“I FEEL LIKE I’M THE SAME AS THE OTHER STUDENTS”
NEGOTIATING LANGUAGE POLICY USED TO IDENTIFY STUDENTS AS
ENGLISH LEARNERS AND DISABLED

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Iván Rosales Montes
DEDICATION

I’m grateful for my family, my loving parents, brothers and sisters who have shared the world with me. I dedicate this dissertation to them.
ACKNOWLEDGMENT

I owe a lifetime of appreciation to my mother and father Héctor and Alma for their unwavering support in my long educational aspirations. Since my earliest days in school, they have given me many hours in conversation, support and thought partnership. I am also grateful for the many teachers that have assisted me in attaining my life goals: Joel Beinin, Joy Hellman, Garay Menicucci and Monika Thakur, I am particularly grateful to you. I am also appreciative of the many professors at Penn GSE, Gerald Campano, Stanton Wortham, Vivian Gadsden, Sharon Ravitch, Will Jordan, Rand Quinn, and Howard Stevenson, for the impact they have had in my theoretical and conceptual grounding. The mid-career experience would not be complete without my friends and colleagues from Cohort 15 who have supported my growth as a practitioner.

The students who I have had the privilege of serving as a teacher inspired my initial inquiry into this study and eventually propelled me to question the ways we as an institution think about and serve them. I will forever cherish our time together. There were few moments in my life that I felt socio-emotionally nurtured as an educator of color within the teaching profession. Working with my colleagues on the secondary support team in Miami-Dade was one of those opportunities. I feel fortunate to have worked alongside such talented and centered educators who openly discussed the ways we as people of color navigate our profession.

My greatest thanks go to my chair, Nelson Flores. I couldn’t have imagined a more supportive, fulfilling, and intellectually stimulating experience. Thank you for
guiding me through the dissertation process, for pushing my thinking and for your unwavering mentorship.
ABSTRACT

“I FEEL LIKE I’M THE SAME AS THE OTHER STUDENTS”
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ENGLISH LEARNERS AND DISABLED

Iván Rosales Montes
Nelson Flores

Federal, state and local policy across the American Southwest guides local educational agencies in ensuring students classified as English learners receive a program of English language acquisition to develop proficiency in English as rapidly and effectively as possible. This study uses a conceptual and theoretical framework that draws from intersectionality, critical race theory, language planning and policy literature as well as postcolonial theory to situate the educational experience of students classified as English learners with diagnosed disabilities in broader neocolonial efforts. By outlining the historical process of how the English learner and disabled categories have become normalized in our educational vernacular (Bacchi, 2012; Foucault, 1991), the study illustrates how students and the teachers and principals that serve them negotiate language policy.

This study uses qualitative methods to show that the institutional processes of special education and English language development work alongside ideologies brought forth by students, teachers and site administrators and collectively influence the implementation, interpretation and making of language policy. I illustrate that the ideologies teachers and site administrators use to frame their understanding of students
classified as English learners work alongside the ideologies that inform their understandings of students diagnosed as disabled. The findings of this study illustrate that students negotiate language policy by resisting language testing, sustaining their linguistic practices inside and outside of the classroom and by not attending as well as sleeping in their English language development class. Educators negotiate language policy by inviting students to use multiple linguistic discourses, and resisting the universal application of English language development classes. The findings serve as an alarming caution against understanding all students within a category as similar and brings to light the often-overlooked cost students pay when we rigorously implement formal policy to fidelity.
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Years after entering the field of education, I shared an encounter around special education with my niece Krystal (pseudonym), who is classified as having a specific learning disability. Once she began schooling, Krystal was held back in kindergarten and after two years in that grade, was referred to special education services. She was subsequently placed in a special day class. My sister-in-law explains, “This is what I felt, the teacher felt ‘oh they are fucking retarded [the students in the special day class], it doesn’t matter, here, here, here, packet’.” Krystal remembers:

I felt like I wasn’t supposed to be in there, because she ... The teacher, she gave us very easy work. I felt angry, because I knew I could do better than what she gave me. I just went through the packets really, really fast, and she just kept giving me easier work ... All the work she gave us was so easy. There was multiple times where I kept asking my mom to stay home because I didn’t learn anything.

When I attended the IEP meetings, I was perplexed by the way school personnel facilitated them. Each specialist had their turn in illuminating us with data and of the abilities of Krystal. The talk of phonemes and the linguistic needs of my niece were so specialized and intricate that it left my sister-in-law and I wondering what the team was sharing with us. I visibly noticed the anger and frustration on her face and felt it in her voice, which culminated in her asserting that she did not feel included and part of the IEP process.

I remember feeling a high level of anxiety and anger. I remember a heat sensation in my chest and my palms sweating profusely. The years I have spent as an educator were rendered insignificant in the few minutes it took us to get situated. The IEP team treated us as if our daily interactions with Krystal were not equally illuminating and valid in the
space when compared to the formal assessments (i.e., Woodcock Johnson) and psychological observations.

Students should have access to an education that humanizes them, values their voice and perspective and affords them a space within the school environment to be themselves and share who they are and their literacies with others as equals, while being provided with the tools to navigate our society and have options. Advancing a reality that is welcoming to parents and students, particularly linguistically diverse students of color, will require that we continuously revisit and question the institutional practices that we take for granted.
CHAPTER 1

WRESTLING AND REFLECTING ON MY ROLE AS A COLONIZER

Students classified as English learners with diagnosed learning disabilities are at an intersection of two minority classifications where U.S. and state language policy, a continuation of the colonial legacy, spreads a white hegemonic linguistic discourse (i.e., American academic English). White hegemonic linguistic discourse advances understandings of success, which are negotiated at multiple language planning and policy levels: national, institutional, and interpersonal (Ricento & Hornberger, 1996). It is through my own epistemic privilege—as a student classified as an English learner for a portion of my schooling and as an educator to students classified as English learners—that I have experienced how students of color continue to be marginalized by the racially and linguistically oppressive structures within our public education system.

Within my daily interactions with white America, I became aware that there are certain ways to act and politically correct ways to say things; all of which aim to facilitate my conformity and normalize my actions amongst the prevailing American cultural and linguistic discourse. It was not until I became an educator that I began to wrestle and reflect on my role as a colonizer or enforcer of this hegemonic whiteness—an imposing discursive force that aims to socialize others to a dominant way of being that is inherently capitalist, western centric and reproductive of white middle-class English lexicon (Flores, 2016).

It was this power of language and culture that I leveraged as a first-year teacher in my classroom serving English language learning students. My district coach repeatedly reminded me that I was to have an English only policy in the classroom. I went along
with this policy although I knew that it was limiting my students’ ability to leverage a significant portion of their being. My adherence to this policy ended when Steven (pseudonym), one of my juniors, drew an illustration of my class with a speech bubble saying “no Spanish.” Within the illustration, all the students in the class had their torsos laying over their desk droopily as if to highlight a weakened state. In that moment, I was able to glimpse a reality that Steven lived and one he saw unfolding, perhaps daily, through a no Spanish policy I maintained in my classroom space. I was harming the students in class. Students, students like Steven, have epistemic privilege—a position of power in terms of understanding the space and world around us (Campano et al., 2013). From the moment I saw Steven’s drawing, I began to negotiate the English only policy that framed my daily interactions and redefine what it meant for me to work in a classroom serving students, particularly students classified as English learners.

**Significance of the Problem**

In navigating a reality where students learning English and students with diagnosed disabilities are repeatedly marginalized, I experience a level of cognitive dissonance. I see how within two departments at Centro Union School District (pseudonym) we arduously work to support students and in so doing perpetuate policies and practices that keep them in the periphery. Through our practices, we tend to understand and diagnose students and ruptures of the norm through the district, state and national constructs that frame our work: English learner and disabled, but which ultimately have a similarly subordinating effect.
Eduardo (pseudonym), one such student at the intersection of the English learner and disabled classifications, has been described as below grade-level standard in all academic areas for the majority of his schooling in the United States. I sat in the break room of the school analyzing every document in his cumulative folder that was designed to provide us, school personnel, with a comprehensive overview of his educational history. Eduardo was retained in kindergarten, his cumulative folder illustrates, as he was unable to “comprehend material” in spite of attending a preschool head start program. In his cumulative folder, documents describe him as a “defiant” and “overly energetic” student who has had trouble sitting down and being still.

Less than a month into kindergarten, Eduardo began the student study team process. Shortly thereafter, the educational team had an initial meeting to determine eligibility for special education services. He was subsequently diagnosed with a specific learning disability and a speech language impairment, which according to the team impacted his involvement and progress in the general curriculum. Our speech therapists worked with Eduardo to “correct” his “slurred” speech and his tendency of omitting sounds when he was doing a “poor” job of “putting thoughts/ideas into words.” In addition to receiving special education services, Eduardo was a student classified as an English learner since first enrolling in school. Eduardo, however, was born in the United States and is at the intersection of multiple discursive understandings of who students are and what supports should be afforded to them: a student classified as an English learner and a student with a diagnosed disability. At each of these two categorizations, the U.S. constructs Eduardo against the norm and extra effort is exuded by our educational
apparatus to normalize and correct him—the ideologically constructed English learner and disabled other.

Working within what I saw and felt as oppressive discourse communities in service of students, I often question the role I was undertaking and the impact I was having. Am I and have I been a certificated colonizer? Have I replicated and am I going to replicate my experience growing up in white America? I often felt an emotional discomfort and struggled to make meaning of it. My work as an educator revolves around developing school environments were students are able to embolden their self-worth and foster a positive social identity. As a member of the social fabric, I recognize that I exist alongside those I serve as an equal and work to foster a partnership where students are confident in their voice and don’t grow up feeling less than others. I feel anger when I see the staff I work with speak down to or make our children and their families feel insignificant. I am driven to challenge and shape those interactions.

One way we can begin to improve the educational conditions for- and question and challenge the marginalization of- students at the intersection of disabled and English learner is to place these constructs within social, cultural, and historical contexts manifesting in the United States (Baglieri, Valle, Connor & Gallagher, 2011). By outlining the historical process of how the English learner and disabled categories have become normalized in our educational vernacular, which reinforces oppressive practices, we may problematize their use and explore realities outside such categorizations (Bacchi, 2012; Foucault, 1991). School districts and schools then, should be understood as realms of contestation where a discursive battlefield unfolds daily with students and
The dissertation study engages qualitative research methods within a broader practitioner research framework to examine and uncover how language policy is negotiated at the intersection of English learner and disabled by students, teachers and site administrators within their daily interactions. The process of problematization along with inquiry into the actualization of policies outlining practices of success will assist practitioners in better serving students classified as English learners also diagnosed with having disabilities. Therefore, the guiding research questions follow.

**Research Questions**

1. How do students classified as English learners with diagnosed learning disabilities negotiate language policies in their schooling at Centro Union School District?

2. How do teachers at Centro Union School District negotiate language policies in the schooling of students classified as English learners with diagnosed learning disabilities?

3. How do site administrators at Centro Union School District negotiate language policies in the schooling of students classified as English learners with diagnosed learning disabilities?

**Chapters Overview**

With these research questions guiding the study, this dissertation is divided into six chapters. Chapter 1 frames the context and background of this study and introduces the research questions. Chapter 2 outlines the conceptual and theoretical framework, which is organized into five sections. Section one grounds the study in a postcolonial thought that situates the concept of education as part of larger neocolonial efforts rooted
in racial, cultural and linguistic hierarchies (hegemonic whiteness). Sections two and three situate the use and application of the English learner and disabled categories in the United States within a socio-cultural and historical context. Section four grounds intersectionality as a framework for examining the realities of students diagnosed as disabled and classified as English learners, while reviewing previous works on students at this intersection. Section five situates students and the ways they influence the implementation of policy within the language planning and policy literature. After the conceptual framework, Chapter 3 presents the study methodology and research design; it chronicles the iterative process of developing and enacting the methods and research design for the study as well as the data analysis protocols used as the primary approach to make meaning of student and educator experiences. Chapters 4 and 5 report the findings of the dissertation. In particular, Chapter 4 describes how participants explain their understanding of the categories of English learner and disabled to illustrate that the institutional processes of special education and English language development work alongside ideologies brought forth by students, teachers and site administrators and collectively influence the implementation, interpretation and making of language policy. Chapter 5 outlines the dimensions of language policy grounding programs serving students classified as English learners and surfaces ways students, teachers and site administrators negotiate them at one middle school site in California. Chapter 6 provides a reflection of the study and potential opportunities to move forward within the public education system in this country.
CHAPTER 2
CONCEPTUAL FRAMEWORK

Federal, state, and local policy across the United States guides local educational agencies in ensuring students classified as English learners receive a program of English language acquisition to develop proficiency in English as rapidly and effectively as possible (CDE, 2016). In the American Southwest, California’s policy for targeted support of students classified as ELs recognizes an obligation to address the “language barriers” preventing students classified as English learners from “fully participating” in our educational system (CDE, 2017). Additionally, the Individuals with Disabilities Education Act (2004) maintains that an “essential element” of our national policy is “ensuring equality of opportunity” and improving the educational outcomes of children with diagnosed disabilities. The IDEA and Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, define success and the goals that local educational agencies are to realize for each student classified as English learner and disabled—economic self-sufficiency and productively engaging in our society—against white, able-bodied English speaking students.

It is important to note that the problem is not the student classified English learner or diagnosed disabled, but rather with the way we as a society understand success and construct the normal. I agree with Connor (2008) when he asserts that:

failure to name and contextualize these issues and to clearly articulate the long-term effects of racism, White privilege, classism, and ablism is an implicit acknowledgement that these social issues are acceptable—instead of the deadly cancers in our society that they really are (p. XII).
Students classified as English learners with diagnosed disabilities are engaging in our educational system in two distinct areas that are flagged as abnormal. Relative to their white, able-bodied and English-speaking peers, they are deemed as deficient and linguistically different. Our educational landscape facilitates the exchange of oppressive and subtractive white ideological policies and practices that aim to strip the culture and language of the “tainted” and correct the “abnormalities” of the disabled (Banks, 2017; Valenzuela, 1999). The normalizing force of whiteness in cultural production permeates our everyday interactions, acting on us and through us to sustain a notion of the regular (Kovel, 1984). Consequently, I have chosen to resist using the term English learner and disabled as doing so makes me complicit in the practice of sustaining white privilege, ableism and English linguistic superiority. Instead, I use the framing classified as English Learner with diagnosed disabilities to reflect the practice, institutional processes and ideologies that have surfaced classifications and identity markers that have become ubiquitous in our educational landscape.

In the five proceeding sections, I outline my conceptual and theoretical framework, which serves as a roadmap for this dissertation study. Section one captures the study’s theoretical framework, contextualizing what I understand to be hegemonic whiteness where education is part of broader neocolonial efforts to maintain racial, cultural and linguistic hierarchies. Section two examines the discursive construct of English learners as well as long-term English learners and situates these categories locally and nationally within a social, cultural, and historical context. Similarly, section three examines the discursive construction of the disabled from the late 19th century to
present day within a local and national socio-cultural and historical context. Section four positions the concept of intersectionality as a framework for this study and examines the connection of two categorizations, disabled and English learner, within existing studies in the field of education. Section five engages literature on language policy to situate students, teachers and site administrators as active agents in both reproducing and challenging hegemonic whiteness in their day-to-day negotiation of policy.

**Cultural-linguistic Imperialism in the American Southwest**

Analyzing how language policies outline success is one way of examining the discursive construction of students classified as English learners and the pervasiveness of hegemonic whiteness in students’ daily interactions. The discursive construction of the English learner and the long-term English learner is part of dominant cultural and raciolinguistic discourses that are white and English centric where students in the category are positioned as linguistically lacking. The positioning of English learners as “defective” and “incomplete” has allowed for their physical and ideational subordination within white American and English dominant configurations. Localized manifestations of linguistic and cultural imperialism have, throughout history, surfaced in the area now referred to in U.S. policy as the American Southwest.

Prior to centering the Americanization of the Southwest, it is necessary to focus in on the Spanish presence that preceded the present-day cultural and linguistic order as doing so allows us to contextualize the U.S.’s colonial (cultural and material) operations in the Americas within broader imperial developments. The overview of cultural and linguistic imperialism in this study is centered on Spanish speaking Latinx communities
with connections to Mexico. Students classified as English learners with diagnosed disabilities that are not Latinx have an equally important and different encounter with colonialism that is not covered here.

Before the outbreak of World War I, there were expansive European colonial empires that had deep roots across the areas we now know as the Pacific, the Americas, Africa, the Middle East, and Asia. These empires thrived on the exploitation of the local populace and worked to expand trade as well as garner wealth through the dispossession of raw materials and resources. During the 1500s, the Spanish empire deepened its colonial presence under its umbrella of New Spain across the present-day American Southwest. The colonial territories of New Spain remained an important source of wealth for the Spanish economy (Acuña, 2015; Gonzalez, 2011; Lockhart & Schwartz, 1983). Although Mexico declared independence from Spain in 1810, the presence of Spanish lexicon remained and continues to remain a reality within the social fabric of the American Southwest. By the 1820s English speakers from the American Republic began to settle on territory claimed by Mexico and established the Republic of Texas. The move to declare an autonomous territory on Mexican claimed land prompted the U.S. and Mexico War (1846-1848) (Montejano, 1987). As part of the Mexican defeat during the war, the 1848 Treaty of Guadalupe Hidalgo ceded the land that makes up all or parts of present-day Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. What soon followed was the increased physical expansion of white Americans in the Southwest.
White Americans strengthened their annexation of California via cultural, linguistic and economic supremacy through violence, land thievery, intermarriage and the establishment of American political institutions (Mae, 2014). Although there were multiple stages of migration of white Americans to the west, the discovery of gold alongside ideologies of manifest destiny was a factor in the subsequent “Gold Rush” of white Americans to California (Gonzales, 2009). The growth in population from the influx of “outsiders” made the Spanish speaking population living in the northern portions of the state a minority (Jimenez, Pasztor, Chambers & Fujii, 2014). The California state government, which officially entered the United States on September 9, 1950, passed a number of legal measures detrimental to the now foreign positioned Spanish speaking populations. The introduction of a foreign miners’ tax in 1850 fueled a divide against non-citizens of the United States as it legalized their removal from the mining practice if unable or unwilling to pay the twenty-dollar foreign miners’ license tax (Carrigan & Web, 2003). The tax required foreign miners, non-white Americans, to pay a monthly fee to mine (Gonzalez, 2009). The act had the effect of driving out Spanish speaking as well as Asian miners from the industry. Furthermore, the 1851 California Land Act encouraged those arriving to California to squat and challenge the land grants of Spanish speaking Californians and Mexicans in white American courts. The American judicial institution often placed a financial burden on those defending their claims, while also requiring them to engage in hearings facilitated in English (Acuña, 2014). In addition to land squatting, Mae (2014) explains that there existed a level of intermarriage between white American males and the daughters of the native ranchero elite. These
mixed marriages had an effect of dispossession by granting familial land access to white American males (Mae, 2014). As the white American expansion into California illustrates, physical expansion goes hand-and-hand with a cultural and linguistic expansion.

The Anti-Vagrancy Act is a critical example of cultural-linguistic imperialism manifesting in legal and institutional policy. In addition to mixed marriages, the land act, and the miners’ tax, the white people of the State of California as represented in senate and assembly enacted the Anti-Vagrancy Act (1855), which aimed to “punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons” (“Statues of California,” p. 217). The act targeted “Greasers”, people of “the issue of Spanish and Indian blood”, by legalizing their arrest under the guise of vagrancy: someone perceived as impoverished, “not known to be peaceable and quiet” who wanders from place to place without “lawful business” (Anti-Vagrancy Act, 1855, p. 217). The dissemination of the term greasers into the white American lexicon worked to position the brown Spanish speaking other into an inferior, identifiable subclass culpable of mistreatment. The act also had the effect of centering industriousness and productivity as cultural and economic values of the newly founded republic.

