Language Policy Discourse and Bilingual Language Planning

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This paper presents data from a multi-sited ethnographic study on educational language policy, planning, and program development in the school district of Philadelphia. An analysis of the agents, processes, and goals in urban educational language planning and how this planning is affected by so-called top-down language policies like Title III of the No Child Left Behind Act is included. It is argued that multilingual educational language planning can move forward despite ostensibly restrictive federal education policy.

Introduction

Throughout American history, federal language policy development has been a forum for eradicating and promoting multilingual education and multilingualism in the United States (Wiley 2002). Currently, the ostensibly restrictive language policy –Title III of the No Child Left Behind Act (hereafter referred to as Title III) – seems to threaten bilingual education with its vigorous focus on English language acquisition for English language learners. This has engendered growing concern that bilingual education will be phased out and English-only pedagogical approaches phased in (Crawford 2002; Wiley & Wright 2004). Still, analyses of language policy are enriched by reports of local educational language policy, planning, and program development. The school district of Philadelphia (SDP) is an example of a local education agency affected by shifting federal and state language policies, including Title III. The SDP faces many challenges, not the least of which is the number of schools in poverty-stricken neighborhoods, including many of the bilingual schools. In the past few years, the SDP has undergone a state takeover and acquired a new CEO, Paul Vallas, who has attempted to streamline the SDP with layoffs and restructuring. Still, there are many in the school district committed to fostering multilingual education in Philadelphia.

Students, parents, teachers, school district workers, scholars, and arguably the whole of American society have a vested interest in pre-

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serving linguistic diversity, educational choice, and educational opportunity. At the very least, language minority communities in Philadelphia and around the country have the right to include their children's mother tongues in their public education, which research suggests benefits the psycholinguistic, linguistic, and social development of English Language Learners (ELLs) as well as native English speakers (Cummins & Swain 1986; Freeman 1998; Garcia & Baker 1995; Lindholm-Leary 2001; Thomas & Collier 2002). With bilingual education being threatened at the hands of political machinery and potentially restrictive language policies in the United States, it is imperative and urgent that we develop an understanding of how school districts cope with the machinery and policies and engage in their own bilingual language policy, planning, and program development. Thus, this paper examines the changing language policy discursive landscape and one school district's adaptation to the replacement of the Bilingual Education Act with Title III of the No Child Left Behind Act.

Theoretical Orientation

The evolving and sometimes amorphous nature of educational language policy, planning, and program development necessitates an interdisciplinary and multi-layered approach arising from diverse fields – sociolinguistics, anthropology, and social theory – and theoretical and conceptual foundations within these fields, including language planning and policy, the anthropology of policy, educational policy, and bilingual education research.

Language Planning and Policy Processes and Goals

Scholarship in language planning and policy (LPP) has proffered various language planning frameworks which attempt to describe the process of national language planning/policy development (Fishman 1979; Haugen 1983; Karam 1974; Rubin 1977). While enumerating some of the possible (and perhaps preferable) steps in language planning,[1] these so-called rational models have been criticized for their linearity and lack of consideration for the sociopolitical contexts in which languages are planned (see review in Ricento 2000). More recent LPP work, influenced by postmodernism and sometimes referred to as the critical approach to language planning and policy, has emphasized how the state can use language policy to perpetuate systems of social inequality (Ricento 1998; Tollefson 2002; Wiley 2002). For example, in developing what he calls the historical-structural approach to language planning and policy, Tollefson (1991) proposes a politicized understanding of enacting language polices as an exercise in power: "[L]anguage policy is viewed as

[1]For example, Rubin's (1977) framework includes (1) fact finding, (2) planning, (3) implementation, and (4) evaluation.

one mechanism by which the interests of dominant sociopolitical groups are maintained and the seeds of transformation are developed" (32).

Cognizant of language policy as political machinery, others (e.g. Ruiz 1984; Wiley 2002) have attempted to pinpoint the goals and ideological orientations of language policies. Ruiz (1984) argues that policies can take a language-as-problem, language-as-right, or language-as-resource orientation toward minority languages. A language-as-problem orientation which treats minority languages as problems which hinder majority language acquisition is characterized by transitional policies whose goals are linguistic and cultural assimilation, such as early-exit transitional bilingual education. A language-as-right orientation is reflected in efforts to grant linguistic human rights around the world and may be characterized by one-way developmental bilingual education, in which minority language students learn the dominant language while maintaining their mother tongue. A language-as-resource orientation views linguistic diversity and multilingual education as resources for native and nonnative speakers and therefore two-way developmental (sometimes called two-way immersion or dual language) bilingual education, in which both native and non-native English speakers learn in both languages, epitomizes this orientation.[3]

Building on Kloss' (1977) framework for understanding the goals of top-down national language policies Wiley (2002) provides a framework for educational language policies. Promotion-oriented policies are those through which the government allocates resources for the official use of minority languages while expediency polices are those which are "not intended to expand the use of minority language, but which are typically used only for short-term accommodation" (48). A tolerance-orientation is characterized by an absence of state intervention while a restrictive-oriented policy includes "legal prohibitions or curtailments on the use of minority languages" (48). Finally, repression-oriented polices are designed to eradicate minority languages. Table 1 attempts to integrate Ruiz' and Wiley's frameworks and align these language policy orientations with ESL/bilingual program types.

Agency and Discursive Resistance in Language Planning

Critical LPP scholarship (Tollefson 1991; 2002) has helped illuminate ideologies enmeshed in language policies and presents a rich picture of language policy development as one aspect among many socio-political processes which may perpetuate social inequality. However, the critical approach has also been criticized for underestimating the power of human agency (see review in Ricento & Hornberger 1996) and not capturing the processes of language planning (Davis 1999). As Davis (1999) points out, "From a theoretical perspective, the historical-structural

[2]See Hornberger (1991) for a comprehensive review of bilingual education types.

