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Violating Lau: Sheltered English Instruction programs and equal educational opportunity

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ABSTRACT

This article considers the impact of the *Lau v. Nichols* Supreme Court decision on the education of English learners in Washington State, US. In particular, we focus on the most popular educational program in the state, Sheltered English Instruction. We first examine how intertextual links to various policy texts and discourses shape Washington language policy and then look at how educators in four school districts interpret and appropriate this policy. Based on fieldwork in four school districts, we argue that English learners are often submerged in English-only classrooms, in which the curriculum is not fundamentally changed to meet their needs, thus denying them equal educational opportunity according to *Lau v. Nichols*.

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Mirroring national trends, the English Learner (EL) population in Washington State was 9.4% of the total school population in 2014 and the number is steadily rising (National Center for Education Statistics 2016). Educational equity for linguistic minorities is a central concern for educational scholars, practitioners, and activists all over the world. In the United States, the 1974 *Lau v. Nichols* Supreme Court ruling is a landmark policy regarding educational access for English learners (ELs¹). In a unanimous decision, the judges ruled that ELs could not be placed in mainstream English-only classrooms without additional instructional adaptations. While the *Lau* decision has been very influential, constitutionally derived federalism forces the federal government to share power with the fifty states, and therefore US state departments of education and school districts are the arbiters of how *Lau* is interpreted and appropriated. This paper looks at how Washington's language policies and programs relate to the *Lau* decision. Particular attention is paid to the Sheltered Instruction program – how it is depicted in state language policy and how it is implemented in schools. We show that, while Washington language policy promotes several forms of bilingual education, the vast majority of ELs are enrolled in Sheltered Instruction programs, which are interpreted and appropriated in ways that might not accommodate the linguistic needs of students.

Conceptualizations of multi-layered language policy

Educational policy in general (Ball 1993; Bowe and Ball 1992) and educational language policy in particular (Ricento and Hornberger 1996) are conceptualized and researched as multi-layered phenomena and processes. Although these ‘layers’ are discussed in different ways – as macro, meso, and micro; top-down and bottom-up; explicit and implicit; overt and covert; de jure and de facto – there is general agreement that an understanding of the multiple layers is necessary to fully understand how policy works. In the language planning and policy (LPP) field, one model that has proven particularly resilient is Ricento and Hornberger’s (1996) metaphorical LPP onion, which is meant to depict the multiple layers of policy development. Ricento and Hornberger (1996) place the teacher at the center of the onion, thus emphasizing the power of teachers as *polycymakers* (and not just policy *implementers*) (cf. Hornberger and Johnson 2007).

One widely cited definition of language policy is Spolsky’s (2004, 5) multi-layered conceptualization, which distinguishes between three components of the language policy of a speech community:

- (1) language practices – the habitual pattern of selecting among the varieties that make up its linguistic repertoire; (2) its language beliefs or ideology – the beliefs about language and language use; and (3) any specific efforts to modify or influence that practice by any kind of language intervention, planning, or management. (numbering ours)

Bonacina-Pugh (2012), in applying Spolsky’s model to her research in a multilingual classroom in France, characterizes language practices as *practiced language policies* that are not something created outside of the classroom but something created within, emerging in the interaction between students and teachers.

McCarty (2011, 2) emphasizes that policy is ‘processual, dynamic, and in motion’ and Author 1 (2013) portrays the layers of educational language policy as processes of creation, interpretation, and appropriation. Policies are first *created* as a result of intertextual and interdiscursive links to past and present policy texts and discourses; they are then open to diverse *interpretations*, both by the creators and the intended implementers; and finally they are *appropriated* by teachers and administrators in potentially diverse ways. The notion of *appropriation*, as opposed to *implementation*, is applied ‘as a form of creative interpretive practice necessarily engaged in by different people involved in the policy process’ (Levinson, Sutton, and Winstead 2007, 768). Author 1 (2013) further argues that educational practices may or may not reflect the ‘intent’ of macro-level language policies, a point emphasizing the agency of teachers and administrators to interpret and appropriate language policies in potentially creative and unpredictable ways.

We emphasize that, while language practices, or practiced language policies (Bonacina-Pugh 2012), may be an important component of a language policy, so are *policy practices* – i.e. the creation, interpretation, and appropriation of a policy. Herein, we examine the evolution of one particular language policy – Washington’s Transitional Bilingual Instruction Program (TBIP) – and how it is interpreted and appropriated by classroom teachers and administrators. In particular, we focus on the program that serves the vast majority of Washington’s ~10,000 ELs: ‘Sheltered Instruction.’ However, first we take up the impact of *Lau v. Nichols* in US education more generally.

Lau's impact on US education

On January 21 1974, the Supreme Court decided for the plaintiffs in *Lau v. Nichols* (414 US 563), a case that was argued on behalf of approximately 1,800 students of Chinese ancestry in the San Francisco School District. The plaintiffs argued that because the students spoke Chinese, and could not understand instruction in English, they were denied 'adequate instructional procedures' and foreclosed from a 'meaningful opportunity to participate in the public educational program,' thus violating the Civil Rights Act of 1964. One of the key excerpts from the Lau decision declares that the *same* instruction for ELs as native English speakers is *unequal* instruction: '[T]here is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.' The interpretation of 'equal' has different legal implications in different contexts and the US definition here stands in contrast to other countries, like France, where 'equality for all' means the same instruction in one language (French) for all students. For example, during the French debate over the *European Charter for Regional or Minority Languages*, the French Constitutional Council relied on Article 1 of the French constitution – which states that all citizens be treated equally – to reject ratification of the Charter and deny institutional support for languages other than French (see Bonacina 2010).

Ultimately, US states and school districts became more responsible than the federal government for Lau's implementation (Hornberger 2005), and as Gándara, Moran, and Garcia (2004, 30) argue, 'The ambiguity of Lau's goals, while probably key to its approval, [has] also sown the seeds of controversy in the states.' To assuage some of this controversy, the Lau Remedies were proposed by the Office of Civil Rights in 1975, which specified bilingual education in two languages as the preferred method of implementation of Lau, rather than monolingual ESL instruction. However, these directives were withdrawn by the Reagan administration in 1981, after which schools could meet the needs of EL students in 'any way they had found to be successful' (Hakuta 2011, 165). Hornberger (2005) argues that shifting federal language policies have reflected shifting ideologies about language and language education, which, in turn, have shaped the way Lau impacts educational practices (see also Gándara, Moran, and Garcia 2004). The central claim of *Lau* – that language minority students need some type of accommodation – remains uncontested, but Hornberger (2005) argues that the responsibility of keeping 'the promise of Lau' alive falls to language educators.

