

TO SEAL OR NOT TO SEAL? EQUITY AND POLICY DISCOURSES
IN THE TEXAS SEAL OF BILITERACY

Nichelle DeVaughn

Dissertation Prepared for the Degree of
DOCTOR OF PHILOSOPHY

UNIVERSITY OF NORTH TEXAS

August 2021

APPROVED:

Ricardo González-Carriedo, Chair
Carol Wickstrom, Committee Member
Daniel Heiman, Committee Member
Mariela Nuñez-Janes, Committee Member
Misty Sailors, Chair of the Department of
Teacher Education and Administration
Randy Bomer, Dean of the College of
Education
Victor Prybutok, Dean of the Toulouse
Graduate School

DeVaughn, Nichelle. *To Seal or Not to Seal? Equity and Policy Discourses in the Texas Seal of Biliteracy*. Doctor of Philosophy (Curriculum and Instruction), August 2021, 104 pp., 3 tables, 7 appendices, references, 100 titles.

Initiated in California in 2011, the Seal of Biliteracy is a distinguishing graduation recognition honoring the academic success of bilingual biliterate high school seniors. The purpose of this study was to illuminate and describe Texas language education policy discourse by critically examining policies including the Seal of Biliteracy and Texas' House Bill 5 Performance Acknowledgment. This study used the discourse of language policy frameworks, global human capital (GHC), and equity heritage (EH). Viewed as a hegemonic discourse adversely affecting current landscapes of dual language education, GHC is demonstrated by a rise in elite bilingualism and neoliberal effects on language education, including an inclination to commodify and marketize language learning. The EH discourse is focused on language programming and support of emergent bilinguals developing multiple linguistic systems simultaneously, for heritage language maintenance and growth in English.

This study critically analyzed Texas macro language policies and discourse alongside the school district's micro level implementation of these policies. Using critical policy analysis, this research explored the interpretation and implementation of Texas language policies, and their impact on language minoritized students. Analytical methods also included a critical discourse and content analysis. Findings revealed an enlightened understanding of the Texas context for the biliteracy seal initiative and how language policy, power, and discourse operate within bilingual education on various levels. Evidence of EH discourse was found, in addition to opposing policies which countered the equity language framework. Implications and recommendations are suggested to minimize language inequalities, prioritizing educational access and equity for marginalized and linguistically diverse students.

Copyright 2021 by
Nichelle DeV Vaughn

ACKNOWLEDGEMENTS

I have grown tremendously and gained so much during this doctoral journey. I thank God for grace. This was a faith marathon and I am grateful for it. To my wonderful and loving family, this is for our legacy. I want to acknowledge both of my parents for instilling in me a tenacious work ethic and giving me a spiritual foundation. Thank you to my mom, who always exemplifies hard work and determination, yet is still so lovable and fun. Thank you to my dad, for praying with me and sharing your life guidance of taking it one day at a time, and doing the next right thing. This achievement is for all five of my grandparents who faced tough, and seemingly insurmountable challenges, yet continued to overcome. You all are trailblazers. Through your examples, you each taught me that faith, family, dedication, education, and service are paramount. Your wisdom and encouragement strengthens and motivates me, and I strive to make you all proud, always. I also thank my sister, friends, doctoral colleagues and teacher friends who listened and offered support. Lastly, to my husband, you are one of a kind. I thank you for your love, unique style of encouragement, and for embarking on a whole new world with me.

I am extremely thankful to my committee chair, Dr. Ricardo González-Carriedo, your diligence and drive are motivating. To Dr. Wickstrom, you were always a positive force and I thank you for helping me put everything in perspective to see the bigger picture when I was stuck in the minutiae. To Drs. Heiman and Nuñez-Janes, thank you for arriving at just the right time to offer innovative ways of thinking and approaching this dissertation.

A mi familia en Madrid y Oaxaca, nunca olvidaré mis experiencias con ustedes. Año tras año, ustedes me brindaron cariño y amor a su manera, y estoy muy agradecida.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	iii
LIST OF TABLES	vii
CHAPTER 1. INTRODUCTION	1
Historical Background	1
Purpose of the Study	4
The State Seal of Biliteracy	6
Problem Statement	8
Research Questions	11
Conceptual Framework	12
Discourses of Language Policy Framework	12
Language Orientations	14
Definition of Terms	16
Summary	17
CHAPTER 2. REVIEW OF LITERATURE	19
Language Education Policy	19
Critical Policy Analysis	21
Critical Discourse Analysis	23
Critical Content Analysis	25
The State Seal of Biliteracy	26
Summary	28
CHAPTER 3. METHODOLOGY	29
Analytical Framework	30
Critical Policy Analysis	31
Critical Discourse Analysis	31
Critical Content Analysis	32
Data Collection	33
Data Analysis	35
Limitations	36

Trustworthiness and Authenticity	37
Self as Researcher	38
Summary	39
CHAPTER 4. FINDINGS.....	40
Content of the Policy Texts.....	41
Discourses of Language Policy.....	48
Discursive Patterns.....	52
Themes	53
Texas HB 5: An Incomplete Endorsement	53
Wallis ISD: A Step Above.....	54
Commitment to Bilingual Recognition.....	58
Student Reflections	59
Summary.....	61
CHAPTER 5. DISCUSSION.....	63
Discussion of Findings.....	64
Distinguishing Standards	68
Student Motivation.....	68
Implications for Research	70
Implications for Practice.....	72
Recommendations for Seal of Biliteracy Implementation.....	74
Transferability.....	75
Conclusion	76
APPENDIX A. TEXAS LEGISLATURE HOUSE BILL 5.....	78
APPENDIX B. CALIFORNIA LEGISLATURE ASSEMBLY BILL 815.....	80
APPENDIX C. CALIFORNIA LEGISLATURE ASSEMBLY BILL 1142.....	85
APPENDIX D. DISTRICT DEMOGRAPHICS 2019-2020	89
APPENDIX E. CAMPUS DEMOGRAPHICS 2019-2020	91
APPENDIX F. DISTRICT INTERVIEW PROTOCOL DUAL LANGUAGE/ESL DIRECTOR	93

APPENDIX G. CAMPUS INTERVIEW PROTOCOL ADMINISTRATORS AND COUNSELORS	96
REFERENCES	98

LIST OF TABLES

	Page
Table 4.1. California and Texas High School Biliteracy Legislation.....	43
Table 4.2. National Guidelines for the Seal of Biliteracy From Californians Together Coalition (Adopted 2015).....	46
Table 4.3. Student Reflection Responses.....	60

CHAPTER 1

INTRODUCTION

The field of bilingual education has a history, both long and arduous, in the United States that is rich with complexities. Many of the education language policies have been a complicated mixture of approval and refusal of language diversity given the various political goals and appointments in positions of power at any given time. These ideological commitments have ranged from a focus on English language supremacy in education, at the detriment of students' heritage languages and cultural histories, to the acceptance of multiple languages in the classroom during instruction. Despite this complex battlefield, bilingual education programs are offered to students across the country, and have seen a unique flourishing of dual language programs in many local districts. Likewise, the idea of rewarding students for their biliteracy skills is becoming more popular, with various graduation recognition awards, ceremonies, and other acknowledgments being adopted throughout the states. One such recognition for bilingual students and their academic and linguistic success is the Seal of Biliteracy.

Historical Background

Throughout the last half century, language education in the U.S. has been met with varying levels of acceptance and rejection for linguistic diversity in schools. Although there is currently a rising interest in bilingual education, and dual language programs specifically, that has not always been the case. Ovando (2003) labels these variant phases as restrictive, opportunist, and dismissive periods based on a reactionary rather than proactive position to language policies in the United States. This section is provided to give an overview of the policies and context of language education, its complex past, and current journey to recent developments in the field.

The struggle for linguistic equality in schools first began with the civil rights fight for racial equality. In the landmark case in 1954, *Brown v. Board of Education of Topeka*, the U.S. Supreme Court outlawed educational segregation on the basis of race. Prior to this time in history, it was perfectly legal for states to exclude African American students, and other racial minorities, from attending schools with White students. The passing of this antidiscrimination legislation helped to continue the push for equal treatment in other areas of educational policy. As an extension of the Civil Rights Movement, several reports and studies (Browning & McLemore, 1964; NEA, 1966; Blanco, 1977) revealed not only unequal treatment of Latino students, but also the severe effects this treatment had on their psyche, academic underachievement, and low graduation rates. During this time of language restriction (Ovando, 2003), various social and political groups took on the charge to make a case for bilingual education in schools. These organizations believed that students needed to engage in academic instruction that considered, at the least, their Spanish language of origin to rebuild self-esteem and confidence in their academic ability. To curtail the impact of English-only educational practices, Texas Senator Ralph Yarborough introduced the Bilingual Education Act (BEA) to the U.S. Senate because of the mounting pressure and attention for linguistic justice. In 1968, President Lyndon Johnson signed and passed the legislation at the federal level.

Although this was a monumental *de jure* win for proponents of language education, *de facto* education practices would take more time to catch up to what the legislation originally intended to do. Years later, in 1974, a subsequent U.S. Supreme Court case, *Lau v. Nichols*, overruled language inequality in education and introduced a more specific policy to protect the rights of students learning English. The parents of a Chinese speaking student in California brought about the case, arguing that language barriers in the classroom caused a lack of

understanding content and materials delivered only in English. With this ruling came the mandate for school districts to enforce educational practices that would allow English learners to be successful in the classroom, regardless of their primary language. The Lau Remedies resulted in a set of guidelines for school districts and outlined the process for schools to provide instruction to students with limited English proficiency. Through these policies during the opportunist period (Ovando, 2003), language programs began to appear, namely bilingual education and English as a Second Language programs.