Table 1
Language Policy Orientations and ESL/Bilingual Programs

Policy Orientation (Wiley 2002)	Program type	Orientation toward minority languages (Ruiz 1984)
Promotion	Two-way developmental	resource
	One-way developmental	right
Expediency	Transitional bilingual	problem
Restrictive	Sheltered Immersion/ESL	problem
Null	Submersion (no ESL)	problem
Repression	none	problem
Tolerance	depends upon localized language planning	

approach provides a philosophical construct for policy analyses, but not a philosophy of research which can illuminate current conditions and methods for determining or documenting language plans" (70). Instead, she argues, an ethnographic approach to studying language policy can provide a thick description of language planning within communities, schools, and other social institutions, while illuminating how localized language planning and classroom pedagogy interact with top-down policies.

How much agency is granted to communities affected by top-down language policies might depend on the method of research; that is, those who study LPP from the top-down – through historical and policy language analysis – often tend to emphasize the power and restrictive nature of language policies, while ethnographers and other qualitative researchers might focus on the language planning agency of the community, school, and/or classroom.[2] For example, using a discourse analytic/ethnographic approach in Oyster School in Washington D.C., Freeman (1998) finds that a bilingual school can be a unique space in which dominant English-only ideology is challenged and thus becomes a site for educational and local social change. Bilingual language planning might therefore be a means for resisting assimilationist ideology preva-

[3]There is no solid consensus about what constitutes the difference between a language plan and a language policy. Here, a language policy is the physical policy document or an implicit unwritten policy, while language planning is any activity engendering, sustaining, reacting to, and/or implementing what is in the policy. However, language planning can occur, and often does, without an explicit policy and language policies can, and often do, exist without planning.

lent in schools and society in favor of educational policies which champion pluralism and linguistic and cultural diversity. As Corson (1999) argues, language planning done by local education agencies can be emancipatory:

> Neither schools nor the people within them are willing dupes of power forces that are outside of their control...[T]he discourses of power that exist within schools can be used to improve the human condition, to oppress people, or to do almost anything in between...A language policy can be a powerful discursive text that works directly in the school's interest. (24-25)

Policy as Discourse

Growing interest in educational policy among anthropologists and educational researchers has depicted educational policy making as a process created and sustained through discourse. Bowe and Ball (1992) and Walford (2002) argue that educational policies can best be understood on two levels: A policy-as-text orientation includes analysis of the policy document and/or legislation and "the variety of ways in which a particular legislative or 'top down' policy is interpreted and put into action at the local level" (Walford 2002: 29). Contrasting this orientation with what they call the "state control model" of educational policy research – which tends to examine the policy text exclusively and thus ignores contextual slippages – Bowe and Ball (1992) emphasize that policy legislation and text are but one part of the policy process which may include divergent and even contradictory interpretations of a policy document. A policy as discourse orientation emphasizes that practitioners "will be influenced by the *discursive context* within which policies emerge" (23, emphasis mine). This orientation reminds us that some (policy) discourses will be more powerful than others, especially those sanctioned by the state, and certain interpretations of those (policy) discourses will be privileged, but the analysis of policy as discourse leaves room for agency in interpretation of top-down policies. Similarly, Sutton and Levinson (2001) propose a sociocultural analysis of educational policy which views top-down policies as being constantly "negotiated in the ongoing flow of institutional life" (2) and argue that analyses of this negotiation should link micro and macro discursive practices (cf. Ricento 2000).

Understanding educational language planning and policy as a discursive process must begin with a clear definition of "discourse". For this essay, "discourse" is linked to Foucault (e.g. 1976) and borrows from work by Fairclough (1989), Gee (1990; 1999), Shore and Wright (1997), and Walford (2002). Fairclough (1989) makes a distinction between discourse – actual talk and writing – and orders of discourse which are interdependent networks which constrain discourse and practice; shape

and are shaped by society and relations of power; help to constitute (and change) knowledge, social relations, and social identity; and are invested with ideologies. This is similar to Gee's (1990; 1999) distinction between discourse, or language in use, and Discourse which constitutes "socially accepted associations among ways of using language, of thinking, valuing, acting, and interacting, in the 'right' places and at the 'right' times with the 'right' objects" (Gee 1999: 6). Like the critical theories of language planning and policy which seem to delimit the power of human agency, Foucault has also been criticized for being too deterministic. Still, Foucault includes alternative or resistant discourses:

> Discourse can be an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy... [D]iscourse transmits and produces power; it reinforces it but also undermines and exposes it, renders it fragile and makes it possible to thwart it... [D]iscourses are tactical elements or blocks operating in the field of force relations; there can exist different and even contradictory discourses within the same strategy. (Foucault 1976: 100-102)

If we analyze policy as discourse in a Foucaultian sense, attention should be paid to both (policy) discourse as an instrument of power and as a point of resistance. The analysis of policy as discourse, then, can provide a valuable way to understand the agents (and agency) involved with language planning. While local language planners will be subject to top-down policy discourses, they may react, appropriate, accept, ignore, and/or resist policy text and discourse. Of interest in this paper are the policy discursive contexts at the federal, state, and local level and how one school district interprets, incorporates, and negotiates federal and state educational language policy while engaging in its own language planning processes.

Based on this theoretical framework, the following questions emerge and guide this essay: (1) What constitutes the discursive contexts within which educational language policy, planning, and program development decisions are made? and (2) What might the contents of these discursive contexts tell us about the role that the new educational language policy, Title III of the No Child Left Behind Act, will play in bilingual language planning and pedagogy in the school district of Philadelphia?

