teacher expertise regarding the language demands of classroom tasks and specific content areas is fundamental to supporting a quality education for multilingual learners (Lucas & Grinberg, 2008; Maxwell-Jolly, Gándara, & Benavidez, 2007). However, there are no state regulations requiring teacher knowledge about academic language. This glaring absence in the requirements for secondary level content area licenses stands in direct contrast to one of the professed purposes of the document: to “prepare educators to help all students achieve” (603 CMR 7.01 (1) (f)).

The only licensure for secondary teachers that addresses language acquisition is the ESL license of which the TBE license is a part. The requirements for an ESL license focus on the technical skills needed for teaching and assessing language, but do not address the qualities of effective teachers of multilingual learners suggested by research. These qualities include cultural responsiveness (e.g., Bernhard, Diaz, & Allgood, 2005; Ivey & Broaddus, 2007; Liggett, 2008), advocacy abilities (e.g., Bartolomé, 2002; de Oliveira & Athanases, 2007), or ideological clarity, meaning a reflective stance on personal prejudices and biases (e.g., Asher, 2008; Bartolomé, 2004; Expósito & Favela, 2003). Once again, the content of state policy requirements does not reflect research findings. In this case, state policy imbued with technicism and standard language ideology limits the requirements for teacher licensure in ways that contradict what researchers have established as effective, quality teaching for multilingual learners.

In addition to laws and regulations, several of the policy tools also included descriptions of the qualifications for teachers of multilingual learners. For instance, in June of 2004, the Commissioner of Education sent a memo out to school leaders across the commonwealth that

defined the skills and knowledge SEI teachers need to have in order to work with multilingual learners in sheltered content classrooms (Driscoll, 2004). This memo marked the creation of a professional development program aimed at preparing content teachers to work with multilingual learners in sheltered content classrooms. Both my analysis of these technicist programs of professional development that focus almost exclusively on strategy implementation (Mitchell, 2010) and the evaluation conducted by the Department of Justice in the Fall of 2011 found these teacher training efforts to be insufficient for adequately preparing teachers of multilingual learners (Vaznis, 2011). Substantial revisions to teacher preparation and professional development are now underway at the state level, yet the law from which all of these policies are derived remains intact.

Chapter 71A stipulates that all teaching personnel in English language classrooms be “fluent and literate in English” (M.G.L.c.71A§2). In this chapter of law entirely dedicated to the education of multilingual learners, there are no other specific requirements regarding the qualifications of teachers of multilingual learners. Therefore, according to state law, the qualification of utmost and only distinguishing importance for a teacher working with multilingual learners is his or her own fluency and literacy in English, which wrongly assumes that a knower and user of standard English can easily transmit that knowledge to others.

### **Parental Involvement**

State policies regarding parental involvement are almost exclusively related to providing parents with access to information in a language they know and understand (e.g., M.G.L.c.71§32A). This is consistent from law to regulation to policy tool. For example, Regulation 603 CMR 14.00 requires that information about students’ English proficiency levels be shared with parents. Similarly, policy tools from the DESE require that school communications are “to the maximum extent possible written in a language understandable to the parents and legal guardians of such students” (MA DESE, 2003, p. 11).

Framed in terms of supporting educational quality, the message about parental involvement fundamentally has to do with the distribution of responsibility for educational quality between parents and schools. State policies suggest that schools’ responsibilities end when they share information with parents in a language they can understand. Parents are then responsible for individually engaging with the schools and with their children’s education at the level they feel necessary. Additionally, parents are expected to assimilate to the expectations and processes of schools on their own. This sharing of responsibility is consistent with the ideologies of individualism and assimilationism. None of the laws, regulations, or policy tools suggest that parents could be collaborators or holders of knowledge that could be beneficial to schools, teachers, and classrooms. This approach overlooks the need for structures and supports specifically designed to engage parents of students from various cultural and linguistic backgrounds to facilitate the active participation of parents in their students’ education (Carreón, Drake, & Barton, 2005; Crosnoe, 2009; Good, Masewicz, & Vogel, 2010; Jasis & Ordoñez-Jasis, 2012; Linse, 2011).

Research on the education of multilingual learners and their teachers extensively discusses the “mismatch” between home and school cultures (e.g., Harklau, 2000; Ngo, 2008) and suggests that language and cultural issues can greatly affect parental involvement in schools (Asher, 2007; Gibson & Hidalgo, 2009; Suárez-Orozco, Pimentel, & Martin, 2009). When state policy defines parental involvement from the perspective of individualism and assimilationism, the cultural and linguistic barriers affecting parental involvement are not addressed. Additionally, this approach to parental involvement allows school officials to assume they have done their duty to involve parents once they have translated school documents. A more effective approach would be for school officials to evaluate and alter any ineffective district or school practices and policies.

