


9-2017

## LANGUAGE CULTURE WARS: EFFECTS OF LANGUAGE POLICY ON LANGUAGE MINORITIES AND ENGLISH LEARNERS

Ambar A. Perez  
*California State University - San Bernardino*

Follow this and additional works at: <https://scholarworks.lib.csusb.edu/etd>

 Part of the [Applied Linguistics Commons](#), [Bilingual, Multilingual, and Multicultural Education Commons](#), [Curriculum and Social Inquiry Commons](#), [Education Policy Commons](#), [First and Second Language Acquisition Commons](#), [Language and Literacy Education Commons](#), and the [Teacher Education and Professional Development Commons](#)

---

### Recommended Citation

Perez, Ambar A., "LANGUAGE CULTURE WARS: EFFECTS OF LANGUAGE POLICY ON LANGUAGE MINORITIES AND ENGLISH LEARNERS" (2017). *Electronic Theses, Projects, and Dissertations*. 577.  
<https://scholarworks.lib.csusb.edu/etd/577>

This Thesis is brought to you for free and open access by the Office of Graduate Studies at CSUSB ScholarWorks. It has been accepted for inclusion in Electronic Theses, Projects, and Dissertations by an authorized administrator of CSUSB ScholarWorks. For more information, please contact [scholarworks@csusb.edu](mailto:scholarworks@csusb.edu).

LANGUAGE CULTURE WARS: EFFECTS OF LANGUAGE POLICY  
ON LANGUAGE MINORITIES AND ENGLISH LEARNERS

---

A Thesis  
Presented to the  
Faculty of  
California State University,  
San Bernardino

---

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
in  
English Composition:  
Applied Linguistics and Teaching English as a Second Language

---

by  
Ambar Alexa Perez  
September 2017

LANGUAGE CULTURE WARS: EFFECTS OF LANGUAGE POLICY  
ON LANGUAGE MINORITIES AND ENGLISH LEARNERS

---

A Thesis  
Presented to the  
Faculty of  
California State University,  
San Bernardino

---

by  
Ambar Alexa Perez  
September 2017

Approved by:

Dr. Caroline Vickers, Committee Chair, English

Dr. Parastou Feiz, Committee Member

© 2017 Ambar Alexa Perez

## ABSTRACT

This thesis investigates the intertextuality of language policy, K-12 TESL pedagogies, and EL identity construction in the perpetuation of unjust TESL practices in these contexts. By examining the power structures of English language ideology through critical discourse analysis of recent California language policy, this thesis demonstrates English language teaching's intrinsically political nature in K-12 education through negotiations and exchanges of power. Currently, sociolinguistic approaches to TESL and second language acquisition acknowledge the value of language socialization teaching methods. This requires the acceptance of cognition, not as an individual pursuit of knowledge containment and memorization, but cognition as a collaborative and sociohistorically situated practice. Thus, this project also examines the power structures in place that negotiate and enforce these ideologies and how these practices influence pedagogy and EL identity construction.

Many English users are second language (L2) users of English yet authorities of English use tend to consist of homogenous, monolingual English users, or English-sacred communities, not L2 users of English. Often, this instigates native speaker (NS) vs. non-native speaker (NNS) dichotomies such as correct vs. in-correct use, and us vs. them dichotomies. These are the same ideologies that permeate the discourse of California's Proposition 227 and some pedagogies discussed in the data of this research perpetuating culture wars between monolingual and multilingual advocates and users.

## ACKNOWLEDGEMENTS

I would like to thank California State University, San Bernardino for the opportunity to study with the excellent faculty of the English department. I am especially thankful to Dr. Caroline Vickers and Dr. Parastou Feiz for kindling my curiosity in linguistics and supporting my interests in the role of applied linguistics in K-12 education. I would also like to thank Dr. Wendy Smith for encouraging me to take the leap to make applied linguistics my concentration for this degree and her continued support through my experiences in this program. Dr. Caroline Vickers—I am forever grateful for your encouragement to take academic risks and participate as a professional in my field. Your mentorship has challenged me to grow in my field and pursue my professional goals. Lastly, I would like to thank Dr. David Carlson for expanding my access to valuable critical theory that I will carry with me in scholarship for years to come.

My greatest gratitude is to my family. This thesis would not have been possible without their relentless support and encouragement.

## DEDICATION

I would like to dedicate this project to the educators that continue to defend language justice for their students and access to free, quality public education.

## TABLE OF CONTENTS

ABSTRACT .....	iii
ACKNOWLEDGEMENTS .....	iv
LIST OF TABLES .....	viii
LIST OF FIGURES .....	ix
CHAPTER ONE: INTRODUCTION AND LITERATURE REVIEW	
Introduction.....	1
Politics and Cultural Realities of Language Policy .....	2
Injustices Against English Learners .....	4
Santi's Story .....	5
English Learner Identity .....	8
Language Minority Students in the Southwest .....	12
Paradoxical Dichotomies: Native Speaker and Non-Native Speaker Competencies .....	14
Situated Language Learning .....	17
Power, Linguistic Capital, and Commodified Language Learning .....	21
Conclusion .....	23
CHAPTER TWO: METHODOLOGY	
Introduction .....	24
Methodological Approaches.....	25
Sacred Imagined Communities.....	26
Regimes of Truth and Fellowships of Discourse .....	27
Power and Ideology .....	28



Panoptic Paradigms in K-12 Settings .....	29
Setting .....	33
Data Collection .....	33
Audio Recorded Data.....	33
Participants .....	34
Written Data .....	35
Data Analysis.....	36
CHAPTER THREE: INTERTEXTUALITY OF LANGUAGE POLICY AND PEDAGOGY	
Introduction .....	38
Methodological Monotheisms in Language Policy and Standards .....	39
English Language Education Standards .....	40
Proposition 227 .....	41
Introduction .....	41
Political Philosophy and Ideology.....	42
English as a Commodity .....	46
The Language of Power: Assimilative Practice and Discourse .....	48
Proposition 58: Revising and Amending Proposition 227 .....	58
Conclusion: Linguistic Justice and Cultural Tension .....	62
CHAPTER FOUR: EDUCATOR AND ADMINISTRATOR CONSTRUCTION OF ENGLISH LEARNER IDENTITY AND EDUCATION	
Introduction .....	64
Ideological Shifts in English Learner Instruction: From	

Multiculturalism to Acculturation .....	66
Constructing English Learner Identities in Academic Institutions.....	69
Lack of Intrinsic Motivation .....	71
Distribution of Program Funding .....	77
Professional Development .....	79
Administrative Pressures and Expectations .....	85
Conclusion .....	88
CHAPTER FIVE: CONCLUSION.....	91
Recommendations for Change in the Field .....	97
Limitations and Further Considerations .....	100
Conclusion .....	101
APPENDIX A: INSTITUTIONAL REVIEW BOARD APPROVAL LETTER ...	102
APPENDIX B: APPROVED CONSENT FORMS.....	104
APPENDIX C: PROPOSITION 227.....	109
APPENDIX D: PROPOSITION 58.....	113
REFERENCES .....	117

## LIST OF TABLES

Table 1. Constitutive Versus Instrumental Language Ideologies and Language Policies .....	43
--	----

## LIST OF FIGURES

Figure 1. Exchange of Hierarchy of Surveillance in K-12 Education .....	30
Figure 2. Distribution of Surveillance of English Learner Performance .....	31
Figure 3. Relationships of Symbolic Power of Spoken Language in California .....	61
Figure 4. English Learner Instruction Communities of Practice .....	99
Figure 5. Roles of Membership in Communities of Practice .....	99

# CHAPTER ONE

## INTRODUCTION AND LITERATURE REVIEW

### Introduction

In recent years, the United States has implemented language policies that have shaped ESL classroom strategies for K-12 educators. Though these policies are implemented at the state-level, these policies have affected English Learners (ELs) and Language Minority (LM) students nationwide in their transition from secondary education to postsecondary education. The purpose of this research is to investigate ideologies of learning, knowledge, language and power to understand their influence on language policy discourse, ESL contexts and ESL pedagogies. I will then investigate how language pedagogies shape EL identity and EL instruction in secondary education. In this project, I argue that ideology found in the language of Proposition 227 is a microcosm of the types of anti-immigrant and xenophobic ideologies permeating language policy, standards and curriculum on a national scale which then shape ESL pedagogies, EL identity, and EL language development. In addition, I will examine how language policy ideologies permeate pedagogy by existing in a multilayered panoptic paradigm in which nation, state, institution, and educators take part in English-sacred communities (Foucault 1977; Bhatt, 2002). Furthermore, I argue that these xenophobic ideologies serve to situate English in a position of power by denigrating populations considered to be language minorities by the dominant culture, propagating language culture wars in Southern California. Last, I will

demonstrate how the internalization of knowledge in six accounts of EL communities of practice do or do not deny learners access to mature activities that provide legitimate periphery participation.

For this research, I collected both live and written data. First, I compiled a collection of recent federal and state sponsored language policies in the United States such as the *English Language Development Standards* and *Common Core State Standards*. Then, I examined various written pedagogical resources aimed at two audiences: 1) K-12 teachers and 2) K-12 administrators. These resources served as text for my Critical Discourse Analysis on ideology and the intertextuality (Fairclough, 2001; Wodak and Meyer, 2016) performed between the texts and classroom pedagogies. In addition, I interviewed six secondary educators and administrators about their pedagogical strategies, the role of language policy in the classroom, and their perception of ELs. I then performed discourse analysis on the data acquired from these interviews to examine the intertextuality of ideology and ESL pedagogy and how this influences educators' construction of EL identity. Last, I observe how this denigrates EL identity and stagnates the potential for innovative critical pedagogy in K-12 TESL contexts.

### Politics and Cultural Realities of Language Policy

Advocates of home language use in the classroom as an English language learning resource have long debated to what extent the home language should be used as a support in the K-12 classroom. Regardless of dissent on the amount of time students should spend using their home language in the

classroom, linguistic research has long made clear that using the home language in the classroom is more a resource than an obstacle for TESL instructors and students of all ages (Atkinson, 1987; Wong, 2000). However, recent language policies passed in California and Arizona mandate against the use of home languages during English language instruction (Proposition 227, 1998; Proposition 203, 2000). Legislators continue to control language and as a byproduct diminish the continua of content and the value of other languages in the United States. To understand the extent of this ideological enforcement, we must first discuss the intertextuality of political philosophy and linguistic justice.

De Schutter (2007) presents two opposing language ideologies often at odds in debates of linguistic justice: 1) opposing views on *membership in a linguistic community* and 2) “between transparent and hybrid *concept of language*” (p. 2). Linguistic justice is at times associated with multiculturalism and nationalism because of their overlapping interests in *group identity* (De Schutter, 2007). In the context of multilingual settings, geographic areas where more than one language is used, I will use De Schutter’s four principles to address linguistic justice in multilingual settings:

- (1) Guaranteeing the equal access of each of the languages, (2) giving equal support to any of the existing language with a per-capita prorating (the biggest language groups get more support), (3) giving equal support with an inverse per-capita rating (prioritizing the smaller

or weaker languages) and (4) realizing equalization along non-linguistic (socio-economic lines).

While political initiatives are enacted in the name of language preservation or English language instruction for students assessed and labeled less than proficient, political initiatives continue to seek standardization, even at-risk of oppressing linguistic rights of language minorities like those listed above.

Language minorities, in this case, does not refer to numbers but to power. As Hornberger states, “it is not the number of speakers of a language, but their positioning in society” (p.454). Hornberger (1998) precedes De Schutter’s (2007) call for linguistic justice by suggesting that language be acknowledged as a resource. In doing so, we can begin to provide “versatile bilingual/bicultural/biliterate personnel who take the lead in effecting change in their schools; and long-term stability of the change site—stability of site personnel, governance, and funding” (Hornberger, 1998, p.452).

### Injustices Against English Learners

In recent years, research has shown that many ELs have been wrongfully placed in special education instruction due to lack of identification training and excessive referral of students of color to special education (Diaz-Rico, 2012; Fernandez & Inserra, 2013; Hardman, Egan, & Drew, 2015). Often, placement in special education courses will not provide students access to mainstream education as many special education settings in K-12 education require students to spend part of the school day or the full school day in an alternative classroom



setting rather than in the mainstream classroom with grade level peers (Hardman et al, 2015). As a result, students may not gain access to grade level appropriate assignments putting students behind academically.

In this section, I examine the subjugation of EL students to unjust educational practices, such as wrongful special education placement and lack of access to appropriate grade level instruction. Often, these practices are based in ideological notions that construct second language users as deficient. I begin with a story about a former student to illustrate how such unjust educational practices impacted his academic growth and violated his right to free and appropriate public education under education code Section 504 (34 C.F.R. Part 104) due to his classification as an EL and special education student. I will then discuss scholarship that uncovers the ideological underpinnings of current EL pedagogy, such as that to which my former student was subjected, and how new conceptualizations of second language use allow for a reframing of second language users as multicompetent rather than deficient.

### Santi's Story

With the implementation of Proposition 227 and the No Child Left Behind Act, funding for students that performed poorly academically became available to provide students with resources that would help them raise their academic performance. A popular resource in the Southern California area became the contracted tutor. I, as a local college student, took a position as a tutor for one

school year as a contracted tutor for a Southern California school district. This is how I met Santi.

As a tutor, I held a caseload of thirteen students for grades 1-8. Of those students, only one was not an English Language Learner (ELL). This was no surprise to me as I had been told that I was tutoring the students for this reason and because their English language literacy and composition skills affected their academic performance in other subject areas as well. I was tutoring the students on my caseload to supplement the resources they did have to support academic growth. Yet, the only training I had was the year and a half I had spent tutoring community college students in English composition. Most of the students I tutored on my caseload needed support in reading and writing. As we worked together throughout the school year, most students made significant improvements, finished their assigned hours by the program, and went on to finish the school year on their own. But, one case in particular stood out to me.

Santi was one of my eighth graders who needed support in reading and writing. When I first started working with him, I assigned him the diagnostic exam I was required to give. His scores reflected the needs his profile had outlined so I began to build curriculum for our tutoring sessions. Yet, the more tutoring sessions we had, the more I realized Santi had a complex web of needs. I began with grade level appropriate reading materials and writing exercises I had found listed in my materials but Santi found them too difficult to attempt. So, I took a new approach.

I asked Santi what kind of work he did daily in the classroom. I figured that if I could produce something similar I could gradually push him toward the more challenging work I had initially assigned. He explained that he was in a sheltered classroom, a class for ELLs only, and that he sat at a computer and did grammar activities or completed worksheets. These grammar exercises were out of context. Ones we might see in a grammar handbook that might ask us to identify all the relative clauses in the sentences provided with only a complex definition of relative clauses to guide us. This meant he rarely read on his own or completed writing assignments, he explained he had not read a book in its entirety since elementary school. I had been determined to get him on track but was unprepared for this situation.

The next time we had a tutoring session, I brought books from a variety of reading levels. I had Santi read one passage from each book and tell me which one he found fit his reading level. Santi chose *The Cat in the Hat*. I was wary of this. I had only recently met this student and knew little about the coursework he was assigned in other classes. I just couldn't believe that at eighth grade this was his reading level. We decided to read the book together and it took us about our entire tutoring session, one hour. Santi was right. This was where he was. But how had he gotten to this point? While his peers were reading *The Raven* by Edgar Allan Poe, he was reading *The Cat in the Hat*.

I spoke to his mother after our session. She spoke little English, so we spoke Spanish most of the time. I asked her if she could tell me a little more

about Santi's academic history so that I might better understand the context of his needs. She explained that he had been classified as an ELL when he was in first grade because she enrolled him in school with Spanish as the primary language in the home even though Santi spoke mostly English. To worsen the matter, Santi was painfully shy and spoke little to authorities in the classroom for most of first grade. His teacher did not communicate her concern to Santi's mother and instead had Santi evaluated for special needs. Because Santi refused to speak during the evaluation and because he had made poor academic progress in language arts (because he was in an ELL program for part of the day when he needed the mainstream classroom), Santi was also placed in special education. Though Santi's doctor later insisted this was unnecessary and his mother begged the school to reclassify him, the school refused because by this time Santi had spent so much time in two programs he did not need that he could not catch up to the academic performance of his peers or the expected performance of the Common Core State Standards. Santi's mother was never provided with a translator during this process.

### English Learner Identity

To discuss identity in TESL contexts in K-12 education I use Kroskrity's (2000) definition of identity as the "linguistic construction of membership in one or more social groups or categories" (Kroskrity, 2000, 111). Here, language and communication act to produce varieties of identities in diverse contexts of interaction and intersect with one another (Kroskrity, 2000). In addition, speakers

can construct identities for themselves and others through written and spoken discourse. We use language to form membership to groups but simply using the linguistic constructions of the group does not legitimize our membership (Ochs, 1993; Bucholtz, 2004). Thus, identity is largely sociocultural, constructed simultaneously by our context and interactions (Ochs, 1993).

Santi's status as an EL student followed him from primary to secondary education. This label became more than just a classification in the education system but an identity that categorized Santi and determined the kind of interaction in which he could participate. His sociocultural context in an American K-12 education system during the enforcement of Proposition 227 shaped his EL identity constructed by administrators and educators. This is not to say that Santi did not have agency in constructing his own identities but that his externally constructed identity as EL determined his placement in the education system. His identity was used by administration at his school site to determine his permitted level of participation and placed him in English Language Development instruction that only provided dictated instruction and few opportunities for peer-interactions. Santi's constructed EL identity also constructed him as a deficit English language user.