Alongside codified legal measures that advanced racialized understandings used to control the Spanish speaking raciolinguistic other, American antagonism against Spanish speaking Californians and Mexicans worked in displacing them from land and economic resources (Brownrigg, 2010; Carrigan & Webb, 2003). Carrigan and Webb (2013), arguing that violence against Mexicans was driven by a deep-seated racial
prejudice, highlight critical instances in U.S. history that illustrate a practice of “Anglo Americans” and “European Immigrants” uniting against Spanish speaking populations. They surface the 1849 *Placer Times*, which explains, “hostilities have been commenced against those who only speak the Spanish language and who cannot speak English, and not only are the English, French, Dutch, Italians, Portuguese, & etc. reported to have been unmolested”, the account details “they actually composed a part of the expelling force” (Carrigan & Webb, 2013, p. 59). Targeted and intentional “hostilities” were not simply against non-English speaking pupils, as the account illustrates, but targeting of the raciolinguistic other that was non-white and Spanish speaking. The hostilities against Mexicans, which often culminated in lynching, highlights the central role of race in American colonial efforts across the Southwest (Carrigan & Webb, 2003). Jennings (1997), a ranger in the American Southwest, further emphasizes the complicity of American officials in antagonism against the raciolinguistic other when he recounts intentional efforts to “terrorize” and “override” the “greasers” (pp. 128-9). The policies and actions advanced by white Americans, which were administered in English, sustained by lawyers, sheriffs, judges and the U.S. officials strengthened the cultural, linguistic and economic positioning of white Americans (Mae, 2014).

The manifestation of language policy in the American Southwest has been systematically perpetuated to drive the standardization and institutionalization of English as one way to sustain our nation-state and economic order (Tollefson, 2013). The U.S. has, both nationally and in the American Southwest, aimed to restructure and reallocate resources along certain racial lines that are favorable to whites (Omi & Winant, 2015).
Racial lines are stratified in our global market economy, which also exist through unequal relations of citizenship, ability, and gender (Collins & Bilge, 2016). The unequal relations are designed around the notion of winners and losers and further produce dehumanizing segregation and poverty (Delgado & Stefancic, 2017).

Examining the Discursive Construction of English Learners

The American colonial expansion to the Southwest spread the practices, structures, and interests of educational institutions already present at the eastern coast. California’s state board of education was established in 1852 and shortly thereafter followed the first American public school. Cultural and linguistic policies surrounding public schools led to the increased segregation of racially and linguistically minoritized children, often depriving them of equal educational opportunities relative to their white American peers (Colón-Muñiz & Lavadenz, 2016). When the political and economic fervor in Mexico stemming from the Mexican Revolution (1910-20) pushed almost a million Mexican citizens into the United States, the influx of people to the U.S. prompted assimilative projects that stressed Americanizing non-white others (Ochoa, 2016). Racialized and linguistically different students engaged in a segregated curriculum that revolved around learning English, cooking, hygiene and civics (Madrid, 2016; Mae, 2014). Across the U.S., segregation of linguistically brown youth remained codified policy until Brown v. Board of Education (1954)—a Supreme Court case that advanced integration nine years after the California courts in Mendez vs. Westminster (1947). The years that followed Brown and Mendez witnessed a long process of school integration.
and hybrid forms of segregation that continue to maintain the racial-linguistic superiority of white American English speaking students.

The U.S. enacted The Bilingual Education Act as Title VII of the Elementary and Secondary Education Act in 1968 and in so doing authorized the use of federal funds to supplement the education of limited English proficient students in the U.S. school system to focus in on their high levels of “underachievement” (Baker & Wright, 2017; De Jong, 2011). The legislation was a remediation program that addressed the need to alleviate what policy drafters framed as an English proficiency problem amongst language minoritized students that continued to see them as deficient. In its allocation, the U.S. government authorized $15 million in 1968, $30 million in 1969, and $40 million in 1970 to state educational agencies. In determining the distribution of funds, the act prioritized states with the greatest need, defined as those with the largest population of students classified as limited English-speaking. The desired outcome of the Bilingual Education Act was to ensure that students labeled as non-English speaking be developed to a level of English proficiency equal to that of their English only speaking peers. According to the 1968 wording of Title VII, “children of limited English-speaking ability means children who come from environments where the dominant language is other than English [emphasis added]” (81 Stat. 816). Thus, if you were a student from an environment, community, country, or neighborhood where your cultural and linguistic preference or those around you was or perceived to be a language other than English, you were identifiable for these supplemental services. The notion of an environment, however, is not neutral. Rothstine (2017) illustrates how residential segregation across
the U.S. is the product of unhidden public policy at the local, state and federal levels that explicitly segregated across racial lines. These raciolinguistic others were, through U.S. policies, manufactured to remain in environments that stratified them with others more likely to sustain non-white and non-English speaking cultural practices and as a result, more likely to be identified as a limited English-speaking student.

The Bilingual Education Act, however, did not define how state educational agencies were to identify these limited English-speaking students. The formation of the Bilingual Education Act was intentional and a product of, among other factors, two large interest groups: liberals and conservatives (DeBray-Pelot & McGuinn, 2009). Although the Bilingual Education Act advanced the liberal agenda by throwing additional dollars to a socially constructed category of students, the act also advanced a conservative principle to limit the ways in which federal government was involved in identifying the beneficiaries of funds locally within state borders. The wording outlined by the federal government on how to identify English learners under Title VII provided states with a monetary incentive to classify students as limited English speaking. Bailey and Kelly (2012) tell us, “a host of measurement strategies emerged to identify the target population of children with language backgrounds other than English” (p. 776). These methods included surname surveys, home language surveys, parent interviews, teacher conducted ratings, learner-focused interviews, measures of word association, word-naming, and picture-naming (Zirkel, 1976). Tools to identify the English learner were a change from previous practices that aimed to physically separate the other via borders and segregated schools and worked to label the raciolinguistic other among us, both citizen and non-
citizen alike. The tools used across the American Southwest to identify the English learner are one way that the category of the English learner solidified and has remained present in our educational system (Mahoney & MacSwan, 2005; Zacarian, 2011). The use of identification tools, however, is colored by social and racial contexts and can, depending on who it is used on or used by, render a distinct labeling. The Bilingual Education Act of 1968 was an intentional attempt to differentiate a socialization that was to render the language minoritized individual detectable and open to hegemonic whiteness given a shifting political landscape.

However, as the political landscape shifted to draw more attention to students classified as English learners, the 1974 U.S. Supreme Court in *Lau v. Nichols* unanimously ruled that the lack of supplemental language instruction for students with limited English proficiency in public schools violated the Civil Rights Act (1964) as students were entitled to equal protection and access. In a court recording of the case, the counsel representing the language-minoritized students “both foreign and native born” argues that the “ghetto Chinese” students—who were forced to come to school and engage in instruction that was the same for all students in English—were not receiving the same educational benefits and opportunities as the fluent English proficient students. In his opening statement, the attorney cites communication from the San Francisco school district to explain that without a change in practice, the students would be “Inevitably doomed to be dropouts and be another unemployed from the ghetto” (*Lau v. Nichols*, 414 U.S. 563). The attorney aimed to ensure that “these ghetto Chinese”
students be taught English so they may have the type of mastery of English that our society requires (Lau v. Nichols, 414 U.S. 563).

As a recipient of federal funding, the court asserted that the school district was required to provide a meaningful education via equal access and opportunities to all students. Congress, seven months after the Lau ruling, advanced the Equal Educational Opportunities Act (1974), which mandated that school districts take “appropriate action” to meet the needs of all students so they may benefit from equal participation (20 USC Sec. 1701-1758). The EEOA recognized that the same instruction for everyone was not equal. The subsequent Lau Remedies put forth by the U.S. Department of Education’s Office of Civil Rights (1975) to eliminate past educational practices ruled unlawful under Lau v. Nichols led to the advancement of an English learner category via systematic identification practices across public schools. Although Lau advanced a practice to support language minoritized learners, the advancement of these policies was to inevitably render the other, now with a systematized identification and classification process per the EEOA (1974), more readable and penetrable by hegemonic whiteness. Lau v. Nichols reframed an issue that was systemic and connected to histories of racial oppression to a language issue with the goals of incorporating minoritized students into capitalist and dominant discursive practices.

Lau v. Nichols preceded Castañeda v. Pickard, which also had significant implications for students classified as English learners. In Castañeda v. Pickard, the plaintiffs argued that the school district was culpable of discrimination by using race-based ability groupings that resulted in segregation and by failing to implement adequate
bilingual education to overcome the linguistic barriers that impede equal participation in the educational program of the district (648 F.2d 989 5th Cir. 1981). In recounting her lived experience, Elizabeth Pamela Castañeda-Leverett explains that she went to a wealthier “Anglo” school where Mrs. Pitman, her homeroom teacher, chastised her: “she hit me with rulers, she hit my hand and hit my head … she humiliated me” (UTRGV Center for Bilingual Studies, 2013). Mrs. Pitman’s actions subordinated Elizabeth and had the effect of physically beating her into a dominant English discourse where she was othered and targeted for being brown and Spanish speaking. The U.S. Court of Appeals for the Fifth Circuit ruled for the plaintiffs and established three criteria to aid school districts in meeting the requirements of the EEOA (1974), while in the service of students classified as English learners:

- The bilingual education program must be based on sound educational theory.
- The bilingual program must be implemented effectively with resources for personnel, instructional materials, and space.
- The program must be proven effective in overcoming language barriers.

The outcomes of Castañeda illustrate a reframing of unlawful racial and ethnic discrimination as a language issue that can be best remedied by “sound educational theory.” The increasing scientism associated with the outcomes driven understanding of success post *A Nation at Risk* has progressively focused on seemingly objective criteria, especially assessments, and further codified the discursive construction of the English learner through measures of accountability that have been top down on the reality of
students and educators (Calfee, 2014; Goodman, 2014; Guthrie & Springer, 2009; McDermott, 2013).

Both *Lau v. Nichols* and *Castañeda v. Pickard* established precedents for students classified as English learners that have had significant implications for racially different students. The legislative mandates of the 1970s and 1980s manifested in the federal reauthorizations of the Elementary and Secondary Education Act via No Child Left Behind (NCLB) and the Every Student Succeeds Act (ESSA). Since 2001, NCLB sustained an educational regime that illuminated the English learner category and advanced the construct in ways that deepened the ubiquity of an imposing diagnosing science via standardized assessments (Abedi, 2004; Gándara & Baca, 2008; Menken, 2010). NCLB focused on annual measurable achievement objectives, while providing a funding formula for state educational agencies to further the teaching of English and the teaching of academic content for students classified as limited English proficient. Equally significant, the law required that states develop English language proficiency (ELP) standards and an ELP assessment designed to measure students’ progress in meeting the ELP standards (*NCLB*, 2001). When reporting accountability, state educational agencies and local educational agencies were now required to disaggregate data to highlight the English learner category to better measure if they were making adequate yearly progress towards moving them, the linguistic other, to proficient.

The Every Student Succeeds Act mandates a continuation of Title III and the use of an English language development test to evaluate the ability of any student K-12, who has a home language other than English, to speak, read, listen, and write in English. The
ESSA requires that English language proficiency standards be aligned to the content areas of reading/language arts, mathematics, and science as they aim to enable “EL students to succeed in each academic content area” (U.S. Department of Education, 2016, p. 16). In doing so, federal policy created the limited English proficient category to identify students in need of supplemental support to achieve the standard norm—enshrining what DeBray-Pelot and McGuinn (2009) call “an equity rationale” (p. 17).

The practices commonly leveraged today to serve students classified as English learners under ESSA have roots in The Bilingual Education Act, which itself was a product of a Johnsonian ideology that affirmed a need to overinvest into “disadvantaged” groups until the legacy of oppression was overcome (DeBray-Pelot & McGuinn, 2009, p.20). The shift, however, was that NCLB mandated and institutionalized a way to measure growth and progress to an outcome that is informed and rooted in white dominant culture.

The outcomes driven assessments we used under NCLB and those we continue to use under ESSA are products of social and political developments, which although having some arguably positive impact have also been detrimental to the teaching and learning of English learning students of color. Among the negative consequences for limited English proficient students under NCLB are: low graduation rates, high dropout rates, the disproportionate likelihood of institutions serving students classified as English learners being labeled as failing, and the fostering of a high-stakes testing culture across schools—particularly urban schools—where there might be more of a practice to teach to the test (Crawford, 2004; Menken, 2010). One consequence of this negative reality is that support, access, and pedagogy for these students are essentially constrained within the
services of this classification; they tend to be separated from English only speaking students for remediation in English language development classes at a cost (Gándara & Orfield, 2012). The process of using standardized tests can be understood as part of the neoliberal colorblind world order that works to position our educational system as neutral and equally treating of all, and where failure is the result of a student’s inability to work industriously (Hursh, 2007; Lewis & Diamond, 2015; Omi & Winant, 2014). Yet as history shows us, our educational system is not and has been neither neutral nor equitable.

**Discursive Construction of Long-Term English Learners**

Within national and state education policy, a significant number of students classified as English learners are also considered Long Term English Learners (LTELs). The social construction of this categorization is one that has real and material implications on the educational experience of students. Olsen advanced the LTEL classification in the 2010 publication *Reparable Harm* and argues that a significant number of students classified as English learners in California “are still not English proficient”, “have incurred major academic deficits” and exhibit “little to no literacy skills” (pp. 1-23). The impact of Olsen’s publication has been systemic across California. *Reparable Harm*, served as the foundation for the 2013 Assembly Bill 2193, which codified the terms long-term English learner and English learner at risk of becoming a long-term English learner. Section 313 of the California Education Code defines a LTEL as an EL enrolled in grades 6-12 who has been in school within the U.S. for more than six years and has remained at the same proficiency level for two or more consecutive years.
as determined by the English language development test (EC 313.1). ESSA, by requiring that we regularly report out on the students classified as English learners that have not reached English proficiency within five years of initial classification, further emboldens the ubiquity and use of this classification within our educational vernacular and practice (U.S. Department of Education, 2016).

Recent and more critical studies have aimed at demystifying the LTEL label to highlight the variance in experiences of students classified as long-term English learners (Brooks, 2018; Bucholtz, Casillas & Lee, 2017; Flores, Kleyn & Menken, 2015; Kibler, Karam, Futch Ehrlich, Bergey, Wang & Molloy Elreda, 2017). These studies suggest that the LTEL label should be deconstructed as the students that fit this given profile are diverse and that educational efforts should instead focus on better understanding students’ individual needs as the category “obscures more than it elucidates” (Kibler et al., 2017, p. 1). Unlike Olsen, Bucholtz et al. (2017) assert that youth, “especially those from economically, racially, and/or linguistically marginalized communities are in fact innovative, flexible, and sophisticated language users” (p. 44). Challenging deficit framings of students classified as LTEILs, Flores et al. (2015) position students as central to their study to understand how they see themselves versus how they are perceived by others. In applying a poststructuralist view of identity, they aim to denaturalize all norms and expose “the power relations embedded in identity construction” to allow for counter narratives to surface (p. 116). Such counter narratives have also documented how race colors and informs dominant interpretations of beliefs framing understandings of language capacity (Flores & Rosa, 2015). Brooks (2018) likewise challenges broad and
general classification of LTEL by debunking three myths: LTELs have similar linguistic and literate profiles, LTELs have similar academic profiles, and the myth that the only reason students remain in the classification is because they are still learning English. She argues that we should move away “generic ways of educating” and “respect the multilayered experiences of young people” (p. 230).

Analyzing how language policies define success is one way of dissecting the discursive construction of English learners and understanding how hegemonic whiteness permeates our everyday interactions with students. I have highlighted how the discursive construction of the English learner and the Long-term English learner have been and continue to be part of social-historical developments of race and cultural linguistic dominance that are white and English centric. The process of classifying the English learner exists in a relational construct to other groups in our society and evolves with judicial and legislative changes. Through national and state policy, the U.S. has created the English learner and positioned them as linguistically deficient within white American and English language power structures.

**Examining the Discursive Construction of Students Diagnosed as Disabilities**

Throughout U.S. history, social encounters have resulted in the distinguishing and ultimately the categorizing of people as different, abnormal and disabled. Navigating abnormality, difference and disability through social encounters is part of what is captured under the social model of disability, which sees disability resulting from the interaction of social environments and individual bodies (Carrier, 1986; Shakespeare, 2017). Understanding the diagnosing of disability therefore necessitates a
contextualization of the discourses that have informed the normal across time and place within the United States. Although disability categories have changed over time, there has been a consistent attempt in the United States to leverage science to validate and legitimize the othering of people. In the following sections, I examine the ways in which the discursive construction of students diagnosed as disabled has roots in eugenics, early immigration policy, and the standardization of the public education system.

**Eugenics in the American Southwest**

Psychometric testing through intelligence tests not only assisted the filtering of students into special educational spaces, but it also assisted the establishment of the California Bureau of Juvenile Research (CBJR) to study the intellectual aptitude of the state’s youth. The CBJR aided in channeling Mexican immigrant schoolchildren into manual trades and vocational tracts as well as advancing the criminalization and racialization of incarcerated youth of color as “defective delinquents” (Chávez-García, 2012; Stern, 2016). Stern (2016) notes that the use of IQ testing—what many eugenicists saw as a firm and authoritative measure of one’s intellectual capacity—“coincided” with the entry of the hundred thousands of immigrants leaving Mexico during and after the Mexican Revolution. Terman’s (1916) racial and cognitive concerns for society, as the developer of a widely-used intelligence test, are worth quoting in full as they illustrate white hegemonic eugenic ideologies:

> And yet, as far as intelligence is concerned, the tests have told the truth. These boys are uneducable beyond the merest rudiments of training. No amount of school instruction will ever make them intelligent voters or capable citizens in the true sense of the word. Judged psychologically they cannot be considered normal. It is interesting to note that M. P. and C. P. represent the level of intelligence which is very, very common among Spanish-Indian and Mexican families of the
Southwest and also among negroes. Their dullness seems to be racial, or at least inherent in the family stocks from which they come...Children of this group should be segregated in special classes and be given instruction which is concrete and practical. They cannot master abstractions, but they can often be made efficient workers, able to look out for themselves (pp. 91-92).

The neocolonial ideology that was imprinted across California through the eugenic movement was not a physical colonization of the racially “Spanish-Indian” and “Mexican,” but an ideological othering and oppression that spewed into the crevices of everyday life (Baynton, 2016; Chávez-García, 2012; Cohen, 2016; Dolmge, 2018; Stern, 2016). A fundamental belief in the testing of California’s youth was the perceived understanding that there were some people who knew things and some who did not know and were incapable of knowing. The use of science to rationalize the supremacy of the able and the white substantiated popular prejudices, which led to the segregation of racially and linguistically different populations and the very real compulsory sterilization of 20,000 people in the state (Black, 2003).

**Disability and Immigration**

The discursive construction of the normal and the disabled has been a central part of U.S. immigration policies, which ultimately impacts the ongoing conceptualization of disabled students in classrooms. Looking at the rhetorical construction of disability and race, Dolmage (2017) posits that Ellis Island served as a rhetorical space where policies and practices created and applied categories of race and disability to immigrant bodies. Upon entering the U.S., people were given a snapshot diagnosis to determine if they were disabled and such determinations were imprinted on the exterior of the “immigrant” through chalked codes that necessitated further mental and physical examination (Mullen,
Dolmage explains, “This medical lexicon was repeatedly imprinted upon the immigrant and this printing was done hastily, efficiently, mechanically” (2017, p. 48). What came into fruition as a result of U.S. policies at Ellis Island was the Dillingham Immigration Commission’s *Dictionary of Races or Peoples*. As Dolmage asserts, a goal of the publication was to classify races “according to physical and linguistic difference from the Caucasian norm” and in so doing manufactured “shades of nonwhiteness” (2017, pp. 52-53). Initial understandings of the disabled manifested alongside immigration policy that worked to maintain the purity of a white American genetic pool via a “diagnostic gaze” that “allowed for the nebulous application of the stigma of disability as we know it today” (Dolmage, 2017, p. 45).

Baynton (2017) also asserts that the discursive construction of the disabled has intersected with the arrival of immigrants to the United States. He illustrates how social progress since the 19th century has gone hand-in-hand with eugenics where people of color were widely seen as inferior via a social hierarchy. The concept of what constituted the inferior became codified in the Immigration Act of 1891. The 1891 act states: “[T]he following classes of aliens shall be excluded from admission into the United States … All idiots, insane persons, paupers or persons likely to become a public charge” [emphasis added] (26 Stat. 1084). The act also allowed for a thorough inspection of “alien immigrants” and their medical examination, which would determine their normalcy. If an immigrant entered the U.S. and within a year became a public charge, the act justified a violation of law and allowed for immigrants to be deported. Immigration laws in 1903, 1907 and 1917 extended this violation period from one to two, then to three, then to five
years (Molina, 2013). The diagnoses rendered by U.S. immigration inspectors not only constructed the disabled and the non-employable but imprinted a white hegemonic purview that aimed to maintain the genetic purity of the white race. The discursive construction of the disabled (i.e., the “feebleminded” and the “moron”) not only played out at U.S. points of entry but also in institutions for public education.