Parental support and involvement in the education of multilingual learners is important, yet difficult to facilitate in an unsupportive policy environment. The absence of state policies supporting active parental involvement for the parents of multilingual learners creates opportunities for discrimination and marginalization of multilingual learners and their families. Because of the individualistic and assimilationist policy, the burden of involvement rests entirely on the parents.

### **Assessment**

The topic of assessment is discussed in state policy as a method to support educational quality for multilingual learners by providing a means to monitor their academic progress. The law states the following:

To ensure that the educational progress of all students in learning English together with other academic subjects is properly monitored, a standardized, nationally-normed written test of academic subject matter given in English shall be administered at least once each year to all public school children in grades 2 and higher who are English learners” (M.G.L.c.71A§7).

This technicist message that promotes standard language ideology is consistent across state policy, but has a major flaw.

Standardized tests administered in English cannot monitor educational quality for multilingual learners (Goto-Butler, Orr, Gutiérrez, & Hakuta, 2000; Thompson, DiCerbo, Mahoney, & MacSwan, 2002). Abedi and Lord (2001) show how the language of assessments can actually prevent multilingual learners from expressing their content knowledge. Tests that are standardized and nationally-normed are created for native speakers of English. It is unreasonable to expect a student who is by definition “not currently able to perform ordinary classroom work in English” (M.G.L.c.71A§2) to achieve at any meaningful level on a test created for their native English speaking peers.

Recent research in Massachusetts has shown that multilingual learners at the three lowest levels of English proficiency as determined by the Massachusetts English Proficiency Assessment (MEPA), have little to no chance of passing any of the content area standardized assessments administered in English (ELL Sub-Committee, 2010). It is impossible to monitor students’ content knowledge development using standardized assessments in a language students have not yet mastered. Nevertheless, Massachusetts law demands the collection and analysis of meaningless test data that paint a picture of multilingual learners as persistent failures. Multilingual learners at the lower levels of English proficiency should not be expected to perform well on these tests, but they should be developing academic content knowledge and skills while they are learning English. However, the state does not have a method of assessing academic content knowledge for multilingual learners who are still developing their academic English proficiencies, which is another form of language discrimination. State policies around assessment are ensuring inequity for multilingual learners and their teachers as well as institutionalizing racism and linguicism.

### **Conclusion**

Although state policies are framed in terms of the broad goals of educational quality and educational equality, they are also imbued with the ideologies of localism, technicism, individualism, assimilationism, and standard language ideology, which legally sanction racism and linguicism against multilingual learners and their teachers. Additionally, the lofty goals in the body of state policy are impossible to meet within the restrictive provisions of those same policies. Therefore, this critical policy analysis provides important contributions to the theoretical and empirical understandings we have regarding policy paradoxes (Stone, 2002), particularly for the way this study illustrates the use

of language as a legally-sanctioned tool for discrimination. While race can no longer be an explicit tool for legally perpetuating white supremacy, this study demonstrates how racialized state policies ensure inequity through linguisticism, which is demonstrated in the values and assumptions undergirding state policies.

Powell (2009) calls for an understanding of what “our institutions and policies are in fact doing, not what we want or hope for them to do” (p. 802). The rhetorical sentiments espoused in Massachusetts General Law do not reflect the reality of the policies as they are translated into regulations and implemented in practice. This mismatch generates many sites for potential discrimination based on language as well as race.

An improved body of state policy in Massachusetts must draw upon different ideologies to substantially disrupt the perpetuation of linguisticism and racism in our education system. For instance, educational policies focused on multilingualism and critically informed socio-cultural approaches to teaching and learning (Tharp, Estrada, Dalton, & Yamauchi, 2000) would be a substantial departure from current discriminatory practices and would support higher levels of learning for multilingual learners. Further, ideologies like pluralism and collectivism and a commitment to community responsiveness could inform a dramatically altered approach to educational policy.

Some of the features of policies imbued with such ideologies and informed by critical socio-cultural approaches could be as follows. First, instead of focusing on which program model should be used (e.g., SEI versus bilingual education), improved policies would focus on the development and sustainment of quality programs that are responsive to local needs and build on community resources. Brisk (2006) identifies the features of schools and programs that provide quality educational opportunities and outcomes for multilingual learners. These aspects of effective programming and practice should be the focus of state policies, not a specific program model.