Since then, there have been several changes in political power with distinct views on instruction and language programs in education. From the office of president to individual state leaders, politicians with more conservative monolingual beliefs and ideology have worked to dismantle language programs citing reasons such as patriotism and job market performance (García, 2009) to support English only instruction. For example, states like Arizona, California, and Massachusetts chartered movements to disband bilingual education since the late 1990s, as part of the dismissive years (Ovando, 2003). Conversely, there are politicians with more liberal linguistic approaches that continue to advocate for the maintenance of heritage languages in addition to English acquisition. After the English only laws, California and Massachusetts each passed bills to reverse the restrictive language policies limiting languages other than English in the classroom (Citrin et al., 2017; Katznelson & Bernstein, 2017). From this perspective, programs such as dual language and immersion have seen an increase within the expansion of bilingual education.

There continues to be a cyclical effect in the instability that has plagued language education policies due to there being no official language in the United States. Without a consistent or unified method for heritage language instruction alongside that of the target

language, room for interpretation remains among the policies and practices in how language programs are run. With the growth and interest on dual language immersion in recent years among native English speaking communities and school leaders, concerns abound regarding equity within language programs, and student access to participate in those programs (Petrovic, 2005; Palmer, 2010; Flores & Rosa, 2015; Katznelson & Bernstein, 2017; Henderson, 2018). This new shift in the communities being served in bilingual education is due to the nature and design of dual language programs, specifically two-way immersion, which features a classroom split population of native English speaking students and those who are emergent bilinguals¹, or speak other heritage languages. Some of the current literature in bilingual education is concerned with these issues and is taking a critical lens (Valdés, 2005; Flores, 2013; Cervantes-Soon et al., 2017; Heiman, 2017; García & Sung, 2018) to investigate this surge of popularity in bilingual education programs, their implementation, and the methods of recognizing students' bilingual biliterate proficiencies.

Purpose of the Study

The State Seal of Biliteracy (SSB) is a recognition bestowed upon high school graduating seniors who can exhibit bilingual and biliterate proficiency in English and a language other than English (LOTE). Established in Texas in 2013, the SSB is actually called a Performance Acknowledgment, which has the purpose of acknowledging, and indicating on the transcript or diploma, graduates with outstanding performance in successfully acquiring proficiency in English plus an additional language throughout their K-12 experience. In order for students to attain advanced levels of bilingualism and biliteracy development, and to maintain long term

¹ Emergent bilinguals are students who have a primary, or home language, other than English, and are learning two languages simultaneously in the academic setting. They may have varying levels of proficiency in each of their languages.

academic success as SSB recipients, equitable bilingual programs and language policies are crucial.

Since the establishment of the Texas Performance Acknowledgment in 2013, there have been few empirical studies conducted on the language policies of districts and campuses that have chosen to implement the biliteracy seal. Likewise, there aren't any known studies to date on the Texas SSB language policies or the discourse surrounding these policies, including that of leaders and personnel responsible for facilitating its implementation. Although there are still unknowns about the functioning of the SSB nationally, the interest for my research was situated in the context of Texas school districts and campuses that have successfully awarded the SSB to its high school seniors.

With this research study focus, my hope was to describe how district stakeholders are voluntarily participating and enacting the SSB in Texas to serve the population of language minoritized graduates. Minoritized languages (Schmidt, 2002; Flores & Rosa, 2015) are those that have historically been excluded and subordinated through official sanctions and social processes that place English as the superior, dominant language. Implementation of the seal, as well as the language policy discourse and promotion of the seal, are analyzed using a critical perspective to understand the intention of the SSB in the participating district. Contributions of this study include adding knowledge to the literature surrounding the Texas SSB, as well as ways for districts to ensure equity among language minoritized students during a time of popularity in bilingual education among English dominant communities. By analyzing the practices in a district currently endorsing the bilingual biliterate graduation recognition, critical understandings and resources can be shared for subsequent schools to adopt, or further develop, their own SSB. Through this research focus, educational stakeholders interested in bilingualism and biliteracy

may recognize and understand there is both a need and benefit in developing policies to promote the SSB for language minoritized speakers. Ultimately, this study seeks to support, or refute, current neoliberal developments in bilingual education and the implications which place language minoritized students at further risk for being marginalized.

The State Seal of Biliteracy

The State Seal of Biliteracy is a recognition of student proficiency in English and an additional language. For heritage learners², the additional language is often the primary language spoken in the home. For native English speakers, the additional language is often learned as a foreign, or world, language by earning credit for electives in high school. Initially established in California in 2011, the state seal of biliteracy (SSB) has the purpose of acknowledging, and indicating on the transcript or diploma, graduates with outstanding performance in successfully acquiring proficiency in English plus an additional language throughout their K-12 experience. Additional purposes of the SSB are to encourage students to study languages, recognize the value of language diversity, and strengthen intergroup relationships to honor the multiple cultures and languages in a community (Spiegel-Coleman, n.d.). There are now 42 states to have adopted the SSB, some offering various names for the recognition, including a state seal endorsement, or graduation seal with distinguished achievement or advanced measure. In the Texas state legislature, the Seal of Biliteracy is referred to as a Performance Acknowledgment.

Since 1998, Californians Together has brought together teachers, parents, education advocates, and civil rights groups dedicated to improving education policy and practice for English learners (Spiegel-Coleman, n.d.). This nonprofit coalition of education supporters in

² Heritage learner refers to the experience of bilingual students with a primary, or home language, other than English. In this dissertation, the term is similar to emergent bilingual, but used more broadly when a student has moved beyond emergent language usage into more complex multilingual ability.

California, along with the collaboration of four national organizations, established the SSB and adopted a set of guidelines for implementation in other states across the country. Through joint support from the American Council on the Teaching of Foreign Languages (ACTFL), the National Association of Bilingual Education (NABE), the National Council of State Supervisors for Languages (NCSSFL), and the TESOL International Association, the Seal of Biliteracy guidelines were developed. The purpose of the Seal of Biliteracy, as designed by this group, is to: (1) encourage students to study languages, (2) certify attainment of biliteracy skills, (3) recognize the value of language diversity, (4) provide employers with a method of identifying people with language and biliteracy skills, (5) provide universities with a method to recognize and give credit to applicants for attainment of high level skills in multiple languages, (6) prepare students with 21st century skills that will benefit them in the labor market and the global society, and (7) strengthen intergroup relationships and honor the multiple cultures and languages in a community. The proposed guidelines outline recommendations of implementation for state departments of education and districts, in launching the student qualifications, proficiency requirements, and the processes to awarding the SSB. As stated in their policy, the description of the seal is as follows (Spiegel-Coleman, n.d.):

The Seal of Biliteracy is an award made by a state department of education or local district to recognize a student who has attained proficiency in English and one or more other world languages by high school graduation. The recognition of attaining biliteracy becomes part of the high school transcript and diploma for these students. The Seal serves to certify attainment of biliteracy for students, employers, and universities. It is a statement of accomplishment that helps to signal evidence of a student's readiness for career and college, and for engagement as a global citizen.

In addition to promoting adoption of the SSB in all 50 states, the coalition is also active within communities and local districts in California to protect the rights of the 1.3 million English Learner (EL) and language minority students (Spiegel-Coleman, n.d.). This effort details a

continuing need for California to develop local SSB standards for schools, districts, and county offices of education that function independently of the state. Similarly, California serves as the model for all other states subsequently embracing adoption of the SSB for their biliterate high school graduates.

Implemented in Texas in 2013, the SSB began under the Texas state legislature's passing of House Bill 5. This approval provided a policy framework by which they could award students what is called a Performance Acknowledgment, instead of a Seal of Biliteracy, on their high school transcripts. The Texas House Bill 5 (HB 5) policy also outlines the student graduation requirements needed to qualify to receive this state recognition. This policy was structured after the California state legislature's passing of Assembly Bill 815 (AB 815) in 2011 for the Seal of Biliteracy. Going a step further, California amended their Seal of Biliteracy policy for English Learners in 2017 by passing Assembly Bill 1142 (AB 1142). Policy documents are included in Appendix A, Appendix B, and Appendix C, respectively.

While Texas HB 5 authorizes students to receive a Performance Acknowledgment for bilingualism and biliteracy, this was not the sole aim of the policy. Under HB 5 students have several pathways to receive various graduation distinctions via completion of core subjects, electives, business and industry curriculum, and dual credit courses. The HB 5 policy had two other goals aside from this purpose of offering curriculum options and student flexibility. An additional objective was to reduce the number of standardized testing and end of course exams required for high school graduation. Lastly, HB 5 allowed the state to introduce new school accountability measures and ratings.

Problem Statement

Currently in Texas, 25.9% of English learners have attained advanced high proficiency

on the annual state English language assessment for TELPAS, and 22.6% are making progress toward this goal (US DOE, 2016). These figures are based on the state mandated standardized testing results that are tracked in each district to rank and determine accountability measures for proficiency in English. This state assessment system is only for the English language, however, and there is no mechanism to follow the progress of heritage learners throughout their journeys to become bilingual and biliterate, specifically a measuring system for proficiency in the heritage language. With Texas having the most school districts with a high population of English learners (US DOE, 2017), the state would benefit from having a stronger accountability system to measure students' success rate in bilingualism and biliteracy. When states fail to develop and implement adequate language policy, it results in the impression that bilingualism and biliteracy are not important, beneficial, or advantageous for students, communities, and other educational stakeholders. This directly counters the purpose of the Texas legislature adopting the SSB, or Performance Acknowledgment, as considered in the HB 5 policy.

Nationally, there is no system which tracks data for students exiting bilingual education programs. Like Texas, the U.S. also lacks a scale to measure students' ability to demonstrate proficiency in English and a LOTE. Additionally, no federal policy exists for K–12 world language education in the US, as program decisions are nearly always made at the state level (Brecht, 2007; Wiley & García, 2016). These deficits in language policy and accountability invite confusion and apathy in the national discourse on bilingual education. In contrast to the inconsistent language policies in U.S. education, the international academic literature cites multiple benefits of bilingualism and biliteracy skills in society (Cummins, 1984; Bialystok, 2007; McLeay, 2003; Marian & Shook, 2012).