Bucholtz and Hall (2005) define five principles of identity interaction: Emergence, Positionality, Indexicality, Relationality, and Partialness (Bucholtz and Hall, 2005). Emergence connects to identity in that identity is considered a "social and cultural phenomenon," not a "pre-existing" and static entity; in other

words, identity is socially and contextually constructed moment by moment in any given interaction (Bucholtz and Hall, 2005). Positionality discusses the way identity emerges in the roles and orientations we take in interactions which in this case are temporary. Indexicality is described as the linguistic features that rely on context for social meaning and can include a variety of identity categories (Bucholtz and Hall 2005). Relationality describes the ways in which parts of our identities overlap (Bucholtz, 2005). Lastly, Partialness refers to our identities composition of both the “deliberate” and the “habitual” (Bucholtz, 2005). These five principles can be applied to the construction of identity in both spoken and written discourse to understand the construction of the identity of others. Specifically, Bucholtz and Hall’s (2005) five principles of identity interaction provide a framework for which to approach the discourse of educators in the field and the ways in which EL identity is constructed in speech acts and pedagogical choices.

To understand the constructed identities of ELs in communities of practice we must also understand the construction of *deficit language user* identity constructed by the discourse. In the discourse of the collected data, this returns us to the NS vs. NNS paradox. When comparing NNS to NS competencies, any production of the English language that varies from the norm is a perceived failed use of the English language, but current K-12 ESL policies and standards in California rely on NS competency as a measure of assessment. Thus, the identity of *deficit language user* is perpetually affixed to the EL identity by

institution actors and authorities though a student may or may not identify themselves as such. Specifically, for ELs in K-12 academic settings, ELs placed in sheltered classrooms are *othered* by their institution and barred from interacting with what the discipline calls *mainstream students*, students fulfilling normative expectations. The perception is that ELs are deficit in some way and can only academically interact with other EL students sharing the same status.

Once classified as an EL in the K-12 education system, the labels English Learner (EL) or English Language Learner (ELL) follow students throughout their academic career unless reclassified and returned to mainstream classroom settings. This label carries many connotations for school districts across the nation. This label indexes a certain expectation or identity marker about the student before the instructor even meets the student for the first time. In these systems, students' EL status and with comes identities such as remedial and deficient (Bhatt, 2002; Treffers-Daller and Sakel, 2012). The EL label and its attached identities follows students throughout their academic career in the K-12 education system simply by attachment to their academic records. This label serves as an indicator of services needed for the student, but it also evokes preconceptions, fears, and assumptions about EL needs that do not always benefit the student. Though student labeling is used to manage student tracking to provide instructional services mandated by state law, this context places a pre-determined identity on the learner and dictates the interactions they may or may not participate in during instruction. In addition, this label often carries anti-

immigrant sentiments, misconceptions about ELs' cognitive capacity, misconceptions about student learning motivation, and constructs ELs as deficit because it relies on EL competency juxtaposed with NS competency (Bhatt, 2002). This labeling practice serves a panoptic paradigm in which K-12 institutions, administrators and educators stand at the center, surrounded by their students (Foucault 1979). In such a paradigm, students are denied access to resources that will grant them access to constructing an academic identity. Thus, institutional demands such as attaining NS "target competencies" co-construct these students as deficient and underprepared for the discourse communities in which their NS peers already participate in (Firth and Wagner 1997).

### Language Minority Students in the Southwest

Because most the discussion in this project is interested in exchanges and positions of power, the language of power. Particularly in the Southwest of the United States, language minority communities have grown in recent years, especially in California and Arizona, (U.S. Census Bureau, 2011). These states are most notably impacted by these policies and their embedded ideologies across the Southwest due to their historically higher populations of diverse multilingual communities (U.S. Census Bureau, 2011). Language policies have emerged in these regions purporting to address the immoral negligence of quality language learning in these states and call for standardization of English language instruction for ELs like Proposition 227 in California and Proposition 203 in Arizona (Proposition 227, 1998; Proposition 203, 2000). According to the



language of Proposition 227, English language immersion would address unsatisfactory literacy rates and English language learning education for students classified as “English learners (ELs) or Limited English Proficiency Child[ren]” (Proposition 227, 1998).

Though Lave and Wenger (1991) argue that school contexts do not necessarily constitute examples of communities of practice, I argue that EL classes and cohorts do constitute an example of communities of practice in a school setting because this learning context is preparing students to use English in academic and professional manners which they must master to be classified as expert English users, move to a higher status in the community, and access the linguistic capital of English. In addition, educators and administrators serving in positions related to EL instruction constitute communities of practice in which they perform peripheral participation and are legitimized or delegitimized as participants of these communities. English immersion models are one example of communities of practice that ELs and instructors may take part in simultaneously. These models are often intended to last for no more than one year, yet students often remain in these contexts for longer than intended, hindering their second language acquisition by depriving students use of their native language as a reference to contextualize English, and denying ELs from legitimate peripheral participation (Lave and Wenger, 1991; Treffers-Daller and Sakel, 2012). States such as Arizona and California are also known to have school districts that enforce blocks of English language instruction, periods longer than one hour in

which students are in ESL instruction settings and away from the mainstream classroom removing them from productive legitimate peripheral participation with expert English users. Though a longitudinal study of 4-hour English language blocks of instruction found that these kinds of English immersion instruction do not “increase ELL students’ academic achievement,” these models of instruction continue to circulate as pedagogically sound models of instruction (Rios-Aguilar, Gonzalez Canche, and Sabetghadam, 2011).

#### Paradoxical Dichotomies: Native Speaker and Non-Native Speaker Competencies

Often, ELs like Santi maintain excellent oral proficiency in English but lack mastery of English composition and literacies. Research in recent decades has shown that this is in part due to instruction centered around native speaker competency goals for ELs (Soto, 1986; Firth and Wagner, 1997). Since then, linguists have begun to examine the validity of comparing EL performance to Native Speakers (NS). According to Soto (1986), second language conversation or SLC can be a valuable aid to EL language development because it provides non-native speakers with examples of variety, speaking and listening practice, and models of language use from NS perspectives. However, Firth and Wagner (1997) later begin a discussion about the deficits of performance analysis models and native speaker (NS) vs. non-native speaker (NNS) comparative models in second language acquisition (SLA). Previously, an enormous emphasis was placed on analyzing and assessing the performance competency of language

learners. Firth and Wagner (1997) assert that this paradigm poses presumptions about the SLA of English language learners (ELLs) rather than focusing on how to serve language learners. The constant comparing of NNS to NS performance perpetuates ideologies about the “native speaker ideal” that NNS must reach. This constructs the NNS as deficit in comparison to the language production of an NS, a belief often perpetuated in multilingual composition contexts in both K-12 and postsecondary education. While Soto (1986) argues it provides multilinguals interaction with expert language users from which they can learn and develop, the fixation on achieving NS competencies can be detrimental to ELs successful acquisition (Firth & Wagner, 1997; Bhatt, 2002; Ishii & Baba, 2003). So, why is it that K-12 programs continue to push English language immersion models based on NS competencies as valid language development strategies for their EL students?

Historically, language policy has been fixated on native speaker English models as benchmarks for EL achievement and assessment (Soto, 1987; Ishii & Baba, 2003). Educators could better serve ELs by pushing back against models shaped by native speakers as the ideal of English language competency (Cook, 1999). Idealizing the native speaker invokes a juxtaposition between native speaker (NS) and non-native speaker (NNS) that highlights the errors of ELs and frames ELs as deficit language users (Cook, 1999; Bhatt, 2002). Such models denigrate rather than celebrate the creative constructions of ELs and delegitimizes variety in language use as a natural occurrence (Bhatt, 2002). More

radically, Canagarajah (2007) even proposes the consideration of English as a *lingua franca* in our conceptions of competency drawing timely attention to the wide range of variety in the English language. Currently, our education systems rely on Standard American English as our model for competency in the English language. Thus, many English language policies in the United States are embedded with ideologies that rely on monolingual instruction, the ideal native speaker, and English language immersion (Rios-Aguilar, Gonzalez Canche, and Sabetghadam, 2011; Treffers-Daller and Sakel, 2012; Hornberger, 1998; De Schutter, 2007).

Firth and Wagner (1997) precedes Watson-Gegeo (2004) and De Schutter (2007), but the principle question remains: how do we achieve language justice and provide equal access to resources for learners? I, too, find myself asking this question in this field of study and it is notable that in the past twenty years, little solutions have come to terms with the ideologies of English language teaching, monolingualism, and the symbolic capital of English. Thus, I seek to use this source in conjunction with Hornberger (1998), Watson-Gegeo (2004), and De Schutter (2007) to explore how our current historical context might influence a shift in these ideologies found in my data. I am also interested in the permeation of these ideologies in pedagogy and particularly how this shapes students' perceptions self in their transition from secondary to post-secondary education.

Cook (1999) calls for a reframing of the ideal native-speaker the instructor might use as a model for language learners. Cook agrees that making native-

speaker competency a goal for second language users (L2 users) is disparaging and even discourages L2 users from using valuable strategies they might pull from their own language learning experience (Cook 1999). Framing an idealized native-speaker (NS) as the goal model for the L2 user also sets an unattainable goal for the L2 user. Thus, Cook (1991) complicates the deficits of promoting native-speaker models and questions how, in fact, an ideal native-speaker dialect is selected as a model for ELLs. It is because Cook (1999) problematizes the native speaker that we can begin to consider more flexible models of instruction like language socialization that begin to observe the subjectivity of cultural realities and diverse multicompetent language use. Thus, this research will consider the variety of contexts we can provide ELs that move outside NS constructs and away from homogenizing practices in ESL pedagogies.

### Situated Language Learning

Many of our current models for ESL instruction rely on outdated cognition and Second Language Acquisition (SLA) theory that ignores the validity and integral value of language socialization in SLA (Watson-Gegeo, 2004).

Traditional views of learning internalize knowledge as a transmitted, discovered, or collaborated act (Lave and Wenger, 1991). Though seemingly unproblematic, this view of knowledge situates the learners as the receiver of knowledge separate from their sociohistorical context. Then, we examine the learner's *zone of proximal development* as the learner's space between the problem solving as an individual act and as a collaborative act. It is from this perspective that we can

begin to acknowledge learning as situated acts through relations connections. Lave and Wenger (1991) define this socialized form of learning as *communities of practice*, communities in which “participation in an activity system about which participants share understandings concerning what they are doing and what that means in their lives and for their communities.” This view asserts that learning is not only a socially situated act but that learning is intrinsically a social process that transforms learners’ identities and knowledge in relation to their communities of practice. Lave and Wenger (1991) propose that sociocultural transformation and learning take place in communities of practice. Learning in these communities involves the whole person, but also all aspects of identity remain in flux with the relational nature of community. Membership status is transformed with the acquisition of knowledge, social practice, and social context. It is important to note that communities of practice exist in a cyclical manner in that novices eventually replace the experts actively transforming and reproducing the community. Each community has its respective values, norms and processes for dissemination of information.

Lave and Wenger (1991) describe five apprenticeships to observe communities of practice in their research. Then, they examined the relational interactions between novice and expert that were successful and unsuccessful. Though each case of apprenticeship varied in style of instruction and relationality within each community of practice, four out of the five communities successfully produced legitimate peripheral participation. However, Lave and Wenger (1991)

found that the industry with the least successful apprenticeship was also the most commodified industry. In the case of the butcher's apprenticeship, labor was exchanged for access to participation in a community of mature practice (Lave and Wenger, 1991). This made gaining legitimacy difficult in this community of practice. Likewise, many ELs in K-12 education systems are initially placed in English Language Development (ELD) instruction courses for language acquisition assistance. Here, their successful completion of coursework is exchanged for access to a community of mature practice: the mainstream English Language Arts classroom. In addition, Lave and Wenger (1991) observed that in cases in which masters or instructors acted as "pedagogical authoritarians," gaining legitimacy became difficult.

Though Lave and Wenger (1991) argue that providing learners with opportunities to perform activities on the periphery to gravitate to the core of expert knowledge and status, some models of English Language Development instruction in K-12 education continue to produce dictated instruction and activities based in knowledge as an internalized practice. Learning is a social endeavor and as such we internalize what we learn in these settings (Lave and Wenger, 1991). In K-12 education, a main point of contention is the ways in which pedagogies address zones of proximal development and how learners' environments assist in the process. "The zone of proximal development is often characterized as the distance between problem-solving abilities exhibited by a learner working alone and that learner's problem-solving abilities when assisted

by or collaborating with more-experienced people” (Lave and Wenger, 1991). This sociocultural approach to learning is often modeled in K-12 education when classrooms are structured in groups of peers with similar ages and learning outcomes with an aim to instruct them to achieve expert knowledge of standard expectations by the end of each school year (Common Core State Standards, 2010, 2013; English Language Development Standards, 2012). Yet, persistently individualized pedagogies claiming focus on differentiation often limit the facilitation of collaborative learning necessary in a sociocultural approach to language acquisition instruction (Lave and Wenger, 1991). In addition, social setting is an integral component to the productive acquisition of second languages (Firth and Wagner, 1997; Watson-Gegeo, 2004).

Models of cognition that internalize knowledge and metaphorically define the mind as a container elicit limited understandings of language learning resulting in limited access to language socialization models of learning for ELs and LMs in K-12 education (Lave and Wenger, 1991; Watson-Gegeo, 2004). By moving away from Chomskian models of Universal Grammars (UGs) and metaphorical containers of knowledge, we can begin to move outside the individual and towards models of learning that acknowledge the legitimacy of social context in language learning and acquisition. Watson-Gegeo (2004) asserts cognition is a social process reliant on context and relational to circumstance. Thus, in *situated learning* teachers model and teach while also co-creating contexts with students, administrators, institution, etc. (Watson-Gegeo,



2004). *Language socialization* provides learning contexts that unite *situated learning, communities of practice*, and cognition as a social process in a manner that legitimizes *othered* languages and cultures of LMs and ELs.

At present, ELs and LMs could benefit from language socialization pedagogies in K-12 instruction because it requires context provided by instructors and curricular resources in everyday instruction and legitimizes learners' sociohistorical and sociopolitical contexts. Communities of practice that allow learners to participate in legitimate peripheral ways provides learners with access to mature practice (Lave and Wenger, 1991). However, many K-12 models of instruction provide limited access to social contexts and resources, denying learners access to movement from the periphery to the core of English speaking communities of practice including academic communities of practice. This results from failure to provide learners with environments conducive to language socialization (Lave and Wenger, 1991; Mondada and Pekarek Doehler, 2004; Watson-Gegeo, 2004). Currently, EL paradigms that segregate ELs in English language classrooms without peer-expert users keeps ELs in perpetual apprentice or novice status. In these cases, the only expert is the instructor.

#### Power, Linguistic Capital, and Commodified Language Learning

To understand the foothold Standard American English (SAE) holds in academic contexts, I will first address the role of language in exchanges of institutional power. In the United States, English is the most acceptable form of language in commercial transactions, business negotiations, academic contexts,

and official government discourse and writing. Written texts performing official business in the United States are published in English but as our populations continue to diversify our language use and variety increases.

Language is not only the exchange of utterances but the exchange of symbolic power and capital (Bourdieu, 1991). According to Bourdieu (1991), utterances are only given value within the context of the market in which they occur. Because the value of utterances is dependent on the relation of power between speakers' linguistic competencies, speakers' capacity for production, appropriation, and appreciation (Bourdieu, 1991). Moreover, speakers' linguistic competences socially classified and index the socially classified markets in which they exist (Bourdieu, 1991). Most importantly, linguistic capital is marked with power by the speakers that use it in the first place. For instance, utterances made in English in American classrooms have more valuable productive capacity because English is the language of the dominant culture and the official (or acceptable) form of language in academic contexts. This power can be negotiated over time and as dominant cultures shift so to do the languages of power. But it is not only the language of power that matters here but the dialect itself. Agha (2011) expands on Bourdieu's (1991) frameworks of linguistic capital and examines the commodification of registers within a language. Agha (2011) argues that registers themselves act as commodities in our sociohistorical contexts by acting as social indexicals. In the case of K-12 TESL contexts, I argue that English holds power, acts as linguistic capital, and varies in

commodity registers. In this case, *academic English* is the commodity register of K-12 TESL contexts and it is not until ELs can demonstrate mastery of this commodity that their deficit status is erased and initiates them toward legitimate peripheral participation with other expert English language users. I will discuss this methodology further in chapter two and present the sociohistorical context in which this takes place in chapter three.

### Conclusion

By examining the discourse of language policy and educators' narratives of their TESL experiences in K-12 education, we can observe the ways identity is co-constructed in both written and spoken discourse. Additionally, we can use these observations to explore the intertextuality of EL identity construction by educators and language policy to determine the role of power in the unjust distribution of quality education in K-12 TESL contexts. We can begin to ask how the language of these discourses reflect ideologies that limit innovation and equitable quality instruction.