**Disability in Education**

Initial initiatives aimed at systematizing and standardizing educational experiences along with compulsory attendance allowed for a reality where the “diagnostic gaze” surfaced the disabled others in public schools. The introduction and use of standardized tests (i.e., Binet-Simon, Stanford-Binet, Wechsler-Bellevue Intelligence Scale, Woodcock-Johnson), structured and unstructured interviews, behavioral ratings and direct observations provided districts with a systematic approach, seen as scientific, in identifying students believed to be mentally defective (Ysseldyke & Algozzine, 1982). Physically removing the disabled and different from the classroom space or medicating them so they may illustrate more socially accepted actions was a result of the top down policies seen in the U.S. history of special education (Kaestle, 2011; Osgood, 2008).

The literature on the history of special education is focused (Losen & Orfield, 2002; Thorius & Tan, 2015) and limited (Osgood, 2008; Winzer, 1993, 2009). Osgood (2008), moving beyond looking at disability and children in isolation, argues that notions around the nature of disability significantly changed across the 1800s to the 2000s from “simplistic” to “specialized”, “clinical”, and “science-based” (p. xviii). Winzer’s (1993, 2009) analysis rests on the premise that economic and social conditions “define” and
“drive” educational arrangements of special education and advances accounts that focus on institutional developments and the experiences of people served by such arrangements. Both Osgood and Winzer do not concern themselves with the intersection of histories around the “English learner” and the “disabled” nor do they concern themselves with the continued impact of racial underpinnings in special education.

Addressing some of the shortcomings in Osgood’s and Winzer’s analysis around race, Thorius and Tan (2015) as well as Losen and Orfield (2002) illustrate that students of color with diagnosed disabilities experience heightened disparities relative to white students similarly classified.

With the conceptualizing of the learning disability classification by Samuel Kirk in 1963 and the subsequent policies crystalizing his categorization, educators have been further able to diagnose students who previously fell outside existing and more physically identifiable disability categorizations. This shift in policy (i.e., Education for All Handicapped Children Act of 1975) expanded special education by financing an increased educational presence and making the learning disability category one of the largest across the United States. Reflecting on the diagnosing of students as learning disabled, Kirk (1975) states,

I now know that the term ‘learning disabilities’ has created many problems. We have had a bandwagon effect. To some, every child has a learning disability … Parents have brought their children to learning disability centers for diagnosis because their children were not obtaining straight As in school. And if they were not obtaining straight As and they were their children, they must have a learning disability (p. 62).

Kirk situates the disability within the student; yet, recent studies highlight the ways in which environments disable students as they may block learning and progress and keep
materials inaccessible to students (Meyer, Rose & Gordon, 2014). The process of meaning making is colored by our years of socialization and experiences across our life course in the ideational and physical forces that advance hegemonic understandings of normalcy and dominant cultural values (Boler & Zembylas, 2003).

**Special Education Policy**

A historical account of disability helps us situate national changes in policy as it relates to serving students with diagnosed disabilities. During WWII there was an increased national interest to support citizens deemed by society as disabled (Osgood, 2008). Disabled people filled jobs during the war effort and because of the war, thousands of disabled veterans returned. President Kennedy later formed the President’s Panel on Mental Retardation, which led to the establishment of a Division of Handicapped Children and Youth through the U.S. Office of Education in 1963. What followed were critical pieces of legislation that expanded the educational rights of individuals classified as having disabilities. Thus, the judicial and legislative advances for the rights of individuals diagnosed as disabled that took place during the 20th century (i.e., *Brown v. Board of Education* (1954), Vocational Rehabilitation Act (1965), Title VI to the ESEA (1966), Rehabilitation Act (1973), Education for All Handicapped Children Act (1975), The Individuals with Disabilities Education Act (1990))—shifted the discourse of success for students diagnosed as disabled.

Evaluating how success is defined for students classified as disabled in legislative and judicial advances (i.e., national policy) is critical to recognize how these imposing understandings manifest institutionally and interpersonally while educating students
deemed as disabled. Looking at the current special education policy, the IDEA maintains that an “essential element” of our national policy is “ensuring equality of opportunity” and improving the educational outcomes of children with disabilities (IDEA, 2004). Within the IDEA, the federal government defines a successful educational program (a free appropriate public education (FAPE)) for students with disabilities as being one that prepares them for “further education, employment, and independent living [economic self-sufficiency]” to fully participate in or contribute productively to society (IDEA, 2004). The federal government sees these priorities as important measures of success and accountability for children with disabilities. Central to this conceptualization of success is recognizing that students with disabilities have unique needs. Nevertheless, students are deemed as needing to be supported to meet developmental goals and the standards set forth for non-students with disabilities and ensure “their access to the general education curriculum in the regular classroom, to the maximum extent possible” (IDEA, 2004).

After the adoption of the IDEA, the Supreme Court issued an opinion that helps clarify what is meant by FAPE. In the case *Hendrick Hudson Central School District v. Rowley*, FAPE is codified as being “tailored to the unique needs” of students *via* an individualized educational program (IEP). The court established a precedent that has defined success for students with disabilities as being individualized. The measure of accountability set forth by this case law is not a standardized assessment for all students with disabilities, but rather a clause where schools were to work to provide sufficient educational benefits. This case law maintains a view that the educational needs of students with disabilities are unique and leave it up to the IEP team, to determine a
student’s potential to learn. Under *Hendrick Hudson Central School District v. Rowley*, the court concluded that efforts to provide special education services to students is not a guarantee to a particular outcome or maximize potential, but rather to only ensure some educational benefit. The guidelines outlined by the Supreme Court in Rowley were revisited in a landmark 2017 case involving Endrew F.

In *Endrew F. v. Douglas County School District* the Supreme Court deliberated the question, how are courts to consider that students are receiving a free and appropriate public education (2017). Endrew’s case originated in Colorado and since the state, like California, accepts funding from the IDEA, it is required to uphold its provisions. The standard Douglas County used was whether the educational plan for Endrew, a student with autism, was sufficient to show a pattern of at least minimal progress. The school district contended that a plan was adequate when it provided some benefit as opposed to no progress at all, meaning that a small benefit would suffice. The court unanimously ruled that individualized educational plans (IEPs) must be specially designed to meet the child’s unique needs and it must provide a level of instruction that is reasonably calculated to provide advancement through the regular curriculum. This standard is more demanding than the minimal level of advancement that the court applied in Rowley. In evaluating how success is defined in national policy, it is important to recognize the evolution of this understanding from Rowley to Endrew to note how they manifest institutionally and interpersonally and sustains a policy that uses special means to reach and socialize students deemed as disabled.
Although there have been national policies that have framed the ways in which we are to work in service of students diagnosed as disabled, such work remains context dependent—both ideationally and materially. Educators understand and implement policy from their institutional and ideological vantage points, which is fused with their own socialization and realities. Thus, teams that come together in service of meeting a child’s “unique needs” through a plan that is “reasonably calculated” will ultimately put forth actions and steps stemming from our eugenic and white dominant understandings of success.

In this section, I’ve traced the discursive construction of the disabled from the early American eugenics movement, which influenced the othering of immigrants and students in the public education system. The othering of the diagnosed as disabled is advanced here as a social process where individual bodies interact with social environments. Although categories of disability have shifted over time, science has been central to our understanding. Recent literature, nonetheless, highlights the role of race in experiences for people classified as disabled and illustrate how these experiences are often more oppressing and more readily occurring for racially and linguistically marginalized bodies. I build on the body of literature surrounding the history of education by examining the intersectionality of the English learners and the disability categorizations to surface how students, teachers and site administrators negotiate these categorizations and policies particularly in a district like Centro where over ninety percent are students of color.
**Intersection: Classified as English Learners and Diagnosed as Disabled**

Students classified as English learners have been studied extensively, but this study centers on students classified as ELs also receiving special education services. The limited body of literature at the intersection of these two categorizations has advanced instructional practices that function within these social constructs (Butterfield, 2017; Kangas, 2017a; Park, 2017). I, however, am interested in how students at the intersection of ELD and special education, as well as the teachers and site leaders that serve them, negotiate language policy. Existing studies do not question the ways in which the English learner and disability labels intersect as social constructs and thus advance findings that work to enhance the cross categorization of students, without critically exploring the discursive practices that inform and sustain their creation and existence.

This study uses an intersectional approach as it accounts for differences within a group, which might otherwise remain unnoticed across multiple identity layers. Intersectionality, Collins and Bilge (2017) explains, “people’s lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division … but by many axes that work together and influence each other” (p. 2). Intersectionality, which grows out of Crenshaw’s (1991) work in critical race theory, has been used as a lens to focus in on marginalized groups with two or more minoritized identity markers. The work of those using this framework questions isolated unitary inquiries of categories (Cole, 2009). García and Ortiz (2013) further explain, “Recognizing that identities are dynamic and emergent, intersectionality seeks to identify the ways in which identities are negotiated, rather than considering them as static markers.
of difference” (p. 36). Although I am looking at students classified as English learners with diagnosed disabilities through the analytical lens of intersectionality, I actively work not to essentialize these identities or see them as a homogeneous mass as Connor et al. (2016) caution but instead to recognize that these two identities exist alongside other markers. That said, the intersection and sum of these two oppressed identities is greater than a singular analysis of one identity (i.e., student classified as an English learner or student with a diagnosed disability), which this study understands within a specific social context. Functioning within the English learner and disability constructs, studies have surfaced issues with assessment as well as representation and called for a need of adherence to policy.

**Representation, Assessment and Service**

Studies focusing on the programs and services of students classified as English learners and diagnosed as disabled have largely revolved around issues of representation, assessment and services. Recent studies have examined the disproportionate (under and over) representation of students classified as English learners in special education services (Artilies et al., 2006; Barrio, 2017; Park, 2017; Sullivan, 2011) and how these representations change across grade levels (Samson & Lesaux, 2009). Abedi (2006, 2010) suggests that English assessments designed for English speakers, with “linguistic and cultural bias”, may not be valid for students classified as English learners. He illustrates how increased measurement error, particularly for students pinned on the “lower end” of the English proficiency continuum, may lead to misclassifying students with learning disabilities. Hibel and Japer (2012) examine the placement patterns of
special education among children of immigrants across generations and suggest that they demonstrate an increased risk of receiving special education services beyond their earlier years of schooling. Stanovich (2005), on the other hand, highlights what he sees as a lack of standardized testing tools to identify learning disabilities, while advocating for aptitude-discrepancy in this process.

Other works focus on the educational inequity of students and advance understandings of what constitutes adequate services and instructional supports for students classified as English learners with diagnosed disabilities. Rinaldi and Samson (2008) assert that integrating formal and informal assessment information within a response to intervention (RTI) model results in more effective programs and services for students. Similarly, Park and Thomas (2012) and Rivera, Moughamian, Lesaux and Francis (2008) make the case for RTI with students classified as English learners and diagnosed as disabled. Rivera et al (2008), however, conclude that “good” instruction begins with a “good” assessment and advance the notion that successful strategies in serving students at the intersection in reading align with those “proven effective” with struggling readers that are monolingual English speakers. Sullivan (2011) explores the patterns and predictors of placement and identification among students classified as ELs in special education relative to their English-speaking white peers. He concludes, along with Valenzuela et al. (2006), that culturally and linguistically diverse students are more likely to be classified as “mentally retarded” or “disabled” and less likely to be educated in a mainstream classroom. These studies are significant as they highlight issues with existing assessment, identification and service processes and how they fail to meet the
needs of students at this intersection. Nonetheless, these studies advance conclusions that work to enhance the discursive practices that inform and sustain the categorization of students as disabled.

**Policy Implementation and Fidelity**

Fidelity to policy has been leveraged by many education researchers and advocates to encourage specific outcomes. Kangas (2014) exploring the delivery of services for students classified as English learners with diagnosed disabilities concludes a need to support school personnel in deepening their practice and knowledge for students classified as English learners with disabilities from an “interdisciplinary and integrative perspective” (Kangas, 2014, p. 273). Her subsequent study, Kangas (2017a) finds that services for students at this intersection are “fraught with challenges and compromises” and argues for implementing programs and services with “fidelity” (p. 1). The notion of fidelity is similarly echoed in a resource book, Butterfield (2017), produced to guide educators through the use of best practices in meeting the needs and regulatory requirements of students classified as English learners and students who are in the process of or have been diagnosed with a disability. Meeting the needs of students, according to Butterfield, is adhering to the state and national policies that frame the intersection as she advances these as sufficient.

The notion of fidelity advanced by Kangas and Butterfield is potentially damaging to the opportunities of students at this intersection as they might blindly advance practices that Connor et al. (2016) tell us are shaped by dominant ideology of hegemonic whiteness and vulnerable to continuing inequities. Continuing the status quo,
is a continuation of hegemonic whiteness, which is a cultural and linguistic discourse that stratifies the disabled English learner through unequal relations of citizenship, disability, and race. Fidelity would continue to socialize the “disabled English learner” to our inherently capitalist economy where they are to be branded losers. Similarly, Voulgarides (2018) exploring IDEA legislation finds that acts of compliance can detract from our capacity to adequately serve students. Butterfield and Kangas, nevertheless, do not explore the social construction of these categorizations and how they are created and sustained by people through their practice, which is critical in understanding this intersection and what it might mean to serve students according to mandated understandings of success.

Studies that concern themselves with students classified as English learners with disabilities do not critically explore the discursive practices that inform these cross categorizations and thus advance understandings of success that function within these social constructs. I add to this body of literature by grounding my intersectional analysis in the social constructs of both categorizations to surface how students, teachers and site administrators negotiate policy through their daily interactions.

**Language Planning and Policy**

To surface how students and staff at schools negotiate policy, this study advances an analysis rooted in the field of language planning and policy (LPP). Central to this approach is multidimensionality to see how policy is interpreted and implemented at the local level (Hornberger & Johnson, 2007). In their 1996 study, Ricento and Hornberger offer a useful approach through which policy decisions and practices may be understood.
In leveraging a metaphor of an onion, they explain that “At each layer (national, institutional, interpersonal), characteristic patterns of discourse, reflecting goals, values, and institutional or personal identities,” interact with each other in varying and in a multitude of ways (Ricento & Hornberger, 1996, p. 409). The use of the term institutions refers to socially constituted systems, such as schools, where individuals transmit cultural values, attend to primary social needs and gain identity. The conceptual framework of this proposal is grounded in Ricento and Hornberger’s multilayered approach but also expands this metaphor by positioning students as central to the educational language planning process.

Works within the language policy literature caution against evaluating official state and national policy on the sole basis of codified words and instead call for understanding policies as they emerge in situated attitudes and behaviors from educators and other stakeholders in schooling contexts. I understand language policy to be the management of a community’s language beliefs or practices (Spolsky, 2004), and like Menken and García (2010), refocus this understanding to the level of practice within micro-political spaces. Menken and García (2010) call for a “focus on educators as language policymakers, rather than just blind followers who implement policies mandated from above” (p. 278), a stance shared by many other studies of language policy (Ricento & Hornberger, 1996; Stitikus, 2002; Pennycook, 2006; Johnson & Freeman, 2010). Educators, in these studies, are seen as able to enact power through discursive practices informed by their individual situation and social context. I supplement this focus by placing the student at the core because understanding the realities that inform
educators’ practices necessitates attention to their exchanges with students and the beliefs that inform them. Furthermore, it is our minoritized students who experience the systems of power that drive global social inequity and put them at risk, thus drawing attention to their experiences provides us an important window to understand the impact of policies on the education of students. Through a description of policy negotiation, we may better advance practices that also support students classified as English learners with diagnosed disabilities.

This dissertation builds on and expands the language planning and policy literature to better encompass the lived realities of youth at the intersection of English language development and special education services. If we recognize that cultural and linguistic practices advance white hegemony through the guise of colorblindness despite our best intentions (Lewis & Diamond, 2015; Omi & Winant, 2014), then we must strive to understand how neocolonial discourses that continue to marginalize language minoritized students of color manifest. This study frames the discursive construction of the English learner and disabled category as part of a postcolonial manifestation of hegemonic whiteness and sees those working within and against as complicit in the imperial project. Making the issues of power and resistance visible by examining how policies are negotiated, will allow us to work towards more equitable educational practices.

**Revisiting the Conceptual Framework**

In the five preceding sections, I have outlined my conceptual framework for this dissertation. Figure 1 is a visual of the conceptual framework for this study.
The three overarching circles represent the normalizing force of hegemonic whiteness, part of broader postcolonial (neocolonial) efforts in cultural production that permeate our everyday interactions to sustain racial, cultural and linguistic hierarchies. The three overarching circles are layered at the national, institutional and interpersonal points to illustrate that at these varying levels people continuously interpret and advance policy, further impacting its application in micro-political spaces by teachers, site administrators and students. The blue and red intersecting lines represent the English language development and special education discourses that interact at all levels within and outside of education. It is at a middle school site within Centro Union School District where I concern myself with the ways in which language ideologies are mapped onto activities, events and people and how they frame the policy negotiations (sustaining and
challenging) on the part of students, teachers and site administrators. In the next chapter I outline the methods for this study.
CHAPTER 3
METHODOLOGY AND RESEARCH DESIGN

Site Selection

I began data collection and formulating the methods of this study by first conducting a universal screen of all of Centro Union School District’s (CUSD) students classified as English learners also diagnosed as disabled. I began the process of disaggregating the total figure by site: total number of students classified as English learners at any given site, total number of students with diagnosed disabilities at any given site, and the number of students both classified English learner and diagnosed disabilities (see Table 1). By conducting this first level of analysis, I contextualized the research questions of the study within the district’s real time enrollment. CUSD operates twenty-five schools and as a traditional public school district, serves a population that is classified by state and federal markers as economically disadvantaged with almost half also classified as English learners.

Within CUSD, I identified sites with a higher concentration of students classified as English learners with diagnosed disabilities relative to their overall English learner enrollment. During the 2017-18 school year, CUSD served approximately 10,087 students, 4,231 or forty-two percent of which were classified as English learners. Students receiving services from the special education department totaled 1,090 or eleven percent of CUSD’s total enrollment. Of the 4,231 students classified as English learners, 735 students or seventeen percent had diagnosed disabilities. At the time, CUSD’s population of students classified as English learners with diagnosed disabilities was at
sixty-seven percent of the total students with diagnosed disabilities. Based on my initial analysis, I selected four schools of interest, but ultimately ended up focusing in on Glade View Middle School. I outline the process and rationale for selecting this site in the sections to come.

Table 1: CUSD Total Enrollment by English Learners and Students with Disabilities (2017-18)

<table>
<thead>
<tr>
<th>School</th>
<th>Total Students</th>
<th>English learners</th>
<th>English learners with Disabilities</th>
<th>Special Education</th>
</tr>
</thead>
<tbody>
<tr>
<td>School  1</td>
<td>517</td>
<td>193</td>
<td>19</td>
<td>28</td>
</tr>
<tr>
<td>School  2</td>
<td>118</td>
<td>69</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>School  3</td>
<td>447</td>
<td>244</td>
<td>34</td>
<td>42</td>
</tr>
<tr>
<td>School  4</td>
<td>267</td>
<td>158</td>
<td>25</td>
<td>36</td>
</tr>
<tr>
<td>School  5</td>
<td>411</td>
<td>229</td>
<td>27</td>
<td>45</td>
</tr>
<tr>
<td>School  6</td>
<td>382</td>
<td>249</td>
<td>22</td>
<td>28</td>
</tr>
<tr>
<td>School  7</td>
<td>425</td>
<td>187</td>
<td>31</td>
<td>51</td>
</tr>
<tr>
<td>School  8</td>
<td>377</td>
<td>204</td>
<td>25</td>
<td>37</td>
</tr>
<tr>
<td>School  9</td>
<td>589</td>
<td>276</td>
<td>30</td>
<td>43</td>
</tr>
<tr>
<td>School  10</td>
<td>518</td>
<td>200</td>
<td>37</td>
<td>64</td>
</tr>
<tr>
<td>School  11</td>
<td>302</td>
<td>147</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>School  12</td>
<td>397</td>
<td>204</td>
<td>18</td>
<td>27</td>
</tr>
<tr>
<td>School  13</td>
<td>498</td>
<td>162</td>
<td>28</td>
<td>51</td>
</tr>
<tr>
<td>School  14</td>
<td>388</td>
<td>197</td>
<td>43</td>
<td>60</td>
</tr>
<tr>
<td>School  15</td>
<td>361</td>
<td>163</td>
<td>22</td>
<td>33</td>
</tr>
<tr>
<td>School  16</td>
<td>527</td>
<td>222</td>
<td>24</td>
<td>35</td>
</tr>
<tr>
<td>School  17</td>
<td>358</td>
<td>169</td>
<td>31</td>
<td>50</td>
</tr>
<tr>
<td>School  18</td>
<td>382</td>
<td>177</td>
<td>37</td>
<td>51</td>
</tr>
<tr>
<td>School  19</td>
<td>324</td>
<td>116</td>
<td>34</td>
<td>46</td>
</tr>
<tr>
<td>School  20</td>
<td>550</td>
<td>171</td>
<td>42</td>
<td>70</td>
</tr>
<tr>
<td>School  21</td>
<td>308</td>
<td>127</td>
<td>44</td>
<td>59</td>
</tr>
<tr>
<td>Glade View</td>
<td><strong>480</strong></td>
<td><strong>130</strong></td>
<td><strong>48</strong></td>
<td><strong>77</strong></td>
</tr>
<tr>
<td>School  23</td>
<td>294</td>
<td>40</td>
<td>22</td>
<td>27</td>
</tr>
<tr>
<td>School  24</td>
<td>271</td>
<td>50</td>
<td>25</td>
<td>33</td>
</tr>
<tr>
<td>School  25</td>
<td>595</td>
<td>147</td>
<td>51</td>
<td>78</td>
</tr>
<tr>
<td>CUSD</td>
<td>10,087</td>
<td>4,231</td>
<td>735</td>
<td>1,090</td>
</tr>
</tbody>
</table>
Refining My Focus

Months before I began my data collection, I set up a meeting with the site administrators to review the key tenets of my research as a way to garner their interest and support. The administrators asked thoughtful questions and showed immediate interest in the study. I eliminated one of the two elementary schools from this study because my relationship with the site principal was not strong and I wanted to make sure that I could fully count on the administrator’s support to complete this study at their site. One of the site administrators was formally a special education teacher and asked me which categorization within special education I would be focusing on. At the time, I had not given it much thought but our initial conversation propelled me to inquire into the matter further.