The SSB as a language policy, and distinguishing graduation recognition, is a concerted

effort to honor the academic success of multilingual abilities in bilingual students. There is growing research investigating the acknowledgment of bilingual biliterate student performance and achievement at the end of their secondary school experience. Most recently, the National Seal of Biliteracy Report (Chou, 2019) contains data for 23 states, their number of SSB recipients, and the languages represented for each. Data for Texas, however, is not included in this report. Seven years after its implementation in Texas, there is scant academic research on implementation of the SSB in school districts across the state. To date, González-Carriedo and Babino (2017) conducted the only SSB research study in Texas, which involved a multiple case study of high school graduates and their knowledge concerning the Seal.

Emerging research studies have been conducted nationally on the SSB and whether language minoritized students are truly benefiting from the acknowledgment. In an analysis of the inequities of the SSB, Subtirelu, Borowczyk, Thorson Hernández, and Venezia (2019), found that the eligibility requirements advantage awarding the California SSB to students earning credits for a foreign language, and that schools with larger numbers of students of color, or low socioeconomic status, are less likely to participate in the program. Davin, Heineke, and Bedford (2018) also address potential issues of equity and access among heritage learners attempting to attain the SSB in relation to English dominant students. Promoting critical consciousness about the seal, Heiman, DeV Vaughn, and González-Carriedo (2019) place social justice and equity at the forefront of the program by centering the needs of racialized bilinguals who may also qualify for the SSB. Based on recent studies in dual language programs, elite bilinguals rather than racialized bilinguals have a perceived greater value due to a more neoliberal emphasis on language education, leading to the gentrification of language programs (Valdez, Delavan, & Freire, 2016). This is a concerning trend that threatens to affect bilingual biliterate student

recognition within the SSB. These issues, in conjunction with the gaps in literature regarding the Texas SSB context, leave room for a deeper analysis of the language policies and implementation in Texas, as it relates to culturally and linguistically marginalized student populations.

Research Questions

This research dissertation sought to examine the language policies used to implement the Texas SSB in districts and schools choosing to opt-in to the recognition program. Of particular importance to this investigation is the enactment of policy discourses to facilitate recognition of students representing marginalized cultural and linguistic backgrounds. Therefore, I hope this study can add to the understanding of districts choosing to implement the Texas SSB, specifically in how their school language policies help or hinder heritage language speakers in pursuit of earning recognition for the bilingual biliterate proficiency skills they possess. Furthermore, this case study design sought to critically analyze the promotion and policies of a Texas school districts' language program to understand their interpretation of the policy and the impact it has on student recipients who earn the Performance Acknowledgment. The following research questions served as the guide and scope of this investigation:

- How does a school district and campus interpret and implement the Texas HB 5 Performance Acknowledgment and Seal of Biliteracy?
 - How do the district and campus Seal of Biliteracy promotion and policy documents reflect or counter, if at all, the language education discourses of equity heritage and global human capital?
 - What are the effects of district and campus Seal of Biliteracy policy documents and discourses on the awarding of student recipients?
 - What conditions enable, or hinder, district and school leaders to implement and award the Texas Seal of Biliteracy?

Conceptual Framework

Discourses of Language Policy Framework

Influenced by Gee's (2012) concept of discourse and Gramsci's concept of hegemony, Valdez et al. (2016) adopt the term hegemonic discourse to denote the merging of power operating in collective societal thought overtime. Developed from their understanding of power and its unequal distribution, the authors specify the three hegemonic discourses affecting current landscapes of dual language education as: normative whiteness, globalized human capital, and English hegemony. Within a critical language policy lens, the hegemonic discourse focus for this study was concerned with dual language education policies, the interpretation of globalized human capital, and the two competing discourses that have developed from it in language education. These two discourse frameworks are equity heritage (EH), and global human capital (GHC). Equity heritage, or a language rights framework, includes discourses that focus on ensuring language policies in education are promoting equity rather than inequity (Menken, 2008), offer programs to support linguistically minoritized students (Corson, 1992a; McCarty, 2004; Schmidt, 2002), and also preserve and foster non-dominant languages (Valdez et al., 2014). Additionally, an EH discourse framework also supports those disempowered socioeconomically within language groups (Hossain & Pratt, 2008).

Theoretical underpinnings of an EH discourse framework stem from the notion that schools are inherently unequal for many students (Carter & Welner, 2013; Lea, 2011). As described by Valdez et al. (2014), EH discourses rely on the concepts of marginalization and minoritization to describe how individuals and groups are granted less social power, as well as the concept of privilege which details how others are granted more power. One aspect of this language privileging is the use of English as the sole language of instruction in schools, whereby

students with developing levels of English are disadvantaged by not receiving comprehensible instruction (Schmidt, 2002). Therefore, the constructs of the EH discourse framework include a counterhegemonic value discourse that is related to educational equity for heritage learners, as well as concern for heritage language and culture loss (Valdez et al., 2016). In terms of language education policy, schools seeking greater equity for heritage learners support programs that foster home languages and English simultaneously (Corson, 1992b; McCarty, 2002; Schmidt, 2002). There is evidence that such educational practices have increased academic achievement outcomes for language minoritized students and reduced academic gaps between student groups (Valdez et al., 2014).

GHC discourse frameworks emanate from the effects of neoliberalism in globalized education, focusing on an investment of “human capital” of individuals and national economies (Olssen, Codd, & O’Neill, 2004), and a preoccupation with teaching language skills solely to support the global marketplace and their workforces (Valdez et al., 2014). Theoretical underpinnings of the GHC discourse are framed by a larger neoliberal process of commodifying language diversity and learning (Cervantes-Soon, 2014; Duchéne and Heller, 2012; Heller, 2003). In GHC discourses, power is subtly exerted by hiding the issue of class and socioeconomic inequities via neoliberal promises to “float all boats” and increase the wealth of the wealthiest (Valdez et al., 2016). Constructs of the GHC discourse framework involve a drift from bilingual education for heritage learners toward two-way immersion programs which feature English dominant students learning minoritized languages (Varghese & Park, 2010).

Petrovic (2005) provides additional commentary on the GHC framework by declaring that if educators continue to “capitalize” language education by adopting neoliberal discourse to defend it, then the process of gaining language proficiency “will be in the hands of those in

power” (p. 410). A clear depiction of GHC, as coined by Valdez et al. (2014), follows:

We named the emergent framework via the concept of human capital because this discourse asks actors to reconceptualize schooling and learning primarily or solely as a form of investment by the nation in its economic future and investment by individuals in their own market()ability, if you will. We added “global” to the framework name to indicate the involvement of globalization discourses that often rely on the narrative of an out-of-touch United States in danger of losing its competitive edge or in danger of cultural isolationism. (p. 860)

These two discourse frameworks highlight and explain the movement from language education working to equalize power imbalances among social groups to the orientation favoring neoliberal interpretations of globalization which continue to produce inequality in education among minoritized social groups (Tollefson & Tsui, 2014; Valdez et al., 2014). Using this conceptual framework, I critically analyzed the Texas SSB policies and promotional discourses in a school district for evidence of EH and GHC language education discourses. Analytical methods of the study include a critical policy analysis of the policy and promotional discourses of the Texas SSB educational language policy.

Language Orientations

Along with the aforementioned conceptual framework, this research investigation also operated within a framework of language orientations. Essential scholarly work regarding the SSB and dual language education begins with Richard Ruiz’s (1984) framing of the orientations of language planning. Ruiz identifies three varying contexts that can affect the outcome of language planning in the development of language policy. These concepts include language-as-problem, language-as-right, and language-as-resource. Within the language-as-problem perspective, monolingual education is valued while linguistic diversity and instruction is a threat and interference to academic success. There are also language program models with such a subtractive focus, seeking that students only have proficiency and academic achievement in one

language, which is English in the U.S. context. Subtractive environments are classroom settings in which the student's first language is not valued or supported in the instruction. This deficit perspective of educators can also limit students' home and cultural resources and deem them as unimportant to their academic success, leading to academic disidentification (Valenzuela, 1997). Conceptualizing language-as-right posits that an individual's language should not infringe on their civil rights as a human being, and that students are free to use and maintain their heritage language in education. Equal educational access should also be established in schools, and classrooms, for students who have a language different from the mainstream language of instruction. Lastly, the principle of language as both capital and resource, is one that undergirds the preference dual language education. These are programs that promote maintaining bilingualism and biliteracy, where a child's heritage language is linguistic capital, a resource to master content in English and their primary language.

An additional construct useful for this research is the work of Valdés (1997), who questions if Ruiz's language-as-resource is threatened with neoliberal iterations of dual language education. Valdés inquires if language minoritized students truly stand to gain from academic programming in bilingual education, specifically the language immersion programs which are gaining traction. In her evaluation of language programming and policy, Valdés problematizes how language and power, among other considerations, have a greater adverse effect on language minoritized students than English dominant students in language programs.

This research study used a conceptual framework which favors a language-as-right and an EH discourse framework as it relates to equity and access for language minoritized students pursuing the SSB in Texas. The analysis methods used in the study emphasized critical approaches to examine the discourse of district policy and promotion of the Texas SSB.

Definition of Terms

- *Bilingual education*- medium of classroom instruction in which academic content is provided in more than one language
- *Biliteracy*- ability to understand, read, write, and speak in two languages
- *Circumstantial bilingual*- a bilingual speaker who learns to use multiple languages for daily life needs to function in their community and/or society (Valdés & Figueroa, 1994)
- *Dual language education*- school district sponsored language program to facilitate learning academic content during classroom instruction in both the target language and a heritage language. The goal is for students to maintain the heritage language and maintain academic achievement to become bilingual and biliterate. Synonymous with dual language immersion. Different versions are one-way (serves heritage speakers) and two-way dual language (serves both heritage and native English speakers). (Valdez et al., 2014).
- *Elite bilingual*- a native English speaker learning an additional language in the academic context, however, does not have to rely on the new language to function in their society. Synonymous to elective bilingualism. (Valdés, 2005; Flores & Rosa, 2015)
- *Emergent bilingual*- student who has a heritage language other than English and participates in academic language programs to facilitate their knowledge of English. They are in the process of developing more than one language with varying levels of proficiency in each. Synonymous to language minority students. (Colombo, Tigert, & Leider, 2018)
- *Heritage language*- the language spoken or learned from birth, and is often the primary language spoken in the home and/or community context for an emergent bilingual. This is a language other than English in the U.S. (Potowski, 2004; Valdés, 2005)
- *Ideology*- conceptualization of positions of thinking that justify one's opinions,

beliefs, or actions (McCarty, 2004; Ricento, 2006)

- *Minoritized language*- language communities belonging to ethnic or racial groups which became part of the U.S. through annexation, foreign policy interventions, and conquest rather than voluntary migration. These language groups experience exclusion and subordinate status through official sanctions and social processes of domination that place English as the superior, dominant language. Highlights the processes of linguistic valuation and devaluation, and disrupts the notion that “minority” status is simply a straightforward numerical calculation. (Schmidt, 2002; Flores & Rosa, 2015)

- *Native English speaker*- student who has spoken or learned English from birth, and uses predominantly English in the home and/or in their community context. Often born and raised in the U.S. Synonymous to language majority speaker.