Method

Context: Setting and Participants

The 5th largest school district in the country, the school district of Philadelphia (SDP) has over 200,000 students with approximately 13,000

students receiving English for Speakers of Other Languages (ESOL) and/or bilingual program support and these numbers are growing.[4] Almost 50% of these ELLs are Spanish-speaking, but over 70 languages are represented in the SDP with bilingual education offered in Spanish, Russian, Khmer, Vietnamese, and Mandarin. The office which often interprets federal and state policy for the schools and makes many of the policy decisions regarding ELLs is the Office of Language, Culture, and the Arts (or OLCA, formerly the Office of Language and Cultural Education, or OLCE, and before that the Office of Language Equity Issues, or OLEI). This central school district office is complemented by a series of regional offices responsible for the schools in their region. In some respects, the regional offices act as liaison between the district office and the schools since they must negotiate between the two. For example, while a language policy may be enacted by the district office, the regional office workers deal more with the implementation at the school level.

My access to the SDP began with my working with a bilingual education consultant (Eve Island[5]) who was hired by OLCE to assist in the development of bilingual programs around the district. Eve is trusted within the SDP and is respected as a bilingual education and language planning researcher and advocate. Beginning in November of 2000, Eve aided a dual-language initiative designed to implement dual-language (also called two-way developmental) bilingual education streams into chosen schools. I began working with the school district in the Fall of 2002 on language policy, planning, and program development and since then have taken on various roles as Eve's assistant, an employee of OLCE, and as a researcher from the University of Pennsylvania. These roles have given me a unique vantage point for observing educational language policy, planning, and program development within the school district of Philadelphia.

Ethnography of Educational Language Policy

Various macro-level frameworks have been proposed to account for national language planning (Fishman 1979; Haugen 1983; Rubin 1977), educational language policy (Tollefson 2002; Wiley 2002), the ideological orientations of language policy (Ricento 1998; Ruiz 1984), and other research has addressed language planning and policy from the bottom up (Freeman 1998; Hornberger 1997). However, Ricento (2000) points out that language policy research has tended to fall short of fully accounting for precisely how micro-level interaction relates to the macro-levels of social organization. Sutton and Levinson (2001) argue that policy research should include a "locally informed, comparatively astute,

[4]This number might not accurately represent the numbers of ELLs since not all of them receive ESOL or bilingual support services.

[5]Except for Ed Rendell, the governor of Pennsylvania, Vicki Phillips, the Pennsylvania Secretary of Education, and Paul Vallas, the CEO of Philadelphia schools, all names are pseudonyms.

ethnographically rich account of how people make, interpret, and otherwise engage with the policy process" (4). For bilingual education language planning and policy, what is needed is a multi-layered (yet fluid) account of educational language planning and policy as it affects bilingual language planning and program development in and across multiple levels, contexts, and locations.

In this paper, I present data collected in a larger multi-sited ethnographic study on educational language policy, planning, and program development in the school district of Philadelphia which has included observation and recordings of language policy meetings, a language policy retreat, and teachers' meetings; formal and informal interviews with district workers, principals, and teachers; and analysis of policy text. My goal is to incorporate some of this ethnographic data with analysis of policy texts which presents some unique challenges. First, there is no one site at which educational language policy is created nor is there a static community responsible for language planning and policy development. For an ethnography of educational language policy, it is necessary to follow language policy and planning wherever one can, which led me to school district offices, schools, and Chinatown. Also, while ethnography demands a thick description of local activities, attention must be given to the top-down policies affecting those activities as well. However, instead of making assumptions about which federal and state policies needed analysis, I allowed my experience in the school district to determine which policies were perceived as most important or influential in bilingual education.

Discursive Contexts

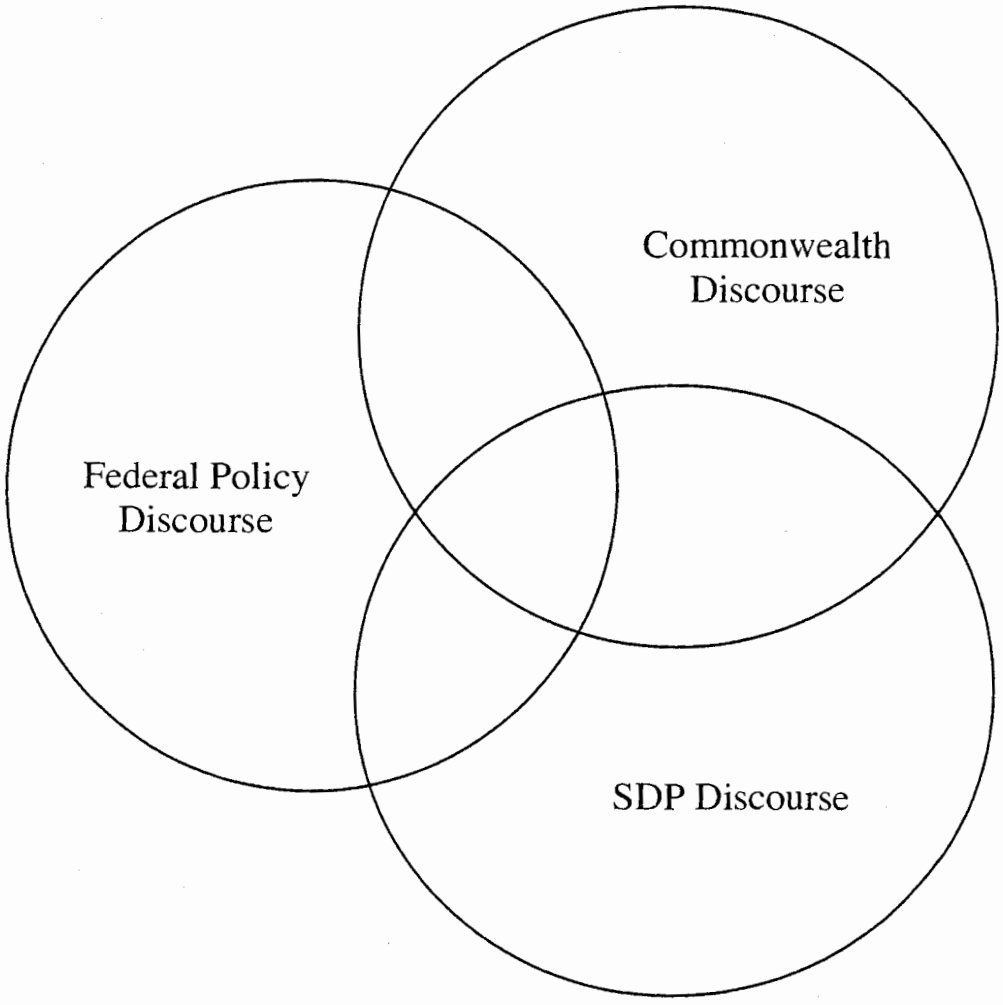
For this paper, I am particularly interested in the discursive contexts within which educational language policy, planning, and program development is done. To analyze this ongoing flow of discourse, I use discourse analysis in the spirit of Fairclough (1995, 2001) in that the data or text under study includes spoken interaction and written texts and like Fairclough, I borrow Bakhtin's (1986) idea of intertexuality which emphasizes that "any text is a link in a chain of texts, reacting to, drawing in, and transforming other texts" (Fairclough 2001: 233). I see language planning and language policy development as a discursive process – generated, sustained, and manipulated in spoken interaction and policy documents that, in turn, are in conversation with each other – which may appropriate, resist, and/or possibly change (and any combination of these) dominant and alternative educational language policy D/discourse and texts.