After discussing my initial data collection with a critical friend (a special education teacher), we talked through the various disability categorizations and I made the determination to focus on students classified as having a specific learning disability (SLD). Conversations with special education teachers within CUSD also reaffirmed my choice as they overwhelmingly mentioned that the SLD categorization is a very problematic one and difficult to navigate. After determining to focus on students classified as English learners with a diagnosed specific learning disability, I identified 10 students that fit my criteria at each site in grades 3-4 or 7-8. While going through the process of identifying students, I observed that a noticeable number had attended schools elsewhere and transferred into CUSD. I made the decision to identify students who had
only attended CUSD to better analyze the institutional processes that influenced their classification and diagnosis.

**Methods and Research Design**

To uncover how students, teachers and principals negotiate language policy at CUSD, I sequenced the data gathering by first synthesizing the qualitative data from the cumulative folders, then the observations and student interviews to orient the subsequent interviews with teachers and principals (see Image 1).

**Figure 2: Sequence of Data Collection**

![Sequence of Data Collection Diagram]

**Document and Archival Data Review**

The second layer of data collection is a cumulative folder analysis and file collection of each selected student and site. To contextualize this study, I conducted a descriptive analysis of student-level longitudinal data (i.e., report cards, teacher comments, disciplinary paperwork, attendance, and assessment data) to triangulate the student experience and better understand the complexities of participants (Ravitch & Carl, 2016). Document and archival data reviews allowed me to describe the characteristics and academic achievement patterns of students classified as English learners with diagnosed disabilities across their entire academic experience at CUSD. Through engaging in this process, I read and captured the voices and practices of the teachers and educators charged with serving students since their first year of formal
schooling. Placing each student in a localized historical context enable recognition of how the discourses informing English learners with diagnosed disabilities altered and shaped the educational experience of each child.

The document collection and review process entailed hours of reading, copying and sorting. I accessed writing samples, all academic records and scores either digitally or in hard copy form. After completing the second layer of data collection at one site, I proceeded to the next site and so forth. I developed an organization matrix for documents (over 1000 pages) I obtained during the cumulative folder review. I also created a ranking system to quickly navigate documents for relevance and utility in answering my research questions. It was during the process of document collection and review at the elementary site that I began to explore moving away from the elementary school altogether.

After completing the document collection at all four schools, I realized that there were large amounts of data on each student participant. I consulted with my chair to focus my study on one school as opposed to three. Focusing in on one school would allow me the opportunity to go deeper into specific student cases. Garnering the approval of my chair, I selected Glade View Middle School. In selecting Glade View, I addressed the concerns raised by my committee on engaging younger students in generative interviews. Glade View Middle School had a high enrollment of students at the intersection of the English learner and disabled categories—thirty-seven percent of their total EL population. In addition to Glade View’s enrollment of students meeting the criteria of this study (a total of forty-eight), my relationship with the administrators and staff facilitated access and the data gathering processes. Interestingly, at Glade View Middle School, a
significant number of students selected for the study were on attendance contracts. I set up a follow-up meeting with the site administration to inquire about the attendance of the students. It was critical to know if students would be physically at school during my data collection timeframe. After speaking with the administration, I made the determination to move forward with the group of students I selected and welcomed this initial observation, high absence rate, as a point of inquiry for the study.

**Observational and Fieldnotes**

I first had an introductory meeting with all students to share the purpose of the study and begin to build relationships. During the meeting I explained the focus of my work with them as well as answered any questions they had. The students joined me in a room and all sat around the table. I was very intentional of making myself approachable and sharing with them who I was. After this initial meeting, some students express interest in the study, while others remained indifferent. A few days later I set up a follow-up meeting where I revisited the purpose of the study, reviewed the letter of informed consent that went out to their parents. Of all the students I identified, only one parent asked to exempt her daughter from the study. Table 2 outlines the general demographic information of students that participated in this study.

<table>
<thead>
<tr>
<th>Student Name (pseudonym)</th>
<th>Place of Birth</th>
<th>Home Language</th>
<th>SPED Classification</th>
<th>Ethnicity</th>
<th>Meal Status</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexa</td>
<td>USA</td>
<td>Spanish</td>
<td>SLD</td>
<td>Latinx</td>
<td>Free Lunch</td>
<td>7</td>
</tr>
<tr>
<td>Ernesto</td>
<td>USA</td>
<td>Spanish</td>
<td>SLD</td>
<td>Latinx</td>
<td>Free Lunch</td>
<td>7</td>
</tr>
<tr>
<td>Victor</td>
<td>USA</td>
<td>Spanish</td>
<td>SLD</td>
<td>Latinx</td>
<td>Free Lunch</td>
<td>7</td>
</tr>
<tr>
<td>Yadira</td>
<td>USA</td>
<td>Spanish</td>
<td>SLD</td>
<td>Latinx</td>
<td>Free Lunch</td>
<td>8</td>
</tr>
<tr>
<td>Fernando</td>
<td>USA</td>
<td>Spanish</td>
<td>SLD</td>
<td>Latinx</td>
<td>Free Lunch</td>
<td>8</td>
</tr>
</tbody>
</table>
After the initial student meetings, I set up a week to engage in full-day observations at the site following the focus students from class to class. I took detailed field notes throughout the day in and outside of class. I then used these notes to personalize and contextualize my interview questions with students. Through the contextualized observation process, I got to know the students and they me. They would ask me questions, check in with me during their lunch or share what they would be working on during their classes. With the support of the site administration, I explained to the teachers the focus of the study. Some of the teachers had seen me around or worked with me previously. During the observation process, teachers were very open and forthcoming with information about students. I was able to take down reflective notes on conversations I had with teachers about students in the teachers’ lounge. Overall, the teachers seemed appreciative of me wanting to focus in on students classified as English learners with diagnosed disabilities and engage them, the teachers, as thought partners.

The use of observational fieldnotes helped orient this dissertation to focus on how students and teachers act in the school’s micro-political spaces. As an initial layer of this study, I sought to understand the position and perspective of students by immersing myself in their everyday experiences at the selected site for an entire week (Emerson et al., 2011). The observational fieldnotes were descriptive and inferential. I first observed to describe, then I added a layer of inferential analysis. Engaging in field observations
provided an ongoing structured opportunity to make meaning of students’ thoughts, ideas, emotions, and concerns over time (Ravitch & Carl, 2016). The use of observational fieldnotes also allowed for the study to exist across classrooms as well as outside the physical confines of formal learning. As I observed, I was able to triangulate how students, teachers and principals negotiated language policy through their actions.

**Interviews**

At the heart of this study are the open-ended and conversational interviews with students, teachers, and principals. The questions I posed to students allowed me to confirm and challenge my initial observations and better understand what might be taking place at Glade View Middle School by delving into each person’s experience in negotiating language policy (Ravitch & Carl, 2016). The questions I posed to students not only uncovered how they negotiate language policy but also contextualized and detailed descriptions of perspectives and experiences, surfaced how participants interpret experiences and events, and bridged study participants’ and researcher intersubjectivity (Ravitch & Carl, 2016). Important here was understanding how students felt emotionally at school and how they viewed their classes, as well as areas in their schooling that were particularly appealing to them or not. Given that students were interviewed during the school day, touch points were more concise (approximately 20-30 minutes) and repeated as needed. Interviews with teachers and principals took place outside of the school day and were longer in length.

The process of drafting interview questions was an interactive one. I first developed a set of questions for all stakeholders of the study: teachers, administrators and
students. After drafting my questions, I piloted them with a critical friend (a teacher) and she provided feedback on wording. For example, in one of my questions I referred to language policy directly and she mentioned that answering the question was confusing. She explained that most teachers might not be able to name policies per se, but they might be better able to name the factors that impact or influence their actions. Thus instead of asking about language policies directly, I reframed the question to ask more about the variables that influence teacher actions (see Appendices B and C). Another enhancement I made as a result of teacher feedback was to refer to specific students directly as opposed to saying students who are “English learners with disabilities.” The rationale for making this change was that teachers would be able to reflect on their practice or actions with regards to specific students as opposed to students in the abstract. As a result, I made it a practice to leave in a blank in the question and fill in that blank with the given student names depending on the context and staff member. Once I had a solid draft of my student interview questions, I piloted them with my niece. She is someone that has had to navigate her disability diagnosis from a Spanish-speaking household. During multiple instances throughout the interview she asked to clarify what I was asking. I asked her what she had trouble understanding and made changes accordingly (see Appendix A).

I conducted an interview with each student throughout the process of collecting observational fieldnotes. There were natural points that lent themselves to have deep conversations with the students while I was on campus. Some student interviews were more generative then others. There were two student interviews in which I felt I was not
able to generate significant information on my research questions as most responses from the student tended to be general in nature. With other students, conversations were rich and generative. After finalizing the interviews with students, I proceeded with scheduling interviews with teachers. I had a list of names of all the students’ teachers and reached out to them to set up interviews. I was able to complete interviews with seven out of the eleven total teachers. Four teachers chose to not participate in the study. Table 3 provides an overview of the Educators that participated in this study. After completing the teacher interviews, I conducted interviews with the administration: first with the principal and then with the assistant principal. By the time I sat down with the site principals for interviews, school had ended for the year. Given that the collecting and processing of school documents took a lot longer than anticipated, I was under a time crunch to finalize my data collection with students and teachers because of graduation and summer vacation.

Table 3: Glade View Middle Educators Participating in Study (2018)

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Race/Ethnicity</th>
<th>Languages Spoke</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amy (pseudonym)</td>
<td>General Education Teacher</td>
<td>White</td>
<td>English</td>
</tr>
<tr>
<td>Ana (pseudonym)</td>
<td>English Language Development and General Education Teacher</td>
<td>Latinx</td>
<td>English and Spanish</td>
</tr>
<tr>
<td>Erin (pseudonym)</td>
<td>Special Education Teacher</td>
<td>White</td>
<td>English</td>
</tr>
<tr>
<td>Kate (pseudonym)</td>
<td>Special Education Teacher</td>
<td>White</td>
<td>English</td>
</tr>
<tr>
<td>Jennifer (pseudonym)</td>
<td>Special Education Teacher</td>
<td>White</td>
<td>English</td>
</tr>
<tr>
<td>Sarah (pseudonym)</td>
<td>General Education Teacher</td>
<td>White</td>
<td>English, Spanish and Portuguese</td>
</tr>
<tr>
<td>Juana (pseudonym)</td>
<td>General Education Teacher</td>
<td>Latinx</td>
<td>English and Spanish</td>
</tr>
<tr>
<td>Wilfredo (pseudonym)</td>
<td>Assistant Principal</td>
<td>Filipino</td>
<td>English, Tagalog and Ilocano</td>
</tr>
<tr>
<td>Jean (pseudonym)</td>
<td>Principal</td>
<td>White</td>
<td>English</td>
</tr>
</tbody>
</table>
Data Analysis

The data analysis protocols of this study were ongoing and reflective in practice. I made meaning of my observational fieldnotes by digesting my observations and writing out my notes within twenty-four hours. I began to code the study data through Dedoose to inform the next steps simultaneously with data collection using deductive codes, reflecting key markers of my conceptual and theoretical framework, and inductive codes, reflecting key markers surfacing from my interviews (see Appendix E for my codes and code definitions). Given the timeline of this study, I had interviews transcribed verbatim using an external agency (RevWorks). I developed and used an interview summary memo adapted from Ravitch and Carl (2016) to capture the context and my thoughts after every interview experience (see Appendix D). I adapted the template to reflect time markers on audio files as I am an aural learner and it is better to process and reflect on data while listening as opposed to reading a transcript in indicating a page number.

I relied on analytic memoing to capture my reflections and thinking about the ongoing synthesis of data. Given the personal nature of data collection (i.e., observational notes and interviews) the use of memos provided a space to capture the ways I understand and experience my identity and positionality impacting the study. Working to recognize my own positionality and relations of power, particularly with study participants was a critical step in increasing the validity of findings and faithfulness of participant experiences (Ravitch & Carl, 2016). My time on campus during the data collection period afforded me an opportunity to conduct participant validations of actions I observed on campus as well as on interpretations based on interviews. Given my
relationship with teachers, principals and students it was critical that I maintain a process of ongoing communication by sharing transcripts of interviews, checking in with participants after initial data analysis memos as well as seeking accuracy of statements or my interpretation of actions.

Some data analysis memos used in the study include multiple memos on emergent analytic themes, coding memos, and several memos that address issues and concerns about the data set around matters of normative social constructions and how they are enacted in local settings. After finalizing data collection, I engaged in a second level of coding to identify emergent themes, configurations, and explanations (Miles et al., 2013). At the concluding stages of data collection, I wrote a final analytic memo in which I shared emergent themes and questions with critical friends and my dissertation chair.

**Validity, Ethical Issues, and Positionality**

My positionality as a district support staff brings a power dynamic that colors my exchanges and interactions with study participants. Recognizing my positionality, I met with the superintendent of Centro Union and met regularly with the site leadership team in order to garner stakeholder support and clarify the outcomes of the study. It was important for me to maintain transparency especially with students, teachers, parents and principals, as I did not want to foster a dynamic that may potentially harm or negatively impact study participants.

I am aware that when I made site visits and conducted classroom observations, my presence in the space impacted the environment and the subsequent exchanges that took place with students. I worked to capture actions over time and to an extent normalize
my presence in the classroom and school site. In articulating the aims of this study with students and teachers, I expressed our shared control in the co-constructing of data and acknowledged them as experts of their own experiences (Anderson et al. 2007; Ravitch & Carl, 2016). I prioritized the participant validations outlined above for accuracy in my interpretation and to counteract my positionality. I also maintained strict confidentiality of any information shared with me and made interview transcripts with participants available if requested.

Additionally, given my strong feelings about students classified as English learners and students with diagnosed disabilities and my own experience as a student classified as an English learner, I relied on check-ins with critical friends (both in relation to memos and more broadly) to support my reflective process (Anderson et al., 2007). Check-ins took place formally every month throughout the study period and informally as needed. Furthermore, as part of our doctoral studies I participated in a shared inquiry group with peers where we engage in meaning making protocols while sharing our work.

Timeline

The data collection of this dissertation took place during the months of March through June 2018. By February, I identified participants and the classrooms to observe and subsequently worked on the data gathering of this study via classroom observational fieldnotes and in-person interviews with students, teachers, and principals. During the month of June, I checked in with school personnel to review my interpretations on findings and then engaged my critical friends group of Penn GSE mid-career colleagues through the month of August to support my data analysis. Table 4 outlines the timeline of
procedures for the study whereby I engaged in iterative cycles of data analysis, memoing and drafting through the month of January 2019 when I submitted a draft of findings to my chair.

Table 4: Timeline of Procedures

<table>
<thead>
<tr>
<th>Activity</th>
<th>Deadline</th>
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<tbody>
<tr>
<td>Meet with superintendent to review research proposal with district leadership</td>
<td>November 2017</td>
</tr>
<tr>
<td>Identify research participants and classrooms to observe</td>
<td>February 2018</td>
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<tr>
<td>Proposal defense</td>
<td>March 22, 2018</td>
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<tr>
<td>Submit IRB and Submit MOU</td>
<td>March 23, 2018</td>
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<tr>
<td>Begin data collection</td>
<td>March 26, 2018</td>
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<tr>
<td>Conduct cumulative folder review</td>
<td>March 26-30, 2018</td>
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<tr>
<td>Conduct classroom observational fieldnotes</td>
<td>April 9-19, 2018</td>
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<tr>
<td>Pilot interview questions</td>
<td>April 18-19, 2018</td>
</tr>
<tr>
<td>Critical friends check in</td>
<td>April 21-22, 2018</td>
</tr>
<tr>
<td>First Round of Coding – observational fieldnotes</td>
<td>April 23, 2018 – May 4, 2018</td>
</tr>
<tr>
<td>Conduct in-person interviews: Students</td>
<td>April 23, 2018 – April 27, 2018</td>
</tr>
<tr>
<td>Conduct in-person interviews: Staff</td>
<td>May - June 2018</td>
</tr>
<tr>
<td>Second Round of Coding – Interviews</td>
<td>June - August 2018</td>
</tr>
<tr>
<td>Conduct participant validation</td>
<td>June 2018</td>
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<tr>
<td>Critical friends check in</td>
<td>July 2018</td>
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<tr>
<td>Begin data analysis</td>
<td>June 2018 – August 2018</td>
</tr>
<tr>
<td>Draft a research memos - begin to make sense of data / coding</td>
<td>August – December 2018</td>
</tr>
<tr>
<td>Critical friends check-in</td>
<td>December 2018</td>
</tr>
<tr>
<td>Send a findings chapters to my chair</td>
<td>January 2019</td>
</tr>
<tr>
<td>Revise findings</td>
<td>January – February 2019</td>
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CHAPTER 4
IMPLEMENTING, INTERPRETING AND MAKING LANGUAGE POLICY:
DOMINANT AND COUNTERNARRATIVES

In this chapter I outline how participants explain their understanding of the
categories of the English learner and the disabled to illustrate that the institutional
processes of special education and English language development work alongside
ideologies brought forth by students, teachers and site administrators and collectively
influence the implementation, interpretation and making of language policy. The
ideologies that teachers and site administrators use to frame their understanding of
students classified as English learners also work alongside the ideologies that inform their
understandings of students diagnosed as disabled. The discourses of the English learner
and the disabled are also ones that students themselves engage with as they work to make
meaning and navigate the classifications and diagnoses that are ascribed on them. Since
participants negotiate language policy from their institutional and ideological vantage
points, it is critical to surface their espoused positions and subsequent practices as they
shed light on language policy negotiation.

Classified as English Learner

The term English learner is one that is used rather ubiquitously at Centro Union
Elementary School District. At an educational institution where almost half of the
students are classified as English learners, and where one of the district priorities names
the reclassifying of students identified as English learners as important, I have repeatedly
observed the use of the term English learner to address, speak of and label the students in
this study. The ways in which students make meaning, understand and navigate the term English learner occurs together with the understandings of educators (i.e., teachers and site administrators), which also influences their educational experience. Like students at the intersection of the English learner classification and disabled diagnosis, educators enter into negotiations of language policy from varying ideological positions within the educational hierarchy. Some of the ideological vantage points position students as devoid of language skills, not capable of engaging in the regular classroom setting without extensive support and scaffolds as well as carriers of low IQs, physical brain differences, discrepancies, and low cognitive abilities amongst layers of complication. Some educators and students in this study, however, take issue with these discursive classifications highlighting that they not only sustain ideologies, but also actively speak and act against imposing white hegemony.