- *Neoliberal ideology*- prioritizing of capitalistic influences which drive privatization for profitable gain, including more business structured models in the education system. This philosophy leads to the disempowerment and commodification of minority languages for the dominant group’s economic benefit. (Heller, 2003; Petrovic, 2005; Varghese & Park, 2010)

- *Racialized bilingual*- racialized speaking subjects who are constructed as linguistically deviant even when engaging in linguistic practices positioned as normative or innovative when produced by privileged white subjects. (Flores & Rosa, 2015)

- *Target language*- the predominant language in a monolingual society, and the primary language of educational instruction. The target language in the U.S. is English.

Summary

Interest for this dissertation of the Texas SSB is situated in the context of a school district that has successfully awarded the bilingual biliterate seal to high school seniors. Of importance

to this investigation is understanding the interpretation of state policy on awarding the graduation seal, and its execution within the district and among individual campuses. Critically analyzing the district policy and promotional discourse can illuminate whether an EH or GHC framework is prevalent in their SSB language policies. From these understandings, the study reveals how language minoritized students are impacted by the language policy discourse, to determine if they are granted equal access to the recognition. This study stands to contribute a richer knowledge of the Texas context of the SSB, as there is limited research for the state among the growing literature on the seal.

With these research ideas in mind, I hope to also gain knowledge on how districts are voluntarily participating and enacting the SSB in Texas. By analyzing the practices in a district currently endorsing the bilingual biliterate graduation recognition, critical understandings and resources can be shared for subsequent schools to adopt, or further develop, their own SSB. Ultimately, through this research focus, educational stakeholders interested in bilingual student language proficiency may better recognize and understand the benefits of promoting the SSB for their language minoritized high school students.

This research attempts to illuminate Texas SSB policy and discourse to ensure equity among language minoritized students during a time of growth in popularity of elite bilingualism and neoliberal effects on language education programs. In the chapter that follows, I review the literature that informs this study, further shaping its purpose with related studies that impact the structure of the dissertation.

CHAPTER 2 REVIEW OF LITERATURE

For this study, equity heritage (EH) and global human capital (GHC) discourses are used as the conceptual frameworks appropriate to uncover inherent power in language policy discourse via policies and promotional materials concerning the Texas SSB, or Performance Acknowledgment. This chapter offers evidence of the growing literature, and prior research, on the SSB since its California launch in 2011 and its implementation throughout the country. The study attempted to understand and explain Texas SSB policy and promotional discourse to ensure equity among language minoritized students during a popularity surge of language education programs. With the conceptual framework and critical analytic methods presented, I examined how policy discourse within bilingual and biliterate education may impact language minoritized students in a Texas school district.

Language Education Policy

In schools throughout the last half century, language education policies in the U.S. have been met with varying levels of acceptance and rejection of linguistic diversity. National politics and language ideologies can also lead to changes in local policy discourse, in turn affecting state and school level policies as well. Similarly, there is consistent incoherence in U.S. language policy for bilingual education, due to the lack of an official national language, and states' rights to control education. Just as each individual state can enact their own language policies, school districts often function separately on various policies that are not attached to a national mandate.

There continues to be a cyclical effect in the instability that has plagued language education policies due to there being no official language in the United States. Thus, bilingual education directly inherits the same shifts and changes in approval and refusal as well. Bilingual education at its inception fought to retain local languages and cultures by specifically serving the

needs of emergent bilinguals in the U.S. (Valdez et al., 2014). This concept continues today through programs such as dual language education, which has the purpose of delivering content knowledge through English and another language to achieve high academic achievement, bilingualism, biliteracy, and intercultural awareness (Baker, 2011; Howard et al., 2007). Foreign, or world, language learning has the opposite commitment of introducing English dominant speakers to a new language in the secondary grades. Recently, however, world language education has seen a convenient change with the addition of two-way dual immersion, which introduces English dominant speakers to instruction in heritage languages in the primary grades. Although this initially appears a worthy cause, an unintended effect is that native English speakers become the primary beneficiaries, while leaving heritage learners to become further marginalized from equal access and participation in a program that historically served bilingual students (Petrovic, 2005; Palmer, 2010; Flores & Rosa, 2015; Katznelson & Bernstein, 2017; Henderson, 2018). The same trend of gentrification in dual language is also attempting to afflict the SSB (Davin & Heineke, 2017; Cervantes-Soon et al., 2017; Davin, Heineke, & Bedford, 2018; Subtirelu et al., 2019). Without a consistent or unified method for heritage language instruction alongside that of the target language, room for interpretation remains among the various types of language policies and their implementation.

The literature on language education policy provides a great source of knowledge on various ways to engage in this area of research. Gorter and Cenoz (2017) conducted a comparison between language education policies and the availability of multilingual assessment. An ethnography of language education policy (Hornberger & Johnson, 2007), and a materialist anti-racism approach to language education policy (Flores & Chaparro, 2018) offer additional insightful ways of interpreting language education policy. Another interesting study is the

approach taken by Dascomb (2019) to analyze language education policies influenced by colonialism and postcolonialism. The focus on implementation and discourses within language education policy is of concern for this research study. Other studies in the literature that use similar approaches include an analysis of California's 2016 election campaign by Katznelson and Bernstein (2017), comparing opposing policy documents for the removal and reversal of bilingual education in the state. Johnson (2010) also examines the implementation and ideological spaces of language policy as it affects bilingual education in Pennsylvania.

These recent efforts in the research help to ensure equity for students to participate in language education, and lessen neoliberal effects in bilingual education while promoting equal access for heritage learners, or circumstantial bilinguals (Váldes & Figueroa, 1994; Váldes, 2005). Increasing student access to language programming without partiality to socioeconomic status, heritage language, or national origin are all crucial concerns within this critical line of research. In one study, Colomer and Chang-Bacon (2020) conducted research which examined perspectives of equity and critical biliteracies among student recipients of the Seal of Biliteracy in Oregon. Such perspectives seek to answer questions about what language policy and promotion attempts to accomplish, the outcomes, and the assumptions about which students are included, or excluded, from participation. This critical methods study sought to add an understanding of the formation and implementation of the Texas SSB language policy, and the impact of access among language minoritized students.

Critical Policy Analysis

With its extensive umbrella, critical theory encompasses a broad range of work examining the processes by which systems of social inequality are created and sustained, including invisible ideological processes that appear to be the natural condition, due to power

(Tollefson, 2006). Stemming from one branch of critical theory is critical policy analysis, which is particularly useful in qualitative studies to parallel various policy initiatives and strategies. The intent of this study was to apply critical theory and language education policy by using conceptual frameworks and methodological approaches motivated by critical policy analysis. When connecting critical policy analysis to education, Apple (2019) states that the research must help to ascertain the complexities and power relations inherent in educational policy and practice. Although some may view critical perspectives as merely criticizing, this is not the case when it comes to identifying and rectifying injustice via educational practice and policies that were originally designed to help students. Critical policy analysis then, can play a vital role in the reconstruction of practices and documenting of inequitable policies through movements against dominant forces (Apple, 2019). Furthermore, Apple (2019) cites the need for a more central role of critical policy analysis within education, related to curriculum and the state's position in regulating "official knowledge", and creating or interrupting "historical amnesia" (284-285).

The influence of this research study is Valdez, Freire, and Delavan's (2016) approach to critical policy analysis by focusing on the promotional and policy discourses in the Texas SSB language policy. In their study, the authors provide an interpretive framework to consider various hegemonic discourses (Valdez et al., 2016) in language policy text as related to Utah's dual language programs. The major finding of their critical policy analysis was that the dominant discourse positioned English speakers as the primary beneficiaries of dual language, leading to a gentrification of bilingual education. Another study by Subtirelu et al. (2019) also used the critical policy analysis to critique educational language policy by reviewing the policy and promotional discourse of the SSB in California, revealing similar findings to the foregrounding study by Valdez and colleagues. Conclusions from their investigation found that the eligibility

requirements for the California SSB advantage awarding the seal to students earning credits for a world language, and that schools with larger numbers of students of color or low socioeconomic status are less likely to participate in the program (Subtirelu et al., 2019).

The aforementioned studies served as a guide for the conceptual and analytical frameworks planned in this critical language policy research study. In this study, critical policy analysis explores possible inequities in how the Texas Seal of Biliteracy, and Performance Acknowledgment, has been offered and implemented as a bilingual language policy in schools. As the original goal of the SSB aspires to recognize language minoritized students' successes in bilingualism and biliteracy, this research hopes to learn if promotional and policy discourses in a Texas school district reflects this same goal. Due to the recent characterization and national trend of the SSB demonstrating preference for English dominant students, the findings of this study stand to illuminate how impactful policy discourse can be to either continue or discontinue language inequalities. Exploring the discourses that are used to legitimize the SSB (Subtirelu et al., 2019) may offer an enlightened understanding of the Texas context of the biliteracy seal initiative.