The distinction between top-down and bottom-up language planning is an often referred to but less often delineated distinction. As framed by Kaplan (1989), bottom-up, or grassroots language planning occurs when a government consults with minority populations before implementing a

policy while top-down language planning occurs when a government defines and prescribes policy without consultation with the affected populations. Like Tollefson (2002), I view top-down language policies as potentially restrictive but the dichotomy of top-down (subordinating) and bottom-up (resistant) obfuscates the complex and multi-layered nature of educational policy making. Assuming that school districts simply fall prey to (the language ideologies and discourses embedded within) top-down language policies, or that the policy text necessitates inevitable educational outcomes, ignores the agency involved in interpreting federally and state enacted language policies and local language planning done for and by school districts.

To capture the multiple layers in educational language policy, planning and program development, I incorporate a policy as discourse orientation to analyze the different discursive contexts within which language planning and policy development is done (see Figure 1). I present a description of the circulating discourse and ideologies – autonomous

Figure 1
Language Policy Discursive Contexts



and/or overlapping, appropriating and/or resistant, top-down and/or bottom-up – about language diversity, language education, and language policy. Here, I focus on how discourse circulates and filters through the (U.S.) national, commonwealth, and school district levels of language planning and policy development.

Results

I propose that to understand any language plan or policy, one must consider the agents, processes, and goals which engender and perpetuate the plan or policy and the dynamic social and historical contexts in which the plan or policy exists, keeping in mind that these categories are neither static nor mutually exclusive. To do this, I analyze the discursive contexts within which language planning and policy development is done.

Shifting Ideologies in Federal Discourse and Federal Text(s)

The sociohistorical and federal policy discursive context within which the school district of Philadelphia engages in language planning, policy development, and program implementation, includes the Bilingual Education Act and the policy which took its place in 2001, Title III of the No Child Left Behind Act (NCLB). Title VII of the Elementary and Secondary Education Act (hereafter referred to as Title VII), otherwise known as the Bilingual Education Act (BEA) was first enacted in 1968. At that time, the goals of bilingual education were vague and definitions and typologies were scarce (see Ricento 1998; Wiley & Wright 2004); those on the political left and right in the U.S. supported what seemed to be an effective way for facilitating acquisition of English. Crawford (1998) has studied the legislative debates during the enactment of the BEA and notes this ambiguity in intentions, reflected in the language used by legislators at the time. Joseph Montoya of New Mexico felt bilingual education provided an opportunity to foster bilingualism:

> We must take advantage of the language pluralism that exists in the southwest. (Congressional Record 1967, cited in Crawford, 1998: 53-54)

Montoya's language-as-resource orientation is very different than that of the bill's sponsor, Ralph Yarborough of Texas, who had clearly different intentions:

> It is the main purpose of the bill to bring millions of school children into the mainstream of American life and make them literate in the national language. (Congressional Record 1967, cited in Crawford, 1998: 53-54)

While Montoya portrays bilingual education as an opportunity to foster linguistic diversity, Yarborough hopes that bilingual education will facilitate linguistic and perhaps cultural assimilation. This ambiguity in goals

affected each installment of the act when it was revised four more times (see review in Wiese & Garcia 2001) but in 1994 there was a definitive shift in the policy language toward valuing bilingualism as a resource, as demonstrated in the following:

> [M]ultilingual skills constitute an important national resource which deserves protection and development. (Title VII, Part A, Sec. 7102, (10))

Yet the ideological landscape is always evolving and, in 2001, the Office of Bilingual Education was renamed the Office of English Language Acquisition (see www.ed.gov/offices/OELA/) and a new language policy was enacted: Title III of the No Child Left Behind Act. The renaming of the office was not arbitrary as the focus of the act shifted from promoting bilingualism to promoting acquisition of English. A side by side comparison of the BEA and Title III reveals some interesting similarities and differences.[6] Illustrating the "purpose" of the policy, Title III borrows language almost verbatim from the BEA:

> **BEA**: developing bilingual skills and multicultural understanding (Title VII, Part A, sec. 7102, (c2))
> **NCLB**: developing language skills and multicultural understanding (Title III, Part B, sec. 3202, (1))
> **Both**: developing the English proficiency of [LEP children] and, to the extent possible, the native language skills of such children. (Title VII, Part A, sec. 7102, (c3)); Title III, Part B, sec. 3202, (2))

Minority language maintenance and education are largely ignored in Title III and excerpts like the previous one, in which "bilingual" has been changed to "language", give Title III a distinctly English-only flavor. The language in the Title III policy text suggests that the ideological underpinnings of the language policy have once again shifted but the previous example shows that developing native language skills is still an allowable practice. While not prescribing specific pedagogical approaches, Title III does define a language instruction educational program as follows:

> An instructional course...that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English as a second language. (Title III, Part C, Sec. 3301(8))

This passage is reminiscent of Yarborough's vision of bilingual educa-

[6]A cross-document comparison reveals that much of the language in Title III is borrowed from the Bilingual Education Act.

tion as a method in which native language instruction serves as a crutch for students to become proficient in English, which characterizes transitional bilingual programs and epitomizes a language-as-problem orientation. However, the definition above does not preclude either one-way or two-way developmental programs since both "make instructional use of both English and a child's native language" and have as goals academic and linguistic proficiency in both the students' mother tongue and English (see Hornberger 1991).