## CHAPTER TWO

### METHODOLOGY

#### Introduction

Prior to Proposition 227, Los Angeles County had a thriving bilingual education program where three of the participants were educated during their K-12 experiences. When they began their own careers in ELD, they initially were permitted to teach bilingually or use students' home languages to translate and provide support; this was widely accepted practice until the passing of Proposition 227. All three teachers observed an ideological shift from the time Proposition 227 was passed. Prior, multiculturalism was a natural part of classroom culture and other languages were acceptable in the classroom. Afterward, ELs were isolated from mainstream students by their label as EL, were banned from using other languages in the classroom, and ELD instructors were isolated from other staff.

Though some may argue that language teaching is void of politics or should remain void of politics, it is increasingly difficult to deny the discourse of pedagogies and policies currently in place in the United States. As Cook (1999) states, "On the one hand, one might argue that politics should stay out of TESOL; on the other hand, the political stance taken here may be seen as demonstrating an unacceptable normativity [...]" This is not to say that this binary delineates the spectrum of stances TESOL educators may take on EL pedagogy

in the U.S. but an illustration of the pitfalls of denying the existence of political stances in the field in the first place. In this section, I will illustrate the ideological frameworks used to analyze the discourse of language policies Proposition 227 and Proposition 58 in conjunction with the Common Core State Standards. These frameworks will demonstrate the exchange of power in EL education in the K-12 education system and language learning frameworks that provide potential alternatives to the status quo (i.e., Native Speaker ideals, language immersion).

### Methodological Approaches

For this research, I have focused primarily on communities of practice of both educators and ELs in secondary education contexts due to significant difference in instruction and designated ESL instruction between primary and secondary education. In primary education, I found that ELs spent little time out of the classroom since the passing of latest English Language Development Standards due to its demand for both integrated and designated instruction of English Language Development (ELD). However, because secondary education often separates student schedules into approximate one hour blocks of designated instruction for each content area, designated ELD is typically its own class period in addition to the required English denying ELs from access to electives and less access to peer-to-peer interaction.

### Sacred Imagined Communities

Lave and Wenger (1991) acknowledge that not all communities of practice are inclusive. One such community later defined by Bhatt (2002) is the *sacred imagined community*. Working from Anderson's (1991) initial proposal of *imagined communities*, Bhatt (2002) explains *sacred imagined communities* as communities built upon a unified belief which are language dependent. According to Bhatt (2002), these communities are reliant on three axioms:

We can interpret the notion of the sacred imagined community as a complex of three axioms, the first being that there is a standard language that provides access to knowledge. [...] the second axiom, that only those who speak the standard can command linguistic authority over non-standard speakers. Finally, the third axiom is that myth and history are indistinguishable. (77).

Thus, in this context English is not only seen as a homogenous community of English use but as an *English-sacred* community (Bhatt, 2002). These exclusive communities rely on the aforementioned axioms and imply that only those in use of Standard American English (SAE) have linguistic authority. Simultaneously, they wield their position of authority to normalize regimes of truth about standard English use that delegitimize English language varieties. These English-sacred communities are normative in contexts of instruction in mainstream K-12 classrooms. This is not to say that all members of these English-sacred communities are inherently proponents of anti-immigrant sentiments and

xenophobic pedagogy but that they are expected to let English wield its position in the language hierarchies of power at play in the discourse, policy, and curriculum imposed upon classroom instruction. In the context of EL education in the K-12 system, educators, administrators, and policymakers enforce Standard American English (SAE) in instruction, assessment, and policy documents (Proposition 227, 1998; Ishii & Baba, 2003). This community of educators, administrators, and policymakers is unified by their belief in SAE as the standard language of K-12 education and positions them to command authority over all users and non-users of SAE in K-12 education systems; any variety is unwarranted, illegitimate, or flawed. However, these constructs do not align with the cultural realities of California's multilingual environment and the nation's variations of English language use.

#### Regimes of Truth and Fellowships of Discourse

Foucault (1972) explains power is negotiated and redistributed by societal mechanisms of relation like *fellowships of discourse* which serve to preserve and reproduce power in relation to *regimes of truth*, understandings that legitimize sociolinguistic attitudes and practices. In relation to learning and the distribution of knowledge, *regimes of truth* exert authority over knowledge legitimization (Foucault, 1972; Bhatt, 2002). Power mitigated by *regimes of truth* that legitimize knowledge is enforced through the following mechanisms: *methodological monotheism* and *intellectual imperialism* (Bhatt, 2002). While *methodological monotheisms* serve to produce and reproduce uncontested subjective realities of

ideal homogeneity, *intellectual imperialism* moves from collective thought to realized control of knowledge production and influences what knowledge is or is not legitimized (Bhatt, 2002).

When examining language policy and its influence on EL pedagogy we must understand how language policies function on *regimes of truth* and *fellowships of discourse*. This project also investigates discourse in language policy that normalizes *regimes of truth*. In chapter three, I further define the *fellowships of discourse* influencing language policy and their effect on TESL pedagogy and EL identity construction in K-12 classrooms.

### Power and Ideology

In this project, I identify central ideologies in written and spoken discourse that serve to legitimize or delegitimize educators and ELs resulting in unjust learning conditions for ELs in K-12 education systems. I argue that ideology in these communities is constituted of *regimes of truths* and *fellowships of discourse* but are disseminated through panoptic exchanges of power. To examine mechanisms of identified ideologies in the discourse and their intertextual interactions with pedagogy I use the following criteria by which dominant powers perform legitimization according to Eagleton (1991):

A dominant power may legitimate itself by *promoting* beliefs and values congenial to it; *naturalizing* and *universalizing* such beliefs so as to render them self-evident and apparently inevitable; *denigrating* ideas which challenge it; *excluding* rival forms of thought, perhaps by some unspoken



systematic logic; and *obscuring* social reality in ways convenient to itself. (5-6).

Grimshaw (2000) argues that perhaps the most powerful form of discourse is written discourse due to its permanent nature and available documentation. For this project, acknowledging the permanent nature of written discourse in K-12 curriculum and instruction was central to understanding the control and power that documented standards and language policy have over pedagogy and administrative decisions. To understand the intertextuality of pedagogy, identity construction, and language policy discourse we must first acknowledge that within the discourse are conceptualizations about language learning, ELs, and experimental TESL pedagogy that together normalize the ideology of the dominant culture. Here, the dominant culture consists of academic SAE speakers in government and K-12 education. However, it must be made clear that these groups are not mutually exclusive and that membership to either groups does not by default mean all member will align with ideology at all times.

#### Panoptic Paradigms in K-12 Settings

The Foucauldian gaze is ever present in K-12 education systems in the United States. Students are observed, assessed, labeled, and then classified and distributed into groups of similar standings. Though proponents of these systemic protocols will assert that these methods stand to provide each learner with an individualized course of instruction that supports the learner's need, there are limitations and provisions present in this panoptic structure that have long been

overlooked or brushed aside for later address. This constant surveillance is performed at various levels in our national education system as seen below:

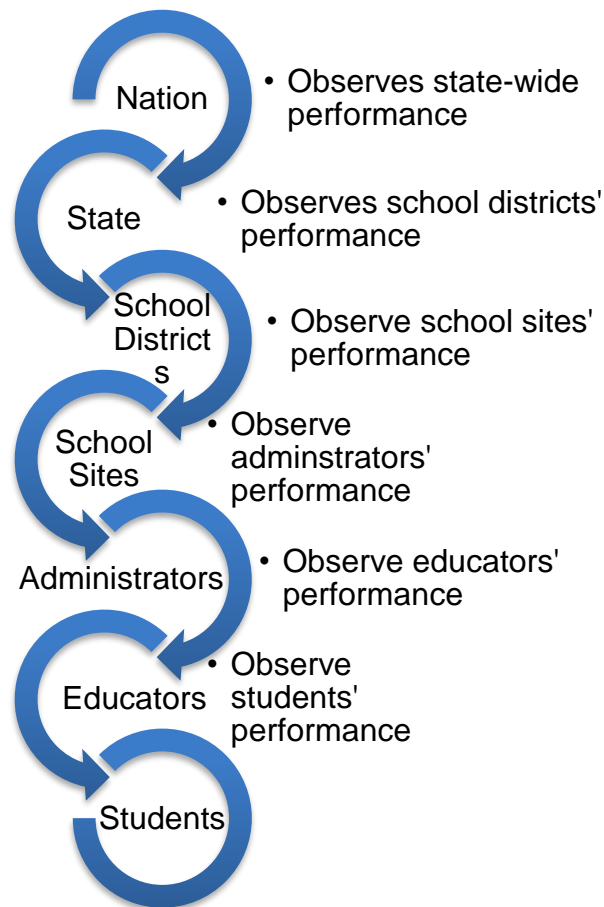


Figure 1. Exchange of Hierarchy of Surveillance in K-12 Education

Thus, *panoptic paradigms* pervade all levels of leadership, and authority is exchanged from entity to entity with students as the main focal point of surveillance. A state's performance of successful education systems is assessed by surveilling the performance of all students in a state and this same

surveillance is reified and reproduced in various scaled models until we reach the educator-student paradigm.

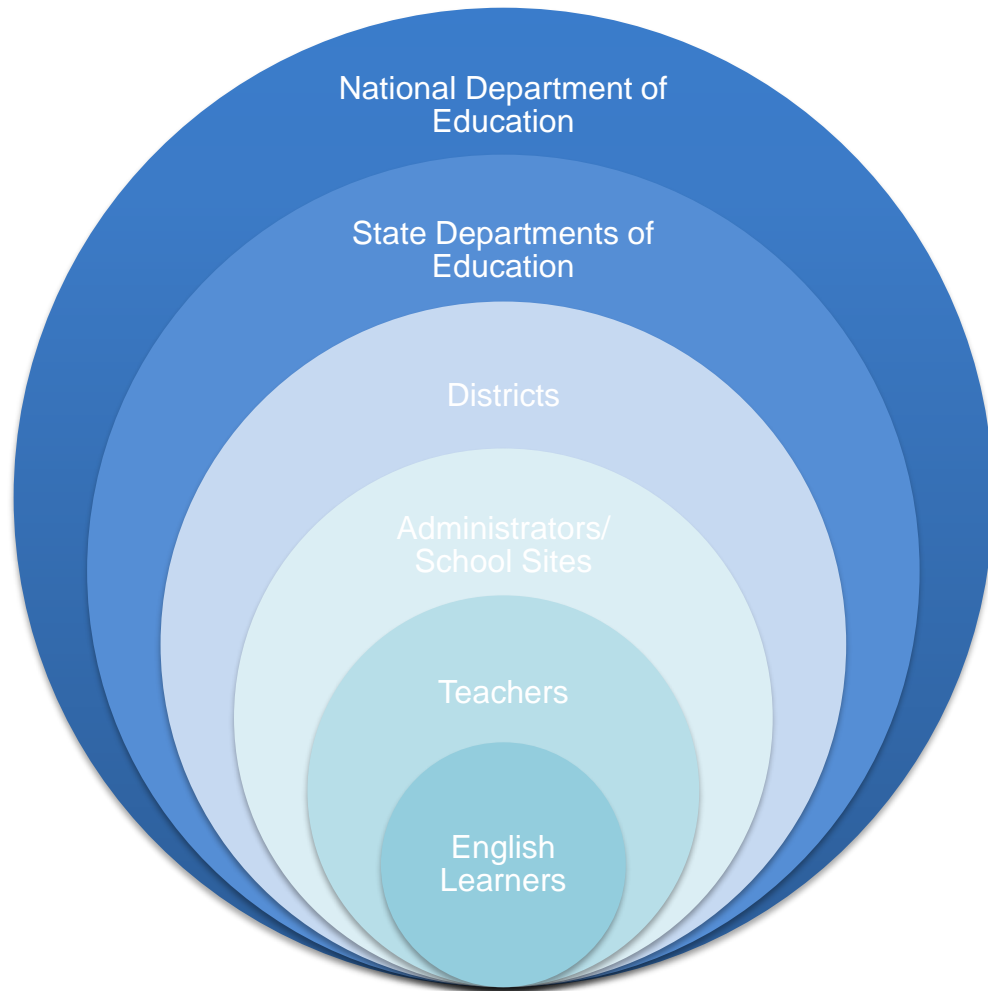


Figure 2. Distribution of Surveillance of English Learner Performance

In each paradigm, figures of authority are at the center and the surveilled in their fixated place (Foucault, 1979). Here, the nation has ultimate power and the state is fixated in its place. For instance, when the state is required to produce successful academic results that reflect the implementation of national Common Core State Standards and English Language Development Standards, the state is then passed on power in the exchange of authority to yield results at a local level. The state is now the authority and implements legislation to produce effective implementation of the Common Core State Standards and the English Language Development Standards. So, too must the state pass on power to school districts so that each district may surveil the performance of school sites, and so that school sites may surveil the instruction provided by instructors. All the while, the ultimate subject of surveillance is the student as their outcomes and performance of the standards mandated by the nation is surveilled at each tier in the exchange of power. Each entity below the nation in the hierarchy is surveilled and fixated in place in which each action is closely observed and critiqued. Though this paradigm initially sets out to implement standardization and yield similar outcomes across the nation in education, this *panoptic paradigm* limits the amounts of innovation that can occur, fixating the system itself in one place, engulfed and limited by its own surveillance. The subjects do not physically see the entity that surveils them and yet perform the tasks imposed for fear of the repercussion of failed performance. This same system consists of *fellowships of discourse* at each tier of the power exchange that pass on *methodological*

*monotheisms*. Each tier of power uses these *fellowships of discourse* to enforce *regimes of truths* and perform acts of *intellectual imperialism* by enforcing the distribution and legitimization of knowledge while preventing the opposition of the *regimes of truth* found in the discourse.

### Setting

This data was collected with approval from the Institutional Review Board in Winter 2017. Audio data was collected at school sites and public spaces in Los Angeles County, San Bernardino County, and Riverside County in Southern California. Participants selected the setting in which they were interviewed which included a coffee shop, an apartment, a school site instructor's office, and two district offices. In the case of participants interviewed at their place of work, additional approval from their institutions was required. To protect the anonymity of participants, their names and names of their respective districts have been assigned pseudonyms.

### Data Collection

#### Audio Recorded Data

To collect audio data, interviews of K-12 educators and administrators from Southern California public schools were conducted to elicit narratives about their experiences as educators and administrators in ESL contexts. Audio data was recorded in a M4 format. A total of six educators and administrators were interviewed for this research representing schools from Los Angeles and

Riverside County. Interviewees varied in age and years of experience in the field to provide insight on the experiences of newcomers to the field of K-12 education and the changes witnessed by more expert educators and administrators in the fields. Two interviewees were between 25 to 35 years of age and the remaining four interviewees were from 35 to 45 years of age. Three of the six interviewees also identified either currently or in the past as an English learner and had experienced EL education in the United States within the past thirty years. In these settings, participants were asked to explain their length of participation in the field of ELD instruction and years teaching. In addition, participants were asked to share about the current curriculum used at their district for EL instruction. Participants were also asked to share how ELs are reclassified at their districts in order to move into a mainstream English Language Arts classroom.

### Participants

Three of the six educators interviewed for this study started their careers in ELD prior to the implementation of Proposition 227 and were familiar with bilingual education instruction. All three were initially trained in ELD instruction and credentialed to teach these courses as experts in their field of study. The teachers also disclosed that they were classified EL themselves when they received instruction in K-12 education in their childhood. This drove these three teachers to pursue their degrees in their field.

Participants were intentionally selected from different districts and age groups to observe variety in best practices and investigate themes in the discourse of the field. All participants were selected from districts and school sites with EL populations consisting of 25% or more of the general student population. Participants were then recruited by phone, email, or in person to participate in this study and were informed of the interview questions regarding their methods of ELD instruction and of the need to record the interview for accuracy. Selected participants agreed to the methods and format of the study.

#### Written Data

In addition to audio recorded data, written data was also collected from resources available for public use. Because this research is concerned with ESL pedagogies and practices in Southern California, both national and state resources and standards were examined to establish institutional definitions of EL expectations according to the most recently released standards and the immediately preceding standards. Two recent language policy documents were used as written data for this research: Proposition 227 and Proposition 58. These language policy documents were chosen based on their most recent publication and their direct relation to language learning instruction from English learners in the state of California. Proposition 227 was chosen based on its status as the most recently enacted language policy document and was published in 1998. Proposition 58, legislation revising the language of Proposition 227, had not yet been passed at the start of this project. Later during this study, Proposition 58

passed as official language policy legislation and was selected as data for this research study due to its direct relation to Proposition 227 and revision of Proposition 227.

### Data Analysis

Audio and written data were analyzed using a hybrid of discourse analysis and critical discourse analysis (CDA). Discourse analysis was used to analyze the audio data collected from interviewees. In this data, I observed the performance of power and the construction of English learner identities in the discourse. In addition, I performed thematic analysis of the data. This thematic analysis served to measure parallels between pedagogies and expectations set by institutions in comparison to practices revealed in the discourse. Narratives were elicited during interviews by asking interviewees to share their experiences working with English learners throughout their careers, what their current position entailed in relation to servicing English learners, and information about how their English learner programs were implemented at their school sites. From this interview format, some follow up questions were asked for clarification of given information though most interviews elicited narrative. This portion of the data was also used to examine EL identities and pedagogies. The narratives derived from these interviews were analyzed using methods of discourse analysis such as thematic analysis and sociolinguistic analysis of identity construction. Critical Discourse Analysis (CDA) was performed on Californian language policy documents, national language policy documents, and national English Language



Arts and English Language Development Standards. CDA also provides a lens through which to observe the politicization of language teaching, the unjust distribution of English language learning resources to students labeled ELs or language minorities, and the commodification of the English language. The research sought to observe ideologies in the pedagogies, approaches and expectations of state and national institutions of K-12 education. These ideologies were then juxtaposed with the discourse from audio recorded data to observe if these ideologies could be found in the discourse or if other thematic parallels could be found. Eagleton's (1991) definition of ideology was used to identify whether recurring themes in the written discourse could function as ideology. Once identified as ideology, their position of power was examined by identifying the context in which the written discourse was published, their historical position, the authority and power of their publisher, and their legitimacy and authority in relation to K-12 education.