Critical Discourse Analysis

A vital aspect to this research involves a critical examination of the promotion and policy discourse, including spoken discourse, surrounding the SSB and how it is implemented in Texas. Valdez et al. (2016) assert that dominant, or hegemonic, discourses are “(re)produced” via social interactions in everyday life, reflected from past principles and values that have often been passively accepted to maintain imbalances of power. To this end, this research study used an analytical approach incorporating the tenets of critical discourse analysis as outlined by Gee (2004, 2012) to locate evidence of an equity heritage discourse framework or global human

capital discourse framework. The conceptual framework of language policy discourses used in this study pairs well with critical discourse analysis (CDA) methods as both are concerned with the relationship between power and discourse, and apply critical theories exhibiting a commitment to social justice (Johnson, 2011).

Discourse analysis, with a critical perspective, is a way to decode language use, hidden ideologies, and word choice in policy text. Ideology, in the context of this study, specifies a way to conceptualize positions of thinking that justify one's opinions, beliefs, or actions. Ricento (2006) states that ideologies are innately present in every type of discourse, not only in concrete acts or situations, but also in abstract constructs and conceptual frameworks. Language and ideologies are closely connected, as ideologies come from the expression of language. Similarly, language can be used to transmit and reproduce existing ideological perspectives. Language policies, as tools for linguistic governance, are infused with ideologies which may "reflect and (re)produce the distribution of power within the larger society" (McCarty, 2004, p. 72). English only policies, restriction of heritage languages, and a lack of tolerance for cultural and linguistic diversity are ideologies which support English language dominance at the detriment of non-English languages (Ricento, 2000, Wiley, 2000; Wiley & Wright, 2004). In this way, language policies may be used in conjunction with hegemonic language ideologies as a mechanism for power and social control, including English monolingualism (Wiley & Wright, 2004).

Bacchi (2000) states that policy can function as ideology, especially when created and recreated by political elites who tightly control its formation. A CDA methodology can therefore be used to ascertain ideologies in language policies affecting bilingual education. The analysis of discourse and ideology from a critical language perspective is also addressed by Fairclough (1995, 2012), who suggests that researchers must attend to the relationship between microevents

and macrostructures as ideologies are often embedded in discursive events (Fairclough, 2012). Additionally, critical methods are vital in this analysis due to normative discourses, which can influence policy as a practice of power in the reproduction of inequality, hegemony, and subordinated political subjects (Levinson, Sutton, & Winstead, 2009).

Relevant studies using critical discourse methods include the analysis of children's literature, media and marketing campaigns, and public debates. In relation to language education, there are several studies demonstrating the effectiveness of the critical discourse analytic method. A study reviewing political discourse of bilingual education legislation by Yamagami (2012), employed CDA to examine the discourse of language that was persuasive in a campaign against bilingual education in several states. Valdez et al. (2016) used CDA to locate three hegemonic discourses in the dual language policies affecting Utah's bilingual education programs. In another study using CDA, Nuñez and Palmer (2017) investigated the discourse between a Spanish and English student pair group to determine how notions of power influenced their exchanges. Finally, Kelly (2018) studied two state bills expanding bilingual education with a CDA lens for evidence of interest convergence and hegemony.

Critical Content Analysis

This study employed a critical lens with content analysis to locate evidence of power within language education promotion and policy for the Texas SSB. Critical content analysis (CCA) is an efficient technique for formulating inferences by compressing words of text, or verbal discourse, into fewer content categories (Krippendorff, 2012). Rogers (2004) states that a critical stance can be applied to content analysis when researchers uncover power in social practices by closely examining inequities in our society. Although primarily applied to literature, CCA informs and critiques the use of content, including images and words, for the messages

authors relay to their readers. While these literary messages may be implicit or explicit, CCA is a worthy method to inform if there are biases present, either intentional or unintentional, within the text. As it applies to language education, the CCA method can help to clarify any underlying ideologies, or political philosophies existing in texts which impact language learners. In their study on Utah's print media of dual language education, Valdez et al. (2014) used critical approaches to analyze content by examining the state's marketing efforts for evidence of hegemonic discourses. This particular study on the Texas Seal of Biliteracy was strengthened by CCA approaches in combination with the previously discussed critical discourse analytical methods.

The State Seal of Biliteracy

The SSB as a language policy, and distinguishing graduation recognition, is a concerted effort to honor the academic success of bilingual students and their multilingual abilities. Although insufficient research has been conducted on the SSB across the country since its start in 2011, more studies concerning bilingual biliterate student performance and achievement are currently emerging in the national language education field. Most recently, the National Seal of Biliteracy Report (Chou, 2019) contains data for 23 states, their number of SSB recipients, and the languages represented. For the Texas context, however, there continues to be a lack of research on the SBB, or Performance Acknowledgment, and the districts that are choosing to implement them to graduating high school seniors. In fact, Texas was not included among the many states represented in the 2019 National Seal of Biliteracy report. A research investigation was conducted in Texas involving a multiple case study of high school graduates and their knowledge concerning the seal (González-Carriedo & Babino, 2017). Findings from this study indicate that students were uncertain about the exact requirements for the Performance

Acknowledgment, and upon graduation were still unsure if they would receive the biliteracy seal or not.

Emerging research studies have been conducted on the initiation of the SSB across other parts of the country, including an exploratory study of its early implementation in California (DeLeon, 2014), the seal's impact on the labor market (Gandára, 2014), and an investigation of differences in policy and outcome (Davin & Heineke, 2017). There continues to be an interest in the variations of the program nationally as other SSB studies include a multiple case study of the benefits and challenges of the Illinois state seal (Davin, Heineke & Egnatz, 2018), and a research study focusing on student perceptions of the SSB (Davin & Heineke, 2018). A multi-state study researched the policy journeys to enact the SSB in several different local contexts (Heineke & Davin, 2018). Davin, Heineke, & Bedford (2018) also addressed potential issues of equity and access among heritage learners attempting to attain the SSB in relation to English dominant students. Their study also focused on comparing state policy documents of the SSB, and offered recommendations for states yet to adopt biliterate seals.

In an analysis of the inequities of the SSB, Subtirelu et al. (2019), found that the eligibility requirements advantaged awarding the California SSB to students earning credits for a foreign language, and that schools with larger numbers of students of color or low socioeconomic status were less likely to participate in the program. Promoting critical consciousness about the seal, Subtirelu et al. (2019) placed social justice and equity at the forefront of the program by centering the needs of racialized bilinguals who may also qualify for the SSB. Based on recent studies in dual language programs, elite bilinguals rather than racialized bilinguals have a perceived greater value due to a more neoliberal emphasis on language education, leading to the gentrification of language programs (Valdez et al., 2016;

Cervantes-Soon et al., 2017). These studies have shown gentrification is a concerning trend threatening dual language education. to affect bilingual biliterate student recognition among heritage learners, the primary population group for whom the SSB originated.

Summary

This chapter provides a rationale and reviews existing literature as related to the critical conceptual and methodological approaches applied to the investigation of Texas' Seal of Biliteracy language policy discourse and implementation. These issues in the literature, in conjunction with the gaps in research regarding the Texas SSB context, leave room for a deeper analysis of the language policies and implementation in Texas, as it relates to cultural and linguistic marginalized student populations. This dissertation attempts to add to the knowledge on how the SSB and Performance Acknowledgment policy is impacting bilingual education in the Texas context. With this study, emphasis was on the discourses operating in language policy and promotion, as well as their effects on student access and equity in pursuing the bilingual biliterate seal. This research involved a case study of a Texas school district, using a critical policy analysis approach to examine hegemonic discourses present in the SSB policies. The proceeding chapter outlines the methodological steps for this research study, including the research design, analytical framework, and methods of data collection and analysis.

CHAPTER 3

METHODOLOGY

The literature surrounding language education, specifically bilingual education research, frequently uses critical epistemologies as a lens to focus on bilingual instruction and programs. Critical ethnography (Johnson, 2011; Heiman, 2021) and critical discourse analysis (Nuñez & Palmer, 2017; Kelly, 2018) are a couple of examples of such methodologies in the bilingual literature. These critical perspectives are just recently starting to grow and impact the Seal of Biliteracy, an acknowledgment of student performance in bilingualism and biliteracy. Since its implementation in 2013, few studies have related to the Texas context of the SSB, or the Performance Acknowledgment, not to mention those highlighting critical perspectives. Therefore, this study contributes to knowledge in the field by offering a critical policy analysis across Texas districts in their decision to implement and award the bilingual recognition. Furthermore, a critical policy analysis was the analytical approach taken with this study, along with critical methodologies of discourse and content analysis. The constructs of this critical policy analysis are derived from the discourses of language policy framework. In analyzing a Texas school district, this research investigated the impact of the SBB policy, especially among the student recipients. Using primarily qualitative and critical methods, this study works to add to the understanding of the Texas context of the SSB, which has been underdeveloped in the literature. Student demographic information is helpful for this critical analysis to understand enrollment in the district, and those eligible for the SSB in high school. The following research questions served as the guide and scope of this study:

- How does a school district and campus interpret and implement the Texas HB 5 Performance Acknowledgment and Seal of Biliteracy?

- How do the district and campus Seal of Biliteracy promotion and policy documents reflect or counter, if at all, the language education discourses of equity heritage and global human capital?
- What are the effects of district and campus Seal of Biliteracy policy documents and discourses on the awarding of student recipients?
- What conditions enable, or hinder, district and school leaders to implement and award the Texas Seal of Biliteracy?

Analytical Framework

This research investigated language promotion and policy documents among a Texas school district offering the Seal of Biliteracy, and the implementation of macro level state policy across the district (Fairclough, 1995; Shohamy, 2006). With a qualitative research design focusing on critical policy analysis, this case study also used critical discourse and critical content analysis (Fairclough, 2012; Gee, 2004) approaches examining policy documents and ideological discourse regarding implementation and qualifications for student eligibility of the SSB. This research emphasized the experiences of individual perspectives and stems from an epistemological tradition rooted in the phenomenological orientation. Poststructural epistemologies, including critical perspectives, look to uncover power relations and ideological assumptions in both policies and discourses that have been normalized over time. This work is innately critical in that it questions the status quo and attempts to dismantle and evenly distribute power to underrepresented groups. According to Davis (2004), the poststructuralist foundation tends to concern itself more with the power structures at work, deliberate and accidental, explicit and tacit, within these systems of difference. For this study particularly, the poststructural perspective was well suited because the conceptual framework took the approach of a critical analysis of language policy to reveal practices of power and ideology. Similarly, this study's critical examination of the discourses of language policy is also enveloped within the

poststructural paradigm. The critical philosophical underpinnings of this research attempted to discover hidden and implicit structures that support imbalances, oppression, and aggression (Davis, 2004) among educators and policymakers, and the power structures at work in the Texas SSB and Performance Acknowledgment educational language policy.