Another new discourse coursing through Title III is "flexibility" which suggests that local education agencies are free to implement the programs of their choosing, with the new requirement that the method be supported by "scientifically-based evidence." This flexibility is emphasized with a newly articulated mandate against federally directed pedagogical intervention:

> The purposes of [Part A of Title III] are to...provide State agencies and local agencies with the flexibility to implement language instructional educational programs, based on scientifically-based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English (Title III, Part A, Sec. 3102 (9))...
> The Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach. (Title III, Part A, Sec. 3129)

So, the new focus on English is accompanied by an emphasis on programmatic choice at the local level and an explicit restriction on the Secretary of Education making programmatic or curricular decisions for schools.

The accountability requirements have borne much of the criticism about NCLB. For language educators and sociolinguistic researchers, there is concern about how both the accountability measures and the requirement that programs be based on "scientifically-based evidence" might affect programmatic decisions. For example, Wright (2002) criticizes accountability requirements in California for ignoring the linguistic hurdles which nonnative English speakers face in public schools and argues that an increased focus on standardized tests can result in a narrowed curriculum. It remains to be seen how the touted "flexibility" in Title III will play out in schools across the country, which part of the Title III discourse will be privileged in interpretation, and how this will affect programmatic decisions. However, the Title III text itself is flexible enough to allow for developmental bilingual education or any other curricular approach as long as state policy is not restrictive.

Commonwealth Discourse

Instead of school districts receiving money directly from the federal government, Title III now requires that state governments oversee grant

proposals and the distribution of funds to school districts. As states scramble to implement the NCLB regulations, especially the accountability measures, they must also approve proposals for school program development and pay the districts as needed. Title III, then, ensures that state language policy will be very important in determining what types of programs school districts can implement to accommodate ELLs. Making up the bulk of the official commonwealth education policies are the Pennsylvania Basic Education Circulars (PABEC). Guiding the instruction of English language learners is "Educating students with limited English proficiency (LEP) and English language learners (ELL)." While there perhaps has been an ideological shift away from minority language maintenance in Title III, that shift is not yet reflected in Pennsylvania state educational language policy:

> Districts have the option of choosing which program to implement...All programs must include ESL classes and must be based on sound educational and second language acquisition theory. Placing them in remedial reading and speech therapy classes does not constitute a program. Neither does placing them in all English classrooms without the benefit of ESL instruction and modification of classroom content. Students must have meaningful access to the academic content classes in order for them to achieve the academic standards. (PABEC 22, PA Code 4.26, 4)

This passage emphasizes district choice with regard to language education program type but strictly prohibits submersion without ESL instruction. It also demands that English language learners have meaningful access to academic content, citing ESL instruction and "modification" as two possibilities for giving them this access. A very common way to teach content knowledge to English language learners is through bilingual education, an option for ESL instruction that Pennsylvania policy discusses briefly, citing transitional, developmental, and dual-language programs as models. Also of note is the demand for programs to be based on sound educational and second language learning theory leaving open the possibility that programs be based on various types of research--qualitative and quantitative-- and even accepts educational linguistic theory as a foundation as opposed to data driven research.

While Pennsylvania language policy does not mandate programmatic choices, there does seem to be an invigorated focus emerging in commonwealth discourse on acquisition of English as the preeminent goal of any ESL/bilingual program. The Title III Grant Application released to the school districts and posted on the department of eduction website (see www.pde.state.pa.us) demands that school districts must use Title III funds to:

> [I]ncrease the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically-based research demonstrating the effectiveness of the programs in increasing English proficiency. (4)

The commonwealth of Pennsylvania intends to distribute Title III funds to those districts who choose programs which have been proven effective for facilitating acquisition of English through scientifically-based research, a shift from "sound educational and language learning theory." While developmental bilingual education is mentioned as one option for the districts, nowhere is native language maintenance or education specifically mentioned as either preferable or allowable with Title III money even though the Title III text does not prohibit this.

Pennsylvania, like many states, is struggling with its schools to meet the accountability requirements set forth in No Child Left Behind. In a recently published open letter, Governor Ed Rendell and Pennsylvania Secretary of Education Vicki L. Phillips argue that because of the accountability requirements in Title III and the rest of No Child Left Behind, the policy is not as flexible as it claims (see www.pde.state.ps.us). They cite the education of English language learners as one area in which NCLB is not flexible enough:

> While the U.S. Department of Education (USDOE) claims that states have ample flexibility to implement NCLB, Pennsylvania has yet to see much of that flexibility (4)...NCLB requires that all students enrolled at the start of the year be included in state assessments. There is a strong argument, however, against including newly enrolled ELL students in this process. By definition, Limited English Proficiency (LEP) students are not proficient in the language, so the assessment does not add to our knowledge about the student (6)...The current stated objective of NCLB is to ensure that students can demonstrate mastery over specific content. For ELL students, an English language assessment essentially tests both content and proficiency in English. Should an ELL student be tested for content mastery, for English proficiency or both? (Rendell & Phillips April 29, 2004)

Rendell and Phillips seem to question the sincerity, or at least the practicability of Title III's stated goal that ELLs acquire content knowledge since this knowledge is assessed with English tests after only one year of being enrolled in U.S. schools. Since the LEP designation implies that the students are still learning the English language, they argue that the NCLB accountability requirements for ELLs will not generate the needed data nor will they help achieve the stated goal: content knowledge for English language learners. Rendell and Phillips note that, while it would be ideal to administer Spanish language content area tests, the funds from NCLB are not enough to administer such a test. They argue that the account-

ability requirements in NCLB coupled with the lack of funding present an assessment quandary.