Evolution of 'Sheltered Instruction'

One of the ways ELs might be accommodated is through Sheltered (English) Instruction, an increasingly popular approach around the world. However, the definition of what counts as 'sheltered' has evolved over time and continues to vary. Fritzen (2011) analyzes its historical development, noting that Sheltered Instruction began as a derivative of Content-Based Instruction (CBI), both of which were originally defined as special classes for EL students in which instructors taught both content and language. Krashen (1982) uses 'subject matter teaching' to describe classes that combine language and content in EL-only classrooms that are 'sheltered' away from the mainstream. Specifically using the term 'sheltered' in 1985, Krashen highlights similarities between 'sheltered' classrooms and immersion classrooms

because both focus on content, not language forms, and students receive a high degree of comprehensible input (in part, because native English speakers are excluded) (Krashen 1985, 16).

Earlier descriptions of Sheltered Instruction describe classrooms that prepare students for full participation in university-level courses. However, interest grew in the 1980s and 1990s in developing a program that would make the mainstream curriculum accessible to ELs in K-12 contexts, leading to a shift in how ‘sheltered’ classes were defined and understood (Fritzen 2011). Several new models emerged, with accompanying textbooks and pedagogical materials, including the Sheltered Instruction Observational Protocol or SIOP (Echevarria, Vogt, and Short 2013), Specially Designed Academic Instruction in English or SDAIE (Sobul 1995), and Cognitive Academic Language Learning Approach or CALLA (Chamot and O’Malley 1994). These programs emphasize a push-in approach, in which academic content is made accessible to ELs alongside their native English speaking peers in mainstream classrooms. Popular ESL methods textbooks have appropriated these shifting definitions. For example, Perego and Boyle (2008, 80) describe Sheltered Instruction as a type of content-based instruction, while the very popular SIOP® textbooks (Echevarria, Vogt, and Short 2013, 14) distinguish between ‘Content-Based ESL’ and ‘Sheltered Content’, describing the latter as a program that (1) focuses on grade-level content, (2) focuses on academic language development, (3) consists of all ELLs or mixed classes including non-ELLs, and (4) requires that the teacher be content certified and ESL (or bilingual) *endorsed or trained in sheltered techniques*.

A review of official state language policies and documents published on state department of education websites revealed that all 50 US states and the District of Columbia incorporate the term ‘sheltered’ into at least one of the program options. However, descriptions vary by who is in the classes (EL students only or mixed with native-English speakers) and who teaches the courses (mainstream, specialized EL teachers, or a combination of the two). For example, Sheltered Instruction programs in Kansas and Missouri are comprised solely of ELs (Missouri Department of Elementary and Secondary Education, n.d.) while in Montana they are potentially mixed – i.e. made up of ELs ‘as well as native English-speaking students’ (Montana Office of Public Instruction, 2013). In New Jersey, Sheltered Instruction classes are taught by ‘*regular classroom teachers* who have received training on strategies to make subject area content comprehensible for [EL] students’ (emphasis ours, State of New Jersey Department of Education, 2016, 4) while South Dakota stipulates that students receive ‘specialized instruction/curriculum in English with *an ELL teacher*’ (emphasis ours, South Dakota Department of Education, n.d.). In Oregon, the ‘Sheltered Content Program’ is an umbrella term, under which all other language educational programs (e.g. dual language, two way immersion, structured English immersion) are categorized (Oregon Department of Education, 2015). While there is a great deal of diversity, language and content instruction are combined in all the definitions, as originally envisioned in Krashen’s (1985) use of the term.

The purpose of this paper is to examine how Sheltered Instruction is depicted in language policy and how it is interpreted and appropriated by teachers and administrators in four school districts. We adopt the definition of ‘Sheltered Instruction’ as proposed in Washington Language Policy:

Sheltered Instruction (SI) is an approach used widely for teaching language and content to ELLs, particularly as schools prepare students to achieve high academic standards. In SI, academic subjects (e.g. science, social studies) are taught using English as the medium of instruction. SI

is most often used in classes comprised solely of ELLs, although it may be used in classes with both native English speakers and ELLs when necessitated by scheduling considerations or by small numbers of ELLs. (Transitional Bilingual Instructional 2009, 24)

There are two research methodologies addressing the research questions. We first offer a historical and discursive analysis of how Washington's educational language policies have portrayed and promoted equal educational opportunity for ELs. Then, we focus on empirical data collected in four school districts to analyze the range of educational approaches that have been impacted by these policies, with a particular emphasis on Sheltered Instruction. Given what we know about the multi-layered nature of LPP activity, and the diversity in implementation of language education program models around the US, we ask three research questions (1) How have descriptions of language education programs for English learners evolved and changed over time in Washington language policy?, (2) How do teachers and administrators interpret and appropriate the educational language policies, programs, and pedagogical practices promoted in Washington language policy?, and, (3) What are the intertextual and interdiscursive connections between federal policies, court rulings, state policies, and the interpretations of teachers and administrators?

Methods

To answer these questions we conducted an intertextual discourse analysis of Washington language policy texts and the qualitative data collected in four school districts. The original studies of the districts had different foci and utilized different methods and techniques (Table 1) but all generated empirical data about the interpretation and appropriation of Washington language policy more generally, and Sheltered Instruction in particular. After pooling the qualitatively generated data – including interviews, local policy documents, video, and observations in classrooms and meetings – we combined this with the state and federal level policy documents. The joint data re-analysis was then guided by intertextual discourse analysis as described below.

Data collection

Because educational policy is a multi-layered process – engendered by policy texts and discourses across multiple contexts and levels of institutional authority – Levinson, Sutton, and

Table 1. Data collection in the four school districts.

	Data collection timeline	Data collection techniques
District 1	September 2009-May 2015	3+ years participant-observation and field notes in sheltered instruction, late exit bilingual, and dual language classrooms; 15 interviews with teachers and administrators; document collection (Authors 1 and 4 2015)
District 2	October 2009-May 2013	2 years participant-observation and field notes in sheltered instruction and dual language classrooms; 9 interviews with teachers and administrators; 2 interviews with state-level policymakers; document collection (Authors 4 and 1 2015)
District 3	April-December 2011	9 months observation in classrooms; 8085 min of Video recordings in mainstream classrooms, sheltered classrooms, and pull-out groups (Author 3 2013)
District 4	January-April 2013	4 months participant-observation and field notes in classrooms; 8 interviews with teachers and administrators; document collection; photographic data of classrooms (Authors 2 and 1 2015)

Winstead (2007) argue that multiple researchers studying the same policy in different contexts provide a more robust account than the single researcher. We take up Levinson, Sutton, and Winstead's (2007) suggestion and the findings presented herein emerge from four separate studies (see Table 1) of the interpretation and appropriation of language policy in Washington, including ethnographic research in two of the districts (Johnson and Johnson 2015a), a mixed-methods study of English interaction in mainstream and sheltered classrooms in a third district (Johnson 2013), and a qualitative study of language policy interpretation and appropriation in one elementary school in a fourth district (Stephens and Johnson 2015).