## CHAPTER THREE

### INTERTEXTUALITY OF LANGUAGE POLICY AND PEDAGOGY

#### Introduction

In this chapter, I examine the intertextuality of language policy legislation, education standards and implementation resources. This chapter will look specifically at the discourse of recent language policy in the State of California, specifically Proposition 227 and Proposition 58 and how legislation like Proposition 227 label groups as deficient through language ideologies and political discourse aiming to standardize instruction while instead denying ELs quality public education. I argue that mandates in Proposition 227 influence pedagogies and standards by imposing regulations on language learning that limit opportunity for collaborative instruction for ELs. In addition, these mandates place ELs in social settings that limit their acquisition of commodity registers that students in mainstream classrooms encounter on a regular basis. As a result, ELs experience unjust learning environments because they are denied the resources to build upon their status as human capital in the workforce upon completing K-12 education and in many cases, are denied the right to free, high quality public education.

In a census taken by the U.S. Census Bureau in 2011, it was found that approximately twenty percent of the U.S. population spoke a language other than English; in California that number more than doubled to 43 percent of the population, only 7 percent less than half. As a country with diverse use of

languages and speakers of languages other than English, it is only natural that our education system has passed legislation standards for teaching students classified as English language learners. However, while proponents of English immersion aim to ensure standardization of English instruction across K-12 curriculum, language minorities are displaced in K-12 education systems and are denied linguistic justices.

#### Methodological Monotheisms in Language Policy and Standards

*Methodological monotheisms* found Proposition 227 perpetuate belief in language immersion as an uncontested and successful teaching practice for all California classroom instructors and ELs. The discourse of Proposition 227 mandates this teaching practice and pejoratively dismisses other practices as costly errors, thereby participating in *intellectual imperialism*. English is established as dominant in the language hierarchy and delegitimizes other languages by preventing their use by learners or educators in the classroom. In this context, English is not only the dominant language but also the linguistic capital of a homogenous English-speaking community, a *Sacred-English community*. Implied, is that only those in use of SAE have linguistic authority.

The first *methodological monotheism* this research investigates in the discourse of language policy and standards is NS vs. NNS paradigms. This *regime of truth* asserts that one standard English is superior to all other variations of English and that any non-normative uses of English are failed uses of English (Pennycook, 1999; Bhatt, 2002). The second *regime of truth* is that the United

States exists in *linguistic distinctness*, the idea that world is geographically separated into monolingual regions, and furthermore still exists in California despite the cultural realities of the state. Finally, the third *regime of truth* embedded in the discourse is that English immersion will bring rapid English language acquisition for ELs.

### English Language Education Standards

English language education in the United States is guided by two sets of standards the *Common Core State Standards of English Language Arts & Literacy* (2010, 2013) and the *English Language Development Standards* (2012); these standards were meant to revise gaps and flaws in the standards immediately preceding them (Ballotpedia, 2017). However, their recent adoption into state standards across the nation has brought great institutional change in pedagogical expectations. Previously, it was expected by many institutions and educators that the English Language Development instructors be the sole educators responsible for English language teaching to ELs. However, the newly adopted *Common Core State Standards in English Language Arts* and the *English Language Development Standards* outline that the responsibility falls upon K-12 educators in all content areas using integrated ELD instruction. This is meant to resolve previous gaps of instruction in which ELs were only receiving instruction in their designated ELD courses. In addition, rather than separate strands of learning like reading, writing, speaking, and listening as isolated

events, the updated standards acknowledge the intertextuality of these streams of knowledge.

## Proposition 227

### Introduction

In 1998, proponents of English only education were successful in effecting change through the passing of Proposition 227 (1998). With the passing of Proposition 227, schools with bilingual education were prohibited from allowing ELs from participating in this program until proving mastery of the English language. In addition, ELs in schools that did not provide bilingual education programs were banned from using ELs' home language(s) to provide students with support until proving mastery of the English language (Proposition 227, 1998). This measure aimed to reduce the high school drop-out rate, especially amongst immigrant children but why the preoccupation with immigrant children and the continued omission of acknowledgment of other EL populations.

Early discussions on linguistic justice in the United States have referenced the xenophobic language of Proposition 227 and growing anti-immigrant sentiments. Hornberger (1998) describes six commonly baseless characterizations of immigrants that permeate anti-immigrant sentiments:

1. There are too many new arrivals.
2. Immigration limitations fail to halt or limit undocumented entry and asylum seekers.
3. Immigration has anxiety inducing economic consequences.

4. Immigrants are criminals or unable to follow societal norms.
5. Immigrants are changing the demographic landscape.
6. Immigrants are not assimilating quickly enough.

In this section, I will discuss the above listed criteria of commonly circulated anti-immigrant sentiment to perform a thematic analysis of Proposition 227 and demonstrate methodological monotheisms found in the discourse.

### Political Philosophy and Ideology

Language policy is intrinsically political in nature as it is born from its sociohistorical contexts. For instance, in the United States, we find ourselves in multilingual settings, yet languages are not on equal footings. Hornberger (1998) asserts that language policy can serve as an instrument of linguistic justice if the rights of language minorities are acknowledged and accepted in conjunction with the acceptance of language as a resource in educational and government settings. We may have the freedom to use other languages than English in public settings but the public preference and official government preference is English (Hornberger, 1998; De Schutter, 2007). From an *instrumental language ideology*, the idea that language is external from the self is not problematic because language is characterized as an instrument and a communicative medium, not as a resource with intrinsic value (De Schutter, 2007). Whereas *constitutive ideology* argues that language is part of the self and identity is of considerable value in the distribution and use of language, in which case language *does* carry intrinsic

value (De Schutter, 2007). De Schutter compares the two ideologies' roles in linguistic ontology and language policy in Table 1:

Table 1. Constitutive Versus Instrumental Language Ideologies and Language Policies

	Instrumental Language Ideology	Constitutive Language Ideology
Underlying view of linguistic membership (linguistic ontology)	(A) Language as external to who I am (language is a tool or a convention for the individual)	(B) Language is intrinsic to who I am (linguistically embodied subject)
Normative Conclusion (language policy)	(C) Regulate language(s) in such a way the non-identity related goals are realized: 1. communication: democratic deliberation 2. efficiency 3. equality of opportunity 4. mobility (or reduction of mobility) 5. cohesion and solidarity Further subdivision: 1. Outcome-oriented: language homogenization 2. Procedural	(D) Organize language in such a way that the identity interest of language is taken into account       Further subdivision: 1. Outcome-oriented: language maintenance 2. Procedural

De Schutter, H. (2007). Language policy and political philosophy: On the emerging linguistic debate. *Language Problems & Language Planning*, 31(1), 1-23.

This table does not seek to demonstrate the inadequacy of one ideology in comparison to the other but to demonstrate the results that can arise from such perspectives. However, if our goal is to seek meaningful implementation of linguistic justice it becomes evident that *instrumental language ideology* does little to address the linguistic rights of language minorities. Ironically, this seems to be one of the many ideological underpinning of Proposition 227.

In Article 1 of Proposition 227, the discourse establishes English as the language of power by establishing its position as “the national public language” and “the language of economic opportunity” (p. 1). This establishes English as the normative language of the public sphere. In addition, the implication is that without knowledge and use of the English language, citizens have no access to economic opportunity. This frames language, and in this case English, as an instrument to achieve tasks outside of identity like economic prosperity while simultaneously introducing English as a normative part of the national public identity, taking both an instrumental and constitutive approach.

Then, seeking to establish efficient forms of instruction in ELD, Proposition 227 also calls for the reallocation of funds in example 1:

Example 1

(d) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades



is demonstrated by the current high-drop-out rates and low English literacy levels of immigrant children; (Proposition 227, 1998).

Language like “poor,” “wasting,” and “failure” carry negative connotations and are pejorative of programs that seek to innovate the field. The discourse of the proposition suggests that the status quo of ELD instruction is sufficient and should remain in its current state (at the time of publication); thus, financial resources are of higher value than the quality of educational resources, again a reflection of instrumental ideology at work in the discourse.

Additionally, the discourse of the proposition negates the value of immigrant populations in the State of California by asserting that funding innovative programs that serve immigrant children to provide English language learning is wasteful. The discourse of the proposition placates opponents of this legislation by asserting a moral fiber argument in Article 1 when it acknowledges that “government and the public schools of California have a moral obligation and a constitutional duty” to all children (p. 1). This language suggests that it is the right of all children to receive equitable education according to law and constructs of morality yet the proposition denies the rights of language minorities by enforcing English-only instruction.

Through this model of instruction, immigrant children are also framed as the sole cause of the high drop-out rate at the time of this publication; other learners, including domestic ELs are omitted from the discourse of the proposition suggesting that immigrant children are the majority or only population

of ELs, low-literacy learners and drop-outs in the State of California. Fixation on immigrant ELs excludes an entire population of domestic ELs which has contributed to the Long Term EL phenomenon in which many domestic ELs have found themselves in. Limitation of innovation in the field has created a gap in instruction for domestic ELs and completely omitted them from existence in the legislative discourse thus impacting services provided at a local level.

The conclusion that funding for “experimental programs” is wasteful assumes that hegemonic principles of instruction are sufficient if it is coupled with English language immersion instruction. Mandating this sort of instruction affixes educators and administrators state-wide to these types of pedagogies for EL instruction. As a result, ELs, remain in the fixated space that produced many long term ELs. Thus, this panoptic paradigm in which the state is the authority over district instruction of their EL populations is one of many factors that has limited innovations in EL instruction and unjust distribution access to resources to all ELs in the State of California.

### English as a Commodity

Proposition 227 asserts that the value of the English language in all public forums which students can encounter in their future is a medium to achieving success:

#### Example 2

(a)Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the

vast majority of California residents, and is also the leading world language or science, technology, and international business, thereby being the language of economic opportunity; (Proposition 227, 1998).

Here, the proposition explicitly asserts the value of the English language not only in the academic sphere but in other social settings such as the global sphere, science, technology, and international business. According to the proposition, “immigrant parents are eager to have their children acquire good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement” (Proposition, 227). This generalization about the goals of immigrant parents in the State of California commodifies the English language as a valuable resource necessary for economic success. Here, not only is the goal to educate students classified as ELs but to provide them access to a vital economic resource: the English language. However, this comes at a tradeoff for ELs because the measure denies students access to their home language in the classroom. Thus, the underlying supposition is that the English language in which English has higher extrinsic linguistic value than the home language, creating a hierarchy of symbolic power between English and other languages spoken in the State of California. English then becomes not only the language of power but also a diversifiable commodity. Agha (2011) explains that not only is a language a commodity but also the registers of a language are commodities; our performance of registers can carry diverse symbolic power and capital in varied settings (Agha, 2011; Bourdieu, 1991).

Proposition 227's asserts that English immersion for English learners will provide students with access to the English language, the "leading world language of science, technology, and international business" (Proposition 227, 1998). The proposition goes on to argue that English is the "language of economic opportunity" and that acquisition of the language will assist learners in attaining the "American dream" (Proposition 227, 1998). This discourse indexes the economic value and symbolic capital of the English language in academic and global contexts. In addition, it concretely situates English in a position of power on both a national and international scale. Not only the acquisition of English, but the acquisition of *academic English* as a commodity register of the English language will offer ELs access to linguistic capital thereby building upon their value as human capital in the economy upon completion of K-12 education. However, if we return to theories of language socialization, retaining ELs in sheltered English immersion programs or in English language development instruction removes them from access to communities of practice in the mainstream classroom that would provide access to these commodity registers.

#### The Language of Power: Assimilative Practice and Discourse

Though California has a long history of diverse populations and multilingualism that hails prior to the naturalization of California as an official state, tensions between monolingual American natural born citizens and immigrant peoples continually emerge in discussion about rights and equity for all inhabitants of the State of California (Hornberger, 1998; De Schutter, 2007). Yet,

as we see in example 2, California continues to perpetuate and disseminate xenophobic legislation, preventing immigrants and other cultural minorities access to equitable rights. In addition, Proposition 227 overwhelmingly constructs *other* and *immigrant* status as costly, wasteful, and undesirable demonstrating anti-immigrant ideologies as seen in example 2. Here, the ideology is assimilation to American culture will teach ELs English and to speak English is to be American; to not speak English is to be other and an economic burden to society, to be other is not acceptable. This ideology relies on *linguistic distinctness*, the idea that the world is geographically split into pockets of monolingual speakers (De Schutter, 2007). In the U.S., the idea that we are one language, one nation, and one state does not align with our cultural and linguistic realities yet our language policy reflects this ideology. We treat English like a vulnerable language by mandating public space in which English is the expected and sometimes the only permissible spoken language.

Here, the problem is not a matter of economic distress on the education system nor failed rates of English acquisition amongst immigrant children. Rather, the discourse denigrates immigrant children, omits the existence of domestic ELs, and is pejorative of innovative strategies that subvert the dominant culture. The very definition of English learner (EL) in the data is the following:

- (a) “English learner” means 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, also known as a Limited English Proficiency or LEP child.

In this excerpt from Article 2 of the proposition, language like *limited* and *ordinary work* resort to constructions of deficiency and denigrate the performance of language use ELs might use in the mainstream classroom. This language relies on the following *regimes of truth*: (1) *linguistic distinctness* can and will be achieved, and (2) Standard American English (SAE) is superior and normative. Here, the implication is that their current performance of English language use is limited in comparison to normative NS competency. Thus, the EL identity constructed in the discourse of the proposition is one of deficient pupil in need of remediation rather than pupil in need of access to linguistic resources. In this context, ELs are constructed as failed students unable to assimilate to the expectations and norms of the dominant culture.

The dominant culture is not the culture of the largest physical population but of the culture of in power. The cultural realities of the dominant culture and those subjected to its control do not align by default but it is the dominant culture's fear of destabilization that perpetuates the denigration of "others." When ELs and educators interested in critical pedagogies subvert the authority of English-sacred communities, the dominant culture's stability and power are threatened.

Long standing concerns about the effects of language loss amongst multilingual students is a recurring critique of Proposition 227 (Wong-Fillmore,

2000; California Department of Education, 2016). However, Proposition 227 is not the only legislation that has passed in opposition to multilingualism in public education. As the primary language of official government and public business conducted in California, English holds greater symbolic power in public education than other languages spoken in the state. Acknowledging the hierarchical power of English which surpasses that of other languages spoken by parents and children in California's public education is integral to understanding the effects it has upon learners and their respective cultural communities. In several cases, rather than provide language teaching ELs that respects the primary language of learners, many programs shaped by Propositions 63<sup>1</sup>, 187<sup>2</sup>, 209<sup>3</sup>, and 227 encourage assimilative environments that are counteractive to language preservation. Specifically, Proposition 227's mandate against other languages in the classroom is in direct opposition to research by Atkinson (1987) that shows the value of home language use in the classroom.

In his memoir, *Hunger for Memory: The Education of Richard Rodriguez*, Richard Rodriguez (1982) describes his experience with language loss due to assimilative practices of instruction during his passage through the American K-12 education system:

---

<sup>1</sup> Mandated the use of English only in public life (Wong-Fillmore, 2000; Proposition 63, 1986).

<sup>2</sup> Denied undocumented immigrants use of public services and safety nets including educational services supported with public funds (Wong-Fillmore, 2000; Proposition 187, 1994).

<sup>3</sup> Ended affirmative action in jobs and education (Wong-Fillmore, 2000; Proposition 209, 1996).

I grew up victim to a disabling confusion. As I grew fluent in English, I no longer could speak Spanish with confidence. I continued to understand spoken Spanish. And in high school, I learned how to read and write Spanish. But for many years I could not pronounce it. A powerful guilt blocked my spoken words; an essential glue was missing whenever I'd try to connect words to form sentences. (Rodriguez, 1982).

This account is one of many shared by language minorities and these accounts continue to emerge. In example 3, the discourse of Proposition 227 advises that English immersion is the most productive strategy of instruction to provide ELs with the opportunity to acquire proficient English use:

Example 3

(e) Whereas, Young **immigrant** children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.

(f) Therefore, it is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

Yet, the discourse of the proposition is not interested in ELs in a general sense, but is fixated on ELs with immigrant status. This section of the proposition appears under the heading "Article 1. Findings and Declarations." Without citation of studies supporting these findings, the proposition asserts that specifically "young immigrant children" learn English efficiently in English immersion environments. While this claim indexes child development theories of



language acquisition and cognitive linguistics such as the concept of the critical period, it does not address the grounding and success of such methods through demonstration and citation of supporting evidence from the field. In addition, its fixation on rapid acquisition evokes an urgency to assimilate immigrant children as quickly as possible rather than an urgency to provide equitable quality instruction. This reflects one of the six previously discussed common anti-immigrant sentiments outlined by Hornberger (1998): anxiety that immigrants are not assimilating quickly enough.