Critical Policy Analysis

This research study is influenced by Valdez, Freire, and Delavan's (2016) approach to critical policy analysis. Data collection and analysis focused on each district's promotional and policy discourses regarding the Texas SSB. Analyzing written text of policy documents is understood as one primary data source situated within a larger socio-political context (Allan, 2007). The focus of critical policy analysis is to critique power and ideology present in policy documents and discourse, and the data collected during this investigation were specifically analyzed for evidence of discourses, particularly a global human capital or equity heritage discourse framework. Included in the data collection were both written and spoken policies, which were of importance for this critical policy analysis. As Johnson (2011) posits, all written policy text and spoken policy, such as a verbal declaration of intent, can be understood as a social act and is a product of the socio-political and historical context in which it is produced. Another useful idea for this study is Bakhtin's (1986) term of intertextuality, to describe how all texts are linked and contain iterations of previous speakers and writers. The process of data collection and analysis in this study relied on using critical methodologies to discover the deeper meaning and discourse of language policy in the Texas SSB, and how that impacted minoritized language students.

Critical Discourse Analysis

A vital aspect to this research involved a critical examination of the promotion and policy

discourse, including spoken discourse, surrounding the SSB and its implementation in Texas. This research study used an analytical approach incorporating the tenets of CDA, as outlined by Gee (2004, 2012), to locate an equity heritage discourse framework or global human capital discourse framework, indicating different purposes for language education. Discourse analysis, with a critical perspective, is a way to decode language use, hidden ideologies, and word choice in policy text. The relevant language policies in this study included promotional and policy discourse of the Texas SSB as a collection of discursive effects, or dialogue that is impacted by the broader social and cultural discourse (Bahktin, 1986; Allan, 2007; Fairclough, 2012). Analyzing ideologies is also vital to the critical discourse process, as Fairclough (2012) further develops the thought that ideologies are embedded in discursive events. The CDA as a methodology complements this study in that it provided a way to analyze discourse, using critical epistemologies, to expose how ideology functions within formal policies (Levinson, Sutton, & Winstead, 2009). The goal of this study, in fact, was to understand the implementation of the Texas SSB promotion and policies, including hegemonic discourses, and its impact on language minoritized student graduates. CDA methods, therefore, were used to ascertain any possible concerns of a hidden curriculum or hegemony at work in the Texas SSB language policy in education.

Critical Content Analysis

Focused primarily within a qualitative paradigm, the research design for this study entailed a naturalistic inquiry of the Texas SSB language policy and promotion to deeply understand its implementation. The study employed a critical lens with content analysis to locate evidence of power within language education promotion and policy for the Texas SSB. Content analysis is an efficient technique for formulating inferences by compressing words of text, or

verbal discourse, into fewer content categories (Krippendorff, 2012). Rogers (2004) states that a critical stance is applicable to content analysis when researchers uncover power in social practices by closely examining inequities in our society. The CCA approach, as well as a combination of the previously discussed critical policy and CDA methods, were well suited approaches for this study. As it applies to language education, the CCA method helped elucidate any underlying ideologies or political philosophies present in texts which impact language learners. While messages in a language policy text may be implicit or explicit, critical analysis is a worthy method to inform if there are also biases present, either intentional or unintentional. As related to the Texas SSB, the discourses present in the content of the language policies could reveal an equity heritage discourse in support of heritage learners, or a hegemonic discourse of global human capital.

Data Collection

Using the elements of critical policy analysis, combined with CDA (Gee, 2004, 2014) and CCA frameworks, data collection for this case study consisted of gathering policy documents and texts concerning bilingual language education from schools in a Texas district offering the SSB. The population for this study consisted of a high school campus in a school district from the north Texas area which currently implements and awards the Texas SSB. This study also analyzed policy and promotional documents, as well as the student outcomes of those policies. The four interview participants included two district administrators and two high school language teachers. Likewise, student demographic trends in the district provided important information surrounding implementation of the SSB policy. From an analysis of discourses in the language promotion and policies surrounding district implementation of the SSB, findings could

indicate different purposes for bilingual education, as well as the importance districts place on recognition of bilingualism and biliteracy among language minoritized students.

After conducting a survey of local districts and their language programs offered, purposive sampling allowed for identification of schools meeting specified criteria. Included in the study were campuses that:

1. Are in at least their second year of implementation of the Texas SSB
2. Have had graduates to earn the SSB

The rationale for this selection criterion is that the school district has had at least one year of experience with the SSB policy, and is actively in the process of graduating bilingual students who earn the biliterate seal. Participants meeting the criteria were contacted to assess their willingness to participate in the study. An Institutional Review Board (IRB) approval was obtained in order to follow proper research protocol with human subjects. Following approval, participants in the sample obtained their consent forms. The district, campus, and individual participants included in this study received pseudonyms.

The process for collecting data from campuses and the district in the sample consisted of contacting the district personnel responsible for bilingual education programs and planning, typically the bilingual or dual language director. Further information was also gleaned from interviews with school administrators and language teachers who have a role in the SSB. The selection of individual participants centered on their availability and ability to discuss a range of experiences as it relates to bilingual language policies and awarding the SSB. With consent from the district and school leaders, additional case data came from formal policy documents, school policies, newsletters, archival records, graduation plans, and bilingual events or ceremonies. Policy texts recorded from conversations detailing student eligibility or SSB recognition were

equally vital to the collection of data as written policy documents. Fairclough (2003) cites these interactional events as “real dialogue” and “speech acts”, to be interpreted as policy texts. The inclusion of such collaborative exchanges as part of this investigation brought attention to the social construction and appropriation of the bilingual language policies for the SSB. Records and transcriptions of all interview responses were maintained. The purposively selected policy documents collected and analyzed in this study were those that have contributed to the SSB policy, influencing implementation and student eligibility for the biliteracy seal. State legislation included the policy data were the Texas HB 5, California AB 815 and AB 1142, as well as the National Guidelines for the Seal of Biliteracy.

Data Analysis

For this research study, a critical policy analysis was essential to analyze how the Texas SSB policy influenced policy appropriation, implementation, and eligibility for the biliterate seal. The data collection and analysis process began by using features of Valdez, Freire, and Delavan’s (2016) critical policy analytic framework to serve as a guide to uncover layers of discourse within promotional and policy documents of the SSB language policy. Their data analysis methods included: (1) a qualitative content analysis to establish a descriptive picture of the policy from the content of the policy texts; (2) locating what was present in the texts that reflected, implied, or countered the hegemonic discourse described in the conceptual framework to use as a priori codes; (3) looking for what was absent or discursively silenced (Thiesmeyer 2003) in the content; (4) making sense of the patterns that emerged from the second and third levels in order to posit power effects across the local, institutional and societal domains in which discourses can operate (Fairclough, 2003). A priori codes for globalized human capital included common terms such as socio-economic status, national security, or competitive workforce.

Conversely, codes for equity heritage included English learner, maintain language and culture, or language diversity, to counter the hegemonic discourse. The last level of analysis attempted to describe whether and how the texts exerted power in the larger policy context related to the hegemonic discourses, and the impact on student beneficiaries within those patterns.

Additionally, a process of a priori data reduction, initial data analysis, secondary analysis, and verification (Hays & Singh, 2012) were further steps which strengthened the analytic process leading to the research findings. Each level of coding, both inductive and deductive, featured data codes managed by using NVivo, a qualitative data analysis software program. For this study, an eclectic methodological approach combined CDA and CCA to gain a broader knowledge during the analytic process and to understand the data more fully. The analysis approach in this research coincided with the notion that there are “no formulas for conducting CDA” (Rogers, 2004, p. 7). Results from this iterative process led to the findings, which included an equity heritage discourse at the district level, countered by state legislation and language policies. The state’s propensity for hegemonic discourse was opposed by a counter hegemonic discourse among individual districts and campuses. The findings and discussion are reported in the following chapter.

Limitations

There are possible elements worth addressing that could have impacted the outcome of this study. Potential limitations to the results include the selection of one Texas school district, which could be considered a small or limited sample size. However, the qualitative nature of this study had the purpose of gaining an understanding of a phenomenon, the underlying ideologies used by the district, delving deeply into the conditions of the case at hand. Findings and results

serve to inform districts and schools with similar characteristics of the outcomes of their implementation regarding the application of the SSB and the underlying ideologies.

The restrictive, yet at times progressive, nature of bilingual education in Texas and the history of its educational language policies are uniquely situated. Therefore, the results from this study may not transfer well to other states throughout the country with differing language policy contexts. Researcher subjectivity may also be a factor within some critical data analysis approaches. Subsequent sections in this chapter feature a disclosure of the researcher's positionality to address this potential limitation. These limitations are considerations to be aware of that could confine the results of this study on the Texas SSB language policies.

Trustworthiness and Authenticity

Situated in the qualitative research paradigm, this study contained validation techniques to increase levels of credibility within the analytic procedures. Rich descriptions of each school context and interview respondents participating in the study allowed for potential transferability (Lincoln & Guba, 1985; Pitney, 2004) to other districts with similar experiences. In this way, applicability may be determined, and judgements made, based on adequate descriptive information regarding each case's circumstances (Koch, 1994). Efforts to triangulate data include reviewing and analyzing archival documents apart from statements of the respondents, in order to substantiate the results. Although promotional and policy discourse was a priority as the primary source in this analytic process, an additional source in the datasets collected included participant interviews. Patience with the data, and careful attention to the steps during the data analysis process, allowed time to reexamine concepts with a fresh outlook without becoming overwhelmed with the analytic tasks. Each of these elements assisted in increasing transparency and rigor throughout this study. For increased validity, an appendix section is included with the

state legislative bills for language recognition, district and campus demographics, and interview protocols.