A note on positionality is pertinent to the interpretation of findings. Three of the authors have worked as teachers within and outside of the districts reported on, three of the authors have served on a language education advisory board to the Office of Superintendent of Public Instruction (OSPI, the name for Washington's department of education), one of the authors has worked within OSPI as an administrator, and one of the authors has worked as a consultant to other Washington school districts, which included even more classroom observations and interviews with teachers, parents, and administrators. While we do not include the experiences and findings not directly related to these research projects as data, we also cannot ignore what was learned. Suffice it to say that other Washington school districts beyond those reported on have experienced similar challenges with Sheltered Instruction.

Table 1 describes the types of data collection and timelines in each of the four school districts. Access to classrooms, meetings, and particular participants was a product of the relationships developed in each of the contexts and, therefore, initial data collection relied on convenience samples. As relationships developed, and participants made suggestions about other participants, snowball sampling was incorporated. For the final analysis, we attempted to focus on individuals – both teachers and administrators – who had an important impact on how language policy was interpreted and appropriated. We have identified these individuals as *language policy arbiters* (Johnson and Johnson 2015b), an 'observer-identified category' (Hammersley and Atkinson 2007), which helps focus on particular individuals for interviews and observations.

The documents making up the bulk of document analysis were federal laws and educational policies, state laws and educational policies, and court decisions. Of primary importance was the major Washington law governing language education – the Transitional Bilingual Instruction Act (TBIA) of 1979 – and all of the six re-authorizations that followed, most of which can be found in bound archives of Washington legislative history. The language policy implemented as a result of TBIA – the Transitional Bilingual Instructional Program (TBIP) – and its various iterations were also examined as were multiple OSPI 'Reports to the Legislature', which focused on the impact of TBIP. These Washington policies made both explicit and implicit connections to federal educational language policies (including Title's VII and III of the Elementary and Secondary Education Act), statutory laws like the Equal Educational Opportunities Act, and US Supreme Court case rulings, notably Lau. Together, these texts represented a canon of the most important policy and legal language impacting the education of ELs in Washington.

The purposes of each of the school district studies were slightly different. The purpose of the ethnographic research in districts 1 and 2 was to understand how students, parents, teachers, and administrators experienced the impacts of Washington state language policy in dual language and Sheltered Instruction settings. For example, Johnson and Johnson (2015a) focus on how research evidence is leveraged in language policy decision-making

for dual language classrooms and Johnson and Johnson (2015b) propose a theoretical model that illustrates how decision-making power is unequally distributed among those who are positioned as mere implementers and those who are positioned as *language policy arbiters*. Johnson's (2013) mixed methods study focuses on the verbal interactions in 3rd–6th grade classrooms across mainstream, sheltered English, and ESL pullout instructional settings. The focus of the qualitative aspect of the mixed-methods research in District 3 was to understand the different contextual and pedagogical influences on EL interactions in the mainstream and sheltered classrooms. The purpose of the research in District 4 was to understand how teachers and administrators interpreted and appropriated Washington language policy for ELs in the district-wide Sheltered Instruction Program. Stephens and Johnson (2015) focus on how general educational principles and practices replace EL focused instruction and provide an excuse for teachers to ignore the linguistic needs of EL students. While the purposes and research questions for each study extended beyond understanding the implementation of Sheltered Instruction, this paper focuses on this common and salient aspect of each study.

Intertextual analysis

All of the studies relied on different forms of data collection; although the studies in districts 1 & 2 were similar because they both incorporated ethnographic methods. The research in district 3 involved mixed-methods data collection and analysis but, while the quantitative data were not ignored, they were also not included in the final analysis herein. Each individual researcher incorporated inductive coding in the original studies to generate concepts and categories that emerged from the data. Collaboration among the four researchers began with informal conversations about the similarities in foci and findings. These informal conversations eventually gave way to more structured peer debriefing and external auditing to determine if the findings were supported by the data (Creswell 1998). Researcher triangulation led to a re-analysis of the data collected across the four studies, in the hopes of considering it as one pooled body of textual data. In the follow-up analysis, we separated out particular events and data sources from the four original studies that pertained to Sheltered Instruction creation, interpretation, or appropriation.

The persistent challenge of analyzing connections across multiple domains, contexts, and layers of policy activity – including making connections between official policy and its implementation – is benefited by a discourse analytic strategy that employs *intertextuality*, a concept that describes how utterances derive meaning from other utterances. Julia Kristeva (1986, written in 1966) is credited with coining the term (*l'intertextualité*) in her analyses of Mikhail Bakhtin's writings on literary semiotics, which popularized his mostly unpublished and unknown work (Allen 2011). Bakhtin proposes that the (spoken and written) texts we create are filled with echoes of previous speakers and writers and any given utterance can only be understood against the background of other utterances: '[A]n utterance is a link in the chain of speech communication, and it cannot be broken off from the preceding links that determine it both from within and without' (Bakhtin 1986, 94). According to Bakhtin (1986) meaning is not just attributable to one particular utterance in isolation but emerges *between* utterances, texts, and discourses. Because meaning-making is a social activity that is impacted by local ideologies and discourses, and because a text is a product of a multiplicity of social voices and a 'background made up of contradictory opinions' (Bakhtin 1986, 281), the same language policy might be interpreted in different ways by different communities.

Therefore, as Lemke points out (1995, 23), 'It is very important to understand just *which* other texts a particular community considers relevant to the interpretation of any given text.'

Whereas intertextual analysis largely attends to the lexico-grammatical features of a text, *interdiscursivity* refers to the connections between texts and discourses. Defined by Fairclough (1992, 271) as 'the configuration of discourse conventions that go into [the text's] production' interdiscursive connections reveal how discourses circulating across various contexts – from the macro to the micro – get reified in educational language policy. The intertextual analysis is guided by the third research question: What are the intertextual and interdiscursive connections between federal policies, court rulings, state policies, and the interpretations of teachers and administrators? The focus is on how local educational processes can be interpreted in light of state and federal policies, laws, and juridical language.

In line with Lemke (1995), we use the word 'text' to mean 'a product of discourse' so both spoken and written texts – including field notes, transcripts of audio recorded interviews, transcripts of video recordings in classrooms, *and* policy documents – were included. Once this body of textual data that focused on Sheltered Instruction was organized, the research team collaborated on the intertextual analysis. Intertextual analysis began with a close reading of all the textual data. The intertextual connections between the language policies, and the mixing of policy language, were traced to analyze the semiotic resources deployed – and how the meanings emerged – in the historical development of the policies, which is the focus of the first half of the analysis.