**Educators**

We must make a distinction between those that are classified and those that are doing the classifying when looking at the ways educators understand and navigate the classification of English learner. Overwhelmingly, when explaining what it means to be a student classified as an English learner, educators associate and understand the term as a student with deficiencies in the English language. Jennifer, one such educator, explains, “It means that English is their second language, it’s not their first language, and they’re going to need a lot of scaffolding and supports to master their English language skills.” Jennifer understands English learners as students that are second language English speakers devoid of the skills to navigate the intricacies of the English language. To her,
such a student is not capable of engaging in the regular classroom setting without extensive support and scaffolds. Jennifer positions students as different and in so doing, continues a legacy of segregation as she determines that even though students classified as English learners are included in her classroom space, they are seen and treated differently relative to monolingual English speakers and students reclassified fluent English proficient. Even though Jennifer teaches at a school district where a majority of students are or at one point have been classified as English learners, the student majority is still treated as abnormal. Situating a majority of students as abnormal highlights the prevalent white colonial legacy in the Southwest that continues to brand and sort language minoritized students of color.

Similar to Jennifer, Amy, another white teacher at this school, understands and positions students classified as English learners as having a “different language of origin.” To Amy, students classified as English learners, “They know vernacular. They know a lot of slang. They know a lot of colloquialisms. They’re very yet to be aware”, she adds, “that there’s a whole different kind of academic, a second kind of language you would use, even a second kind of English that’s appropriate for the classroom or to get ready for a career.” Amy acknowledges that students do know English, just not the right kind of English. Her framing mirrors one that is advanced by Cummins (1979), who distinguishes between basic interpersonal communicative skills (BICS) and cognitive academic language proficiency (CALP). Amy, much like how Valdés (2004) notes for practitioners who have encountered BICS and CALPS, accepts the interpersonal and academic binary “uncritically” (p. 112). Teachers and principals fundamentally other
students when they deem their language use as “slang”, “vernacular”, and “colloquialisms.” Amy positions students’ English language use as not equal to hers given that she deems it as informal and ordinary and standing against the white standard needed for college and career. Her response is entrenched in what Valencia (2010) reminds us as deficit thinking, where teachers position students as fundamentally lacking and deeming their linguistic ability as being in association with utterances of colloquialisms and slang. Both Amy and Jennifer are agents within the educational apparatus that advance a white hegemonic discourse through their daily interactions with students. The legacy of the “pauper” (i.e., poor person, indigent, and have not), codified policy in the Immigration Act of 1891 that positioned people of color as inferior and policed the raciolinguistic other in California, is to some extent continued through the framing of students’ language as substandard and basic.

In addition to the ideological beliefs of educators serving students classified as English learners, it is important to surface the processes that they navigate in their institutional space. Wilfredo and Juana, two educators that were identified as English learners when they were students, remember transitioning to the United States from Mexico and the Philippines as well as the process of learning English. Wilfredo, like Amy and Jennifer, understands the English learner classification as indicative of a student’s need to “learn how to communicate in English.” In his understanding of the term, Wilfredo makes connections to his own lived experience, a product of the U.S. colonial legacy in the Philippines, which also advanced an English discourse abroad. He explains:
I am an EL, I grew up in the Philippines, and our medium of instruction was in English … and went to college over in the Philippines also. Came to the United States with my parents and my sister through a long-term petition program. Came here as an adult, had my equivalency done here. Our university, University of the Philippines, was accredited university of United States, so I had an equivalency. Did my masters here in the United States, and been teaching since ‘99 here in the US … I speak Filipino, which is the politically correct name for Tagalog, and Ilocano, and English … I learned English growing up … Learning English as my second language helped me figure out lessons that will help out our non-English speakers, our newcomers, both Filipino and those coming from other countries.

To Wilfredo, an English learner is a student who is transitioning to the United States from another country, much like he did. And in this context he understands the term as being indicative of students “learning another way of life, another country.” Within the understanding of developing language, Wilfredo along with his peers’ surface that being an English learner needs to be situated within shades of English learner-ness (i.e., newcomer and long-term English learner). His use of these categorizations highlights the English language learning discourse, which he navigates and advances daily at his school site. Shades of English learner-ness aim to position students within a mapped continuum of English language development where they become less foreign and approachable to educators functioning within the educational apparatus.

Positioning students within a continuum of English language development is an institutional process that Juana recalls navigating on multiple occasions. When reflecting on serving the families of students who were English dominant that questioned the English learner classification, she states:

At one point you were spoken to in a different language. And then we’d go to the form and how you go like that, question number two. I think that’s what it is. I’ve encountered where they’re English learners and the parent’s like yeah, but he doesn’t speak Spanish at all at home, or he doesn’t understand it. But it has to do with one, the form, how you’re categorized, the classification that you are given.
And if at one time you did speak a different language … It’s explaining [to parents] that at one point they’re the ones that brought it on because they said that they spoke another language.

Juana highlights a reality where although parents point out some use of a non-English language at home, their language use along with their child’s are positioned as different. Within Juana’s response, however, she notes that the parents are the “ones that brought it on” as they were the ones that surfaced the use of another language at some point in their child’s enrollment. Situating the othering of a student on the parent works to normalize the long historical raciolinguistic oppression across the American Southwest where linguistic discursive borders play the role of stamping and sorting within a neocolonial educational practice. The reference to “the form” and “question number two” are part in parcel of the white colonial legacy in the Southwest that stamps the raciolinguistic citizen and non-citizen alike as eligible for supplemental services.

Locating students on a scale of English language development is an institutional process that teachers navigate at Glade View Middle School. Educators associate and understand the term “English learner” as a student with deficiencies in the English language who, as a second language English speaker, needs to develop the skills to navigate the intricacies of the English language. Teachers acknowledge that students classified as English learners do know English, but unlike the monolingual English speakers and the fully English proficient, not the right kind of English.

The site administrator also takes issue with the classification and ubiquitous use of the category English learner as she has seen it used to justify the exclusion of students. She speaks back to deficit discourses illustrating that educators are not simply and
mindlessly reproducing dominant discourses but actively speaking and acting against them in their daily practice. She explains:

I will say that I think that the classification, because I think people put kids into categories, and assume that they only fall: A) that they only fall into one category; and B) that, that category somehow, instead of it being an opportunity for us to know, ‘This is more information that I know about this student, so now this can help me really make sure I have these things in place.’ It can be something where it’s like, ‘Hey, why is this student in my class?’ They’re a EL student, or a special education student, or they’re a whatever student ... I’m getting all this information that’s going to help me be a better teachers, and instead I think, unfortunately, sometimes we see the flip side of that with adults.

The site administrator notes that in her experience as middle school principal, there have been multiple instances where teachers leveraged the classifications of students, classifications that were to make them better served by the educational system, as markers of difference where they somehow land beyond the expertise of the teacher and are deemed by them to be best served elsewhere. Thus, when adding to how she understands being an English learner, she also explains that students situated within this category come to school with a “certain level of perseverance and resilience.” In addition to navigating social and ecological factors, students persevere and resist the oppressive mindsets held by some of their teachers, and the conditions they create in actualizing the mindsets in their service, which are informed by the lexicon of English learner classifications and categories. The site administrator speaks back to deficit ideologies and deliberately resists reproducing dominant discourses; yet, the ubiquity of hegemonic whiteness made visible in California’s Blueprint for Great Schools Version 2.0 and our continued complicity prevents more systematic approaches to resistance as it is deeply entrenched in the ways our educational apparatus defines success.
Students

There is variance in understanding of what it means to be an English learner amongst the students who took part in this study. Five of the nine students explained that they did not know the meaning of the term English learner. They responded by saying, “not really sure” and “I’m not sure.” Two of those five students that were unsure or did not know explained the following when asked how the term made them feel; Ernesto, one of the five, says: “I don’t get down on that. I’m not mad. I’m just like okay,” and Rodrigo explains, “It doesn’t feel to me nothing.” Although five of the nine students explained that they did not know the meaning of the term English learner, the majority did recall hearing that term used at school. One student asserts, “Yeah, I heard that word a lot of times.” These five students’ responses perhaps hint at a disassociation with the term that is used by the educational staff to label them. Student understandings, as they are the ones being classified, are different from that of the educators that position them as English learners within the educational institution. The institutional processes around students work to label them, provide their language ability a proficiency level and a scale score as well as inform teachers of their ability to access grade-level content. The language markers alert teachers of a language difference and as students note are used around them and in their presence, but are not always embraced or seen as significant by students.

One of the nine students asserts that the implications of the term, English learner, are a “bad” thing where from his educational experience has required him to engage in the language assessment multiple times. “I took it this year also, so like eight years”, he
recalls the number of times he’s taken the English language test, as he has not obtained the required scores. He explains, you get out of the English learner classification and ELD by “Taking the test and getting a good score on it … It’s simple but at the same time it’s hard … Cause there’s some hard questions and some easy questions.” The processes associated with being classified as an English learner are not positive ones for him, yet have been part of his continued educational experience in the United States.

Maria and Yadira understand English learner in contrast to how it is codified in language policy. The institutional definition of English learner tells us that students within the categorization do not speak, read, write or understand English well as a result of English not being their home language (California Department of Education, n.d). For Maria and Yadira, they make meaning of the classification English learner by situating the term within their individual lived experience. Both students identify as English speakers and recognize the term as describing their hybridity and navigation of multiple linguistic discourses that ultimately positions them as English dominant. Maria explains, English learner, “it makes me feel happy … ‘cause I speak English and ‘cause I speak both languages and I can talk to other people, the ones that don’t know how to speak English well. I can tell them that English is the best.” For Maria the classification of English learner means bilingual, while for Yadira it means English dominant. Yadira clarifies, “That you read in English instead of Spanish, ‘cause I could barely speak any Spanish.” She goes on, “I’m like, in a family, I’m in a Mexican family, and I was born in Phoenix, Arizona. But mostly, I’ve been going to English instead of Spanish.” Yadira’s and Maria’s understandings highlight two distinct counternarratives to the
institutionalized one. The institutional policy ignores bilingualism and also assumes that students are dominant in a language other than English, which Yadira declares she is not. Their understanding of English learner stands in contrast to formal language policy. Although as an educational institution, Centro Union defines the use of the term English learner to indicate a deficiency in students’ English language as stated in formal language policy, both Maria and Yadira recognize the term to be descriptive of their English command.

All of the students interviewed in this study were born in the United States, but as Latinx students exist outside white dominance. Although the term English learner is one that is used to describe them, inform practices to serve them, students do not actively maintain an association with the term English learner. The English learner classification is one that through the institutional process of Centro Union has become imprinted on these students and provided just cause for their segregation in targeted language support classes, their language policing as well as their repeated English language testing.

**Diagnosed as Disabled**

The ways in which students and educators make meaning, understand and navigate the term English learner exists alongside their understandings of disability, which also influences and colors the educational context they engage in at school. The discursive construction of the disabled from the early American eugenics movement has influenced the othering of students in our U.S. public education system. The othering and eventual filtering of students into special educational spaces was legitimimized through a medicalization practice and now through the use of “objective” and “scientific”
intelligence tests that situate the deficiency within the individual and detects disability in students through a widely used and federally regulated social process.

**Educators**

The teachers interviewed in this study understand the classification of disability in one of two ways, a condition or biological difference that limits the ability of students to learn and a difference in processing information for learning, where students are still capable of learning but do so differently. “There’s different types of disabilities obviously,” Juana asserts while articulating what disability means to her. When reflecting on her students she states, “it’s this discrepancy … that does hinder your learning.” She clarifies that having a disability means that you are “not able to learn as … quickly or as what the norm is, as everyone else.” Juana navigates the concept of disability while serving students and makes meaning of the classification relative to the other students she interacts with in her class. In this way, her understanding is socially and contextually situated within standardized grade-level abilities, subjects and classes. Jennifer, on the other hand, understands disability to mean that the student has “an actual physical brain difference” that contributes to their learning and processing dissimilarity. Although she believes students are “still capable of learning” her justification cites physical biological difference that is reminiscent of medical model understandings.

Situating disability as intrinsic to a student, Amy, like Juana, uses the words “lacks”, “inability”, and “weakness” to advance her understanding of the diagnosis. She tells us:

But having a disability means that a person lacks the fundamental skills to overcome an inability or a weakness, whether it is learning how to read, or
learning how to walk, or that kind of thing. A disability is that there’s something specifically, and maybe we never know what, marking this person, which prevents them from gaining necessary life skills.

Juana’s declaration hints at the ways in which our eugenics past, which governed the perceived subordinate and genetically inferior has become normalized practice for her at this middle school site. The process of diagnosing a student as disabled is not questioned or referenced by Juana although she questions and critically analyzes the classifying of students as English learners through the use of a home language survey.

The ways in which educators navigate, make meaning, and become socialized in the disabled terminology and processes are not linear. Educators take concern with the disabled diagnosis as some see it as excluding and stigmatizing students. By problematizing the diagnosis, they resist deficit discourses and challenge its reproduction within their daily practice. Ana, a teacher at Glade View, grapples with adopting how society defines and understands disability. She explains:

I was trying to figure out how to define that ... I just don’t like the word disability only because I don’t think that the person is ... I think of it more as a learning difference or a processing issue and that if you see it like that then you can sort of, address accordingly based on their IEP ... I guess, if you take the prefixes and the root word, dis means not and able means not able, right? I don’t think that they’re not able to do things. I think that they’re able to do them. You just have to find the proper interventions to help them do it and I think that’s why disability just ... that word makes me feel like you’re unable. You know?

Ana grapples with the disability diagnosis and resists the institutional understanding of the term that remains codified policy in California. Jean and Erin, two white educators at Glade View, advance understandings that although validating of the term disability, recognize that it is extremely complicated and nuanced. Jean tells us:
I think that sometimes with labels we think we only need to be intentional when we hear that label ... But it means that, again, you need to have considerations. Whether it’s a physical disability, and so, it’s a classroom setup, or a school setup, or, I never thought about how that restroom door opened.

Jean recognizes the impact that labels and classifications have on the educational experience of students and she also names the reality of how the environment and design are also factors and barriers that disable students at school. In thinking on the term disability and drawing from her 10 years at Central Union, Erin reflects, “I think just having a disability for the kids is just another layer of complication that gets in the way of their learning and who they are as a person and living a happy fulfilled life. They have to break through that stigma.” The layer of complication that Erin names is one she sees as acting on and influencing the contexts that students navigate where they can be “beaten down through the system.” The notion of stigma, Link and Phelan (2001) add, is a labeling, separation, stereotyping, status loss, and discrimination that occurs through the use of power that has “bearing on the distribution of life chances” (p. 363). The normalization of the disabled inevitably renders students as distinct and different and positions them within a history that has marginalized and disassociated them from the white able-bodied norm.

The educators interviewed in this study understand the classification of disability as a condition or biological difference that limits the ability of students to learn and a difference in processing information for learning, where students are still capable of learning and do so differently. Some educators, nonetheless, by problematizing the diagnosis resist deficit discourses and contest its reproduction in their daily practice.
Students

The ways in which students in this study navigate and understand the disability diagnosis is not always consistent with the categories and terminology outlined in state and federal policy. Two students did indicate that the term refers to their needing additional support to be successful in school. Jorge tells us, “I don’t feel bad … It means that I actually need extra help so I can bring up my grades and everything.” Sonia, like Jorge sees the utility of carrying the disability diagnosis and the benefits of her special education classes. Sonia explains,

Those two classes [her special education classes] are for those people who need more help, which I’m in those classes because I’m not used to those big, big classes. Because the teachers have to say, ‘Okay, do it by yourself. And then when you need help, raise your hand.’ But a lot of people mostly need help. So they raise their hand, and I’m just stuck there like, ‘What to do? What to do?’ I ask questions. And so that class helps us more because it’s a small class.

Both students, consistent with institutional understandings, illustrate how with the added special education support they have been better able to complete assignments and improve their grades. But Sonia’s validation of special education services speaks to a failure in the traditional classroom setting to serve her needs. In following the class protocol of raising her hand, she essentially gets lost in the “lot of people” also needing assistance. Sonia’s and Jorge’s reference to the term capturing their need for additional support to find success in school normalizes the problem of lack of perceived success they have attained without such services. As a result, it is their difference and inability that prevents them from being successful, while the actions of the school remain acceptable and without issue or blame for their levels of academic achievement.
Unlike Sonia and Jorge, Alexa, Rodrigo, Victor and Fernando respond that they were unfamiliar with the meaning of the term disability. Furthermore, Ernesto articulates feeling “strange” when hearing the term used to describe him. To him, “people with disabilities they look sick than other people … having an illness, or them not having an arm or leg [emphasis added].” Looking sick or having a bodily deformity are characteristics that Ernesto does not ascribe to himself. The “other people” Ernesto refers to are not people diagnosed as disabled, but the “normal” able-bodied with whom he interacts and positions himself as aligning with. Maria, like Ernesto, feels “the same as the other students” and as she asserts, “I don’t feel like I have that.” She goes on to quantify her view and ascribe her normalcy by asserting, “nobody’s perfect.” One student, Yadira, was the only student to verbalize feeling upset when she is referred to or associated with the term disability. She explains, “if people say that I have a disability, it kind of just makes me upset because they don’t know who I am.” The ways in which students recognize and situate the disability diagnosis varies and is not always consistent with the institutional definitions outlined in formal policy.

Students’ internalization of the disability diagnosis is also a critical factor in how they may experience their education and negotiate language policy. What surfaces in about half of the student responses is a sense of self-awareness about how the term disability is used around them. Jorge, although highlighting the supports he receives from carrying the disability marker, adds, “I just don’t like sharing it”, that he is diagnosed with having a disability. Ernesto adds that he too does not openly share that he is diagnosed with a disability as, he explains, “I think they’ll make fun of me.”
recognizes that being diagnosed with a disability is a marker that distinguishes him from other students and, much like the internalized understanding he has of a disabled person being someone who is “sick” or missing an “arm or leg” others might associate him as being “sick” and different. For Victor, however, his lived experience at school is one where students are, he explains, “calling me names.” Surfacing the ways in which students make meaning, understand and navigate disability as a term assists us in recognizing how they enter negotiations of language policy that is fundamentally layered and intersectional with the multitude of identity markers they carry with them. The response that students advance here certainly serve as a sobering reminder that at the other end of the use of the term disability is a person that lives this marker daily at school.

Although the students have been diagnosed, they, through their responses question the diagnosing gaze and affirm, perhaps daily, that they do not have “that” and are similar to everyone else. It is the white diagnosing gaze that works on our political imagination that students endure daily be it through how they are approached instructionally by the educators that serve them or be the social dynamics that they enter and navigate on campus, which surfaces images of sickness and deformity. The acts of not “sharing”, asserting their disassociation and fighting against the name calling are ways they speak back to and work to counter the white gaze on them.
Intersection: Classified English learner with a Diagnosed Disability

Educators

Existing at the intersection of the English learner classification and the disabled diagnosis is a place that is not static, but rather an ideological and material space where markers are negotiated. Surfacing understandings at this intersection are greater than a singular analysis of one identity marker; yet, doing so is a critical step in understanding the very real implications on the experiences of students. When we look at educators’ understanding of the English learner classification and disabled diagnosis, we see a few patterns in educators’ understandings and associations:

• Educator(s) have a deficit association or understanding of both the English learner classification or disability diagnosis, like Amy.

• Educator(s) have an asset association of the English learner classification and disability diagnosis, like Erin.

• Educator(s) have a deficit association or understanding of the English learner classification and an asset association or understanding of the disability diagnosis, like Jennifer.

• Educator(s) have an asset association or understanding of the English learner classification and a deficit association or understanding of the disability diagnosis, like Juana.

As a result of intersectional understandings, the experiences of students can be compounded to either overwhelmingly asset based or deficit based and vary vastly based on how the educators that serve them understand and engage with them. Sharkey and
Layzer (2000), speaking to how educators serving students understand and see them, remind us that the attitudes, beliefs and practices of teachers impact a students’ access to success and resources.

Although educators illustrate either a deficit or asset association of the English learner classification and the disability diagnosis, the terminology of English learner and disabled was analyzed first in isolation above. When asked what it means to be a student at the intersection of the English learner classification and disability diagnosis, educators surfaced understandings that are overwhelmingly negative and deficit in nature. Sarah asserts that for students at this intersection it’s a “double whammy” and “a lot to deal with.” In her reflection of this intersection, Jennifer, tells us:

All of my students have an identified learning disability or processing disorder, either auditory or visual, motor, and a lot of times they have a learning disability on top of being English language learners, and also it effects sometimes their cognitive functioning, and their IQ, and their ability levels … our students are the ones who have the most difficulty passing the CELDT and the ELPAC and being reclassified. It takes them longer because their learning differences hold them back.