Self as Researcher

In a research investigation, the questions addressed and interpretation of the findings are shaped by the researchers' positionality (Kleinsasser, 2000). As stated by Valdez et al. (2016), research bias does not come from having a position, rather from not acknowledging one. Additionally, as the sole researcher in this qualitative study, it is imperative that I reveal my reflexive process and connection to this work for heightened authenticity. My positionality as an African American hispanoparlante, Spanish speaker, gives me a distinct and multifaceted identity. Due to this complexity, I often reside in a hybrid space, mixed between multiple cultural and linguistic practices and customs simultaneously. Double consciousness (Du Bois, 2006), a sort of internal conflict of acceptance, also plays a large part of my experience and upbringing as a member of a minoritized cultural group, historically subjected to tremendous oppression in the U.S. Similarly, as a speaker of a minoritized language in the U.S., I am cognizant of, and have experienced, the impact of exclusionary language policies in educational settings. Although I did not participate in bilingual education, I was a student in world language courses for a few years during my K-12 educational experience. As an adult, I participated in several cultural and language programs abroad, as well as teacher exchanges to various Spanish speaking countries in Europe and Latin America. As an educator, I am trained in bilingual education and have taught in dual language programs in two school districts in Texas. These combined perspectives make me particularly committed to the cause of equity and social justice for culturally and linguistically diverse populations. An advocate of bilingual education, I am passionate about the creation and development of language policies that directly impact the educational trajectories of

language learners. Similarly, the plight of minoritized students in a society that has traditionally excluded them from receiving equitable educational opportunities is paramount to my current work as a teacher researcher.

Being that my experiences and interests are closely associated with the topics in this research, it is vital for me to approach the work with a more open mind. Seeking perspectives of those with philosophies and mindsets unlike my own was an advantageous tool for introspection while conducting this research study. Doing so allowed me to challenge my own focused perspective to consider distinct points of view and ways of thinking. When approaching and conducting research, I am aware of my ability to recognize injustices and take an inquisitive, or critical, stance on many issues. I viewed this attribute as beneficial to this particular research, and used my dexterity in critical thinking to strengthen the analytic process.

Summary

This chapter presented the research design and methodology for critical policy analysis, which combine CDA and CCA methods in an eclectic analytical approach. These approaches were used to analyze promotion and policy discourse related to the Texas SSB and Performance Acknowledgment recognition. In this study, the critical policy analysis, along with the discourses of language policy framework, provided guidelines for employing a poststructural analysis of data collected from district language policies for the SSB. Using the tenets of CDA, the promotion and policy discourse were analyzed with a critical lens for indications of, or against, hegemonic discourse. A discussion of findings and results from the data analysis are represented in the next chapter.

CHAPTER 4

FINDINGS

The purpose of this study was to examine the interpretation and implementation of the Seal of Biliteracy in a Texas school district through their language policies and discourse. This chapter presents themes that emerged from a critical policy analysis of the Texas HB 5 policy and California's AB 815 and AB 1142 policies, the national and district policies for the Seal of Biliteracy, interviews conducted with district leaders and teachers, as well as student reflection responses. Using a critical policy analytical method, the data collected was analyzed for evidence of competing language policy discourses, hegemonic or counterhegemonic. Using the discourses of language policy framework, the analysis of this study focused on answering the following research questions:

- How does a school district and campus interpret and implement the Texas HB 5 Performance Acknowledgment and Seal of Biliteracy?
 - How do the district and campus Seal of Biliteracy promotion and policy documents reflect or counter, if at all, the language education discourses of equity heritage and global human capital?
 - What are the effects of district and campus Seal of Biliteracy policy documents and discourses on the awarding of student recipients?
 - What conditions enable, or hinder, district and school leaders to implement and award the Texas Seal of Biliteracy?

Descriptions of the findings are organized according to each of the aforementioned research questions. Based on a critical policy analysis framework (Valdez, Freire, & Delavan, 2016), there was a four-step method for data analysis. The first step was a qualitative content analysis to establish a descriptive picture of the policy from the content of the policy texts, written and spoken. Next, I located what was present in the texts that reflected, implied, or countered the hegemonic discourse described in the conceptual framework. Third, I analyzed the

data by looking for what was absent or discursively silenced (Thiesmeyer 2003) in the content. Lastly, I focused on making sense of the patterns that emerged from the second and third levels in order to posit power effects across the local, institutional and societal domains in which discourses can operate (Fairclough, 2003).

Content of the Policy Texts

The policy texts included the National Guidelines for the Seal of Biliteracy, the Texas HB 5 legislation, California AB 815 and AB 1142 legislation, Wallis ISD graduation policies and dual language program information, as well as interviews with administrators and teachers in the district. The initial descriptive picture of the content in the legislative policies revealed a lack of policy cohesion for the state graduation requirements in comparison to those in the Seal of Biliteracy National Guidelines. Based on the content of the Wallis district policies, however, there was greater alignment with the Seal of Biliteracy as opposed to the Texas HB 5 policy. After conducting this descriptive analysis, I found evidence supporting the inconsistency in state policies leading to implementation challenges for the district. One of these challenges included the issue of awarding student recipients with the Seal based on varying levels of demonstrated language proficiency.

Passed by the California state legislature in 2011, Assembly Bill 815 was the first official policy that outlined the Seal of Biliteracy graduation recognition. A closer look into the California AB 815 policy revealed that the Seal of Biliteracy did not require students to pass a language proficiency assessment for languages other than English. With this bill, certification for a language other than English could be achieved simply by completing and passing high school language courses. Subsequently, a statewide advocacy coalition called Californians Together,

developed the Seal of Biliteracy website with their own National Guidelines in 2015. A

description of the coalition (Spiegel-Coleman, n.d.) states:

Californians Together is a statewide advocacy coalition of powerful organizations from all segments of the education community including teachers, administrators, board members, parents and civil rights non-profit groups. Our member organizations come together around the goal of better educating 1.4 million English Learners by improving California's schools and promoting equitable educational policy.

The guidelines from this coalition were established to strengthen language proficiency requirements for languages other than English. Also, the National Guidelines facilitate the cooperation of school districts and additional states. In 2017, with increased pressure from the Californians Together coalition, the California legislature passed Assembly Bill 1142, an amendment to AB 815. Per this amended bill, the requirement for English dominant students was to demonstrate oral proficiency in the language other than English.

Per the Seal of Biliteracy website, Texas was the first state to adopt the SSB in 2013, after creation of the Seal by California. However, data collected from the Texas HB 5 policy, and the Texas Education Agency, do not mention the Seal of Biliteracy award. Conversely, there is a Performance Acknowledgment that Texas offers to graduating high school seniors for Biliteracy and Bilingualism. This Performance Acknowledgment in the Texas HB 5 is similar to the original California AB 815 in that there is not a requirement for students to pass a language proficiency assessment in languages other than English. While the California legislature amended their language proficiency requirements, Texas has yet to do so. Tables for legislative bills in both states are provided below.

Table 4.1

California and Texas High School Biliteracy Legislation

	California Legislature Assembly Bill 815 (Adopted 2011)	Texas Legislature House Bill 5 (Adopted 2013)	California Legislature Assembly Bill 1142 (Adopted 2017)
Name of Recognition	State Seal of Biliteracy	Performance Acknowledgment	State Seal of Biliteracy
Location of Award	High school transcript or diploma	Student Record (Transcript)	High school transcript or diploma
English Requirement	-Completion of all English language arts requirements with an overall grade point average of 2.0 or above in those classes. AND -Passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.	Complete English language arts requirements and maintain minimum GPA of 80/100	-Completion of all English language arts requirements with an overall grade point average of 2.0 or above in those classes. AND -Passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.
Requirement for LOTE Courses	-Complete four-year high school foreign language course of study with overall grade point average of 3.0 or above OR LOTE Proficiency Assessment (see below)	- Complete minimum 3 credits in same language (min. GPA 80/100) OR -Demonstrate proficiency in TEKS Level IV or higher in LOTE (min. GPA 80/100) OR -Complete 3 credits in foundation subject area courses in LOTE (min. GPA 80/100) OR LOTE Proficiency Assessment (see below)	-Complete four-year high school foreign language course of study with overall grade point average of 3.0 or above AND LOTE Oral Proficiency Assessment

(table continues)

	California Legislature Assembly Bill 815 (Adopted 2011)	Texas Legislature House Bill 5 (Adopted 2013)	California Legislature Assembly Bill 1142 (Adopted 2017)
LOTE Proficiency Assessment	-Passing AP foreign language exam with 3 or higher; or passing an IB exam with 4 or higher OR -Passing a school district language examination assessing speaking, reading, and writing with a proficient level or higher OR -Passing the SAT II foreign language examination with a score of 600 or higher OR LOTE Course Requirement (see above)	-Minimum score of 3 on AP exam OR -Minimum score of 4 on IB exam OR -Minimum Intermediate High score on a national language proficiency assessment OR LOTE Course Requirements (see above)	-Passing AP foreign language exam with 3 or higher; or passing an IB exam with 4 or higher OR -Passing a school district language examination assessing speaking, reading, and writing with a proficient level or higher OR -Passing the SAT II foreign language examination with a score of 600 or higher OR LOTE Course Requirement and LOTE Oral Proficiency Assessment (see above)
English Language Learner	(Grades 9 to 12) Attain the early advanced proficiency level on the English language development test AND Meet the English requirements AND Meet the LOTE course/proficiency requirement	Must be exited from ESL or Bilingual program AND Score Advanced High level on the TELPAS AND Meet the English requirements AND Meet the LOTE course/proficiency requirement	(Grades 9 to 12) Attain the early advanced proficiency level on the English language development test AND Meet the English requirements AND Meet the LOTE course/proficiency requirement

Although the two original state legislative bills are similar in the student graduation requirements for bilingual biliterate recognition, Californians Together created the National Seal of Biliteracy Guidelines (see Table 4.2) which are separate and involve an added requirement for students. The National Seal of Biliteracy Guidelines mandates that graduating seniors must reach at least an intermediate level proficiency in speaking, listening, writing, and reading domains in languages other than English. These National SSB Guidelines, in conjunction with advocacy efforts, compelled California's legislature to pass an amendment to AB 815. In 2017, California passed AB 1142, which updated the Seal of Biliteracy policy to include oral proficiency requirements for any language other than English. Per this amendment, students must meet the LOTE requirement by demonstrating proficiency via a language assessment in languages other than English, in addition to completing high school language courses.