Second, instead of focusing only on multilingual learners’ English language development, schools should develop programs that utilize and support the development of multilingualism as well as multi-literacies across several languages (Lotherington, 2011). Multilingualism is a 21<sup>st</sup> century skill that should be well supported through improved policies for all students, but particularly for those who already live multilingual lives. Additionally, the multilingualism of teachers should be embraced through state policies, even if those teachers speak with an accent or utilize a non-standard variety of English.

Third, state policies should be amended to promote respect for linguistic diversity as well as require adequate linguistic and cultural supports that will enable students to truly have access to grade-level content knowledge and skills. Schools can utilize the language and cultural perspectives students bring to the classroom as a tool for learning as well as through improved connections to families and communities. Drawing on the rich multicultural and multilingual resources within the state could improve educational opportunities and outcomes for multilingual learners and their teachers.

Fourth, state policies can be improved by requiring pre-service teachers of multilingual learners to work with multilingual learners in mentored instructional contexts for a substantial amount of time. To be effective teachers of multilingual learners, teachers need to learn a great deal about the form and structure of the English language beyond their personal fluency and literacy. Additionally, state policies should be amended to support the improved preparation of teachers of multilingual learners so that they develop ideological clarity, or understand their own perspectives and biases and how such worldviews inform their teaching practices (Bartolomé, 2004). Further, teachers of multilingual learners should understand from a critical socio-cultural perspective the ways teaching and learning can most effectively happen in classroom contexts for multilingual learners (Tharp, et al., 2000).

Fifth, the state should require schools to engage with parents beyond simply sharing information. Through the creation of multicultural and multilingual structures and programs, such as parent committees and learning opportunities at the school, districts and schools can help parents from a range of linguistic and cultural backgrounds more effectively engage with the education of their students. State policies can do a great deal to support improved educational outcomes for multilingual learners by encouraging schools and districts to view parents through an assets-based lens in which their perspectives and backgrounds are viewed as resources to support high levels of learning and achievement and engage all parents in their students' learning.

Finally, state policies would be substantially improved by creating assessment and accountability practices that provide meaningful measures and data that can help teachers monitor the academic English development of multilingual learners and their grade level content knowledge. This will require flexibility in measurement tools based on varying levels of English proficiency and multiliteracy and could also include increasing the amount of instruction and assessment in languages other than English. Further, improved assessment and accountability practices would create spaces for student critiques of the knowledges and discourses of power as a method of demonstrating critical and innovative thinking as well as creativity. While this is a tall order for assessment and accountability, it is grounded in critical perspectives on education and pedagogy (e.g., Bartolomé, 2004; Wink, 2011) and is absolutely necessary for contemporary issues of linguicism and racism to be halted. Overall, an improved approach to educational policy for multilingual learners and their teachers is possible, and as demonstrated by this analysis, is essential for purposes of equity and social justice and the disruption of the perpetuation of racism and linguicism.

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## Appendix

### *A – State Level Policy Document Data Sources*

<b>Massachusetts General Law</b>	
Chapter 15	Department of Elementary and Secondary Education
Chapter 69	Powers and Duties of the Department of Education
Chapter 70	School Funds and State Aid for Public Schools
Chapter 70B	School Building Assistance Program
Chapter 71	Public Schools
Chapter 71A	Transitional Bilingual Education
Chapter 71B	Children with Special Needs
Chapter 72	School Registers and Returns
Chapter 76	School Attendance
Massachusetts General Law is publically available at: <a href="http://www.mass.gov/legis/laws/mgl/">http://www.mass.gov/legis/laws/mgl/</a>	
<b>State Board of Education Approved Regulations</b>	
603 CMR 1.00	Charter Schools
603 CMR 2.00	Underperforming schools and districts
603 CMR 3.00	Private Occupational Schools
603 CMR 4.00	Vocational Technical Education
603 CMR 5.00	Dispute Resolution Under Parental Notification Law
603 CMR 6.00	Teacher Quality Enhancement
603 CMR 7.00	Regulations for Educator Licensure and Preparation Program Approval
603 CMR 8.00	Kindergartens: Minimum School Age
603 CMR 10.00	School Finance and Accountability
603 CMR 13.00	Certification of Supervisors of Attendance
603 CMR 14.00	Education of English Learners Regulations
603 CMR 17.00	Racial Imbalance and Magnet School Programs
603 CMR 18.00	Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs
603 CMR 23.00	Student Records
603 CMR 26.00	Access to Equal Educational Opportunity
603 CMR 27.00	Student Learning Time
603 CMR 28.00	Special Education Regulations
603 CMR 30.00	Massachusetts Comprehensive Assessment System and Standards for Competency Determination
603 CMR 31.00	Massachusetts Certificate of Mastery
603 CMR 33.00	Anti-Hazing Reporting
603 CMR 35.00	Evaluation of Teachers and Administrators
603 CMR 38.00	School Construction
603 CMR 41.00	Regional School Districts
603 CMR 44.00	Recertification
603 CMR 45.00	Agricultural High Schools
603 CMR 46.00	Physical Restraint