To Jennifer, the compounded deficiency is one that has the ability of impacting a students cognitive functioning and IQ levels, which, as we have explored earlier are very much entrenched in the U.S. eugenic legacy. Jennifer, normalizing our socio-educational reality, asserts that it is student “learning differences” that serve as a barrier from them exiting the limited English proficiency classification. Jennifer attributes this difficulty on students’ abilities while excusing the construct of the assessments and processes as culpable in the sustaining of these identity markers on students. Amy further adds to the notion of markers, “I see them getting mismarked, or misidentified, or not marked at all
… I think there’s a special challenge with the kids that have a second language in addition to having learning challenges.” To Amy, she experiences a reality where students are entering this intersection that should or should not, according to her, be doing so. Although Amy may question the identity markers ascribed or not ascribed to students, based on her daily interaction with them in her class, she ultimately has the authority to advance her own beliefs and understandings through practice within the micro-political space of her classroom.

Classifications hint at educators to assist students in accessing grade-level content through specialized approaches. One teacher posits that there does not seem to be “any one easy answer” to ameliorating what Sarah coins as the “double whammy.” Erin, a teacher serving multiple students classified as English learners, diagnosed as disabled and at the intersection, chooses to treat them all similarly. She explains,

And there’s so many things that you do for English language learners that you need to do for kids with reading disabilities. So they kind of intertwine a lot, and I think ... I know we talked a little bit about it before, about reclassification stuff. I think that’s where it becomes very difficult, because if a kid is an English language learner and they have a disability, how do we determine what’s different? Where does that line go? So a lot of my instruction is the same as I would do for a special education student, because a lot of the strategies and skills are the same.

Although the processes which render these classifications on students vary, they ultimately yield a similar diagnosis with material implications for her classroom space.

Although we have explored how educators make meaning of the English learner classification and disabled diagnosis in isolation, it is equally if not more so critical to surface their understandings of students at this intersection as doing so allows us to better
contextualize practices and policies that educators advance and sustain in their classrooms and one that students engage with, react to and often times speak against.

**Student**

Although the conceptual framework of this study positions the act of classifying and diagnosing of students as an imposing discursive process that colonizes from a deficit and white hegemonic ideology, the ways students internalize these terms and the institutional practices associated with them varies. These discourses and processes can have a positive understanding and experience for some students, while at the same time having a negative and detrimental understanding and experience for others. When we look at the intersection of English learner and disabled, we see a few patterns:

- Student(s) illustrate unfamiliarity of both the English learner classification and disabled diagnosis, like Fernando.
- Student(s) illustrate unfamiliarity with the English learner classification, while maintaining a positive understanding of the disabled diagnosis, like Sonia.
- Student(s) illustrate a negative understanding of the English learner classification, while maintaining a positive understanding of the disabled diagnosis, like Jorge.
- Student(s) illustrate a positive understanding of the English learner classification and a negative understanding of the disabled diagnosis, like Yadira.

When a student illustrates unfamiliarity with a classification or diagnosis it might be a signal for us to think about how we engage and partner with them. When we maintain a reality where students remain unfamiliar with the rationales behind the ways we influence their school day, we also limit the opportunities in which they may thought partner with
us and provide input on how we may better serve them. If and when a student communicates a negative or positive understanding of a classification, it is our responsibility to inquire into the factors that fostered such beliefs. The realities at school sites are complex, but we must make every effort to engage students as individuals so we may attempt to meet their needs.

The classifications English learner and disabled have ideational and material impacts on the lives of students, which are socially and institutionally armored at Glade View Middle. When making meaning of how students at the intersection of the English learner classification and disability diagnosis experience teaching and learning as well as all the social aspects of schooling, the voices and perspectives of students caution us against understanding their lived realities in isolation. Existing studies on students classified as English learners with a diagnosed disability, however, do not tend to question these social constructs much less listen to how students understand and navigate them, and as a result, put forth findings shaped by the dominant ideologies that sustain inequities.

**Conclusion**

The institutional processes surrounding special education and English language development services are products of the white colonial legacy and the American eugenics movement that continues to other students in our U.S. public education system. In this chapter I illustrate that the ideologies that educators use to frame their understanding of students classified as English learners also work alongside the ideologies that inform their understandings of students diagnosed as disabled. The
discourses of the English learner and the disabled are also ones that students themselves engage with as they work to navigate the classifications and diagnoses that are ascribed on them. As I have shown here, surfacing and analyzing understandings of the discursive and material intersection affords us an opportunity to make meaning of practices and policies that are advanced, sustained and challenged by educators and students at schools sites and in classrooms. These ideologies position students as devoid of language skills, not capable of engaging in the regular classroom setting without extensive support and scaffolds as well as carriers of low IQs, physical brain differences, discrepancies, and low cognitive abilities amongst layers of complication. The processes and discourses outlined here collectively influence the implementation and interpretation of language policies. It is from institutional and ideological vantage points that students and educators negotiate the language policies that guide schools on when to administer language assessments, the accommodations to afford students classified as English learners with diagnosed disabilities, as well as the models through which they should provide English language instruction to students. In the subsequent chapter I highlight ways students, teachers and principals resist and sustain formal language policy.
CHAPTER 5
SUSTAINING AND RESISTING FORMAL LANGUAGE POLICY AND WHITE HEGEMONY

In this chapter I outline the dimensions of California language policy pertaining to programs serving students classified as English learners and illustrate ways students, teachers and site administrators negotiate them at Glade View Middle School. To support LEAs in maintaining compliance with formal language policy, the CDE puts forth a program instrument that lists expectations for serving students classified as English learners (see Appendix F). Each of the dimensions within the program instrument has subsections of policy that government agents review yearly through Federal Program Monitoring (FPM). This chapter highlights three sections of the FPM program instrument that students classified as English learners with diagnosed disabilities and the educators that serve them regularly navigate and negotiate: governance and administration, opportunity and equal educational access, and teaching and learning. The findings of this study illustrate that students resist language policy by refusing language testing, sustaining their linguistic practices inside and outside of the classroom and by not attending as well as sleeping in their English language development class. Furthermore, teachers negotiate language policy by inviting students to use multiple linguistic discourses. Site administrators, influencing the landscape in which policies are applied, negotiate the universal application of English language development classes through case-by-case deliberations of a student’s holistic experience at the school site.
Governance and Administration

Formal language policy in California requires that every local educational agency (i.e., district) annually measure the English language proficiency of every student classified as an English learner. Once every academic year, until they exit language services, a student sits through and takes a multi-domain language assessment that is administered in both whole group and one-on-one formats. Students that are diagnosed as disabled with an active individualized education plan (IEP) or Section 504 Plan must be annually assessed for English language proficiency using the accommodations or alternate assessments for the current language assessment as specified in the student’s IEP or Section 504 Plan. During the 2017-18 academic year, California transitioned from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC). The CELDT, which was aligned to the state’s previous English language development standards, was first adopted by the State Board of Education in 1999. The adoption and administration of the ELPAC reflects a conceptual shift in the CDE’s understanding of the relationship between language proficiency and content learning. The previous standards framed the relationship as sequential where English language proficiency preceded and was the foundation for content instruction. The 2012 adopted standards, however, position language proficiency and content learning as a parallel relationship with direct correspondences to the Next Generation Science Standards and the California Common Core State Standards for English language arts and mathematics. The annual English language proficiency measuring of every student classified as an English learner through the ELPAC advances
and sustains a set of practices, beliefs, assumptions that situate the normality of hegemonic whiteness across and within our schools. Students diagnosed as disabled and classified as English learners, nevertheless, speak against and resist hegemonic whiteness by opposing ELPAC language testing.

Figure 3 outlines the formal language policies within the governance and administration section of the FPM program instrument pertaining to the identification and assessment of students classified as English learners. This section illustrates how one student, Ramon, classified as an English learner and diagnosed as disabled negotiates the formal policies (Figure 3) that mandate he annually take the ELPAC. The case of Ramon, an eighth grade student at Glade View Middle School, shows us that his negotiation of policy takes place through targeted exchanges of resistance and defiance with teachers and the site assistant principal who also serve as the school’s test coordinators and test examiners.

**Figure 3: 2018–19 Program Instrument: Governance and Administration**

- Each LEA must annually assess the English language proficiency and academic progress of each EL.  
  \((EC \S\S 313, 60810; 5 \text{CCR} \S 11306)\)

- All currently enrolled ELs must be assessed for English language proficiency by administering the current English Language Proficiency Assessments for California (ELPAC) during the annual assessment window.  
  \((EC \S\S 313, 60810; 5 \text{CCR} \S 11511[b])\)

- Each EL on an active individualized education plan (IEP) or Section 504 Plan must be annually assessed for English language proficiency using the accommodations, modifications, or alternate assessments for the current ELPAC as specified in the student’s IEP or Section 504 Plan.  
  \((5 \text{CCR} \S 11516.5)\)

- Each LEA must identify all immigrant children and youth (ages 3 through 21), who were not born in any state in the U.S. and have not attended school in any state in the U.S. for more than three full academic years.  
  \((20 \text{United States Code [U.S.C.]} \S 7011; EC \S 60810)\)
Remembering the experience he had with Ramon during the 2017-18 ELPAC testing window, the assistant principal, who also served as the ELPAC test site coordinator, recalls that Ramon felt strongly that he should not be taking the language test. Wilfredo explains:

I think it was in the listening part, where, again, double-edged sword, he feels like it’s because it was being said slow and he felt like it was being said slow because of the group he was with, again, another wall that stood out. He was saying, ‘I’m not going to do this, it’s not smart. It seems like the test is for non-smart people’… Basically he said, this is dumb. He feels like it’s for stupid kids because of the nature of the test itself and how it was being said, which is how it was given to all the others [students classified as English learners with and without a diagnosed disability]. But he didn’t know that.

Wilfredo remembers that to Ramon the ELPAC listening was dumb, not smart, and slow. As a student classified as an English learner that carries the disability diagnosis, Ramon illustrates an awareness of social markers of intelligence. His refusal to take the test is also a refusal of the disability classification, which positions him as “slow” and “not smart.” The ELPAC reinforces deficit understandings, which are institutionally and socially armored. Ramon also reacted to testing with a group of students diagnosed as disabled that he himself saw as being treated differently. Wilfredo states, “he said it was being said slow because of the group he was with.” Ramon asserted to test examiners in the room (with power) his objections and normality while reifying the othering of students in the testing room. The “nature of the test” and “how it was being said” was pre-scripted and actively policed by a hierarchy of testing accountability roles and the implementation of a security affidavit where test examiners sign to adhere to testing protocols. Deviating from the pre-set script is considered a testing irregularity where ELPAC coordinators are required to report such incidents to the Educational Testing
Service. What is being said by test examiners and how directions are scripted on the ELPAC, was drafted by the test developers and reflects their perceptions of the intended audience, all of which Ramon asserts is for a “non-smart” audience. The ELPAC assessment developer’s understanding of the audience is informed and painted by larger narratives of what it means to be a student labeled limited English proficient.

When prompted and afforded his accommodations as stipulated in formal policy and his IEP, Wilfredo explains that Ramon “just shut down.” Shutting down was one-way Ramon stood against the formal language policy that was reproductive of white middle-class English lexicon. Ramon did, however, take the speaking portion of the ELPAC as a district tester facilitated it one-on-one and not in a group of similarly labeled and classified students. The district tester examined and assessed Ramon’s ability to speak English, which ELPAC documentation outlines serves to “provide information about an English learner’s ability to express information and ideas, support and evaluate opinions or arguments, and participate in grade-level conversations and group and class discussions” (California Department of Education, 2018). But for the remaining reading, writing, and listening domains, Ramon “did not do any other part.” Wilfredo tells us:

He wrote very inappropriate words on test documents, would also say things out loud like ... again, inappropriate words, just pushy in the classroom. We’ve tried to talk him into, you know what, you can just say, ‘No, I don’t want to take the test.’ We’ve given him that option, but he won’t even do that. He would continue to sit there and be cursing and saying that he won't take the test, but in a very inappropriate way. Then after a good amount of time of trying to get him to do the test, it was now detrimental for the others writing the test, so we took him out.

Ramon, in using his voice and English command, negotiated the formal policy that mandates all students classified as English learners take the annual language assessment.
The words he used to advance his stance, although deemed “inappropriate” and “detrimental” to others, were effective in advancing his desire to not take the test. By vocalizing his objections out loud, impacting the testing environment as well as sitting and refusing to take the actions required by the test, Ramon was able to get himself removed from testing by the examiners. In turn the educators, complicit in sustaining white hegemonic discourses also serving in the double role of test examiners, engaged in negotiations by providing him options and eventually taking “him out.” In resisting policy, Ramon not only spoke against the white hegemonic discourse that permeated into his everyday educational experience, but he also ensured his continued positioning within the racialized categories that mandated his annual assessing.

Ramon ultimately remained branded by the testing regime and hegemonic whiteness as being “limited English proficient” and a “long-term English learner.” Interestingly enough, in the speaking domain, which Ramon sat for and completed, he was assessed as having an English speaking level of “well developed”; meaning that he is, according to ELPAC language classifications, able to “express information”, “support and evaluate” opinions and arguments as well as “participate” in grade-level conversations to the “highest level” (California Department of Education, 2018).

Furthermore, in reflecting on Ramon’s English command, Wilfredo states that Ramon would speak to him in English, “not a single time have I ever heard him speaking Spanish in class or in school with peers who are bilingual. He would speak in English.” Additionally, Wilfredo asserts, “his accent, way better than mine.” Even with a high achievement level in the speaking domain, Ramon continues to be identified as an
English learner because his actions of resisting to take the entire language test made it extremely unlikely for him to be reclassified. What this probably means for Ramon in the years to come is that he will continue be separated from other students who are deemed English only or English proficient in order to be afforded the services and opportunities formal language policy deems as critical for him. His resistance, ironically, serves to reinforce the white supremacist status quo.

**Opportunity and Equal Educational Access**

Under the opportunity and equal educational access dimension of language policy (Figure 4), the CDE requires that school districts like Centro Union provide at a minimum a structured English Immersion program (SEI) to students classified as English learners. Given that Glade View Middle School does not offer a bilingual program, they afford services to students via SEI. The SEI policy, a legacy of the 1998 proposition 227, requires that public instruction be conducted in nearly all English. On multiple occasions, when educators advanced formal SEI policy, such instances were framed as an “opportunity” for students. Framing the advancement of English linguistic imperialism as an “opportunity” is one way we remain complicit and perhaps make peace with the act of sustaining white hegemonic language practices. The limiting of Spanish use amongst students classified as English learners with and without a diagnosed disability applies a white hegemonic gaze on classroom instruction that marginalizes the brown bodies of students and denies them the ways they use language.
Teacher and Administrator Negotiations of Opportunity and Equal Educational Access

The application of SEI is one that manifests differently across content areas and is a policy that students and educators negotiate and navigate at Glade View based, among other factors, on how teachers understand the role of English in classroom instruction as well as how teachers frame success for their classroom space. Three of the teachers who engaged in this study explain that they are comfortable with, and depending on the subject being taught, allowing of students using Spanish in class regardless of what formal policy states. Amy, one of the three teachers, explains:

It depends on the person. It depends on the class. Some of the kids are new [students in the U.S. for less than twelve months]. They’ll speak in Spanish to each other regularly. They’ll whisper to each other. They’ll try to help each other out. I put them in the back toward the center so that they can do that, so they can talk and help each other out … I’ll put an English language learner, the new EL speaker, and then someone who speaks primarily Spanish. As a team, this guy can ask this guy and then translate it back to this guy.

Depending on the need and the student, Amy allows students to use Spanish in her class as a way for them to support each other’s understanding of the instructional content. Instead of mandating English use, Amy creates a space within her class where students are intentionally grouped with a supporting desk configuration to be given the physical space to communicate across language discourses. Amy’s act of accommodating and
encouraging the use of Spanish in her 8th grade science class is one way she actively negotiates the formal language policy that aims to govern her interactions with students classified as English learners both with and without diagnosed disabilities.

To Sarah, a classroom teacher, the adherence to formal SEI language policy is contingent on the subject matter. As Sarah explains, she understands her role differently in each class. In an ELA class, she is more inclined to “push” students to engage in class teaching and learning in English through language scaffolds and supports as she sees that as a requisite of the subject matter. In history and STEAM, a site elective where students engage in project-based learning that applies science, technology, engineering, art and math, she tends to use more Spanish as well as allow students to engage with each other in languages other than English. She tells us:

When I have them for language arts I’m really trying to push them with the English, whereas in history and even STEAM, I’ve told them before, my job is not to teach you English right now, my job is for you to learn U.S. history and for you to participate in STEAM. So I do tend to use more of the Spanish in history and STEAM than in language arts, per say. And then there’s times where it’s nothing academic and they just want to talk to me, and I’m not going to say okay, you have to say it in English. But I think that it makes them comfortable being in a situation where their teacher does know that native language.

Her knowledge of Spanish and desire to make students “comfortable”, while also ensuring that they engage and grasp grade-level content, are factors that impact her direct and explicit negotiation of formal language policy. Formal language policy requires that she provide nearly all classroom instruction in English for all subject matters not just for English language arts, but she recognizes that doing so would for some students, limit their entry opportunities to U.S. history content learning as well as their participation in STEAM.
Allowing students to use Spanish in class is a resistance of formal policy that instructs districts to provide students classified as English learners with nearly all classroom instruction in English through SEI. Juana, the third of the three teachers, adheres to formal language policy during instructional periods where she is serving students classified as newcomers, enrolled in a school within the U.S. for 12 months or less, both with and without diagnosed disabilities. She explains:

If they’re speaking Spanish, honestly, it depends. When I did teach the newcomers class I did not allow it. Only because it was their only time to practice English. And I remember everybody’s like why don’t you want us to speak Spanish? Because it’s the opportunity you have to practice English. If it’s in their regular reading class, or another class, if they want to communicate with somebody else in Spanish, I don’t mind. As long as they’re not talking when I’m talking, I don’t mind. So I don’t call them on it. I allow it.

Unlike Sarah, Juana does not mind the use of Spanish in her ELA or other subject matter classes as long as students don’t “talk” when she is “talking.” Not minding and allowing it are ways teachers negotiate formal language policy in their classroom, which as Juana illustrates “depends” for her on context and purpose of the instructional space.

Furthermore, the special education teacher who also serves a number of the same students as Juana highlights the language of opportunity, “They are here to learn English. We only have them six hours a day, but we make the best of it.” Jennifer sees the learning of English as critical and names the reality of only working with students for a fraction of the day regardless of the content or subject matter. The advancement and negotiation of language policy is messy and non-uniform.

Although teachers have their own reasoning for implementing facets of SEI in their classroom, mostly the use of English for instructional purposes, the limiting of
Spanish use amongst students enforces a white hegemonic understanding of instruction that advances linguistic imperialism and limits students from entering and engaging in teaching and learning with identity markers and abilities that may be important for them. Erin explains that in enforcing a policy where students speak and use English in her class, she aims to support them in their language acquisition. In supporting her students, her actions are framed as positive and benevolent, yet are rooted in hegemonic whiteness. She states:

I tell them that I want them to speak English in here, because I want them to learn English. And I explain to them when I took Spanish, you had to speak Spanish in the room. And it forced you to learn it. Now, if you really need help with it, if you’re not understanding something, ask, Miss Martha can help translate. ‘Cause my para does speak Spanish … I haven’t had any students that really struggle with it. Usually when they try to speak Spanish it’s just ‘cause they wanna speak Spanish ... And we’ve had open conversations about it. You’re more comfortable speaking Spanish because that’s what you speak outside, that’s what you speak at home, but you’re not learning English at home. At home, your parents ... ‘cause the majority of their parents only speak Spanish at home. So you guys are speaking Spanish there. This is where you’re able to learn English, so I want you guys to push yourself to learn English here.

Erin, who takes on the role of the “white listening subject” (Flores & Rosa, 2015), asserts that all students in her class speak Spanish at home and that they are “more comfortable speaking Spanish”, which students have explained is not always the case. She implies that English learning is not taking place at the homes of students, thus requiring her actions in pushing her students toward English. She equates the experience of students in her classroom with English as one similar to one she had learning Spanish. These language learning experiences, rooted in differing socio-political power dynamics and raciolinguistic understandings, are not the same.
Unlike Jennifer and Erin, Kate restricts the use of other languages as she does not know “what they’re saying” or if they are saying “inappropriate things.” She tells us:

Because I don’t speak their language, I know little bits, but not nearly to really understand everything … I tend to ask them to speak in English and support it with, use these opportunities as much as you can. This is where you’re supposed to feel safe and get better at this skill, so do that on your own time, which is very cool, casual, but in the classroom setting, I felt they should use and speak English as much as possible … I think once I explain to them why, they’re okay with it. There’s only been a couple of negatives, but I think once you explain why, they can’t argue that.