Current federal education policy claims it is flexible and defers much of the funding and program oversight power to the states and their educational policies. In the commonwealth of Pennsylvania, language policy allows for school district choice of language educational programs but the discourse generated in the Title III grant materials has become focused on English language proficiency and ignores native language maintenance even though Title III does not preclude this. Still, while state-level discourse seems to be appropriating federal policy discourse in some places, there is discontent as well, articulated by the governor of Pennsylvania and the secretary of education who criticize the NCLB's accountability requirements for not being flexible enough for education of the English language learners. I will now look at how the policy texts and federal and state discourses are interpreted and taken up in the school district of Philadelphia.

Interpreting Federal and State Discourse and Text(s)

Emily Dixon-Marquez is a grant writer in the school district of Philadelphia who has worked on both Title VII and Title III grants. She has a long history in the school district as a principal and later as the head of the Office of Language and Cultural Education (OLCE) and is a staunch advocate for bilingual education. I interviewed her in her office at OLCE, located in the main school district building, in April of 2003. At this time, Emily and I had developed a friendly relationship, and she was willing to talk to me about the history and development of bilingual education in Philadelphia. Our discussion inevitably led to Title III and Pennsylvania language policy since everyone was trying to make sense of the swirling policy discourse and what it would mean for Philadelphia schools. She interpreted for me the interaction between Title III, Pennsylvania policy, and SDP practice:

> [T]he fact that the state of Pennsylvania has no bilingual education law means that anything that's ever been done by this district has been done at the will and the grace of the district...not under the gun...so the policies have been much looser because we're not responding to state regulations...it's when you have regulations at the state level that you then have to come up with the policies in a district that meet those (regs)...and we've never had that driving us...there's an emphasis on English language acquisition but it doesn't mean that's all they're going to fund...we haven't changed our programs dramatically...we're pretty much going to do what we've been doing. (4/11/03)

Emily's comments suggest that she interprets Title III as emphasizing English language education for ELLs and that the SDP must work with-

in the confines of top-down policies. However, the barriers being set, at least in Pennsylvania, do not preclude one-way and two-way developmental programs in Philadelphia schools. Perhaps because she does not feel "under the gun", or because she refuses to bow to ideological shifts in federal language policy, Emily has not been discouraged from continuing the goal of supporting multilingualism in Philadelphia schools. She argues that neither Title III nor Pennsylvania language policy stand in the way of the SDP developing the programs of their choosing.

If anything, No Child Left Behind has enlivened her passion. Emily argues that the Title III money distributed to the SDP is *more* per student[7] than under the Bilingual Education Act, and this money can be used to fund developmental bilingual education and language planning initiatives to support these programs. Additionally, Emily is not discouraged by the requirement that educational programs be based on scientifically-based research. When I asked her how they chose the programs for Philadelphia, Emily said that they looked at the research and the results of these studies helped drive their programmatic decision making; specifically, the results reported in Thomas and Collier (2002) suggest that two-way (or dual language) and one-way developmental bilingual education are the two most effective program models for facilitating content knowledge, acquisition of English, and maintenance of students' mother tongues.

> **Emily:** [W]e preceded NCLB in terms of models and so forth...we've been doing dual language...that's not new to us, so it hasn't been enlightening in that sense...we're glad that it's an acceptable model that they subscribe to
> **David:** Why is [dual language] an acceptable model?
> **Emily:** I think probably because of the Thomas and Collier study...which the government is comfortable with and they think has some integrity to it...and it's research based...they accepted it as a good model...plus I think this country is finally coming to the realization...and I'm probably being really optimistic, and maybe naïve here...but coming to the realization that we need to learn more about languages and (cultures). (4/11/03)

Emily argues that No Child Left Behind is simply catching up with what they already knew in the school district of Philadelphia: dual language education is an effective model of language and content area instruction for ELLs. Further, instead of interpreting the accountability requirements for ELLs as restrictive, Emily sees the attention given to ELLs by these accountability requirements as a positive move toward forcing school districts to focus their attention and resources on education for English language learners. Not only does she interpret both state

[7]This is contrary to an assertion made by Crawford (2002).

and federal policy as being flexible, but she interprets Title III as being supportive, in its language and funding distribution, of the bilingual programs the district chooses.

Who Are You to Give Me This Policy? Owning Language Policy Formation

In the fall of 2002, the new CEO of Philadelphia public schools, Paul Vallas, asked that a language policy be developed to guide language education programs. Before this call for a policy however, Title VII money, distributed under the Bilingual Education Act, had already been used to implement dual-language programs and the bilingual education lead consultant, Eve Island, had been working with the schools to complement what she describes as "top-down" policies – those handed down by the district – with bottom-up language planning. Working in conjunction with a group of teachers, principals, and district workers, Eve's dual-language planning teams had gone on fact-finding missions, planned for their schools, and had begun implementing the programs. Now there was the charge to write a policy for these (and other) already implemented programs.[8]

Following Vallas' instruction that a language policy be written for the school district of Philadelphia, a series of policy meetings were organized by Eve and OLCE, culminating in a 2-day "language policy retreat" at which school district employees, teachers, and principals gathered to flesh out what they would like to see in a language policy. On a sunny weekend in the Spring of 2003, teachers, principals, and school district workers met first at a Chinese restaurant and the following day at a Chinese Christian church in Philadelphia's Chinatown to give birth to the language policy. While a white minister delivered a sermon in Mandarin in the church sanctuary, the retreat focus groups, organized according to expertise (e.g. ESL, heritage language, bilingual education), huddled around slick white laminated tables in a brightly lit back room cluttered with Sunday school paraphernalia. Their task for the day was to brainstorm what they would like to see in the language policy, articulate their results in a written document, and then summarize for the rest of the retreat group what they had decided. The bilingual education group reported that they did not believe that the policy should support transitional bilingual education (TBE) programs because "research shows that TBE does not promote language parity between ELLs and their English counterparts (Collier & Thomas 1999; 2002)" (Bi-Ed Team Handout, 3/15/03).