All state education regulations are available at: <a href="http://www.doe.mass.edu/lawsregs/stateregs.html">http://www.doe.mass.edu/lawsregs/stateregs.html</a>	
<b>Policy Tools Created and Distributed by MA DESE</b>	
<b>Title</b>	<b>Description</b>
Licensure Application Package	In March of 2006, the MA DESE released a Licensure Application Package with comprehensive information and checklists for all the requirements to become licensed to teach in MA. Available at: <a href="http://www.doe.mass.edu/Educators/e_license.html?section=k12">http://www.doe.mass.edu/Educators/e_license.html?section=k12</a>
English Language Proficiency Requirements for Teachers under Question 2: English Language Education in Public Schools	On March 27, 2003, the Commissioner of Education sent this memo out to superintendents of schools and charter school leaders describing the literacy and fluency requirements of teachers and how they demonstrate that proficiency under the new law. Available at: <a href="http://www.doe.mass.edu/ell/proficiencyreq.html">http://www.doe.mass.edu/ell/proficiencyreq.html</a>
Updated Guidance on Qualifications for Teachers in Sheltered English Immersion Classrooms	On June 15, 2004, the Commissioner of Education sent this memo out to superintendents of schools, charter school leaders, educator preparation program providers, and other interested parties regarding the four category trainings established by the DESE to prepare content teachers to teach Sheltered English Immersion classes. Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>
Coordinated Program Review Procedures: School District Information Package School Year 2008-2009	This document provides districts and schools with guidance for the preparation of the English Learner Education portion of the DESE Coordinated Program Review (CPR). It includes an overview of tasks to be completed and identifies the specific compliance standards to be addressed during the CPR. Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>
Designation of LEP Students: School Year 2003-2004	On March 25, 2004 the Deputy Commissioner of Education sent this memo out to superintendents of schools and charter school leaders clarifying the criteria for identifying LEP students in Massachusetts. Available at: <a href="http://www.doe.mass.edu/ell/news04/0325lep.html">http://www.doe.mass.edu/ell/news04/0325lep.html</a>
Identifying Limited English Proficient (LEP) Students (with Appendix)	Dated October 2004, this document on the DESE website provides the procedures for identifying new LEP students upon their enrollment in a school district including home language surveys. Available at: <a href="http://www.doe.mass.edu/ell/sci/identify_lep.html">http://www.doe.mass.edu/ell/sci/identify_lep.html</a>
Waiver Requirements and Procedures	DESE description of waiver requirements and procedures based on G.L. c. 71A. Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>
Guide to Interpreting the 2006 MEPA Reports	Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>
Chapter 71a FAQs	Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>



Guidelines for Agencies Providing Sheltered English Immersion Professional Development for Content Teachers of English Language Learners	From the DESE Office of Language Acquisition and Academic Achievement which was put out in April of 2006. Available at: <a href="http://www.doe.mass.edu/ell/profdev/sheltered.html">http://www.doe.mass.edu/ell/profdev/sheltered.html</a>
Requirements for the Participation of Students with Limited English Proficiency in State-Mandated Assessments	Available at: <a href="http://www.doe.mass.edu/ell/guidance_laws.html">http://www.doe.mass.edu/ell/guidance_laws.html</a>

## About the Author

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Kara Mitchell Viesca's research agenda focuses on advancing equity in the policy and practice of educator development with a particular focus on multilingual learners and their teachers. She is the lead PI on a National Professional Development grant from the federal Office of English Language Acquisition titled "e-Learning Communities for Academic Language Learning in Mathematics and Science" (eCALLMS). Her recent publications include "English is not ALL that Matters in the Education of Secondary Multilingual Learners and their Teachers" in the International Journal of Multicultural Education and "Race, Difference, Meritocracy, and English: Majoritarian Stories in the Education of Secondary Multilingual Learners" in Race Ethnicity and Education.

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