Framing the advancement of structured English immersion as an opportunity for students classified as English learners with and without a diagnosed disability advances linguistic understandings of appropriateness that are imperialistic and part-and-parcel of our colonial history of white American expansion in the Southwest. By creating spaces where English use is required and policed, educators like Jennifer, Erin and Kate interpret their practices as benevolent and just, but remaining complicit in sustaining hegemonic whiteness. Some teachers, but not all, push against and challenge the white gaze that marginalizes the brown bodies and linguistic practices of students classified as English learners with and without a diagnosed disability by inviting students to use multiple linguistic discourses in their classrooms.

**Student Negotiations of Opportunity and Equal Educational Access**

Students are key stakeholders central to the educational language planning and policy process who help us understand how policy is interpreted and implemented at the micro-political level. One teacher notes that students are for the most part “okay with it”, her use of SEI in the classroom, as there have “only been a couple of negatives.” One way to understand how students negotiate language policy is to explore what might be
associated with instances this teacher understands as “negatives.” Not all policies exist similarly across classrooms at Glade View Middle as they are negotiated by teachers, students and site administrators within the given classroom context and discursive vantage points. The relationship between students and teachers, the linguistic ability of the students and teachers, the subject of the class influence the way in which students and teachers negotiate language policy. Formal language policy requiring the use of SEI and English is negotiated by students when they continue their use of Spanish in the classroom, speak back to the teacher when they attempt to enforce English language policy, use Spanish with peers within the classroom space and sustain their use of Spanish with friends outside of the classroom.

During my extended observations of classrooms at the school site, I noted that Maria continued to use Spanish in class even when the teacher spoke to her in English. In a conversation shortly after the classroom block, I clarified with Maria:

**Me:** In Ms. Jennifer’s class and you kept on using Spanish … Why do you do that?

**Maria:** I don’t know, because I feel like Spanish is more important for me … That was my first language, Spanish in the house.

**Me:** So, what does it mean to you when you use Spanish in class?

**Maria:** It feels to me like I’m happy to speak the language that my mom speaks … Happy, but it makes me feel like I have the power to speak both languages.

Maria does not refer to herself as an English learner, but rather someone who is able to navigate and use both Spanish and English. Her continued use of Spanish in the classroom is one way she negotiates the formal language policy that mandates she engage in classroom instruction through SEI. Her actions in the classroom are directed to her
teacher, who within this micro-political space represents a figure of authority, an enforcer of policy and a manifestation of the institutional white hegemonic voice. Remembering an encounter with her teacher, Maria brings to life a classroom confrontation that has remained vivid for her. She illuminates:

So one time I was sitting down talking to a kid. His name was David and then the teacher was in front of me and I was talking to him about something and then the teacher said, ‘Why are you guys speaking Spanish instead of English? Speak English.’ And then the kid got so mad about that; he told something to the teacher … He said ‘I can speak whatever language I want.’ And the teacher got mad. She said ‘No, you have to talk English here in class.’

When I asked Maria how the teacher’s actions made her feel, Maria added that it made her feel “sad” because, she explains, “that’s the language I speak and my parents speak that language.” In the encounter Maria remembers the use of Spanish was policed by her teacher and actively resisted by Maria and David. They made a choice to speak in Spanish and contest the authority of the teacher and the linguistic regime of hegemonic whiteness as to prevent it from further entering in their one-on-one interactions. The ideological repression that both students experienced surfaced emotions of anger and sadness. Portions of who they are were not welcomed in the classroom space. Another student, Rodrigo, also in Maria’s classroom reflects, “All the teachers say, ‘No, you can’t speak Spanish,’ so we have to say English … it feels weird, like why we can’t speak Spanish?” he asks. Similarly another student, Sonia, thinking back to her time in the classroom Rodrigo and Maria recall, adds:

I had Ms. Jennifer. And so she didn’t know Spanish at all. So I used to speak Spanish because mostly the kids in her class, we used to speak Spanish, and that’s how we used to communicate. And so she would always get mad at us because she doesn’t understand it. So she doesn't know if we’re talking about her, or we’re talking about other things outside of class which … we’re not supposed to. And
so now, in that class we cannot talk in Spanish at all … I think it’s more harm to speak Spanish there.

In this classroom and in others as students explain, acts of language policy negotiation also garnered them verbal warnings by the teacher and visits to the assistant principal’s office. The teacher and site administrators negotiating power is formally backed by California Education Code that allows them to remove students from the classroom space who have, “Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties” (Ed. Code 48900 (k) (1)). The formal and lived language policy in existence that advances SEI and English only environments is backed by permissible removal of students from classrooms, which perhaps also negotiated by site administrators, permits imposing acts of linguistic imperialism to occur.

Sonia made the choice to engage in classroom instruction through SEI and limit her language use in the classroom to English. Within the classroom space, she did not continue to negotiate SEI policy similarly to Rodrigo and Maria by persisting to use Spanish in class. She negotiates the policy by sustaining her Spanish ability and use with friends outside of the classroom. She tells us:

I forgot my whole Spanish. Before I used to read, write, and now I can’t even read and write. Because I forgot it all. And so then my mom started teaching me back. And so I got better at Spanish. And then so since now I need more practice to it, so then what I do is since my friends sometimes need practice too, I just help them with Spanish. And so we just get along more in Spanish than English … mostly my friends are Mexicans. And they do speak both languages, so I just communicate more with Spanish than English.

By communicating more and actively working to get better in Spanish, Sonia works to counter the assimilative effects of formal language policy in the U.S. that for her has
resulted in the lessening of her ability to read and write in Spanish language.

The ways in which formal language policy manifests within a classroom is the product of multiple layers of policy interpretation and advancement. As the teacher and student examples in this section illustrate, teachers’ beliefs are factors, which students experience, adhere to, negotiate and speak against. Not all policies are similarly negotiated and exist universally across classrooms. The subject matter of the class, the linguistic ability of the students and teachers, the relationship between students and teachers are all factors that impact the ways in which students negotiate language policy. As the students in this study show, formal language policy requiring the use of SEI and English is negotiated by students when they sustain the use of Spanish in the classroom when spoken to in English by the teacher, speak back to the teacher when they attempt to enforce English language policy, use Spanish with peers within the classroom space and sustaining their use of Spanish with friends outside of the classroom.

**Teaching and Learning**

In order to serve students classified as English learners, formal language policy instructs LEAs to provide a program of English language development instruction to ensure students develop proficiency in English as rapidly and effectively as possible (see Figure 5). The notion of “rapidly and effectively” to meet state priorities is in most cases not concerned with how such policy arrangements impact students’ socio-emotional well being or how students might experience school. At the core of the teaching and learning dimension is the understanding that students who are in the category of English learner need English language development. The CA ELA/ELD framework asserts that students
require specialized instructional support in order to access the core curriculum as well as develop academic language as they are “learning English as an additional language.” The students in this study, however, show us that they don’t describe their own language practices in that way. Policy is regulated and enforced by the CDE in California by ensuring that LEAs afford students both integrated (support for academic language development in core content areas) and designated (specialized support during a protected time) English language development to overcome language barriers that impede equal participation by its students in its instructional programs.

**Figure 5: 2018–19 Program Instrument: Teaching and Learning**

As part of the core program provided through general funds, all identified ELs must receive a program of ELD instruction, in order to develop proficiency in English as rapidly and effectively as possible and meet state priorities for ELs.

(20 U.S.C. §§ 1703 [f], 6825 [c][1][A]; EC §§ 300, 305, 306, 310; 5 CCR § 11302[a]; Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1012-1013)

Each LEA must take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

(20 U.S.C. §§ 1703 [f], 6825 [c][1][A]; EC §§ 300, 305, 306, 310; 5 CCR § 11302[a]; Castañeda v. Pickard [5th Cir. 1981] 648 F.2d 989, 1012-1013)

**Administrator Negotiation of Teaching and Learning**

The act of affording students an English language development program does not always result in acting in the best interest of a student. What we see at Glade View Middle School is site administrators keenly negotiating the language policy that instructs them to place every student in an ELD class as well as students making the decision to not attend the instructional block even when it is part of their instructional day. It is
through intentional deliberation and collaboration that Glade View Middle School’s administrators negotiate formal language policy.

At Glade View Middle School the instructional program is designed around having designated ELD take place zero period, the period before the traditional instructional day begins. If you are classified as an English learner, the school requires that you arrive to campus fifty-five minutes before the students classified as English only and fluent English proficient at 7:25 am Monday through Friday for an instructional block designed to deepen fluency in academic language. All students in the supplemental classes are of color and identified as being limited English proficient. The classrooms serving students classified as long-term English learners use Kate Kinsella’s English 3D, which works to, the program states, “help struggling students accelerate English language proficiency and develop the academic language skills they need for success in college and career” (Kinsella, n.d). Kinsella, clarifying the long-term English learner profile in a short video on her website, problematically advances the discursive production of the LTEL category:

Long-term English learners are students within our K-12 school system that have been in our classes for 6 or more years. Typically they have had all or most of their schooling in the United States. And when we look at them, when they arrive in middle school they have a disappointing trajectory in terms of their school accomplishments. They are below grade level in terms of their literacy. They have often flat lined at intermediate language proficiency for superficial social purposes. They have pretty impressive social interactional English and they also have impressive interactional primary language. But when it comes to academic competence, they lack academic competence in both their primary language and in English. And in fact, they lack social, sophisticated English. They don’t have the language tools to interrupt politely and appropriately to say, ‘would you please clarify my answer to this question’ or ‘excuse me for interrupting, could you repeat that example’. They lack sophisticated social English as well as academic English and they typically are experiencing a really tragic D and F.
rate in course work. They aren’t reaching grade-level standards on standardized tests or English proficiency exams and overall just have had a disappointing track record [emphasis added].

Students classified as English learners with a diagnosed disability not only navigate the ideologies that teachers, students and site administrators use to frame their understanding of them, but also the instructional programs that position them and their linguistic ability as “below,” “lacking,” “tragic” and “disappointing.” Serving students through ELD is nuanced and the site administrator at Glade View has developed the understanding from years of practice as an educator that simply adhering to formal language policy as codified does not necessarily yield positive results for all students. Formal language policy is the product of generations of white hegemony that have across time aimed at restricting, segregating, transforming the “other” to a culturally and linguistically acceptable known. Formal ELD language policies hold school sites and LEAs accountable to measurable targets of cultural linguistic colonization amongst the students they serve.

The process of colonization, the reality experienced on site, however, is one the site administrator and teachers carry the burden of and navigate. The teachers of the zero period ELD classes teach a full class load of other core content areas, and opt into teaching the zero period language class for a pay supplement. The site leadership developed a master schedule with zero period ELD classes as it was one way for them to ensure that students be afforded other instructional opportunities during the school day. “You have that catch 22,” the principal asserts, “when you have special education students who may not get to have another elective.” The scheduling of ELD classes for
students classified as English learners both with and without diagnosed disabilities 
impacts their access to other programs and services at the school. The site administrator 
explains:

It’s within a middle school schedule especially, when you don’t have the kids 
necessarily for an extended amount of time, like what is the best way to serve 
them, right? Do I pull them out of that second hour of this, so that they get this? 
Do I give them the extra hour in the morning, or is the special education student 
who already is frustrated with access to things, is it going to be just more 
overwhelming in their day?

The site administrator contemplates the best way to serve students given the context of 
the school and the needs of the students. Her reflection shows a recognition that 
adherence to formal policy is not always in the best interest of students. In exploring the 
notion of compliance, particularly with IDEA legislation, Voulgarides (2018) found that 
acts of compliance could detract from our capacity to adequately serve students.

Having students take an ELD class does not always support the student in being 
successful at school. The site administrator illustrates frustration with the application of 
language policy universally for all students as, in her experience, she has seen that what 
might assist and support one student might not always do the same for another. She tells 
us, “I feel like it’s not an easy black and white answer on what is best for kids, right … it 
would be easy to say, ‘No, you’re just going to all have this class.’ But again, then 
looking back at is that what is necessarily best for … a kid who is also a special education 
student.” In addition to negotiating this policy at the individual level for students, the 
principal maintains the belief that doing the model as outlined in policy does not always 
yield the results of increasing student achievement and enhanced levels of English
language development as measured by the annual English summative assessment. She explains,

Coming into Glade View Middle School a few years ago, on paper, Glade View was doing what the model says you’re supposed to do. And I know this is a really controversial, even kind of aspect. They were doing the ELD classes and the like, but they weren’t getting any statistical results. But I also don’t think that it’s the extreme that’s necessarily to just completely ignore it.

The analysis of one instance in which the site administrator took deliberate action to revisit and contemplate the application of formal language policy illustrates that such action is complicated albeit, as the principal explains, with the intent to better serve students.

Marcos, an eight grader and as a student classified as an EL with a diagnosed disability, is required to be enrolled in a designated ELD class. After being enrolled in designated ELD in 6th grade, the team made the decision to opt him out of ELD for 7th and 8th grade. In considering the placement of Marcos, the principal explains:

I think of him, as a student who I know is my example of, is it best for him to have an extended period in the morning when he is already so incredibly frustrated with school, and he’s reading at a first grade level? Or is it better for him to have a six period day where we’re just really intentional with the instruction? And he still gets to have his STEAM class, because ultimately, in the grand scheme of life, that might be a more powerful component for him getting to learn the hands-on, and the way the job market is changing so quickly. And I could do that for 10 other kids, where you look at—and I do that constantly. So when I’m lying awake at night, not figuring it out this is part of the things I think about, because I feel like it is one of the biggest, most important things that education is going through right now, is serving the needs of our kids who are special education and EL.

In her analysis of Marcos’s reality, the site administrator interprets the student’s outward facing actions as indicative of frustration. Her validation of him reading at a first grade level maintains a deficit read of his abilities that serves as a fundamental point through
which she contemplates what success might be for him. In the “grand scheme of life”, she
tells us, what might be a better option would be to help him grasp the “hands-on” and be
better “job market” ready. As an eighth grader now, Marcos has lived a school experience
where policy has been mandated him to ELD with annual yearly language tests. Within
these 8 years, he has failed to meet the criteria set by state and district policy to reclassify
to fluent English proficient. What Jean’s words suggest is that although she would like
for him to be reading at a higher reading level and although ELD classes are designed
with the intent to help students, they have repeatedly failed Marcos and a continuation of
the same services would, the principal posits, only exacerbate the “incredibly frustrated”
sentiment others read of his actions. In reflecting on the impact of her choice the principal
notes that “his behavior improved dramatically between sixth and seventh grade” largely
because they removed him from the ELD model, which they felt was not going to “serve
him best.” What an analysis of this case illustrates is that the site leader actively
negotiates formal language policy on a case-by-case basis. Such negotiations, however,
remain colored by larger narratives and discourses that work to position linguistically
minoritized students with diagnosed disabilities, like Marcos, as separate and distinct
from the capable white English speaking subject.

**Student Negotiation of Teaching and Learning**

In addition to navigating the discourses that frame the English learner and
disabled categories, the data in this study surfaced that students also negotiate formal
language policy because of socio-emotional factors impacting their comfort and
wellbeing. Contextualizing student acts of negotiation allows for us to better understand
the ways students enter policy negotiations. The following two student negotiations of formal language policy that requires them to attend an ELD class were influenced by peer social factors. The ways in which they negotiated policy was different from Ramon, who actively used his voice and what some might understand as defiance to authority when subjected to take the annual language test. Student negotiations here were not loud, or outwardly noticeable through teacher-to-student interactions. Rather, negotiations were internal and taken without the use of force.

Social factors impact the negotiation of language policy. Yadira, a student who considers herself English dominant, negotiates language policy that requires her to attend a designated ELD instructional block by not attending and sleeping in class. After I asked her why she chose not to attend class, she explained, “cause it’s hard to wake up really early and then I kept falling asleep in that class … and, I kind of didn’t like that class.” When I prompted further, Yadira added that Mr. Johnson, her ELD teacher, always left his classroom door open and she “didn’t feel safe.” She felt as though “something bad” was “gonna happen.” Her feeling of safety and the time of day of the class all contributed to her choice of not attending ELD. When the school made the decision to merge two zero period ELD classes, and have the teachers co-teach, Yadira re-negotiated her participation. She explains, “When I heard that there was sixth and seventh graders going in Ms. Ana’s class and us, Mr. Johnson’s were going in that class, I was like ‘okay, no’ .’Cause I'm not trying to deal with sixth and seventh graders stuff.” Even though Yadira acknowledged that Ms. Ana taught well and that she might learn in her class, the reality of being in a class with sixth and seventh graders for ELD was not one she was willing to
accept. She negotiated the formal language policy requiring her to take ELD and made the deliberate choice to not attend.

Sonia, a student who worked closely with her mother to re-learn Spanish, took a three-week hiatus from ELD because of a peer student concern. She negotiated her attendance in ELD by having her mother take her out of class. Sonia clarifies, “My mom took me out for like three weeks. And so the principal just thought that I didn’t wanna come.” Sonia was missing class not for her dislike of the ELD class, but because of her relationship with another student. “There was this one girl,” she tells us, “that had problems with me, and then she wanted to fight.” As a result of the dynamic between her and another student, she partnered with her mother who supported her in skipping zero period ELD. By having her mother’s support, Sonia was able to minimize school discipline for not attending (i.e., lunch detention, after school detention).

Yadira’s and Sonia’s negotiations illustrate that peer as well as socio-emotional factors impact their negotiation of formal language policy. The ways in which they negotiated policy were not loud and outwardly noticeable through teacher-to-student interactions, but rather, internal and taken without the use of force. Yadira’s and Sonia’s reality stands in contrast to Jorge’s who attended ELD regularly because he “need[s] extra help”, Ernesto’s because he saw ELD as a way to “be able to go to college, graduate … get a lot of money and be able to help my parents and family”, and Fernando’s experience in ELD who is “waking up early” to learn “how to write big paragraphs” and “use perfect grammar when you’re writing.” Contextualizing student acts of negotiation
allows us to piece together the ways students respond to formal language policy that requires them to attend an ELD class.

**Conclusion**

Our language-minoritized students with a diagnosed disability provide us a vital window into how relations of power are negotiated in micro-political spaces by them, their teachers and site administrators. The findings of this study illustrate that students negotiate language policy and white hegemony by resisting language testing, sustaining their linguistic practices inside and outside of the classroom and by not attending as well as sleeping in their English language development class. Teachers negotiate language policy and act against hegemonic whiteness by inviting students to use multiple linguistic discourses. Site administrators negotiate the universal application of English language development classes through case-by-case deliberations of a student’s holistic experience at the school site. The student descriptions captured here caution us against attributing shared qualities to all students within an ascribed category as experiences and conditions are not uniform. The findings of this chapter are significant as strict adherence to formal language policy has the potential to further marginalize students as well as oppress them social-emotionally at school.
CHAPTER 6
ALARMING CAUTIONS AND OFTEN-OVERLOOKED COSTS

When I first began my inquiry into students classified as long-term English learners, I was not aware of the journey that initial moment of curiosity would take me. I quickly realized that at my home district, a significant number of students that remained in English language development services for over six years had an active IEP. Students were not exiting services and continued to be placed in English language development classes. I was a bit perplexed by the reality that I became drawn towards. I sought out guidance with our local county office of education, colleagues at other districts and school sites. It was a reality we were aware of and struggled to address. How were we designing our student study teams? How can we support students in meeting the criteria to reclassify? Why are students illustrating limited growth on the English language development test? We gravitated to entering the discussion through the ways our educational system defines success: reclassification rates and growth on the language development test. The more that I worked to make meaning of what was happening and better serve students, the more I believed that our existing processes for serving students classified as English learners were not working for all students.

Now more than before I began this study I recognize how policies and institutional practices that are either implemented on districts or by districts have varying levels of dissemination and adoption. In chapter 5 I took a closer look at the policy requiring that school sites serve students classified as English learners through ELD. I was yet to be aware of the ways principals, teachers and students navigated the
institutionalization of such policy. I found that in some cases, principals chose not to place students in ELD, students skipped class and refused to attend ELD or when they did attend, they chose to sleep through class. Surfacing these realities through the course of this dissertation, however, serves as a caution against assuming all classrooms across all schools in districts implement ELD policy as stated as well as assuming ELD policy as stated is beneficial for all students. Recognizing a reality of varying levels of compliance further problematizes large-scale analyses of impact based on one understanding of what might be taking place locally. This dissertation highlights individual and local realities of compliance and resistance to formal policy and makes the case for the need to partner with stakeholders at varying institutional vantage points within an organization, particularly with students, when determining how to best serve them.