Within the larger body of textual data, commonly deployed lexico-grammatical features were traced, including 'sheltered instruction,' 'equal educational opportunity,' and 'just good teaching.' The analysis then focused on intertextual and interdiscursive connections between the policy documents and the qualitative data collected within the school districts, with a particular emphasis on how Sheltered Instruction was developed in Washington State language policy and how it was interpreted by teachers and educators. The themes that emerged are used to organize the second half of the findings. While consistencies across the four school districts are made salient, distinctions are also highlighted.

Context

Comparisons can be drawn between Washington's EL population, which was 9.4% of the total student population in 2014 and the national average, which was 9.3% in the 2013–2014 school year (National Center for Education Statistics 2016). Washington is home to urban centers, like Seattle, with longer established programs and more rural settings with less established programs, which must adapt to new growth in the EL population. While the majority of ELs in the state are Spanish speakers (67.4%), there are over 1,000 speakers each of Russian, Vietnamese, Somali, Chinese, Ukrainian, Korean, Arabic, and Tagalog. Individual districts do not keep track of mother tongue distribution, but the ethnic makeup reveals some interesting distinctions. The vast majority of ELs in District 1 are Latino, which is a majority-minority district reporting a 71% Hispanic population. At 29%, District 2 has similar numbers of Latino students as the state of Washington as a whole (22%). District 3 is quite different, with only about 10% of its population identifying as Latino, with relatively similar numbers of American Indian, Asian, African American, and Native Hawaiian students (1.5–2.5% each). About 10% of the students in District 4 are identified as Latino and about 10% are Asian. To respect the anonymity of the school districts, we do not provide

geographical descriptions, and refer to them only with a number, but we *can* say that the districts are located across the state, and not within one region. There is diversity across the districts (Table 2) but a unifying characteristic is that none are large urban districts, and thus this study joins others focusing on smaller and medium-sized school districts in new(er) immigrant contexts that have received less attention in the literature (see also Paciotto and Delany-Barmann 2011).

Washington state language policy

In this section, we consider the question: (1) How have descriptions of language education programs for English learners evolved and changed over time in Washington language policy, creating an opening for the prominence of Sheltered Instruction? The first major language policy for English learner education was the TBIA, passed in 1979 by the Washington legislature who, in turn, charged Washington's department of education – the OSPI – with implementation. Since then, OSPI has overseen the educational program engendered by TBIA, the TBIP, which is the primary language policy for EL education in the state of Washington. While the TBIA of 1979 does not mention Lau specifically, it does contain some salient intertextual connections to the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. For example,

[C]lasses which are taught in English are inadequate to meet the needs of [ELs]...Pursuant to the policy of this state to insure *equal educational opportunity* to every child in this state, it is the purpose of this act to provide for the implementation of bilingual education programs. (emphasis ours, c 95 § 1)

Language policies often incorporate horizontal intertextual connections to earlier versions of the same policy, especially those created as statutory laws, and are subject to re-authorizations that reflect the ideological zeitgeist among a new set of policymakers (Hornberger 2005). When it was first enacted, the language in TBIA promoted bilingual education as the best method for ensuring equal educational opportunity. However, this commitment was diluted over the years and in 1984, the legislature re-authorized a changed TBIA with salient deletions (crossed out) and additions (underlined) in the language

1984 Re-authorization of the Washington's Transitional Bilingual Instructional Act

1979	1984
Classes which are taught in English are inadequate to meet the needs of [ELs]. The legislature finds that a bilingual education program can meet the needs of these children...it is the purpose of this act to provide for the implementation of bilingual education programs	Classes which are taught in English are inadequate to meet the needs of [ELs]. The legislature finds that a <u>transitional</u> bilingual education program can meet the needs of these children...it is the purpose of this act to provide for the implementation of <u>transitional</u> bilingual education programs
Every school district board of directors shall make available to each eligible pupil bilingual instruction	Every school district board of directors shall make available to each eligible pupil <u>transitional</u> bilingual instruction <u>to achieve competency in English</u>
Transitional bilingual instruction means a system of instruction which uses two languages	Transitional bilingual instruction means a system of instruction which uses two languages... <u>In those cases in which the use of two languages is not practicable...an alternative system of instruction</u> which may include English as a second language

The 1984 re-authorization diminishes the commitment to bilingual education, while emphasizing *English*. For example, the phrase 'Classes which are taught in English are inadequate to meet the needs of [ELs]' is deleted in the 1984 version, suggesting that

Table 2. Demographic overview of the four Washington school districts.

District	Student population	Percent ELL (%)	Number of schools	Size of district in square miles
1	16,582	35.3	20	294
2	17,561	13.8	21	292
3	29,355	5.2	47	83
4	2,588	4.8	5	207

English-only classes *are* adequate to meet the needs of ELs. Further, the insertion of ‘transitional’ before every occurrence of the word ‘bilingual’ in the law emphasizes that these programs are intended to help students ‘achieve competency in English’ (and not in another language). Most important is the 1984 caveat modifying the accepted definition that *bilingual* education means instruction in two languages: ‘In those cases in which the use of two languages is not practicable...an alternative system of instruction [can be used].’ The new language expands the semantic borders of ‘bilingual education’ to include ESL instruction.

This policy shift in Washington State mirrored changes to the 1984 reauthorization of Title VII – aka the Bilingual Education Act (BEA) – within the US Elementary and Secondary Education Act, which opened the door for funding of *non*-bilingual English-only programs, *also* referred to as ‘alternative instructional programs’ in federal policy language (Wiese and Garcia 2001). Similarly, this new (borrowed?) language in TBIA opened a legal door for school districts to use TBIP money for English-only programs, including Sheltered Instruction (the most popular program). Within OSPI, administrators in the Office of EL Education were responsible for distributing both federal and state-generated dollars for EL education. In an interview with Ron Brown,² a former director of the state’s Office of EL education, we asked if there were any programs that the office supported or promoted over others. He responded that while the office preferred dual language education, they did not promote or recommend any particular language education program model.

As of 2014, OSPI officially identified five choices for school districts that receive TBIP money, which were typically (and notably) listed in the following order: (1) Dual language; (2) Developmental Bilingual Education (also called late-exit bilingual education); (3) Transitional Bilingual Education (or early-exit); (4) Sheltered Instruction (or Content-Based ESL); and (5) Newcomer programs (TBIP 2009, 26). While TBIP included *transitional* bilingual programs (#3), the goal of which is eventual transition into all English instruction, it also included *additive* bilingual programs (#1), the goal of which is bilingualism and biliteracy in all subject areas. Furthermore, TBIP covered English-only programs (#4 and #5), creating the odd result that a ‘bilingual education’ policy included monolingual education. Brown claimed that this was because according to Washington state law, ‘Anything for second language was called “bilingual” ... and the name has hung on’ (interview, 8.06.08). He interpreted the intent of the law as eventual transition to all English instruction but, because ‘the state does not prescribe how you do that,’ districts had options when choosing how to implement the policy.