While immigrant children are framed as a major cause for the high dropout rate at the time of the proposition's passing, immigrant parents are infantilized in the discourse of the legislation. Article 3 of the proposition states that parents have the right to waive EL instruction even when a student is classified EL by the school. However, upon closer examination of the text it becomes evident that parents have little opportunity to exercise agency over their child's EL instruction:

#### Example 4

311. The circumstances in which a parental exception waiver may be granted under section 310 are as follows:

(a) Children who already know English: the child already possesses good English language skills, as **measured by standardized tests** of English vocabulary, comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5<sup>th</sup> grade average, whichever is lower; or

(b) Older children: the child is 10 years or older, and it is the **informed belief of the school principal and educational staff** that an alternate course of educational study would be **better suited** to the child's rapid acquisition of basic English language skills; or

The language from section a and b in example 5 above demonstrate that not the parent but the institution has the right to determine the children's competency in English when it states that "a parental exception waiver may be granted" only in the conditions outlined in the article (Proposition 227). Though the waiver is called a "parental exception waiver" it is misleading to parents because, in actuality, it only allows parents to remove students from EL programs upon meeting at least one the following criteria:

1. Child must demonstrate that they know English through their performance on a standardized exam.
  2. Child is over the age of ten and the administration or educators agree that alternate forms of instruction would be better for the student.
  3. Child is classified as special needs and the administrators or educators agreed that alternate forms of instruction would be better for the student upon examination and approval from the superintendent.
- (Proposition 227, 1998).

According to the above listed criteria, options two and three are left to the opinion of administrators and educators thereby producing subjective analysis of student performance to decide whether a student qualifies for a parental exception

waiver. Option one, though more objective, relies on standardized exams which have been critiqued for rigor that even eludes the competency of NS English users and, in many cases, use NS English competency to construct measures of assessment (Diaz-Rico, 2012). Thus, all three criteria reduce the objectivity of the parental exception waiver and any course of action by the institution regarding the child's competency and EL instruction; the power still lies in the hands of the institution. This limits opportunity for reclassification for students who are placed in EL programs at a young age without need and consequentially fall behind due to lack of engagement in communities of practice that develop their language acquisition and literacy. In many cases these evaluations of competency are based in NS expectations of competency that many NS themselves might have difficulty demonstrating. Section 311 (b) of the proposition demonstrates the subjectivity of evaluations by allowing principal and staff "belief" to determine if ELs are eligible to petition for a parent waiver. Though a parent waiver could grant opportunity to enter a mainstream classroom and academic English communities of practice, it is the "belief" or opinion of administrators, staff, and educators at the institution that determines EL competency. Because this is not a measurable evaluation, it provides opportunity for administrator and educator prejudice to cloud the evaluation of student competence.

The discourse of Proposition 227 provides definitions for ELs, sheltered instruction, and various classroom environments possible.

### Example 5

(a) "English learner" means 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, also known as a Limited English Proficiency or LEP child.

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a **good knowledge** of the English language.

(c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired **reasonable** fluency in English.

(d) "Sheltered English immersion" or "structured 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.

(e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language. (Proposition 227, 1998).

Language in the discourse of the proposition like “ordinary,” “good knowledge,” and “reasonable” create ambiguity about methods of measure of EL performance

in the classroom. We must ask what it means for a student to perform “ordinary” work and whether this can be differentiated from student to student in such a way that ELs are retained in ELD programs rather than reclassified to *English language mainstream classroom* in which they might divulge in more productive communities of practice, communities of practice with not only the instructor as expert but peers with expert status that can provide a more feasible social setting of engagement and acquisition of registers of Academic English (Lave and Wenger, 1991; Watson-Gegeo, 2004; Agha, 2011).

However, in an English immersion setting students are deprived of contexts for preservation of other languages spoken. For students that eventually move from the periphery to the core, a common cost to make the move is to surrender to the assimilative nature of some English immersion programs. Students are often coerced into avoiding use of other languages in school and school related events (Rodriguez, 1982; Anzaldua, 1987). According to Wong-Fillmore (2000), family is one of the most critical elements to the success of students in K-12 education. Family provides a sense of belonging and is indeed one of the many communities of practice in which we participate (Wong-Fillmore, 2000; Lave and Wenger, 1991). For multilingual families, one characteristic of membership to the community is often command of the home language. Immersion programs that pressure ELs to abandon home languages in exchange for mastery of the English language and inclusion in desired communities of practice at school, face an ethical dilemma. Can we ask students to isolate

themselves from their cultural communities in order to initiate them in English speaking academic communities of practice? The discourse of Proposition 227 offers this as a valid approach to language teaching.

#### Proposition 58: Revising and Amending Proposition 227

In 2016, the State of California passed Proposition 58, a measure intended to revise and amend portions of Proposition 227 that limited innovation and resources for ELs in K-12 education. Pejorative language found in Proposition 227 has been deleted from the revised document and previously generalizing labels have been replaced with specific and inclusive terminology. Previously, repetition of *immigrant children* and the omission of other learners in the discourse of Proposition 227 suggested the immigrant children were the only form EL in the K-12 education. Currently, the discourse reflects as follows:

##### Example 6

(b) Whereas, ~~Immigrant~~ All parents are eager to have their children ~~acquire a good knowledge of English, thereby allowing~~ master the English language and obtain a high-quality education, thereby preparing them to fully participate in the American Dream of economic and social advancement;

Here, the elimination of *immigrant* provides ambiguity to address the diversity of backgrounds and experiences ELs may present, and eliminates anti-immigrant ideologies previously reflected in the discourse of the proposition. The deletion of the term provides inclusivity and suggests that services will be differentiated for

all potentialities of EL students rather than assume that all ELs are immigrant children and a burden to the state. While themes of “economic and social advancement” remain the focus of motivation to learn the English language in the discourse of the proposition, the assumption is no longer that language teaching must be performed in an assimilative manner.

Proposition 58 also revises education code so that the identity of ELs is no longer constructed as deficit, problematic, and an economic burden.

#### Example 7

(c) Whereas, California is home to thousands of **multinational** businesses that **must** communicate daily with associates around the world; and

(d) Whereas, California employers across **all sectors**, both public and private, are actively recruiting **multilingual** employees because of their ability to **forge stronger bonds** with customers, clients, and business partners; and

(e) Whereas, **Multilingual skills are necessary** for our country’s national security and essential to conducting diplomacy and international programs; and

(f) Whereas, California has a **natural reserve to the world’s largest languages** including English, Mandarin, and Spanish, which are **critical to the state’s economic trade and diplomatic efforts**; and

In fact, the additions to Proposition 227 found in example 6 from the text of Proposition 58 celebrate multilingualism as a natural part of socioeconomic

interactions in California and reflect the cultural realities of the state. The discourse of Proposition 58 frames multilingualism as a necessary skill set in local and global commerce for California residents; this is in contrast to the language of Proposition 227. Thus, not only are registers commodities but also languages themselves.

The discourse of Proposition 58 further extends the economic significance of language use and promotes multilingualism as a facet or skill which heightens the value of human capital. The ideology in this context is as follows: multilingualism is a commodity; proficiency in multiple languages heightens the value of your status as human capital. Commodities are no longer tangible but abstract as controlled by the *Ideological State Apparatus* (Balibar and Macherey, 1974).

Here multilingualism holds greater symbolic power than English in global commerce; the other “larger languages” such as Spanish and Mandarin are on equal footing with English in the economic arena. The argument that English sits at the top of the hierarchy of language power in California education is now replaced with relationships of exchangeable power. Figure 3 represents the shifts in the representation of power between the discourse of Proposition 227 and Proposition 58.

Indeed, the changes to Proposition 227 seen in Proposition 58 still recognize the power of English as the dominant language of government and education, but it no longer seeks to devalue the symbolic power of other



languages in educational and economic contexts. Figure 3 below demonstrates the shift of ideology from Proposition 227 to Proposition 58. While Proposition 227 asserts linguistic distinctness and monolingual immersion, Proposition 58 reflects acceptance of our cultural realities and provides space for linguistic justice.

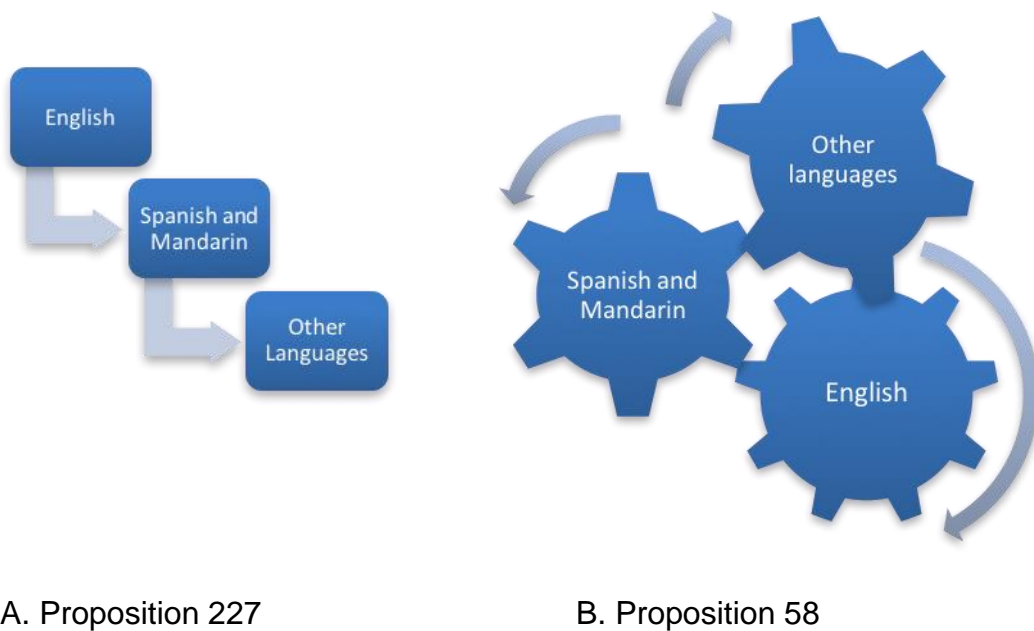


Figure 3. Relationships of Symbolic Power of Spoken Languages in California

## Conclusion: Linguistic Justice and Cultural Tension

Neutrality in legislative discourse is nearly impossible to achieve but the revisions made to Proposition 227 make great strides to align with the updated English Language Development Standards (2012), the Common Core State Standards (2010, 2013), and continually growing multicultural communities in Southern California. Because the revised standards and legislation provide instructional flexibility, educators, parents and ELs have greater agency and influence over EL instruction. In an age of globalization and seamless virtual communication, it becomes increasingly difficult to observe monolingual nation-states. While it is reasonable to designate an official language for official business in a nation-state, the outlaw of other languages in public spaces generates cultural tensions. The assumption here is that the official language is superior to other languages and that speakers of other languages that fail to master the official language with NS competency are deficit. Forcing other languages out of public space in the United States further widens the cultural divide and instigates language culture wars by establishing hierarchies that define one language and culture superior to all others. Culture wars between English and other languages exist already in the linguistic landscapes of American legislation analyzed in the data. This practice is counteractive to our cultural realities in the United States, especially in metropolitan regions of the country, in which up to 40% of the population of a given region may speaks a language other than English (U.S. Census Bureau, 2011).

Public education itself is a public space. Legislation that silences other languages in the classroom not only denies learners of an instructional resource but perpetuates anti-multicultural ideologies. It denies learners the right to index and preserve their membership to cultural groups outside of the approved membership of these anti-multiculturalism ideologies. This is not to say that English should not be the official language of public education but that public education should restrict students from using other languages to support their learning to translate texts and interact with members of their communities of practice.

## CHAPTER FOUR

### EDUCATOR AND ADMINISTRATOR CONSTRUCTION OF EL IDENTITY AND EDUCATION

#### Introduction

In the state of California, language policy mandates have influenced classroom instruction thereby projecting the ideology of language policy discourse onto modes of EL instruction. Anti-immigrant rhetoric in the discourse of Proposition 227 has limited the use of other languages in the classroom for support, translation, or other means of instruction for students classified EL. In addition, rather than function as a term indicating need for instructional support, the term EL has become a label in the K-12 education system. While ELs in primary school may experience a mainstream classroom setting and receive ELD services with a supplementary ELD instructor at some point during the school day, ELs in secondary school are most commonly placed in an ELD support course and an English Language Arts course that is primarily consists students with EL status.

The ELD standards of 1999 align with the discourse of Proposition 227 in that they reflected the same models of EL identity and language learning instruction. The ELD standards of 1999 maintained that monolingual children beginning primary instruction have acquired the basic structures and vocabulary of Standard American English prior to beginning primary education. While this may be true of some students, it relies on the assumption that all students exist

in the same socioeconomic reality and delegitimizes the innumerable potentialities of socioeconomic circumstances students may live. In addition, the ELD standards are also based on the assumption that ELs are literate in their home language yet in many instances ELs are proficient in speaking and listening skills in their home language but have not been exposed to literacy foundations in either English or the home language. While these assumptions have since been revised out of the ELD standards adopted in 2012, these pedagogies and assumptions continue to emerge in the classroom.

In this chapter, I will examine the political nature of language teaching through analysis of educator and administrator conversations and narratives. While these narratives and conversations include anecdotal evidence of linguistic injustice, they share thematic evidence and patterned identity constructions of ELs in the classroom. In addition, I will examine the discourse to demonstrate educators' and administrator's roles in professional communities of practice at their school sites or their respective districts. I argue that, in this data, power is commanded in a top down exchange in which authorities are members of English-sacred communities in which case educators and administrators are authorities with the latter in a higher position of power than the former. I will explain how these communities are driven by regimes of truth and intellectual imperialism as discussed in Chapter Three, through analysis of this data. Finally, I will use this data to discuss the power of English in K-12 education and within authority structures of the dominant culture.

## Ideological Shifts in English Learner Instruction: From Multiculturalism to Acculturation

Six educators and administrators from Southern California school districts were interviewed about their involvement in ELD instruction to observe the influence of language policy on their district protocols for ELD instruction. ELD protocols of their respective districts were then compared to the participants' individual approaches to instruction. Educators and administrators varied in age between 25 and 45 years of age. Thus, some educators had only been trained in teaching credential programs using the current ELD standards adopted in 2012 by instructors trained in both the previous and current ELD standards while some had been trained in teaching credential programs that used the ELD standards adopted in 1999 or prior. In addition, three of the 6 participants began teaching ELD after the implementation of Proposition 227, while three began careers in ELD education prior to the passing of Proposition 227.

Three educators from Riverside County shared their experiences prior to the passing of Proposition 227 and after Proposition 227. All three shared similar accounts of cultural and ideological shifts in their districts amongst staff. These accounts demonstrate concrete ways in which Proposition 227 shifted the pedagogical and relational landscapes of school districts in Southern California. Educators' accounts shared reports of shifts from multicultural practices to assimilative practices at their respective school sites and districts. The cultural shifts resulted in re-constructions of EL instructors' identities that displaced them from their community of practice as elementary or middle school educators, to an

isolated community of practice made up of other EL instructors at their school sites if they were not already the only EL instructor at the site. In the data, Elena explains that though her district's population was growing ELs and services for ELs were often an "afterthought."

Samantha's account of cultural shifts demonstrates experiences of isolation from her community of practice in addition to anti-multicultural sentiments at her school sites:

#### Example 2

1. SAMANTHA; And I would agree with what she is saying
2. I would say that umm
3. After
4. I forget the Proposition
5. Passed back in umm early 2000?
6. Which was it?
7. ###?
8. CARMEN; yeah
9. AMBAR; mhmm
10. SAMANTHA; umm
11. I really saw
12. In the district that I was working
13. That umm
14. The whole culture umm

15. Was not supportive
16. Even administration was not supportive of our EL learners
17. (HH) umm in the classroom as a teacher
18. I felt umm
19. Ummm
20. Not valued when I was trying to umm
21. Get support for ELs
22. And their instruction
23. And I think that that was the culture for a while unfortunately
24. I mean I remember umm
25. Having newcomers
26. And I taught lower grades
27. so newcomers in my classroom needed the support
28. because umm
29. if the whole class was being taught in English
30. And I came from a bilingual background
31. I would try giving them the support that they needed
32. in order for them to be successful in the classroom
33. (HH) and I was reported a few times
34. Not just by parents
35. but by umm teachers in my school setting
36. And I just feel that



37. That culture needs to change

In this example 2, Samantha demonstrates the way her district was affected by the passing of Proposition 227 in line 3 when she explains that these accounts of assimilative practice and relational work tensions occurred only “after” the passing of the Proposition 227. In addition, she explains that the cultural shift was embedded in policy practices in the workplace that were implemented due to the English only mandate of Proposition 227. She demonstrates this in lines 29-37 when she explains that she was “reported” for providing bilingual support to ELs in their home language and English. In addition, she expresses in lines 33-35 that this surveillance of instruction was occurring not only from administration but from members of her own community of practice, other teachers.