The work of positively impacting the reality of students classified as English learners and disabled is not just about policy and influencing practice, but also about supporting reflection on and working to influence the ways we discursively understand institutional categories. Chapter 4 of this dissertation calls for recognizing the ways in which language and categories (i.e., disabled and English learner) with roots in a white colonial legacy and the American eugenics movement continue to impact our meaning making and subsequent actions. Therefore, efforts to improve the educational experience of students at this intersection should also include opportunities for explicit conversations on the categories we use and their crystallization throughout our country’s history.
In my work with site principals and classroom teachers, I began the practice of beginning shared learning sessions with everyone using two post-it notes to answer one of the following questions on each:

- Disabled, what does that mean to you?
- English learner, what does that mean to you?

After answering these two questions, we post the responses in a set location within the space, review them, and later revisit them at the end of our shared time together. This quick exercise works to make visible the ways we enter conversations about the students we serve. If we are to believe that the ideologies that educators use to frame their understanding of students classified as English learners also work alongside the ideologies that inform their understandings of students diagnosed as disabled, then it is critical to surface the understandings advanced and sustained by educators as they collectively influence their implementation and negotiation of language policies.

**Application of Learning a Roadmap for Practitioners**

During the 2018-19 academic year, I have partnered with four other district administrators to develop and execute a school leader professional development plan on the topic of social justice and equity. It is through our shared work that I have begun to apply some of my learning from the dissertation into my everyday practice. Every month for two hours, we facilitate a session with about 30+ site principals and assistant principals along a well thought-out scope and sequence. In developing the scope and sequence we reflected on ways we might facilitate conversations about identity and
equity that would foster a safe space for administrators to openly share their truth across their life course as well as their realities as a site leader in the United States.

Table 5: Principals PLC – Scope and Sequence (2018-19)

<table>
<thead>
<tr>
<th>Month &amp; Theme</th>
<th>Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPTEMBER - Reflecting on Self Identity</td>
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<tr>
<td>OCTOBER - Building Community</td>
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<tr>
<td>NOVEMBER - Leading Inside Out</td>
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<tr>
<td>DECEMBER - Understanding Educational Systemic Inequalities (Pt. 1)</td>
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</tr>
<tr>
<td>JANUARY - Understanding Educational Systemic Inequalities (Pt. 2)</td>
<td></td>
</tr>
<tr>
<td>FEBRUARY - Learning About Cultural Proficiency</td>
<td></td>
</tr>
<tr>
<td>MARCH - Assessing School Site Cultural Proficiency</td>
<td></td>
</tr>
<tr>
<td>APRIL - Examples of Cultural Proficiency in School Sites; Leveraging Community Strengths</td>
<td></td>
</tr>
</tbody>
</table>

We began our yearlong learning with a session in September 2018 by first building community through community agreements and modeling reflection on self-identity. In October 2018 we invited administrators to share points on their life map through constructivist listening protocols and grounded our shared conversations in Beverly Tatum’s “The complexity of identity: Who am I.” In grounding our shared conversations around Tatum’s seven categories of otherness, November 2018, was a deeper dive into how members of the administrative team experienced otherness in their own socialization as well as how they located themselves within the seven categories. After developing a working common language around identity, we facilitated a session that highlighted systemic inequalities in our U.S. education. This first of two sessions was a timeline gallery walk where administrators reflected and analyzed ways in which
subordinated and othered groups might have experienced education across our U.S. history. Sections of my conceptual framework, which chronicle hegemonic whiteness across the American Southwest as it relates to the identifying of English learners as well as the diagnosing of students as disabled, became critical sections of our January 2019 session. In February 2019, we introduced a conceptual framework for culturally proficient practices, which was developed by Lindsey, Nuri-Robins, Terrell, & Lindsey (2018). Work to deepen our application of the cultural proficiency framework was the core of the March and April sessions.

It was our firm belief that in order to foster a space where we reflected on our district policies, our role in such policies and the way they/we impact our students, we needed to first focus on ourselves. Lindsey et al. (2018) call this and inside-out process whereby we engage in introspection, reflection, examination, analysis, and planning into our own values, assumptions, and behaviors while working with our colleagues to examine district and school practices and policies. In working to support our own development and the development of site leaders in becoming culturally proficient we aim to improve the educational experience of those often marginalized by policies that are rooted in white hegemonic understandings of the world. In our district, some of the most marginalized remain students classified as English learners with diagnosed disabilities.

**State Developments in English Language Testing**

Since beginning this study, the California Department of Education has made substantial changes to the language policies impacting the educational experience of
students classified as English learners. During the 2018-19 academic year, the CDE and State Board of Education (SBE) have worked to bring California into compliance with ESEA as amended by ESSA. The SBE changed the cut scores for the English language test, raising the scale score criteria for the proficiency level required by students to be considered for reclassification (fluent English proficient). Additionally, they mandated that students across California meet overall proficiency level 4 (of 4) to be considered as candidates for reclassification. Among the justifications put forth to substantiate the policy changes, the January 2019 SBE agenda item cites a desire to more closely approximate the performance level estimations of students classified as English learners with those given by their teachers and better mirror the achievement distribution of the “English-only” students with that of students at PL level 4 on the annual state English language art assessment. The act of classifying our students as English learners and justifying policy change based on the perception of those that serve them and the annual ELA assessment results, continues to advance a problematic set of practices, beliefs and assumptions of what is considered normal and proficient. These changes in policy, nonetheless, make it significantly harder for students to exit the English learner classification in California.

The CDE and SBE also advanced an amended emergency regulation that allowed local educational agencies to afford students a disability exemption on certain domains on the annual English language development test. All of a sudden, students who have a diagnosed disability where no permissible accommodations are appropriate on the English language development test could, through deliberation of the IEP team, be opted
out of a particular domain or domains. Was this an admission that our codified institutional practices were not equitable and serving of all students? Over the last few years I have administered the language assessment to hundreds of students. I can’t help but think of the thousands of students who sat through classrooms year-after-year labeled “at risk” and “low” that were kept in remedial language classes because of policies that we have now changed. I do believe the amended emergency regulation is a positive change, and affords us more agency in navigating the policies that govern our actions at public institutions. Within the last year, I have scrambled to support school sites to fully understand the policy change and how to take action under the amendment in the absence of explicit state guidelines. The emergency regulation and the process of adjusting the proficiency levels have had a significant impact on the ways we as educators support students identified as English learners and disabled.

That said, I continue to struggle with how, within the United States, people born in the country can be flagged as potentially “limited” through the act of answering a home language survey. This dissertation illustrates that students born in the United States that are identified as English learners do not always consider themselves learners of English. In some cases students identify as bilingual or English dominant. Every year I receive calls from parents telling me their child is labeled an English learner and they then proceed to tell me that the child only speaks English. I then have the difficult task of illustrating to them how they entered that classification and how in most cases changing the classification is outside my locus of control. If we are a country that truly values multilingualism, then we must end the act of stamping students born in the United States
through problematic language assessments and processes that marginalize them both discursively and materially.

Entering this study, I looked to surface the ways students, teachers and principals made meaning of and navigated the language policies that are advanced by the U.S. Department of Education, the California Department of Education and our district to identify ways we might better support and serve students that are classified as English learners with disabilities. I felt and continue to feel a sense of urgency to make things better for the students who find themselves at the intersection of this reality. Although this study engaged but a sliver of students, teachers and principals at one place and in one moment in time, the findings of this study are not offered as sweeping generalizations, but as a point of reflection particularly for practitioners at LEAs across the United States. It was through the course of carrying out this study that I changed the way I referred to students at this intersection. I resist referring to students as English learners or telling a child that he is disabled as doing so, while being aware of our history that has subordinated language minoritized students of color, makes me a knowing accomplice in the imperial project. I make the intentional choice to refer to students as being classified as English learners or diagnosed as disabled as this act draws attention to the institutional processes that have and continue to subordinate them. The findings presented here serve as an alarming caution against understanding all students within a category as similar and brings to light the often-overlooked cost students pay when we rigorously implement formal policy to fidelity.
APPENDIX A

Student Interview Protocol

Research Question: How do students classified as English learners with disabilities negotiate language policies in their schooling at Centro Union School District?


Personal History

• Tell me about yourself.
• How do you identify?

Language

• What languages do you speak?
• How has speaking this language shaped your interactions at school? Probe examples
• Do you feel comfortable in ______’s classroom
• Are you able to be yourself in ______’s classroom?

Policy Understanding and Navigation

• You’re classified as an English learner at school. What does that mean to you? (probe examples and explanations of those examples)
• You’re classified as having a disability. What that mean to you?
• What factors influence how you act in class? Why? Probe examples with explanation
• What are your interactions with ____ (your teacher) ___ like?
• What are your interactions with ____ (your principal) ___ like?
• What challenges have you faced in interacting with your teacher? How did you act?
• Anything else you would like to share?
APPENDIX B

Teacher Interview Protocol

**Research Question:** How do teachers at Centro Union School District negotiate language policies in the schooling of students classified as English learners with disabilities?

**Categories:** Personal History, Language, Policy Understanding and Navigation

**Personal History**

- Tell me about yourself. Tell me about where and how you grew up.
- How do you identify?
- Where do you currently live?

**Language**

- What languages do you speak?
- How/has speaking this language shaped your interactions at school? Probe examples

**Policy Understanding and Navigation**

- What does it mean to you when a student is an English learner? Probe examples and explanations of those examples.
- How does the English learner classification impact your work with students? (probe examples)
- What does having a disability mean to you? (Probe with how many of their students have disabilities)
- How does the disabled classification impact your work? (probe examples)
• What factors influence the actions you take in working with ______(student names)____ (English learners with disabilities)? Why? Probe examples with explanation

• When have you adjusted your practice in serving _____(student names)_______? What caused this change? (short-term/long-term)

• How do you navigate working with ______(student names)_______ (an English learner with disabilities)?

• What role does _____(student names)_______ play in informing the actions you take in serving them?

• What role do the parents of _____(student names)_______ play in informing the actions you take in serving their child?

• What does it mean to you to do a good job in serving English learners with disabilities?

• Anything else you would like to share?
APPENDIX C

Principal Interview Protocol

Research Question: How do principals at Centro Union School District negotiate language policies in the schooling of students classified as English learners with disabilities?

Categories: Personal History, Language, Policy Understanding and Navigation

Personal History

• Tell me about yourself. Tell me about where and how you grew up.
• How do you identify?
• Where do you currently live?

Language

• What languages do you speak?
• How/has speaking this language shaped your interactions at school? Probe examples

Policy Understanding and Navigation

• What does it mean to you when a student is an English learner? (probe examples and explanations of those examples)
• How does the English learner classification impact your work? (probe examples)
• What does having a disability mean to you? (Probe with how many of their students have disabilities)
• How does the disabled classification impact your work? (probe examples)
• How do you navigate serving English learners with disabilities?
• What factors influence the actions you take in serving English learners with disabilities? Why? Probe examples with explanation

• When have you adjusted your practice in serving English learners with disabilities at your site? What caused this adjustment? (short-term/long-term)

• What role does the English learners with disabilities play in informing the actions you take in serving them?

• What role do the parents of English learners with disabilities play in informing the actions you take in serving their children?

• What role do teachers play in informing the actions you take in serving English learners with disabilities?

• What role does the district office play in informing the actions you take in serving English learners with disabilities?

• What does it mean to you to do a good job in serving English learners with disabilities?

• Anything else you would like to share?
Interview:

Interview Data:

Interview Location:

Interview Time:

<table>
<thead>
<tr>
<th>Page/Time</th>
<th>Salient Points</th>
<th>Themes/Aspects</th>
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1. What were the main issues or themes that struck you in this contact?

2. Summarize the information you got (or failed to get) on each of the target questions you had for this contact.

3. What new (or remaining) target questions do you have in considering the next contact with this person?
## APPENDIX E

### Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1</strong></td>
<td>Communication: Cultural Linguistic</td>
<td>A reference to communication with or among students, teachers, site administrators in another language or with cultural nuance.</td>
</tr>
<tr>
<td><strong>A2</strong></td>
<td>Professional development</td>
<td>A reference to professional development to support teachers</td>
</tr>
<tr>
<td><strong>A3</strong></td>
<td>Collaboration: Parent</td>
<td>A reference to communication/collaboration involving or referencing parents/guardians</td>
</tr>
<tr>
<td><strong>A4</strong></td>
<td>Identity: Teacher/Principal</td>
<td>A teacher /principal self identifying aspects of their identity</td>
</tr>
<tr>
<td><strong>B1</strong></td>
<td>English Language Skill/Ability</td>
<td>A reference to the skill or ability of a student’s English and English language development (i.e., reading, writing, listening, speaking, academic language, social language).</td>
</tr>
<tr>
<td><strong>A5</strong></td>
<td>Social Awareness: Disability/EL</td>
<td>A reference to the social awareness by students, parents or teachers in reference to the disability or EL category (hide or understand the classification).</td>
</tr>
<tr>
<td><strong>B2</strong></td>
<td>Success</td>
<td>A reference to what success is by teachers and students or the organization</td>
</tr>
<tr>
<td><strong>B3</strong></td>
<td>Definition/ Diagnose: English learner</td>
<td>Students, teachers and principals explaining what it means to be an English learner as well as a reference indicating a diagnosis of students as being English learners. This also captures the ways in which teachers go about understanding what an EL is or needs.</td>
</tr>
<tr>
<td><strong>B4</strong></td>
<td>Definition/Diagnose: Disability</td>
<td>Students, teachers and principals explaining what it means to have a disability as well as a reference indicating a diagnosis of a student as being disabled. This also captures the ways in which teachers go about understanding what a SWDs is or needs.</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Details</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>B5</td>
<td>Disability: Physical/Material</td>
<td>Reference to disability as being material from our society or the material effects of being classified as disabled</td>
</tr>
<tr>
<td>A6</td>
<td>Educational experience</td>
<td>How students experience their schooling as described by students or teachers. Physical and emotional safety of students.</td>
</tr>
<tr>
<td>A7</td>
<td>Social Ecology</td>
<td>Indicates a reference to social or community factors or markers that impact the educational experience of students at school</td>
</tr>
<tr>
<td>B6</td>
<td>Relationship: Teacher/Student</td>
<td>An instance that indicates a relationship between a teacher and student as well as an indicator of trust or lack thereof</td>
</tr>
<tr>
<td>B7</td>
<td>SPED Services</td>
<td>Involving or referencing services from the special education as well as a reference to the use or implications of an IEP/IEP meetings.</td>
</tr>
<tr>
<td>B8</td>
<td>Intersection: EL/SpEd</td>
<td>Reference to a reality at the intersection of English learner and disability</td>
</tr>
<tr>
<td>B9</td>
<td>Colonization</td>
<td>The physical and ideational colonization of individuals via force or institutional policies that aim to control (i.e., English language), which may also surface references of oppression and violence both physical or ideation as well as references to the school system as an institution that advances understandings of success.</td>
</tr>
<tr>
<td>B10</td>
<td>Language Policy/Services</td>
<td>Language policies drafted at the national, state, district, site or interpersonal level including rules and policies drafted /implemented by teachers or students, which manifest on school grounds that inform language use and services (i.e., assessment). This code also includes services that are provided for students classified as ELs. Internal and external pressure/force/accountability to serve kids.</td>
</tr>
<tr>
<td>B11</td>
<td>Negotiation</td>
<td>A negotiation of language policy or the impact or effect of a language policy</td>
</tr>
</tbody>
</table>
Neoliberalism

Seeing educational experience or reality as intrinsic to individual drive as well as seeing all students as the same regardless of background and context.

A reference to anything else not accounted for that I find significant.

**Code Definitions**

<table>
<thead>
<tr>
<th>Code</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>A reference to communication with or among students, teachers, site administrators in another language or with cultural nuance.</td>
</tr>
<tr>
<td>A2</td>
<td>A reference to professional development to support teachers.</td>
</tr>
<tr>
<td>A3</td>
<td>A reference to communication/collaboration involving or referencing parents/guardians.</td>
</tr>
<tr>
<td>A4</td>
<td>A teacher /principal self-identifying aspects of their identity.</td>
</tr>
<tr>
<td>B1</td>
<td>A reference to the skill or ability of a student’s English and English language development (i.e., reading, writing, listening, speaking, academic language, social language).</td>
</tr>
<tr>
<td>A5</td>
<td>A reference to the social awareness by students, parents or teachers in reference to the disability or EL category (hide or understand the classification).</td>
</tr>
<tr>
<td>B2</td>
<td>A reference to what success is by teachers and students or the organization.</td>
</tr>
<tr>
<td>B3</td>
<td>Students, teachers and principals explaining what it means to be an English learner as well as a reference indicating a diagnosis of students as being English learners. This also captures the ways in which teachers go about understanding what an EL is or needs.</td>
</tr>
<tr>
<td>B4</td>
<td>Students, teachers and principals explaining what it means to have a disability as well as a reference indicating a diagnosis of a student as being disabled. This also captures the ways in which teachers go about understanding what a SWDs is or needs.</td>
</tr>
<tr>
<td>B5</td>
<td>Reference to disability as being material from our society or the material effects of being classified as disabled.</td>
</tr>
<tr>
<td>A6</td>
<td>How students experience their schooling as described by students or teachers. Physical and emotional safety of students.</td>
</tr>
<tr>
<td>A7</td>
<td>Indicates a reference to social or community factors or markers that impact the educational experience of students at school.</td>
</tr>
<tr>
<td>B6</td>
<td>An instance that indicates a relationship between a teacher and student as well as an indicator of trust or lack thereof.</td>
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<td>Involving or referencing services from the special education as well as a reference to the use or implications of an IEP/IEP meetings.</td>
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<tr>
<td>Code</td>
<td>Description</td>
</tr>
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<td>------</td>
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<tr>
<td>B8</td>
<td>Reference to a reality at the intersection of English learner and disability.</td>
</tr>
<tr>
<td>B9</td>
<td>The physical and ideational colonization of individuals via force or institutional policies that aim to control (i.e., English language), which may also surface references of oppression and violence both physical or ideation as well as references to the school system as an institution that advances understandings of success.</td>
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<td>Language policies drafted at the national, state, district, site or interpersonal level including rules and policies drafted/implemented by teachers or students, which manifest on school grounds that inform language use and services (i.e., assessment). This code also includes services that are provided for students classified as ELs. Internal and external pressure/force/accountability to serve kids.</td>
</tr>
<tr>
<td>B11</td>
<td>A negotiation of language policy or the impact or effect of a language policy.</td>
</tr>
<tr>
<td>B12</td>
<td>Seeing educational experience or reality as intrinsic to individual drive as well as seeing all students as the same regardless of background and context.</td>
</tr>
<tr>
<td>A8</td>
<td>A reference to anything else not accounted for that I find significant.</td>
</tr>
</tbody>
</table>
1. Involvement
   1.1. English Learner Advisory Committee
   1.2. District English learner Advisory Committee

2. Governance and Administration
   2.1. EL Identification and Assessment
   2.2. Implementation, Monitoring and Revision of Title III Plan
   2.3. EL Program in SPSA
   2.4. Title III and EIA-LEP Inventory

3. Funding
   3.1. Supplement, Not Supplant with Title III
   3.2. Time Accounting Requirements

4. Standards, Assessment and Accountability
   4.1. Evaluation of EL Program Effectiveness
   4.2. Reclassification

5. Staffing and Professional Development
   5.1. Teacher EL Authorization
   5.2. PD Specific to English Learners

6. Opportunity and Equal Educational Access
   6.1. Language Program Options and Parent Choice

7. Teaching and Learning
   7.1. English Language Development
   7.2. Access to the Core Subject Matter
BIBLIOGRAPHY


California Code, Education Code - EDC § 313.1


124


273-306.

Kangas, S. E. (2017a). “That's Where the Rubber Meets the Road”: The Intersection of
Special Education and Dual Language Education. *Teachers College
Record, 119*(7), n7.


Interactions to Deconstruct a Manufactured Learner Label. *Applied Linguistics.*

Kinsella, K. (n.d.) Dr. Kate Kinsella on long-term English learners. Retrieved from


KLRU (2016). Austin Revealed: Chicano Civil Rights "Desegregation & Education”.
Retrieved from https://www.youtube.com/watch?v=Y30BmZ9bJD0


thrives in good schools.* Oxford University Press.

proficiency: A manual for school leaders.* Corwin Press.

Spanish America and Brazil.* Cambridge University Press.

Education Publishing Group, 8 Story Street, 5th Floor, Cambridge, MA 02138.


Olsen, L. (2010). Reparable Harm Fulfilling the Unkept Promise of Educational Opportunity for California’s Long Term English Learners.


*Plessy vs. Ferguson*, Judgement, Decided May 18, 1896; Records of the Supreme Court of the United States; Record Group 267; *Plessy v. Ferguson*, 163, #15248, National Archives.


Public Law (PL) 94-142.


Statutes of California (1855). Passed at the Sixth Session of Legislature. B.B. Redding State Printer.


United States Statutes, Vol. 26 Stat. 1084