The support of bilingual education programs in general, and dual language education in particular, has created implementational space (Hornberger 2002) for multilingual education and, indeed, enrollment in bilingual education has outpaced enrollment in English-focused programs (Table 3³). Nevertheless, most TBIP funding goes towards Sheltered Instruction and in the OSPI (2012, 15) report to the Washington legislature, the authors lament that

Table 3. Washington state instructional programs by enrollment.

Program model	2004–2005	2011–2012	Percent change (%)
Total TBIP Enrolment	83,109	96,966	+16.7
Sheltered Instruction	76,182 (91.7%)	83,3701 (86%)	+9.4
Bilingual (late exit)	3327 (4%)	5107 (5.2%)	+53.5
Bilingual (early exit)	2521 (3%)	2944 (3%)	+16.8
Dual Language	1077 (1.2%)	3453 (3.5%)	+220.6

[R]esearch shows that students do better with more instruction in their primary language. Unfortunately, only 14 percent of Washington's students received primary language instruction in the 2011–2012 school year. For the majority of ELLs, their program is more accurately defined as sheltered instruction where instruction is provided only in English. (15)

This is due, in part, to the capacity of the school districts to implement bilingual education programs. As Title III Director and Bilingual Education Director of District #2 put it,

The majority of kids in Washington State are in Sheltered Instructional models because a lot of the districts don't have the kids for dual language, they don't have the teachers for dual language or transitional bilingual, they don't have the numbers. (Interview 10.16.11)

Washington language policy makes explicit intertextual connections to *Lau v. Nichols* in the 2009 TBIP guidelines:

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. In *Lau v. Nichols*, the US Supreme Court affirmed the Department of Education memorandum of May 25, 1970, which directed school districts to take steps to help LEP students overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs. (49)

Here, TBIP references the Civil Rights Act and borrows language directly from the *Lau* decision – 'they can participate meaningfully' ('meaningful opportunity to participate' in *Lau*) – and the Equal Educational Opportunities Act of 1974, which states that school districts must take 'appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.' By drawing upon these particular texts and discourses, EL education in Washington language policy gets positioned as a civil rights issue, yet a question remains about how much of this message is accessible to principals and teachers.

Washington language policy proffers a relatively loose interpretation of sheltered instruction in the 2009 TBIP Guidelines (24):

Sheltered Instruction or Content-Based ESL ... is an approach used widely for teaching language and content to ELLs ... In SI, academic subjects are taught using English as the medium of instruction. SI is most often used in classes comprised solely of ELLs, although it may be used in classes with both native English speakers and ELLs when necessitated by scheduling considerations or by small numbers of ELLs.

This description reflects earlier descriptions of 'sheltered' – 'most often used in classes comprised solely of ELLs' – and the broadening of the term – since it 'may be used in mixed classes with both native English speakers and ELLs'. In the districts we have observed, the notion that 'SI is most often used in classes comprised solely of ELLs' is inaccurate since it is common for ELs to spend the majority of their time in mainstream classes with native English speakers.

Whether mixed or not, Sheltered Instruction program characteristics are more specific and include (TBIP 2009, 68):

- Core curriculum modified to meet the language development needs of ELLs.
- Specific strategies used to teach a particular content area in ways that are comprehensible and that promote English language development.
- SI strategies characterized by careful attention to ELLs' distinctive second language development needs and gaps in their educational backgrounds.
- Integrates content area objectives and language development objectives.

These characteristics describe a Sheltered Instruction program that considers the linguistic needs of ELs, integrates content and language objectives, utilizes strategies to make content comprehensible, and modifies the core curriculum for EL education. These features appear to reference both Krashen's theory of comprehensible input (1985) – 'teach a particular content area in ways that are comprehensible' – and notable features of SIOP, particularly the integration of content and language objectives.

Regarding teacher qualifications, TBIP borrows (verbatim) from a report by Genesee (1999) called 'Program Alternatives for Linguistically Diverse Students', and declares that '[T]eacher qualifications for this program [include] often certified ESL or bilingual teachers and content teachers with Sheltered Instruction training [who are] preferably bilingual' (TBIP 2009, 26). The inclusion of the term 'often' in this passage borrows from Genesee (1999) but it also leaves open the possibility that teachers are *not* trained and, indeed, highlights the fact that Washington lacks a strong cadre of teachers trained in EL or bilingual education.

Interpretation and appropriation of Sheltered Instruction in Washington school districts

We now turn to the school districts to examine how Washington State language policy in general, and Sheltered Instruction in particular, get interpreted and appropriated to answer

Table 4. English learner programs in the four districts.

	Program types	Personnel teaching ELs	Role of the ELL specialist
District 1	Late exit bilingual; Dual language; Sheltered Instruction with pull-out and push-in support	Bilingual education teachers; mainstream teachers; para-educators who tutor within and outside of mainstream classes; ELL specialists	Itinerant and building specific; Advising and conducting professional development for mainstream teachers; pull-out and push-in support
District 2	Late exit bilingual; Dual language; Sheltered Instruction with pull-out and push-in support	Bilingual education teachers; mainstream teachers; para-educators who tutor within and outside of mainstream classes; ELL specialists	Itinerant and building specific; pull-out and push-in support
District 3	Sheltered instruction with pull-out and push-in support services	ELL specialists; Mainstream teachers; para-educators who tutor within the mainstream classroom	Itinerant; Pull-out support for small groups of ELs; Advising mainstream teachers
District 4	Sheltered instruction with pull-out support services	Mainstream teachers; 1 ELL specialist	Itinerant; Administering entrance and English achievement assessments; Pull-out support for individual students

the second research question: How do teachers and administrators interpret and appropriate the educational language policies, programs, and pedagogical practices promoted in Washington language policy? Washington's EL numbers and linguistic backgrounds mirror national trends, suggesting that research across contexts within a state may inform our understanding of language policy processes across the country. As can be seen in Table 4, while all of the districts offered Sheltered Instruction in mainstream classrooms, Districts 1 and 2 also offered late exit bilingual and dual language education within the elementary schools. District 1 has been considered a state leader in bilingual education and many other school districts interested in starting a program have visited District 1 for inspiration and guidance. Nevertheless, many of the students in District 1 ended up in Sheltered Instruction (either because they started there or because they were exited from a bilingual program), most of the ELs in District 2 were educated exclusively in Sheltered Instruction, and all of the ELs in Districts 3 and 4 were considered to be enrolled in Sheltered Instruction. While all of the districts hired English language learning (ELL) specialists, their roles varied. They were sometimes itinerant – serving several schools within the districts – or building-specific; some took on leadership positions in advising and training mainstream teachers, while others did not; some pulled groups of students out of classrooms for instruction while others worked within mainstream classrooms to give support. As well, para-educators were heavily relied upon in all of the districts for the education of ELs and, as discussed below, these individuals rarely had any sort of teacher certification, and never had a specific credential for working with ELs.