Constructing English Learner Identities in Academic Institutions

The interviews with participants consisting of teachers, EL program coordinators, EL instructional coaches, and administrators revealed identity framing discourse about ELs in the classroom and in K-12 education systems. All participants in this study discussed ELs as deficit, believed to be deficit, or lacking motivation. While in some cases participants aligned with these frames, others reported the information as well-known characteristics of ELs in secondary level ELD programs. Most commonly, participants described ELs as deficit in some capacity for not reclassifying as quickly as Proposition 227 expects or for not performing higher than students in special education programs at their

districts. In the latter case, participants suggested this low performance was mainly due to the state of their ELD programs at the time the ELs were tested.

In another case, ELs were framed by staff at a school site and peers in mainstream classrooms as “dumb” or deficit in some way. This discourse echoed two earlier discussed regimes of truth that (1) *linguistic distinctness* can and will be achieved, and (2) Standard American English (SAE) is superior and normative, both suggesting anything opposed to these regimes of truth is non-normative or failed use of English. One teacher described that some ELs at her school site were labeled “dumb” when unable to achieve expected literacy skills for their grade level:

#### Example 3

1. OLIVIA; These were students that had difficulties umm
2. .2
3. Not necessarily speaking wise
4. AMBAR; Mhmm
5. OLIVIA; But had difficulties reading
6. AMBAR; Why do you think that was?
7. OLIVIA; (H) I think it was because nobody really helped them
8. When it came to reading
9. AMBAR; Mhmm
10. OLIVIA; And nobody
11. Everybody just labeled them as like

12. <quote> oh they're (%)dumb(%) </quote>

Here, the teacher does not show alignment or misalignment with this construction of EL identity. In part, it is this non-address of negative EL identity construction that contributes to the perpetuation of the “dumb” or deficit EL identity expected by many educators teaching ELD. Here, the implications of “dumb” are that a) students unable to master standard English are not intelligent and b) that students who have failed to assimilate to their role in contributing to linguistic distinctness are not intelligent. These biases construct ELs as deficit and incapable of intelligent inquiry and production. At Olivia’s school site described in the above example, the label EL is connotatively attached to the descriptor “dumb;” at this school site, ELs are the deficit ones not the programs failing to provide support or the ideologies attached to them. Olivia attributes the students’ difficulties with literacy skills expected of their grade level as a byproduct of limited support from the school site.

#### Lack of Intrinsic Motivation

Two teachers observed a commonality amongst long term ELs at their school sites: lack of motivation. However, the teachers had two different perspectives on the origin and permanency of this state in their students. One teacher attributed the lack of motivation on administrative scheduling of double-blocks for ELs, while the other attributed lack of motivation to students’ cultural and world views. The following is an excerpt from teacher one:

Example 4

1. KEN; Most of the time with EL students or AALD students
2. They'll be double blocked
3. AMBAR; Mhmm
4. KEN; Uh they will be double blocked
5. With a uh
6. You know a focused intensive class of
7. You know
8. English remediation of something of that
9. Coupled with their English one class
10. (HH)
11. And so they just get more academia
12. Just more stuff
13. AMBAR; Mhmm
14. KEN; And they're pouring through the books
15. Or maybe lack thereof
16. And, and
17. Definitely not have that enthusiasm or the
18. <L2=Spanish> ganas <L2=Spanish>

In this excerpt, Ken acknowledges that ELs are not permitted an elective due to their double-blocked schedule. Thus, Ken attributes lack of motivation in AALD and other designated ELD courses to ELs' lack of access to an elective that lighten the amount of coursework. Ken does not construct ELs' lack of motivation

as deficit, typical, or lazy; instead, he frames lack of motivation as a state of being resulting from systemic pressures that overexert long-term ELs academically while institutions provide limited support. For instance, mainstream students in their first year of high school at this site typically are assigned homework for 4 out of 6 courses (physical education and electives are not assigned homework daily), ELs in their first year of high school are typically assigned homework for 5 out of 6 courses because their elective is replaced with AALD (physical education may not assign homework daily). This leaves ELs studying for their AALD course in order to master the English language, additionally struggling with other courses as many are still in the process of working toward their grade level literacy in which their other coursework is assigned. This double-block scheduling described by the teacher is common in the state of California because it meets the education code requirement to provide ELD support to ELs in a designated class or time in the school day.

Alternatively, Brad *did* construct ELs as generally lazy and lacking motivation:

#### Example 5

1. BRAD; and the whole time I'm just trying to motivate them
2. and motivate the rest of them
3. And it almost feels like I have to trick em into believing me
4. Cuz it feels like they're structured to like
5. No no no well he's just tryin to trick us

6. Education's not for us
7. AMBAR; Mhmm
8. BRAD; no, no, no
9. You need this
10. And you you won't be successful without this ninety percent of  
the
11. time
12. AMBAR; mhmm
13. BRAD; I'll tell em like trade school versus college
14. Like I show em their options
15. But most of em just don't believe in any of that
16. Like oh no I'll just graduate and just
17. You know I'll make a hundred million dollars at McDonald's
18. Okay:::
19. So motivation absolutely a part of the problem

Brad describes the mistrust his EL students have in the classroom and attributes this to a systemic belief his students have about their role in education. According to Brad, ELs at his school site generally shared an "education's not for us" sentiment, but we must ask what drove EL students at this school site to this conclusion. For Brad, he attributes this lack of motivation, in part, to the culture of the community and a widespread belief amongst students in the community that one can make millions of dollars with little to no education as we seen in line 17

of example 5. Brad also frames ELs as problematic in line 19, when he explains that their lack of motivation is part of “the problem” with their continual status as ELs rather than advancing and reclassifying to a mainstream classroom. Here, the problem Brad is describing is the low rate of reclassification of ELs in his classes. Brad frames the majority of ELs as lazy because, according to Brad, they lack the motivation to complete their work and prepare for the CELDT exam in order to reclassify. For Brad, lack of motivation because of laziness is an indisputable factor contributing to low reclassification rates amongst his students in line 19. Brad identifies lack of motivation or laziness as a facet of EL identity in both example 5 and example 6 when he describes his students’ “lack of motivation” and describes most of his students as “people who don’t care about school.” Yet, Brad acknowledges another factor contributing to lack of motivation may be the constant repetition of content from grade level to grade level:

#### Example 6

1. B; And I’d say the biggest problem that I have is that my class is mostly
2. kids that don’t try at all
3. Like I said
4. Long term English Language Learners who just don’t even take the  
CELDT
5. They’ll miss that day
6. They just scribble in A for every answer
7. Students finish in five minutes type of thing

8. People that don't care about school
9. So It's really a lot, a lot of babysitting
10. Also my class is a combination of some ELD two and threes
11. So sometimes they just put them all together
12. They don't have enough teachers
13. They're like well ok just teach them through this curriculum
14. And you'll have the kids that have taken the curriculum for years in a row
15. And your teaching them the same material from the same book over and over
16. SO they're only getting the first forty pages of the textbook
17. Every year in a row

While Brad addresses factors like teacher shortages and repetition of curriculum over multiple school years as possible factors contributing to ELs' lack of motivation in the ELD program at his school site, he continues to repeat laziness as a facet of the identity of ELs that he works with. Using terms like "babysitting" infantilize and diminish the behavior of his students in the classroom and phrases like "people that just don't care about school" describe their low-performance in all courses at the school site. Rather than question the origin of these behaviors and low test score performance, Brad essentializes these behaviors as part of who these ELs *are*, like the staff at Olivia's school site.



## Distribution of Program Funding

Another factor that influenced the reclassification of ELs to the mainstream English Language Arts classroom in secondary settings was the distribution of funding of the programs. While the state of California distributes grants to schools that fulfill the minimum requirements of the grant guidelines, such as EL population size, the funds are not necessarily distributed as needed from school site to school site by district administrators. One teacher interviewed for this study, Olivia, revealed that not only are there lack of funds but also manipulation of EL populations for the acquisition of funds.

### Example 7

1. OLIVIA; Well
2. Umm
3. Last year I worked up in the high desert
4. Teaching seventh grade, History
5. The program up there
6. Not a lot of EL learners
7. AMBAR; mhmm
8. OLIVIA; But I was pretty close to the coordinator
9. AMBAR; mhmm
10. OLIVIA; and
11. He explained that the only reason the program was going through

12. Was because
13. Umm
14. The kids were already technically reclassified
15. But to keep funding
16. They stayed within the EL program
17. Like there were very few students that could technically be ELs

Lines 11-17 provide evidence for the non-reclassification of ELs ready to be reclassified to maintain the EL program open in its current state at this school in the high desert. In example 7, Olivia's account presents us with an institutional instance of intellectual imperialism at play in the discourse by demonstrating the control of knowledge her institution leverages in order to maintain funding for EL programs. Because the population of legitimate ELs in need of ELD instruction is too small to qualify for state funding at the Olivia's school site, the program coordinator prevented students from reclassifying. Though students demonstrated the knowledge expected to advance and reclassify, the institution's control of legitimate knowledge denied their knowledge as legitimate to maintain the demographics at the status quo for funding. As a result, ELs' continued instruction in a community of practice that was no longer serving their academic needs in order to supply funding to the school site. Here, the economic value per capita of ELs was more valuable than the quality of education and acquisition of academic registers of English.

## Professional Development

The current reality of the field of ELD instruction is that in many cases the teacher shortage in the state of California has contributed to a string of hires assigned ELD courses without substantial preparation in the field. Thus, many rely on strategies and advice from colleagues at their school sites which can vary in validity. Findings showed professional development is provided at fluctuating levels of involvement from district to district. Often, access to professional development is dependent on the available annual funding that can be allotted to such programs. This repeatedly limits educators and administrators from access to innovative research based development in English Language Development instruction, Teaching English as a Second Language, and instructional strategies from other language learning fields.

Four different models of professional development were described in the interviews: a) advice passed on from one colleague to the next and self-initiated research, b) regulations provided by administrator with independently invented approaches and textbook support, c) district provided professional development with strict adherence to textbook curriculum mandated by administration, and d) district provided professional development with negotiable adherence to assigned curriculum of instruction functioning similar to communities of practice.

In Olivia's case, she experienced *Model A* in which she had no prior knowledge about the field aside from a brief course in her credentialing program and conversations with the prior EL coordinator. Olivia was dissatisfied with her

administration's lack of support in professional development and describes it as a "disservice" to her students in the transcript. The following is an account shared by a second-year teacher about her additional position as EL Coordinator at her school site:

### Example 8

1. AMBAR; So she referred you
2. OLIVIA; She referred me
3. And then it was up in the air
4. For about two weeks
5. AMBAR; Mhmm
6. OLIVIA; She told me
7. <QUOTE> Oh you got the job <QUOTE>
8. 2
9. Even though I was like
10. What?
11. AMBAR; Had you applied for it? [ or]
12. OLIVIA; [2No]
13. AMBAR; Considered wanting it?
14. OLIVIA; Mmm mm
15. It was kinda handed to me
16. AMBAR; Did you feel prepared for it?
17. For how long you've been a teacher?

18. How long have you been a teacher?
19. OLIVIA; uhh:: that
20. Probably as of right now
21. About a year and a half
22. So I felt completely unprepared for it
23. She didn't give me any criteria
24. Stuff I needed to look for
25. So with the little knowledge I have
26. And reading up
27. I was like ok I guess I'm doing this

Olivia's account in example 8 presents a recurring theme among teachers interviewed in the study. Three out of the six educators for this study had not applied to work with ELs due to lack of preparation but, regardless, were assigned these positions by site administrators. All three teachers in these positions also lacked sufficient professional development on TESL strategies and approaches or ELD strategies and approaches.

In Riverside County, another school site assigned a teacher credentialed in Social Science to ELD instruction for the 2016-2017 academic year. Although he had worked with ELs in his mainstream Social Science classroom for sixteen years, this was his first year instructing an EL centered course which at this site was called AALD.

Example 9

1. K; so my uh
2. my teaching of EL students has happened just this past year
3. per say as of AALD student
4. But I've been teaching EL students for a long time
5. Especially being in Alvord District
6. Umm you know
7. We uhh
8. I-it's just
9. More higher concentration with my AALD program

For this teacher, EL instruction in the mainstream classroom was only different in terms of the EL population size of the class and applied many principles from his Social Science instructional strategies to this course.

At Elena's district, professional development followed *Model D* only after observations and research showed that "really none of them [the instructional coaches] were focusing on anything that pertained to, you know, English learners. They figured well good best instruction is just gonna be good for everyone, but looking at the data that wasn't necessarily true." Taking these findings into consideration, the district began a professional development that encourages educators and administrators to participate in communities of practice focused on English language instruction. Elena describes how these communities of practice work at her district:

Example 10

1. ELENA; Umm
2. So one thing that
3. At our school site
4. What they were able to do district wide
5. Was put in English learner leads
6. So the leads now were tasked with ensuring that they were
7. Umm uh monitoring the elevation program
8. And helping out with umm the new assessments that were gonna be done
9. Umm district wide as well with all English learners

Example 10 demonstrates the ways in which professional development functions as communities of practice. The English learner leads are experts in the community and the teachers at their school sites are novices or intermediate learners of English learner instruction. However, the experts in these communities are part of another community of practice in which they are the intermediate apprentice and the English learner instructional coaches, Samantha and Carmen, are the experts in the community. Carmen describes her and Samantha's role in this community of practice in example 11 below:

Example 11

1. CARMEN; I have also had the opportunity to come you know at the district level
2. And
3. Have an assignment as a teacher on a special assignment

4. to be able to support our uh teachers
5. And
6. Within our district too
7. To teach emmm how to not only
8. umm
9. Be able to utilize the curriculum we currently have
10. But also to have those you know those strategies
11. Be able to be used across the different content areas
12. Umm
13. Which is now called the integrated ELD aspect
14. And we're just uh you know
15. Glad to see that we're
16. I think
17. In the right direction to be able to service our ELs much better  
than before

Carmen's role in this community, along with Samantha's, is to provide training and share knowledge about English learner instruction for both English learner leads and teachers at school sites. Because Carmen and Samantha have limited time to visit all of the school sites at their district, the English learner leads act as intermediaries to provide teachers district wide access to knowledge and strategies necessary to conduct quality English learner instruction. In this way, Carmen and Samantha use communities of practice to distribute knowledge



rather than to distribute harmful ideologies. As we see in examples 2 and 11, Carmen and Samantha maintain roles in a community of practice that are disinterested with the ideology of Proposition 227, intellectual imperialism, and regimes of truth that delegitimize ELs in K-12 contexts.

### Administrative Pressures and Expectations

In example 12, secondary English teacher, Brad, explains the pedagogical expectations of his site administrators and district administrators.

#### Example 12

1. BRAD; Umm I think so
2. I know we're hiring a couple more ELD teachers for next year
3. A lot of teachers on campus are burnt out of teaching it
4. Again I like refuse to teach this next year
5. AMBAR; Mhmm
6. BRAD; Only because a lot of it what I'm getting is students that don't need
7. English help
8. It's students that are trouble students
9. So I would say that they definitely do a lot to buckle down on like the
10. Check boxes for ELD
11. <VOX/admin>Well the district says we need this and this so be sure to check those boxes </VOX>

12. But a lot of times those are just like cover your ass boxes
13. That's not really to help the students
14. It's to say that you
15. It's just to make it look like you're trying to help the students
16. That's the bigger problem
17. AMBAR; mhmm
18. BRAD; So
19. It's like well I can do that
20. And then they really hound you if you don't do that
21. But it's like well I could do something much better and get in  
trouble
22. Or if I could do this extremely low standard that you want then I'll  
be ok
23. I can see how some teachers might just be like
24. Alright well I'll just do the bare minimum then that way I don't get
25. chewed out for it

Brad's description of the site and district administrator expectations is evidence of power paradigms at play in K-12 education. Brad explains that the district he works for is mainly interested in meeting the expectations mandated by the state education code but not necessarily interested in the quality of education provided by staff. Here, the district meets the ideological and physical expectations mandated by the state then mandates expectations at the school site to meet the

state ideological and physical expectations. Brad's observation confirms this paradigm of power transfer from state to district to administrator limits the possibility for innovation in the classroom because education code, in this, case is framed as an ideological framework to be met in a static manner. Any variation from the pedagogical expectations framed in the ideological framework of the ELD standards and Proposition 227 are deemed noncompliant with education code and are punishable by those at the next level of power. In this case, administrators at this district are hyper-aware of state surveillance and fear audit that reveals any variation from institutional ideologies.

This concern is echoed by Olivia in example 13 when she explains her school sites interest in passing an English learner instruction state audit that had recently occurred:

1. OLIVIA: Well
2.           If the state doesn't (unintelligible speak) go as planned
3.           We would lose funding
4.           And if we lost funding
5.           There goes my job
6. AMBAR: Mhmm
7. OLIVIA: Which I am in the process of trying to find another one
8.           Right now
9. AMBAR: Mhmm
10. OLIVIA: But

11. I don't think it's fair that

12. My job is on the line for being honest

In this example, Olivia shares that it is not because funding will not be able available to fill her position that she could lose her job but because she chooses to honestly answer the questions of the state auditor. Here, the data demonstrates disalignment between Olivia's beliefs and the ideology imposed by her school site. In this case, Olivia has chosen to leave her school site rather than to conform to the ideologies of the school site. In addition, this example reinforces the reality of school site concern with district and state surveillance. In the most tangible manner, this school site disciplined itself and its staff to conform to the pedagogical and ideological expectations of the auditor to avoid cuts to funding. Here, we see that institutional surveillance uses not only positions of authority to implement ideology but also economic stressors.