At the end of the retreat, the groups reported on their results and the head of the OLCE office at that time, Anna, made a statement that was a trigger for my understanding of language planning and policy development in the SDP:

[8]Compare these steps to Rubin (1977).

> I'm one of those people who recently came from the field and went *downtown*...I was also one of those people who used to say, "Those folks down there do nothing all day except for polish their nails, drink coffee, and tell us what to do without knowing what the reality was"...I was one of those people! (3/15/03, emphasis mine)

The concept of "downtown" illuminates a division which exists in the school district of Philadelphia between district administrators, those who work in downtown Philadelphia and are traditionally in charge of developing educational policies, and teachers, who are de facto charged with implementing the policies. By invoking this perceived division, Anna, who had once been "in the field" but was now "downtown", acknowledges that those working downtown are not always thought to understand what is happening at the schools because, as she jokes, their attention is diverted by trivial matters such as nail polishing. By emphasizing her previous role as a downtown outsider, Anna could position herself as someone empathetic to those at the retreat who were from the field.

Following the retreat, I conducted an interview with Maggie Chang, the southwest regional office worker in charge of overseeing all of the ESOL and bilingual programs in southwest Philadelphia and member of the policy retreat bilingual education group. Maggie's office was full of lively plants, Chinese art, and texts which promote linguistic pluralism. (A button prominently displayed said, "Down with Unz."[9]) When I asked her why bilingual education is a good thing, she referred to her children – third generation Chinese Americans – who had not retained academic proficiency in Chinese. This fact saddens her and for Maggie, bilingual education represents an opportunity for her children and other students to retain literacy and communicative proficiency in their mother tongues so they can communicate with their family and friends and maintain cultural ties. Our conversation eventually turned to administrative structure in the SDP, and I asked her who was a part of "downtown":

> Oh, I think downtown are more the folks who stay in what we call the *big castle*...that they are in the administrative office versus the regional office here, we're more hands on because we do work with the teachers, the schools, the principals. (4/25/03, emphasis mine)

Maggie depicts downtown workers as working in a big castle, an image evoking the idea of royalty or simply something big and barricaded from the rest of the district. Maggie does not see herself as part of downtown because she works more closely with teachers and princi-

[9]This is a reference to the antibilingual education movement organizer, Ron Unz, who was successful in spearheading English-only educational policies in California, Arizona, and Massachusetts, but not in Colorado.

pals.[10] Maggie has made an active attempt at creating a more open discourse community for creating the SDP policy by encouraging teachers, both in and outside of the school district, to offer input and she stresses that there was representation from different school district levels at the language policy retreat:

> But there are more *field folks* than so-called *downtown folks* at the retreat...that's why you asked me, how's the composition, I'm actually pleased with that because to me you really need those folks who are interacting with the kids every day to be part of developing this policy...and it's a matter of *ownership* too...that they have a part in it (they want)...you don't have to fight that battle later on...and say, 'Who are you to give me this policy that I have to follow in my classroom?' (4/25/03, emphasis mine)

Maggie argues that the folks in the field need to be integrally involved in the development of language policy or the implementation of the policy will be a battle. On the other hand, implementation will be more successful if teachers and principals are allowed to take part in owning the development of language policy. Maggie also points out that there were more of, what she calls, field folks at the language policy retreat than those working downtown who are traditionally in charge of language policy development. So, to Maggie, the retreat was a good step in making language policy development in the SDP more egalitarian because it was, in part, populated by field folks who were allowed to take ownership of the policy.

The SDP Text: Language Ideology and the SDP Language Policy.

The SDP language policy has seen many revisions, facilitated by OLCE then OLCA and other regional and school workers, and continues to be revised at the writing of this paper in May of 2004. Because it has been through so many revisions and exchanged hands so many times, it is difficult to assess exactly who ended up owning the policy in the process. Eve Island has played an integral role in its development and, like Maggie, has attempted to incorporate teacher voices into the policy. At a dual language teacher meeting facilitated by Eve, she encouraged the teachers to tell her what they would like in the policy since traditionally, it has been the non-teachers—whether downtown or in the field—who have had more of an opportunity to own language policy development:

> My job is to set up things so that you can solve your own problems to aid with every wrench they throw at you...the school district neglects to make policies to aid you. (Eve Island, 4/12/03)

This is what Eve calls complementing top-down policy making—from

[10]Maggie has recently been promoted to head of the downtown office.

downtown—with bottom-up language planning. Through Eve, the teachers have a conduit for entering into the language policy development process. Still, Eve is the conduit, and it is up to Eve and those working downtown to translate what the teachers say into the policy text.

In the end it has been the downtown OLCA office, now headed by Maggie Chang, that has dealt mostly with the development of the SDP language policy. Throughout, all drafts have expressed support for additive bilingualism and the benefits for all students, native and nonnative English speakers, of learning more than one language through developmental bilingual education. The most recent draft states:

> The linguistic and cultural diversity that we find in this multilingual, multicultural city offers an important resource that our schools can and should build on...This policy promotes English plus other languages, not only for ELLs but also for English speakers...The SDP implements three types of bilingual education...transitional, one-way developmental, and two-way immersion. (SDP Policy for ELLs 4/14/04 draft: pp. 1-2)

Of particular interest is the use of "English plus," a term which has emerged as the alternative to the English Only movement, and is associated with a language-as-resource orientation and the preservation of minority languages in the US. The SDP policy makes it clear that linguistic and content knowledge in English and native language maintenance are both goals for bilingual education programs. In addition, the policy promotes other languages as a resource for native English speakers. Notice, however, that transitional bilingual programs are still implemented and allowed in the current incarnation of the SDP language policy, contrary to the wishes of Maggie Chang and the bilingual education group at the language policy retreat, and despite the assertion in SDP policy that transitional programs are not as effective as one-way and two-way developmental programs.