We organize the rest of the analysis according to themes – and intertextual/interdiscursive connections that emerged across contexts and research projects – which illuminate how Sheltered Instruction is interpreted and appropriated by teachers and administrators in the four school districts.

Teacher training

School districts in this study utilized TBIP money to train teachers in techniques that were meant to be aligned with the goals of Washington language policy, which included academic instruction that was 'meaningful and comprehensible to second language learners' (TBIP 2009, 25). Three models of English learner education for Sheltered Instruction, GLAD, SIOP, and CALLA, were identified in the OSPI (2012) report to the legislature as commonly used throughout the state. Of these three, GLAD (Guided Language Acquisition Design) was the most popular program because the time commitment was minimal and it was perceived to be more cost-effective. It is not surprising, then, that the brief GLAD professional development did not engender substantial changes in classroom instruction. A principal in District 4 suggested that this is partially due to the teachers not remembering the content of the workshops: 'They remember the things they used right away, but they're presented with a lot of things that they don't necessarily just pull out and use right away' (interview, 3.1.13).

The developers of SIOP stipulate that teachers in charge of Sheltered Instruction need to be (1) content certified and (2) ESL (or bilingual) endorsed *or* trained in sheltered techniques (Echevarria, Vogt, and Short 2013, 14). Echoing this requirement (and quoting Genessee, 1999), with a slight distinction, Washington language policy suggests that EL teachers need to be (1) ESL or bilingual certified *or* (2) content certified and have sheltered instruction training. Nevertheless, the majority of ELs in Washington were served by teachers who lack

such certification and it was not uncommon for even a specially designated ELL teacher to lack ELL or bilingual education certification. Furthermore, there was (*and still is*) no stand-alone ESL or bilingual certification in the state of Washington, rendering the first possibility in Washington language policy ('ESL or bilingual certified') all but impossible. The major universities in Washington offered an ELL and/or a bilingual education endorsement, but it was considered an 'add-on' endorsement because it is added to whatever else the teacher is certified to teach – either elementary education or their content area, for secondary teachers.

Thus, the primary task of ensuring equal education opportunity for ELs was all too often placed in the hands of teachers who were not trained as envisioned in Washington language policy. In the 2009–2010 school year (the latest year with available data), Washington school districts relied mainly on instructional aides (52%) for EL education, as opposed to certified teachers (48%), and of the TBIP-funded teachers, only 58% had an ELL or bilingual endorsement. According to the dual language coordinator in District 2, 'These kids might not even be in a classroom with a teacher who's trained in anything' (Interview, 8.22.11).

The lack of training led to frustration among teachers who expressed a desire to accommodate ELs, yet felt it was unrealistic to provide EL-specific accommodations, given their commitments to the class as a whole. One teacher, Ms. Willit, in District 4 described it in this way:

It is kind of unrealistic I think for the general ed teacher to be expected to do it all. If I had a class of ten it would be much more doable, but when you have a class of twenty-eight it is hard because you have so many other needs too, so sometimes I get frustrated...we kind of seem to be the *be all* and ... there's only so much time in a day and ... all of these kids need you. There's only so many places you can be at one time! (interview, 4th grade teacher, 3.11.13)

She highlighted her frustration that mainstream teachers were expected to be the 'be all,' which included meeting the needs of Special Education students, following Response to Intervention protocols, preparing students for increasing numbers of achievement tests, *and* teaching ELs (in large classrooms). However, Ms. Willit and others felt incapable of meeting these unrealistic expectations given the size of their classes, and teachers reported feeling concerned that an over-emphasis on one group of students was unfair to the rest. The dual language coordinator in District 2 argued that, even though there was a 'huge investment' in EL professional development for teachers, the perpetual influx of new policies, standards, and curricula were a hindrance for implementation of GLAD strategies:

Teachers go and they get trained with the best of intentions and they love it and they're all excited about it, and then they come back and they're like, 'Oh, we got a new math curriculum. Now I need to learn that.' (Interview, 9.22.11).

'It's just good teaching'

We did not meet a Washington administrator or policy-maker who did not express a concern for EL education and, even in districts with smaller numbers of ELs, this concern appeared to be growing. For example, a principal with small but growing numbers of ELs declared that 'These are *all* our students!' emphasizing a sense of ownership and responsibility for their education. However, this same principal described the difficulty in convincing teachers to change pedagogical practices and, even when teachers were committed to EL education, it did not always entail any sort of pedagogical change, especially if the teachers felt they

already did a good job. The fatigue associated with pedagogical change was understandable, especially considering the ever-changing and increasing standards and testing requirements.

However, this attitude was also part of a discourse within the districts (as expressed both by administrators and teachers) that effective EL teaching was ‘just good teaching,’ a notion that was reinforced by descriptions of SI programs, which emphasize that the programs also work for native English speakers. For example, in the SIOP text, the authors assert that ‘[R]esearch studies have shown that *all students* in SIOP classes performed better than comparison control groups’ and ‘English-speaking students ... also benefit from SIOP practices’ (emphasis ours, Echevarria, Vogt, and Short 2013, 13, 14). This is, in fact, a big selling point for SIOP and makes their materials more marketable. In the ‘about SIOP’ page on their website, the very first thing that is mentioned is: ‘In an age of high accountability, The SIOP® Model offers an empirically-validated approach to teaching that helps prepare *all students* – especially English learners – to become college and career ready’ (emphasis ours).

This discourse permeated GLAD training workshops as well. In reflecting on conversations with teachers following a GLAD training, the principal from an Elementary school in District 4 said ‘The number one thing they say is, “This is just good teaching for everyone!”’ (Interview, 4.2.13). Similarly, in describing GLAD, an elementary school principal in District 1 said, ‘Some of it, you’re just going to go, well duh, because all of them are just excellent strategies,’ (interview, 10.13.11) and a principal in District 2 described them simply as ‘best teaching practices’ (interview, 10.7.11). Because ‘it’s just good teaching,’ the accommodation of ELs in Sheltered Instruction programs often was reduced to strategies considered to be best practices for *all* students. For example, teachers and principals repeatedly pointed to the increased use of ‘visuals’ but never described accommodations that reflected what was found in Washington State policy – accommodations deemed necessary to ensure equal educational opportunity – like aligning language and content objectives, teaching to learner’s second language development needs, or modifying the core curriculum. Classroom observations supported this and when asked about the modifications for ELs based on GLAD trainings, teachers pointed to the increased use of visual information on the classroom walls. While such multi-modal input is considered good pedagogy within Sheltered Instruction, such minor modifications do not constitute a modification of the core curriculum and do not align with definitions of ‘Sheltered Instruction’ in Washington and across the US.