### Conclusion

In this chapter, I have discussed institutional culture shifts, EL identity construction by educators and administrators, approaches to EL instruction professional development strategies, and administrative pressures and expectations. The combination of these factors contributes to the perpetuation of linguistic injustice and language culture wars at play in our K-12 education system. Though participants shared California's K-12 education system previously celebrated multiculturalism prior to the passing of Proposition 227, the data shows that this was not a permanent culture in the field. Participants'

narratives disclosed instances of isolatory practices that denied EL instructors access to communities of practice for professional development and encouraged disciplinary action toward instructors choosing to celebrate multiculturalism in the classroom or support ELs with bilingual instruction. These practices demonstrate the inherent existence of panoptic paradigms of power in the K-12 education and encouragement of surveillance from all levels of power in the hierarchy, even resorting to student and parent surveillance of instructors as we saw in example 2.

In conjunction with pressures to comply with institutional practices and disciplinary action for failure to comply with ideological or pedagogical expectations, educators' and administrators' construction of EL identity contributed to the denigration of ELs in comparison to their mainstream student counterparts. Most constructions of EL identity in the data contributed to preconceived notions about ELs and anti-immigrant sentiments. Thus, rather than encourage multiculturalism in the classroom that reflects the cultural realities of the state, ELs were *othered* in their own academic spaces. These type of identity constructions pose limitations on learner achievement and construct learners in communities of practice in perpetual novice status because these identities make assumptions about the advancement ELs will make before attempts are made; learners' peripheral participation is not legitimized in these identity constructions.

Professional development also plays a pivotal role in the distribution of ideology and the dissemination of (or not) of best practices. Of the four types of professional development models, *Model D* was most effective because it acknowledges and encouraged communities of practice of English learner instruction at school sites and district wide. In contrast, Models *A*, *B*, and *C* were less effective because they required less collaboration and exchange of knowledge, instructors were thrust into positions they were unprepared for, or instructors did not have opportunities to participate in mature professional development activities that developed their knowledge in the field.

Combined, these issues contribute to language culture wars in our education system. While we must acknowledge a lingua franca for the conduct of official government and educational practices, it is unnecessary to denigrate other language use, denying ELs a valuable resource to English language acquisition in the process.

## CHAPTER FIVE

### CONCLUSION

While the field of linguistics continues to innovate pedagogies for TESL instruction it is evident that English Language Development in K-12 education is in many ways limited to applying these innovations in the classroom by a series of factors. Previously restrictive language policies like Proposition 227 in California advocated for the limitation of innovation to control spending and in doing so perpetuated anti-immigrant sentiment that remains embedded in the instructional approaches and discourse of many educators like those interviewed for this study.

In addition, the Proposition 227 Final Report released by the California Department of Education performed a five-year evaluation of the effects of Proposition 227 on ELs (California Department of Education, 2016). This report showed that minimal statistical improvement is reflected in the collected data since the passing of Proposition 227 (California Department of Education). The report also found that school sites and districts considered outliers in the data that yielded higher statistical improvement in EL performance and reclassification merited further study. When these districts and school sites were examined, the following pedagogical and philosophical commonalities were found among successful sites:

(1) Staff capacity to address EL needs, (2) a school-wide focus on English Language Development and standards-based instruction, (3) shared priorities and expectations in regard to educating ELs, and (4) systematic assessments providing ongoing data to guide EL policy and instruction.

Additional studies show the dropout rate has reduced since the passing of Proposition 227. However, numerous anecdotal reports have emerged describing a byproduct of Proposition 227: the long-term EL, students that have spent six years or more in an ELD Program (English Language Development Standards, 2012). Rather than remain in this setting temporarily as intended, ELs remain with the same cohort of learners for an extended period. Though some primary grade level programs no longer shelter students, instead using a pull-out system in which students are removed from the mainstream classroom for a short period each day for ELD instruction, secondary grade level programs most often provide ELs with an English class and an ELD class with the same cohort of students, often in varying ages and stages of language development (Proposition 227, 1998; English Language Development Standards, 2012; Proposition 227 Final Report, 2016). Because social setting is a vital element to the acquisition and use of registers, these settings limit students to a social setting or communities of practice in which all learners are at relatively similar levels of novice status in the use of academic registers (Lave and Wenger, 1991; Watson-Gegeo, 2002; Agha, 2011). This is because the class period that would traditionally be used for an academic or creative elective course with diversified English user groups is ELD



instruction only. However, designated ELD instruction includes varying levels of novice users in which English language production is commodified to yield acceptable assessment scores that will reclassify ELs to mainstream instruction. These contexts deny ELs from legitimate peripheral participation in communities of practice in use of academic English from interactions with students with proficient use of various registers of English. Thus, students are deprived access to participation in these discourse communities and membership to their communities of practice resulting in inequitable distribution of access to commodity registers. Because of this, ELs participating in these contexts are at a greater disadvantage when programs fail to facilitate the acquisition of commodity registers, like academic English, and contributes to limited development of their status of human capital in an economically driven context, inadvertently producing the exact opposite of what Proposition 227 claims to resolve.

Though this study discusses only six cases at three different districts in the Southern California area, it demonstrates the depth at which policy, pedagogy, and the construction of EL identity intersect in the discourse of educators in ELD K-12 instruction that allow us to observe language culture wars taking place in legislative and academic discourse in this niche of our nation's education system. The cultural realities of authorities in the institution and the cultural realities of its subjects have diversified, expanded, and intersected leaving institutional powers unprepared to mitigate shifts in language power.

English, as the official language of California and the Nation, stands at odds with the growth of language diversity in the region but rather than address this shift collaboratively, legislation acts to silence other languages in official spaces, such as K-12 education, to solidify the power and control of the English language. Though legislation has recently passed to repeal mandates against other language use in the classroom and to provide equitable quality education to ELs, the discourse of the legislation remains fixated on constructing English as the language of power in science, commerce, international diplomacy, and other international official business. A hierarchy of languages of power continues to permeate the discourse and delegitimizes other languages in official spaces while the discourse continues to deny the political nature of language use in these spaces.

In addition, this study has revealed a need for professional development for English Language Development instruction that allows educators to exercise agency to differentiate their instruction for the individual needs of their EL students while still adhering to research based approaches that innovate the field of study and facilitate mastery of both the English language and English commodity registers necessary beyond the classroom and into adulthood. Though the passing of Proposition 58 in the State of California seems better equipped to facilitate the latter, a longitudinal study of instructional approaches in Southern California will need to be performed to assess shifts and progress in ELD instruction. While anti-immigrant sentiment has been erased from education

code with the revision of Proposition 227, it remains embedded in many pedagogical approaches found in Southern California amongst educators and administrators. It is by acknowledging the presence of such unjust approaches discussed in this study and others performing similarly, that educators can make the move to reassess and transform approaches to facilitate the cultural realities of Southern California, a multicultural and multilingual community.

The intertextuality of policy ideology, pedagogy, and construction of EL identity in the classroom is embedded in the discourse of the field and raises questions about the field's inquiry for innovation and strategies for equitable instruction. When taking into consideration the panoptic paradigms of power distribution inherently embedded in our education system and within the legislation in conjunction with its position as a mechanism for ideological distribution, we can begin to acknowledge the ways linguistic injustice is perpetuated by language policy like Proposition 227, a proposition that at one point desired to abolish these injustices. However, the preservation of isolatory practices in conjunction with the deficient subjectivities placed on students and the perpetuation of rigid ideologies continues to stifle student progress, all of which is detrimental because it prevents productive legitimate peripheral participation in communities of practice for both educators and ELs.

Instrumental language ideology, which refers to language as an extrinsic entity outside the self, allows for the reification the English language itself of whose existence in society resembles the importance of a commodity in both its

being and its derivative forms, signifying that language is the method by which an individual can improve their human capital by becoming proficient in standard English, whose proficiency represents a sense of normativity coupled with economic and social advancement. This conceptualization of language as an external extrinsic force whose usage only provides economic advantage widens the gap of disparity between English learners and mainstream English users. Proposition 227 and Proposition 58 perpetuate the idea that the mind is a container without accepting language as a resource outside of economic and social advantages. While Proposition 58 aims to revise the language of Proposition 227 to address the cultural and linguistic realities of California in order to better serve ELs and provide equitable access to linguistic capital, fixation on language as external to the self and a capital resource for access to improvement as human capital remains in the discourse of the legislation commodifying English once more.

The regimes of truth, specifically, linguistic distinctness, SAE's position of power in the dominant culture, and the idea that language immersion will bring rapid language acquisition to EL's coupled with the 6 common anti-immigrant sentiments found described by Hornberger (1998) have resulted in propagation of unfounded assumptions about ELs, their cognitive capacities, and their identities by legitimizing the co-constructions of learner identities distributed in the ideology and in the discourse of educators and administrators thereby silencing and delegitimizing ELs' agency in the matter.

## Recommendations for Change in the Field

A solution would be to acknowledge language as an intrinsic part of the self, beyond understanding nationalistic and ethnic identities, but also as a method of conceptualizing our world around us, accessing resources in different social contexts. In doing so, it becomes possible to understand how English itself is a resource for productive situated learning. Therefore, if we begin to apply language socialization theory to English learner education and language policy, we can potentially create a symbiotic relationship between policy and action which can create an environment to achieve linguistic justice.

Additionally, the data showed that it is not only situated learning for ELs that must be encouraged to foster more productive learning environments but also for educators and administrators. The data demonstrated that participants described professional development as a critical forum for the dissemination of strategies and best practices. Though the actual content and frequency of professional development forums varied from district to district, their shared central purpose was to inform educators of their respective district's policies for EL instruction in compliance with state and national policy. Participant's narratives described four patterns of professional development practice: a) advice passed on from one colleague to the next and self-initiated research, b) regulations provided by administrator with independently invented approaches and textbook support, c) district provided professional development with strict adherence to textbook curriculum mandated by administration, and d) district

provided professional development with negotiable adherence to assigned curriculum of instruction functioning similar to communities of practice. Of these four models, *Model D* provides the best opportunity for legitimate peripheral participation in communities of practice for EL instruction. Three participants from this district explained that professional development at their district was distributed through communities of practice in which there were two experts who then trained strategically selected intermediate members at each school site, who then trained novice members at their school sites. This production and distribution of knowledge was negotiable and exchangeable. These EL instruction communities of practice consisted of three roles of membership: EL Program Coordinator(s), EL Program School Site Coordinator(s), School Site K-12 Educators. These roles are parallel to three roles of membership in communities of practice: expert, intermediate, novice. In this case, novice is not exclusively a new member to the community of practice but a member with beginning level knowledge or surface level knowledge on the periphery of the community. Figures 4 and 5 demonstrate these roles of membership below:

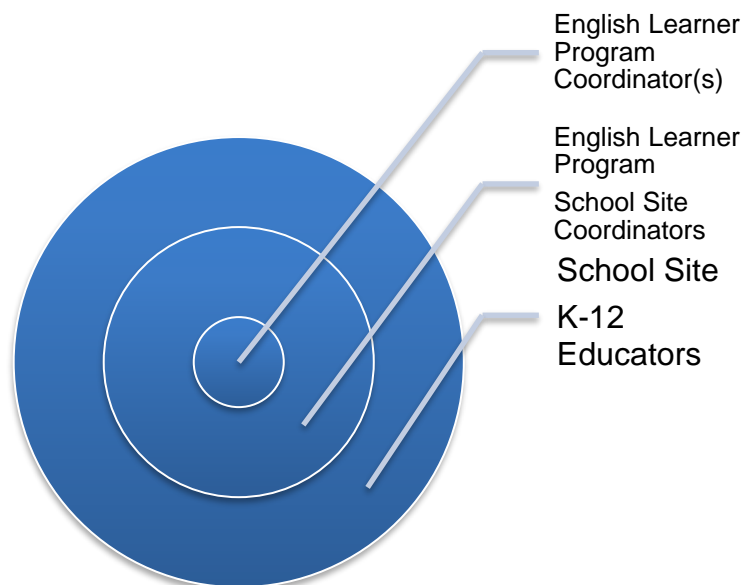


Figure 4: English Learner Instruction Communities of Practice

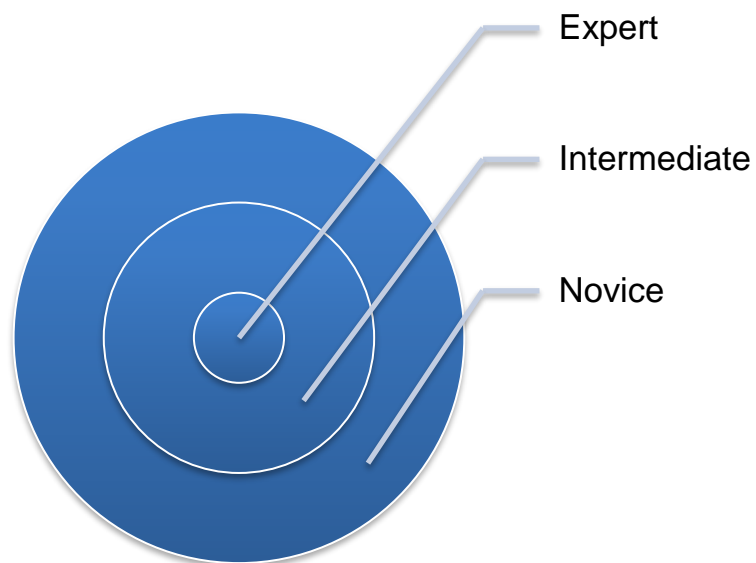


Figure 5: Roles of Membership in Communities of Practice

I argue that this model of professional development is the best opportunity for educators and administrators to remain informed about best practices in TESL, TESOL, and field of linguistics pertinent to English language instruction to language minorities. This model legitimizes educators' participation in their community of practice whereas direct-instruction models, textbook training models, and lack of professional development altogether contribute to limited teacher preparation in EL instruction and limited innovation in best practices in English language instruction for ELs and language minorities.

Thus, professional development in conjunction with application situated learning practices in EL instruction and mainstream classrooms coupled with acknowledgement of linguistic injustice perpetuated by ideology in legislation encourages an environment prepared to peacefully address cultural tensions and language hierarchies in our education system. By engaging in these talks we may begin to address the dissolution of anti-immigrant sentiments and regimes of truth limiting the EL access to free, quality public education and linguistic justice.

### Limitations and Further Considerations

This research is limited in its scope of participant data due to my choice to perform an ethnographic study of Southern California public school districts. Further research may include a wider range of participants canvassing school districts across all of California and, potentially, other Southwestern states. Though this research was interested in California as it has typically been known



to hold larger ethnic and linguistic diversity in addition to its tendency to act first to address linguistic preservation and education in K-12 education, this research was also limited in its concentration on this state in isolation. Research on language policy documents in the Southwestern United States or across the nation in conjunction with an analysis of national language policy legislation in the United States merits further study. In addition, further research may be conducted on the communities of practice and their role in advancing professional development of educators and administrators in K-12 public education.

### Conclusion

My hope is that we move away from designated language instruction completely and begin to consider the value of integrated English language development instruction. If language social theory shows that language is a sociohistorically situated practice, then it would be within our best interest to acknowledge this in our pedagogies. Furthermore, legislation that seeks to build English language learning within capitalistic parameters, needs to be reconsidered and revised in order to promote instruction that aligns with our cultural realities.

APPENDIX A  
INSTITUTIONAL REVIEW BOARD APPROVAL LETTER

February 28, 2017

**CSUSB INSTITUTIONAL REVIEW BOARD**

Expedited Review

IRB# FY2017-30

Status: **Approved**

Ms. Ambar Hurtado and Prof. Caroline Vickers  
Department of English  
California State University, San Bernardino  
5500 University Parkway  
San Bernardino, California 92407

Dear Ms. Hurtado and Prof. Vickers:

Your application to use human subjects, titled "English Language Learning Pedagogies and Second Language Acquisition" has been reviewed and approved by the Institutional Review Board (IRB). The informed consent document you submitted is the official version for your study and cannot be changed without prior IRB approval. A change in your informed consent (no matter how minor the change) requires resubmission of your protocol as amended using the IRB Cayuse system protocol change form. **Your application is approved for one year from February 28, 2017 through February 27, 2018. Please note the Cayuse IRB system will notify you when your protocol is up for renewal and ensure you file it before your protocol study end date.**

Your responsibilities as the researcher/investigator reporting to the IRB Committee include the following 4 requirements as mandated by the Code of Federal Regulations 45 CFR 46 listed below. Please note that the protocol change form and renewal form are located on the IRB website under the forms menu. Failure to notify the IRB of the above may result in disciplinary action. You are required to keep copies of the informed consent forms and data for at least three years. Please notify the IRB Research Compliance Officer for any of the following:

- 1) **Submit a protocol change form if any changes (no matter how minor) are proposed in your research protocol for review and approval of the IRB before implemented in your research,**
- 2) **If any unanticipated/adverse events are experienced by subjects during your research,**
- 3) **To apply for renewal and continuing review of your protocol one month prior to the protocols end date,**
- 4) **When your project has ended by emailing the IRB Research Compliance Officer.**

The CSUSB IRB has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval notice does not replace any departmental or additional approvals which may be required. If you have any questions regarding the IRB decision, please contact Michael Gillespie, the IRB Compliance Officer. Mr. Michael Gillespie can be reached by phone at (909) 537-7588, by fax at (909) 537-7028, or by email at [mgillesp@csusb.edu](mailto:mgillesp@csusb.edu). Please include your application approval identification number (listed at the top) in all correspondence.