Discussion

One goal of analysis of policy as discourse is to analyze which (policy) discourses will be privileged and how the discursive contexts within which policy decisions are made affect the interpretation, appropriation, and/or resistance at the local level of educational policy development and implementation. With its heavy focus on English language acquisition, Title III casts a dense English-only discursive pall over educational language policy and planning in the US. Wiley and Wright (2004) question whether or not Title III allows for maintenance bilingual education programs and argue that the new law "is more likely to discourage bilingual education and promote English-only approaches" (158) and Crawford (2002) argues that "One thing is certain: the rapid teaching of English will take precedence at every turn" (1). Yet, nothing in the Title III

text itself precludes any particular pedagogical approach and it in fact seems to be as flexible, with regard to program choice, as it claims.

Still, it is not just the policy texts but the interpretations of those texts at different language policy levels, and the discursive contexts which influence those interpretations, that play a role in educational language policy, planning, and program development. Title III defers some of its programmatic decision making power to state policy and thus ensures that state language policy will be important in determining which types of language programs schools can implement. For example, in California, Arizona, and Massachusetts – states in which anti-bilingual education initiatives have passed – Title III will have a different effect than it does in Pennsylvania.[11] While Pennsylvania language policy is tolerant of bilingual education, newer PA Education department discourse has appropriated Title III's focus on English language education for ELLs and the demand that scientifically based research be the basis for programmatic choice. It is left to the school districts how they will interpret these discursive shifts.

Emily Dixon-Marquez is cognizant of the discursive shift but characterizes both Pennsylvania language policy and Title III as tolerant of maintenance bilingual education, and emphasizes that the scientifically based research, demanded at the federal and commonwealth level, supports maintenance bilingual education over transitional and ESL approaches. Furthermore, Emily points out that Title III monies will be used to fund developmental bilingual education and thus native language maintenance among Philadelphians; her description of Title III resembles that of a promotion-oriented policy, characterized by "the government/state/agency allocate[ing] resources to support the official use of minority languages" (Wiley 2002: 48). While it may not reflect the intentions of the policies and runs counter to the English-only discourse, the de facto result in Philadelphia is the federal government allocating resources for additive bilingualism among native and nonnative English speakers in the school district of Philadelphia.

Top-down/bottom-up language policy distinctions – typically depicted as the relationship between state authored policy and the community affected by language policy – obfuscate the multiple levels of context which influence language policy decisions and ignore how policy making power can be differentially allocated within the "community." Even within what would traditionally be considered bottom-up language planning (i.e. a school district writing its own language policy), it is a mutli-layered process. Eve refers to policy making done downtown as top-down language planning when downtown makes policies for the teachers instead of with the teachers. Both Eve and Maggie actively try to include teachers and principals in this policy making process; they

[11] Wiley and Wright (2004) note that, in Arizona, a superintendent of public instruction has cited a study by Guzman (2002) as "scientifically-based" evidence of the *in*effectiveness of bilingual education.

attempt to foster open lines of communication so that policy-making is a more egalitarian discursive formation. Still, language planning power is differentially allocated in the school district of Philadelphia among those who work downtown and those who are in the field. Local (policy) discourse can be influenced by state sanctioned discourse, and top-down policies can serve as mechanisms of power which limit language planning options and normalize particular types of language education, but each discursive context, including the school district of Philadelphia, is influenced by its own system of power relations and the discourse therein.

While the SDP is subject to federal and commonwealth language policies, it has chosen to champion the linguistic diversity in Philadelphia and educational programs that support the maintenance of this diversity through the creation of its own language policy. The SDP policy authors appropriate the language demanding that educational programs be based on scientifically-based research by arguing that such research supports two-way and one-way developmental bilingual education and pay strict attention to the language in Title III that allows for additive bilingual education while resisting (or simply ignoring) the English dominant discourse.

Conclusion

Title III of No Child Left Behind is a significant shift in federal educational language policy and champions a vigorous focus on English language acquisition while ignoring, for the most part, bilingual education and/or minority language maintenance. Still, an analysis of the policy text reveals a struggle between diverting resources and attention toward English-only approaches and allowing local flexibility. In other words, while the focus of the policy discourse has shifted, there is room in the text to allow for developmental bilingual education, as long as local education agencies are not swayed away from bilingual education because of the accountability requirements and/or the requirement that language education programs be based on scientifically based research. Thus far, those involved with bilingual education planning in the school district of Philadelphia have remained devoted to maintaining developmental bilingual education while sculpting a language policy to support these beliefs.

Still, personnel changes in large urban school districts are frequent and discourses and policies about language and language education can change. I have proposed that an understanding of language policy as discourse allows an analysis of the different levels and discursive contexts in which educational language policy, planning, and program development is done. While difficult to abandon, top-down/bottom-up distinctions ignore the multi-leveled discursive contexts and the systems of power

and contestation operating therein. Because the policy discursive landscape is always evolving, the results of this study are not generalizable into the future of Philadelphia, nor are they generalizable outside of Philadelphia. Within any school district, there will be different policy stakeholders with varying access to the policy-making process and each district will respond to federal and state level language policy text and discourse in different ways. If we are to maintain linguistic diversity in schools, educational opportunity, and educational choice, we need more empirical work, done on the ground, in the field, from the bottom-up, and in collaboration between public schools and universities. Hopefully we can begin to build a base of solid research which helps to illuminate ways in which multilingual education can be fostered in the United States and throughout the world.

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