While Sheltered Instruction proponents would argue that pedagogical practices like integrating content and language objectives, teaching with manipulatives (which help contextualize language input), and considering linguistic challenges when testing, are good for both ELs and non-ELs alike, we argue that the converse is not necessarily true. That is, while good teaching for ELs may be good teaching for everyone, good teaching for everyone is *not necessarily* good enough for ELs (see also de Jong and Harper 2005). Yet, the subtlety of this relationship gets lost in the ‘It’s just good teaching’ discourse, and if it is only a matter of ‘good teaching’ (and if teachers believe themselves to be good teachers), this provides a rationale for not changing pedagogical practices. If teachers already think they are doing a good job, why change?

Roles and responsibilities

The lack of consistency in definitions of Sheltered Instruction – in academic literature and state language policies – was reflected by a lack of understanding for how the program

should be implemented. In these districts, the mainstream teachers were largely responsible for providing Sheltered Instruction. While some of these schools had a specialized EL teacher who pulled students out of their primary classroom for brief periods of time, EL students in Sheltered Instruction programs spent the majority of their time in mainstream classrooms. Nevertheless, many mainstream teachers did not understand or believe that EL education was *their* responsibility. For example, when asked if anyone had discussed the Sheltered program with her, a 1st grade teacher in District 4 said:

Did anyone sit down with me ... and say this is what we do for ELLs in that particular way?
No ... I haven't heard anybody use that term. (interview, 3.11.13)

Not only was her role in the Sheltered program never explained to her, Ms. Elmhorst reported not even ever hearing the term. In other words, it was not made clear to many teachers that according to Washington language policy, they *were* the sheltered instructional program, or at least a big part of it. Instead, classroom teachers tended to think that ELL specialists were solely responsible for EL education even when students were rarely with a specialist, as was the case in Ms Elmhorst's school (District 4).

ELL specialists recognized their responsibility for sheltered instruction. However, not all schools had an ELL specialist and, in those that did, they were not always available. Many schools had to 'share' an itinerant ELL specialist, especially in districts with lower numbers of EL students. For example, in District 4 there was *one* ELL specialist who was responsible for three elementary schools, one middle school, and one high school. The challenge of providing EL education to multiple schools was compounded by standardized tests, the inclusion of which expanded dramatically with the advent of 2001's iteration of the Elementary and Secondary Education Act, also known as the No Child Left Behind act (NCLB). The emphasis on accountability in Title I of NCLB was further complicated by Title III, which made school districts accountable for the test scores of ELLs. (This emphasis on testing was preserved, with slightly more flexibility in the Every Student Succeeds Act, passed in 2015.) The ELL specialist was responsible for administering the standardized assessments each time a new student entered the program and at regularly scheduled testing times throughout the year. During fieldwork in District 4, the ELL specialist was so busy with testing, EL students in one elementary school went for a month without seeing her. Although she expressed a desire to provide support to mainstream teachers in Sheltered Instruction techniques, and engage in co-planning and coordination activities like those advocated by Peregoy and Boyle (2008), her workload precluded her from doing so.

Submersion of English learners

Across the four school districts, 'sheltered' was implemented in a variety of ways. In some schools, students received pull-out support with a specially-trained ELL specialist (in Districts 3 and 4) or a 'tutor' who may or may not have language education training (in District 3). In Districts 1 and 2, ELs were rarely pulled out of their mainstream classrooms and, if they were, by non-certified educational assistants. In District 3, some students were 'sheltered' away from the mainstream in EL-only classrooms while in the other districts for this study, this was rarely the case. However, none of the four districts demonstrated a consistent district-wide implementation of the sheltered program as envisioned in Washington State language policy (TBIP 2009, 68), with the 'core curriculum modified to meet the

language development needs of ELLs' or 'provid[ing] instruction that meets the unique needs of ELLs enrolled in grade-level content courses.' This *was* done in the bilingual classrooms we observed, but the majority of ELs were not enrolled in bilingual programs. The result is that many ELs were submerged in mainstream English-only content-area classrooms with no modification to the curriculum or teaching methods, thus receiving the same instruction as all the other students, which violates the spirit of *Lau v. Nichols*. According to Lau, and the definitions set up in Washington language policy, these students were being denied a 'meaningful opportunity to participate in the public educational program.'

The problem was particularly acute for students who had progressed past beginning levels of proficiency, but were still designated as ELL. The Title III director for District 2 said: 'Once they get past the beginning level or intermediate level, they're pretty much out there in the mainstream. There's really not a lot of support.' (interview, 10.16.11). A noteworthy example was a student named Bluh, who was captured in video data in one fourth-grade classroom in District 3. Bluh was filmed over the course of 4 consecutive days. One particular video clip illustrated a common experience for EL students in the four districts. This particular 30-min clip was sped up so a viewer could watch it in 56 s. In the course of that thirty minutes (or 56 s), Bluh does not leave his desk nor talk to anyone. Other students move around Bluh, seeking help from the teacher, working on projects or reading together, discussing and negotiating for meaning. As he sits alone, alternating between laying his head on the desk and playing with a Pokémon toy, there is a whirlwind of classroom activity around him, yet he sits alone and silent at his desk, speaking to no one and no one speaking to him. He is essentially submerged in classroom language and interaction that he does not understand. Unfortunately, the video of Bluh is something like a visual synecdoche for Sheltered Instruction in Washington, because the 'sheltering' so often means ELs are sheltered away from (and not with) comprehensible input and meaningful classroom interaction.

Discussion and implications

Contextual factors such as the numbers of EL students, their language backgrounds, and the history of EL education programs in a state vary from context to context, but because the student population trends in Washington are similar to the rest of the country, these findings have implications for other contexts across the US. Reminiscent of Title VII of the 1968 US. Elementary and Secondary Education Act – aka the BEA – Washington's TBIA of 1979 provided additional funding for English learners and promoted bilingual instruction. Mirroring language changes in the 1984 reauthorization of the BEA, salient changes were made in the 1984 reauthorization of the TBIA, which opened up implementational space for English-only programs. This space in the policy has remained and creates the odd result that the vast majority of programs funded under the Transitional *Bilingual* Instructional Act are, in fact, monolingual. Such terminological confusion is an intractable challenge in educational policy and a problem for the field (Hornberger 1991). Furthermore, varying definitions of 'bilingual', as applied to learners (not programs), further compound the problem. In Britain, for example, the term 'bilingual' is used to describe *all* students in English as an additional language (EAL) programs, regardless of linguistic ability (Creese 2005).