Best of luck with your research.

Sincerely,

Michael Gillespie

APPENDIX B  
APPROVED CONSENT FORMS



College of Arts and Letters  
Department of English

### **Written Informed Consent: Effects of Language Policy on ESL, ELD and English Learners**

You are being invited to participate in a research study on ESL curriculum and classroom strategies of K-12 educators. Particularly, this research is interested in studying how these strategies affect student learning and identity construction in both secondary and postsecondary education. The main researcher in this study is Ambar Hurtado. This research is for my thesis project under the supervision of Professor Caroline Vickers, Professor of English at California State University, San Bernardino.

This research will ask for 30 minutes to 1 hour of your time in which you will be interviewed about your experiences with English as a Second Language, English Language Development, and multilingual students. The interviews will be conducted wherever you prefer and will be audio recorded or video recorded. This research study is of low risk but may create some discomfort at being audio recorded or video recorded and the recorded data will be destroyed ten years from its original recording. You may leave this study at any time should you feel uncomfortable in any way.

Steps will be taken to protect your identity and anonymity. The interview will be transcribed and your name will be replaced with a pseudonym of your choosing in order to protect your anonymity. In addition, any identifying information will be omitted from the interview. The recorded interview and transcripts will be kept on a password protected computer and only the researcher will have access to these interviews.

Your participation in this research is completely voluntary and you may leave the research study at any time for any reason. If you so choose, all of your information will be destroyed from record.

The results from this study will appear in a thesis, a published thesis paper and may also appear in academic journals in education, applied linguistics, and English composition. The results may also be presented to professionals in the previously mentioned fields of study. However, your name or any other identifying information will not be used at any time. Copies of the results of this research may be obtained by contacting the researcher at the information listed below.

If you require more information regarding this study, please contact Professor Caroline Vickers at [cvickers@csusb.edu](mailto:cvickers@csusb.edu) or 909-537-5684. If you have any questions regarding your rights as a research participant, please contact the Office of Academic Research at California State University, San Bernardino at (909)537-7588.

909.537.5824 • fax: 909.537.7086 • <http://english.csusb.edu>

5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393

The California State University • Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles  
Maritime Academy • Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus



---

College of Arts and Letters  
*Department of English*

**By signing below, I acknowledge that I have been informed of the purpose of this study and understand its purpose. I voluntarily consent to participate and acknowledge that I am at least 18 years of age.**

**Signature of Participant:**

**Today's Date:**

909.537.5824 • fax: 909.537.7086 • <http://english.csusb.edu>

**5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393**

---

The California State University • Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles  
Maritime Academy • Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus



College of Arts and Letters  
Department of English

**Audio Use Written Consent Form: Effects of Language Policy on ESL, ELD and English Learners**

As part of this thesis research study on the Effects of Language Policy on ESL, ELD and English Learners, we will be making audio recordings of you during your participation. Please initial what uses you are willing to consent to in the spaces provided below. You are free to consent any number of uses listed below from all to none. The audio recordings will only be used in the ways you consent to below and your response will in no way affect your credit for participating in this study. Use of these audio recordings in any way will not identify your name. If you choose not to initial any of the listed options below, your audio recordings will be destroyed. The audio-recording will be destroyed ten years from the date it was recorded.

Please indicate the type of informed consent you give for the use of your Audio-recording in this research study:

The audio-recording can be studied by the researcher for use in the research study.

Please initial: \_\_\_\_\_

The audio-recording can be shown/played to subjects in other experiments.

Please initial: \_\_\_\_\_

The audio-recording can be used for scientific/academic publications

Please initial: \_\_\_\_\_

The audio-recording can be showed/played at meetings of scientists.

Please initial: \_\_\_\_\_

The audio-recording can be showed/played in classrooms to students.

Please initial: \_\_\_\_\_

The audio-recording can be showed/played in public presentations to nonscientific groups.

Please initial: \_\_\_\_\_

909.537.5824 • fax: 909.537.7086 • <http://english.csusb.edu>

5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393

The California State University • Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles  
Maritime Academy • Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus



---

College of Arts and Letters  
*Department of English*

The audio-recording can be used on television and radio.

Please initial: \_\_\_\_\_

I have read to above descriptions and give my consent for the use of the audio-recordings indicated above. The extra copy of this consent form is for your records.

SIGNATURE \_\_\_\_\_

909.537.5824 • fax: 909.537.7086 • <http://english.csusb.edu>

5500 UNIVERSITY PARKWAY, SAN BERNARDINO, CA 92407-2393

---

The California State University • Bakersfield • Channel Islands • Chico • Dominguez Hills • East Bay • Fresno • Fullerton • Humboldt • Long Beach • Los Angeles  
Maritime Academy • Monterey Bay • Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San Jose • San Luis Obispo • San Marcos • Sonoma • Stanislaus



APPENDIX C  
PROPOSITION 227



English Language in Public Schools.  
Initiative Statute.

Proposition 227 - Full Text of the Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds sections to the Education Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Education Code, to read:

*Chapter 3. English Language Education for Immigrant Children*

*Article 1. Findings and Declarations*

*300. The People of California find and declare as follows:*

- (a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and
- (b) Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and
- (c) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and
- (d) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and
- (e) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.
- (f) Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.

*Article 2. English Language Education*

305. Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.

306. The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:

- (a) "English learner" means 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, also known as a Limited English Proficiency or LEP child.
- (b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.
- (c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English.
- (d) "Sheltered English immersion" or "structured 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.
- (e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.

*Article 3. Parental Exceptions*

310. The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered.

311. The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:

- (a) Children who already knew English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or
- (b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or
- (c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.

#### Article 4. Community-Based English Tutoring

315. In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

#### Article 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian.

#### Article 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

#### Article 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date on which it becomes effective.

#### Article 8. Amendment

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

#### Article 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.

Proposition 227 | [Proposition 227](#) | [Analysis](#) |

California Secretary of State. (1997). Proposition 227. Retrieved January 7,  
2017, from  
<http://vigarchive.sos.ca.gov/1998/primary/propositions/227text.htm>

APPENDIX D  
PROPOSITION 58

(b) If this act is approved by voters but superseded by law by any other conflicting act approved by voters at the same election, and the conflicting ballot act is later held invalid, this act shall be self-executing and given full force and effect.

#### SEC. 8. Proponent Standing.

Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this act, following its approval by the voters, any other government employer, the proponent, or in their absence, any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this act for the purpose of defending its constitutionality, whether such action is in any trial court, on appeal, or on discretionary review by the Supreme Court of California or the Supreme Court of the United States. The reasonable fees and costs of defending the action shall be a charge on funds appropriated to the Department of Justice, which shall be satisfied promptly.

#### SEC. 9. Liberal Construction.

This act shall be liberally construed to effectuate its purposes.

### PROPOSITION 58

This law proposed by Senate Bill 1174 of the 2013–2014 Regular Session (Chapter 753, Statutes of 2014) is submitted to the people in accordance with Section 10 of Article II of the California Constitution.

This proposed law amends and repeals sections of the Education Code; therefore, provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

SECTION 1. This measure shall be known, and may be cited, as the "California Ed.G.E. Initiative" or "California Education for a Global Economy Initiative."

SEC. 2. Section 300 of the Education Code is amended to read:

300. The ~~People~~ *people* of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, *science and technology*, thereby being ~~the~~ *an* important language of economic opportunity; and

(b) Whereas, ~~immigrant~~ *All* parents are eager to have their children ~~acquire a good knowledge of English, thereby allowing master the English language and obtain a high-quality education, thereby preparing them to fully participate in the American Dream of economic and social advancement; and~~

(c) Whereas, California is home to thousands of multinational businesses that must communicate daily with associates around the world; and

(d) Whereas, California employers across all sectors, both public and private, are actively recruiting multilingual employees because of their ability to forge stronger bonds with customers, clients, and business partners; and

(e) Whereas, Multilingual skills are necessary for our country's national security and essential to conducting diplomacy and international programs; and

(f) Whereas, California has a natural reserve of the world's largest languages, including English, Mandarin, and Spanish, which are critical to the state's economic trade and diplomatic efforts; and

(g) Whereas, California has the unique opportunity to provide all parents with the choice to have their children educated to high standards in English and one or more additional languages, including Native American languages, thereby increasing pupils' access to higher education and careers of their choice; and

(h) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national ~~origins~~, *origin*, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(i) Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; California Legislature approved, and the Governor signed, a historic school funding reform that restructured public education funding in a more equitable manner, directs increased resources to improve English language acquisition, and provides local control to school districts, county offices of education, and schools on how to spend funding through the local control funding formula and local control and accountability plans; and

(j) Whereas, Parents now have the opportunity to participate in building innovative new programs that will offer pupils greater opportunities to acquire 21st century skills, such as multilingualism; and

(k) Whereas, All parents will have a choice and voice to demand the best education for their children, including access to language programs that will improve their children's preparation for college and careers, and allow them to be more competitive in a global economy; and

(l) Whereas, Existing law places constraints on teachers and schools, which have deprived many pupils of opportunities to develop multilingual skills; and

(m) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. A large body of research has demonstrated the cognitive, economic, and long-term academic benefits of multilingualism and multiliteracy.

(n) Therefore, It is resolved that: amendments to, and the repeal of, certain provisions of this chapter at the November 2016 statewide general election will advance the goal of voters to ensure that all children in California public schools shall be taught English as rapidly and effectively as possible, receive the highest quality education, master the English language, and access high-quality, innovative, and research-based language programs that provide the California Ed.G.E. (California Education for a Global Economy).

SEC. 3. Section 305 of the Education Code is amended to read:



305. Subject (a) (1) to the exceptions provided in Article 2 As part of the parent and community engagement process required for the development of a local control and accountability plan pursuant to Article 4.5 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below. 52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2, school districts and county offices of education shall solicit input on, and shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Section 306. This requirement is intended to ensure that all pupils, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(2) School districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program, as specified in Section 306, for purposes of ensuring that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(b) When a school district or a county office of education establishes a language acquisition program pursuant to this section, the school district or county office of education shall consult with the proper school personnel, including, but not limited to, administrators and certificated teachers with the appropriate authorizations and experience.

(c) School districts and county offices of education are also encouraged to provide opportunities to pupils who are native speakers of English to be instructed in another language to a degree sufficient to produce proficiency in that language. The non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community and other local considerations.

(d) A language acquisition program established pursuant to this section shall comply with the requirements of Section 310.

SEC. 4. Section 306 of the Education Code is amended to read:

306. The definitions of the terms used in this article and in Article 9 I (commencing with Section 310) 300) are as follows:

(a) "English learner" means 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, also known as a Limited English Proficiency or LEP child, pupil who is "limited English proficient" as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. 7801(25)).

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. "Native speaker of English" means a pupil who has learned and used English in his or her home from early childhood and English has been his or her primary means of concept formation and communication.

(c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English. "Language acquisition programs" refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language. Language acquisition programs may include, but are not limited to, all of the following:

(1) Dual-language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(2) Transitional or developmental programs for English learners that provide instruction to pupils that utilizes English and a pupil's native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet state-adopted academic content standards.

(d) (3) "Sheltered English Immersion" or "structured English Immersion" means an English language acquisition process for young children. Structured English Immersion programs for English learners in which nearly all classroom instruction is provided in English, but with the curriculum and a presentation designed for children pupils who are learning the language: English.

(e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.

SEC. 5. Section 310 of the Education Code is amended to read:

310. The (a) requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's Parents or legal guardians of pupils enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said guardians of 30

California Secretary of State. (2016). Proposition 58. Retrieved January 7, 2017,

from

<http://vig.cdn.sos.ca.gov/2016/general/en/pdf/text-proposed-laws.pdf>



## REFERENCES

- Agha, A. (2011). Commodity registers. *Journal of Linguistic Anthropology*, 21(1), 22-53.
- Balibar, E. & Macherey, P. (1974). Literature as an ideological form. *Marxist Literary Theory*. Oxford: Blackwell Publishers.
- Ballotpedia. (2017). California Proposition 63, English is the official language amendment (1986). *Ballotpedia*. Retrieved from [https://ballotpedia.org/California\\_Proposition\\_63,\\_English\\_is\\_the\\_Official\\_Language\\_Amendment\\_\(1986\)](https://ballotpedia.org/California_Proposition_63,_English_is_the_Official_Language_Amendment_(1986))
- Bhatt, R.M. (2002). Experts, dialects, and discourse. *International Journal of Applied Linguistics*, 12(1), 74-109.
- Bourdieu, P. (2001). Language and symbolic power. *The Discourse Reader*. Jaworski, A. & Coupland, N. (Ed.). London: Routledge, 502-513. (Original work published 1991).
- Bucholtz, M., Hall, K. (2005). Identity and interaction: a sociocultural linguistic approach. *Discourse Studies*, 7(4-5), 585-614.
- California Department of Education. (2016, June 30). *Proposition 227 final report: A five-year evaluation of the effect of Proposition 227 on the education of English learners*. Retrieved from <http://www.cde.ca.gov/sp/el/er/prop227summary.asp>

- California Secretary of State. (1997). Proposition 227. Retrieved January 7, 2017, from <http://vigarchive.sos.ca.gov/1998/primary/propositions/227text.htm>
- (2016). Proposition 58. Retrieved January 7, 2017, from <http://vig.cdn.sos.ca.gov/2016/general/en/pdf/text-proposed-laws.pdf>
- Canagarajah, K. (2007). Lingua franca English, multilingual communities, and language acquisition. *Modern Language Journal*, 91, 923-939.
- Cook, V. (1999). Going beyond the native speaker in language teaching. *TESOL Quarterly*, 33, 185-209.
- Curriculum and Instruction Steering Committee. (2015). *Adoption toolkit: English language arts/literacy and English language development*. California County Superintendents Educational Services Association. Print.
- de Los, P. (2005). High school dropouts, enrollments, and graduation rates. *California Research Bureau*, 26.
- De Schutter, H. (2007). Language policy and political philosophy: On the emerging linguistic debate. *Language Problems & Language Planning*, 31(1), 1-23.
- Diaz-Rico, L. (2012). *A course for teaching English learners*. Boston: Pearson.
- Eagleton, T. (1991). *Ideology: An introduction*. London; New York: Verso.
- Fairclough, N. (2001). Critical discourse analysis as a method in social scientific research. *Methods of Critical Discourse Analysis*, 121-138.

- Fernandez, N. & Inserra, A. (2013). Disproportionate classification of ESL students in U.S. special education. *TESL-EJ*, 17 (2), 1-22.
- Firth, A. & Wagner, J. (1997). On discourse, communications, and (some) fundamental concepts in SLA research. *Modern Language Journal*, 81, 285-300.
- Foucault, M. (1979). Panopticism. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books, 195-228.
- (1980). *Power/Knowledge: Selected Interviews and Other Writings*. C. Gordon (Ed.). (C. Gordon, L. Marshall, J. Mepham, & K.Soper, Trans.) New York, NY: Pantheon Books. (Original work published 1972, 1975, 1976, 1977).
- Grimshaw, A.D. (2000). Control. *Journal of Linguistic Anthropology*, 9(1-2), 50-53.
- Hardman, L., Egan, M.W., & Drew, C.J. (2015). *Human exceptionality: School, community, and family*. Boston: Cengage Learning.
- Hornberger, N. (1998). Language policy, language education, language rights: Indigenous, immigrant, and international perspectives. *Language in Society*, 27, 439-458.
- Ishii, D. N., & Baba, K. (2003). Locally developed oral skills evaluation in ESL/EFL classrooms: A checklist for developing meaningful assessment procedures. *TESL Canada Journal TESL*, 21(1), 79.  
doi:10.18806/tesl.v21i1.275.

- Kroskrity, P.V. (2000). Identity. *Journal of Linguistic Anthropology*, 9 (1-2), 111-114.
- Lave, J. & Wenger, E. (1991). *Situated learning: legitimate peripheral participation*. Cambridge: CUP, 47-113.
- Meglemre, J. (2016, May). Fair does not mean equal: Creating an inclusive environment for students with disabilities. *Leadership*, 36-40.
- National Institute for School Leadership. Introduction. *NISL Executive Development Program*, 5-29.
- Ochs, E. (1993). Constructing social identity: A language socialization perspective. *Research on Language and Social Interaction*, 26(3), 287-306.
- Pennycook, A. (1999). Introduction: Critical approaches to TESOL. *Teachers of Speakers of Other Languages, Inc.*, 33(3), 329-348.
- Watson-Gegeo, K. (2004). Mind, language, and epistemology: Toward a language socialization paradigm for SLA. *The Modern Language Journal*, 88(iii), 331-350.
- Wong, L. (2000). Loss of family language: Should educators be concerned?. *Theory into Practice*, 39 (4), 203-210.
- Wong Fillmore, L., & Fillmore, C. J. (2012). What does text complexity mean for English learners and language minority students? *Understanding Language*, 1-11.