While bilingual education program models are foregrounded in WA language policy as a way to provide ELs with equitable education, policymakers lamented the small number of bilingual programs throughout the state. Reflecting national trends in educational language

policy, when bilingual education is not possible, Sheltered English Instruction is the dominant model in Washington. Yet, definitions of Sheltered Instruction have changed over the years and state educational policies define it in varying ways. While 'Sheltered Instruction' has historically been portrayed as content-based instruction for ELs in separate classrooms, Washington utilized newer definitions that relied on the mainstream teacher incorporating sheltered strategies for EL students. Washington's TBIP stipulates that Sheltered Instruction programs must include fundamental changes to classroom instruction that considers the language development needs of English learners, yet this is not how the policy is interpreted and appropriated. The majority of teachers responsible for EL education in the Sheltered Instruction program had little or no training, and what little they did have reinforced the notion that effective EL teaching was 'just good teaching,' which often got reduced to the inclusion of more visual input. Thus, what was promoted by Washington language policy, and policymakers, was not what was implemented in classrooms. This is perhaps not a shocking finding since educational policies are often not implemented as intended; however, the result here should be shocking: submersion of ELs in *incomprehensible* input, which, according to the definitions outlined by federal and state language policies, denied students equal educational opportunity and violated the spirit of the Lau decision.

Washington promotes the laudable goal that both ELL specialists and mainstream teachers be trained to accommodate English learners as a part of the Sheltered Instruction program. Yet, not only did most teachers have little, if any, training, many did not even understand their role as envisioned in Washington policy. The significance of this might receive more attention among teachers if they were aware that Washington language policy connects this to the Lau decision and the Civil Rights Act, and thus positions this as a civil rights issue; instead, the discourse that 'It's just good teaching' provided a rationale for 'good' teachers to avoid making pedagogical changes to accommodate ELs. Teachers reported feeling frustrated with increasing demands and responsibilities, including the teaching of ELs, especially when they did not feel well trained to accommodate them.

While our theoretical orientation requires critical analysis, however, we want to emphasize that our intention is not to demonize educators. Our critique is not directed at the people but is leveled both at the structural mechanisms that have historically marginalized ELs and the current breakdown in language policy. If the goal is social justice for all students, these educators and policy-makers need our support. Critical scholarship (e.g. Tollefson 2013) conceptualizes language policy as part of a larger social structure that marginalizes students and strips educators of their agency; however, we found that administrators, principals, and ultimately teachers had the freedom to implement Washington's Sheltered Instruction program in various ways. This led to diversity in how Sheltered instruction was envisioned, implemented, and staffed, which reflected other LPP research focusing on the malleability of language policy texts (Jaffe 2012) and the agency of educators to interpret and appropriate such texts in unique ways (Ball 1993). Still, this agency did not necessarily lead to equal educational opportunities for EL students and, indeed, what these educators lacked was a clear *structure* within the educational system that clearly outlined roles and responsibilities and supported and trained teachers. There was a lack of communication to the teachers about this educational policy, including the educational vision and philosophy upon which it was based. Furthermore, the dissemination of an action plan for the language policy – which includes a clear description of roles and responsibilities – is needed so that

principals understand the goals of the program and teachers can implement pedagogical techniques aligned with those goals.

Hult (2010) describes the challenge of connecting macro and micro LPP processes as the perennial challenge for the field. We have proposed two potential solutions for the problem of empirically capturing connections across the multiple levels and contexts of language policy activity: (1) we propose that multiple researchers analyzing the impacts of the same policy in different contexts can provide a greater breadth of coverage than the individual researcher; and (2) we propose that combining an intertextual analysis of policy documents with empirical data collection in schools helps illuminate how macro-level language policies impact educational practices. We also respond to Lemke's (1995) suggestion that an intertextual analysis highlights which other texts a particular community draws upon, and find that Washington language policy draws from the *Lau v. Nichols* Supreme Court decisions, the Civil Rights Act of 1964, the Educational Opportunities Act of 1974, second language acquisition theory (Krashen 1985), popular education programs like SIOP, and academic reports like Gennese (1999). This type of analysis highlights how policies are intertextually related to one another both horizontally (previous versions of the same policy) and vertically (at different levels of language policy creation). The findings reveal how diverse intertextual and interdiscursive links create policy texts that are heteroglossic.

There is also an obvious drawback to this type of research: we are four researchers with four different subjectivities and four different ways of approaching fieldwork. Furthermore, not all of the data for each individual study (for example, the 8085 min of video data from Study 3) could feasibly be re-analyzed and we relied on the choices made by the individual researchers in selecting the data that would be re-analyzed for this paper. Yet, in looking at the commonalities and connections across our datasets, salient and persistent themes emerged regarding the challenge in accommodating ELs in the Sheltered Instruction program.

While we cannot generalize to other educational contexts we note similar findings regarding the marginalization of ELs and EL teaching both within (Harper and de Jong 2009) and outside of (Creese 2005) the US. With the increasing popularity of Sheltered Instruction, in part propelled by programs like SIOP and GLAD, more research is needed on their relative effectiveness. While the SIOP authors claim that the program as a whole is 'empirically-validated', the United States Department of Education (2013) disagrees. Therefore, more research is needed not only on how sheltered instruction programs are implemented in US school districts but also whether or not popular programs like SIOP and GLAD effectively accommodate the needs of students when well implemented.

Finally, despite the best intentions, it is also simply a lack of funding that keeps Washington from realizing its educational goals. TBIP funding is used for teacher salaries and instructional support staff, salaries for professional development trainers and instructional coaches, and professional development opportunities for mainstream teachers who provide core instruction. Yet, since so few teachers are actually credentialed, and so many ELs are taught by teachers and educational assistants without EL training, it appears that the funding simply cannot keep up with either the need or the stated goals in policy. What is required, therefore, is the political will to further invest in EL education – including an investment in ensuring that content area teachers are educated in Sheltered Instruction, allocating more money to districts to hire more ESL teachers, and more frequent and robust opportunities for professional development for working teachers and principals – if we are to truly provide all students with equal educational opportunity.

Notes

1. We use the term English learner (EL) throughout the paper to describe the learners and English as a Second Language (ESL) to refer to the programs. Washington language policy uses English language learner (ELL) for the students but intermingles ELL and ESL to refer to the programs.
2. Except for the names of the policies and state department of education, all other names are pseudonyms.
3. Table 3 was created by the authors but relied on data found in the OSPI 2011–2012 report.

Disclosure statement

No potential conflict of interest was reported by the authors.

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