Table 4.2

National Guidelines for the Seal of Biliteracy From Californians Together Coalition (Adopted 2015)

Name of Recognition	Seal of Biliteracy
Location of Award	High school transcript or diploma
English Requirement	<p>-Meet English language arts requirements for high school graduation as determined by the state OR -Demonstrate proficiency on a validated test of proficiency for English learners as determined by the state</p> <p>Should demonstrate both social and academic use of the language, in all modes of communication</p>
Requirement for LOTE Courses	None
LOTE Proficiency Assessment	<p>Demonstrating proficiency in the language other than English on a validated test of proficiency as determined by the state. Examples: -Advanced Placement Exam -International Baccalaureate Exam</p> <p>Should at minimum reach a target level of Intermediate. Should demonstrate both social and academic use of the language, in all modes of communication appropriate for that language.</p>
English Language Learner	<p>Meet the English requirement AND Meet the LOTE proficiency assessment requirement</p>

In my interview with Ashley, the Dual Language/ESL Director for Wallis ISD, she voiced that the greatest complication that presented itself was understanding and enacting the policy for the Seal of Biliteracy. Having been familiar with the National Guidelines for the Seal of Biliteracy, Ashley’s confusion came about from the difference in requirements for the Texas HB 5, being that there was no actual mention of the Seal of Biliteracy. While trying to develop the Seal of Biliteracy for soon to be graduates of the Dual Language Immersion (DLI) program in Wallis ISD, Ashley sought more information at the professional organization meetings she attended. One person she met was a representative from Californians Together, who shared from

his research that the Texas policy did not follow the National Guidelines. Having attended another professional organization meeting, Ashley heard a speech from Texas State Representative, Roberto Alonzo, who supported and was active in the legislature during the passing of HB 5. An additional encounter Ashley had at this meeting was with a group from another Texas school district that was already awarding the Seal of Biliteracy. Through her networking, Ashley was able to learn and understand the differences between the Performance Acknowledgment and Seal of Biliteracy. Based on her own bilingual experience, and teaching in both bilingual transitional and DLI programs, Ashley determined that Wallis ISD would “recognize bilingualism following the National Standard for Seal of Biliteracy”. This meant that students would be able to receive the SSB award only if they took the AP Spanish Language and Culture exam and scored at least a 3. Simply passing Spanish courses and receiving language credits would not qualify a student to earn the SSB but rather the Performance Acknowledgment. The district leaders and high school administrators were in agreement with this distinction and collaborated with Ashley to have the new requirement included as part of their language education policy. Wallis ISD then began to implement the National Seal of Biliteracy Guidelines as issued by the Californians Together advocacy coalition.

All the participants I interviewed referred to this differentiation in standards as being positive. Ashley wondered “Is bilingual proficiency, is it about developing high levels of English and Spanish? And seat time in high school Spanish 1 and 2 is not equivalent to being bilingual.” Here, Ashley was commenting on the difference in standards for language requirements to qualify for the Seal of Biliteracy. As it currently states in the HB 5 policy, students can meet the Spanish language requirement by passing and getting credit for taking Spanish classes. Ashley did not think the policy was rigorous enough, especially because heritage learners must pass

standardized state language exams in order to demonstrate their proficiency in English across the language domains of listening, reading, speaking, and writing. With HB 5, it is not possible for heritage learners to get course credit for English classes alone and be eligible for the Seal of Biliteracy. A few other participant quotations are shared below:

The Seal of Biliteracy is an exclusive group. And yes, you want to push everybody to get there, but you're also...you're not going to, you know water down those standards so everybody can attain it. The kids are going to have to meet the expectations, and that's what I like about it. (James)

In this statement, James reiterated the importance of distinguishing the Spanish proficiency standard and requirement for passing the AP Spanish Language and Culture exam with a score of 3 or higher. Although a few of the senior graduates qualified only for the Performance Acknowledgment and did not meet the standard, he was determined to not change this higher standard for the Seal of Biliteracy.

So I think one of the requirements, in my understanding, is that you are proficient in both languages, English and Spanish. And the way to prove your proficiency, that you are proficient in Spanish, is to get a 3 or above in the AP Language test. (Raul)

With this quote, Raul also commented on the importance of passing the AP Spanish Language and Culture exam in order to qualify for the Seal of Biliteracy. As the English language proficiency assessments prove academic competence in English, the Spanish language assessment also proves academic competence in Spanish. Without a policy requiring both, it can be difficult to maintain high bilingual standards and to assure equity for students seeking to earn the Seal of Biliteracy.

Discourses of Language Policy

This second step of the analysis was to locate what was present in the texts that reflected, implied, or countered the hegemonic discourse described in the conceptual framework. Specifically, I analyzed the aforementioned policy texts for evidence of the language education

discourses of equity heritage and global human capital (Valdez, Delavan, & Freire, 2016). Valdez et al.'s framework for discourses of language policy helped to understand power and its unequal distribution in society. Per this framework, global human capital indicates a hegemonic discourse favoring neoliberalism in globalized education, an investment of individuals for their "human capital", and the contributions of foreign language skills to support the national economy and workforce. There was some evidence of a global human capital discourse in Wallis ISD's language policy and promotion. Dialogue and policy text regarding marketability and the workforce was a reflection of the GHC discourse. A district news article described the Seal as "a statement of accomplishment for future employers and college admission." In an interview, James, the high school principal, stated that the Seal of Biliteracy is "very marketable, especially in Texas", and that "This [credential] means that you can walk into a business and you can do business with 95% of the population, basically anywhere in the United States, because you truly understand both languages, both spoken and written." Kristina, the high school ESL teacher, similarly commented that earning the Seal is a way for students to prove bilingual proficiency to prospective employers. Through my interviews with both James and Kristina, it was clear that they referenced marketability as an incentive to get more students interested in celebrating their bilingualism. One challenge identified through participant interviews was encouraging students to be excited about their bilingualism, and that their biliteracy and language skills were coveted and something to be proud of. Due to this need to embolden students to see their own worth and capabilities, there was an emphasis on impressing upon students the importance of the Seal of Biliteracy. This motivation approach did not lead to inequity for heritage learners, however, as they continue to be the majority of graduates with the Seal of Biliteracy.

In terms of countering the GHC hegemonic discourse, an equity heritage discourse was

also reflected in the findings. In contrast to global human capital, equity heritage denotes a discourse of language rights, promoting equity through programs supporting bilingual students and their heritage languages, and empowering the socioeconomically disadvantaged within language groups. In Wallis ISD, the Seal of Biliteracy promotion and policy discourse primarily reflected an equity heritage discourse, specifically by highlighting the standards of educational equity, and fostering and preserving heritage language and English simultaneously. The growth of the Seal of Biliteracy award, and development of the Pathway to Seal of Biliteracy awards, were both examples of the equity heritage discourse. The district creation and expansion of DLI to 6th grade, as well as the Advanced Spanish/AP Spanish middle school program, further demonstrated Wallis' commitment to bilingualism and high performance in English and Spanish. As Ashley stated, "I'm a huge proponent of dual language. Developing two languages for kids is a complete, you know, it's additive, it's enrichment model. It's [where] students perform at their highest levels."

Viewing bilingual education in this way is an example of promoting language rights and equity, which is a welcome change. Historically regarded as a deficit model in the U.S. educational system, bilingualism and dual language, or language immersion options, were non-existent. The assumption at that time was that language proficiency and skills in another language would come at the detriment to English language development. We now know this thinking is unfounded. Instead, the stronger foundation heritage learners have in their first language, the greater capacity for transfer to a second language. Likewise, as English learners continue to increase knowledge in their heritage language, deeper understandings and connections can be shared across both language forms to catapult bilingual students into a higher, and more critical way of thinking in both languages. As stated in the informational page

for Wallis ISD's Dual Language program:

Because native Spanish speakers have support in their native language, they are less likely to develop gaps in learning content and concepts of the state required curriculum. This native language support gives them a strong foundation upon which to build English Language Proficiency skills.

The Seal of Biliteracy in Wallis, therefore, is a process by which to commend students who have successfully completed and demonstrated their language proficiency in both English and Spanish. Raul, the high school's highest level Spanish teacher, expressed this with his statement:

One of the requirements, in my understanding, is that you are proficient in both languages, English and Spanish. And the way to prove your proficiency, that you are proficient in Spanish, is to get a 3 or above in the AP Language test.

As did Kristina, when she explained:

By getting the Seal, it allows them to get college credit. To prove that they're functional in English and Spanish, and not just able to have a conversation. That they are well educated in both English and Spanish and have a high school diploma. And what that does is it shows any prospective employers that they can function, not just speak Spanish, but they can function on a well-educated level in terms of literacy. They can read and write Spanish as well.

Wallis' model of educational equity also exemplified fostering and preserving language through the heritage learners that went on to become Seal graduates. Their district profile, which provides information on the Dual Language Immersion Program, points out that: "Dual Language students are also on a pathway to earn the Seal of Biliteracy Award upon graduation." The WISD implements one-way and two-way dual language immersion programs, all in Spanish and English. Their DLI program serves both emergent bilinguals and elite bilinguals. Nearly all of the students meeting requirements for the Seal were former English Learners, Dual Language students, and/or students who speak Spanish in the home. Students who were not able to reach the proficiency level requirement of passing the AP Spanish Language and Culture test received

a Performance Acknowledgment, rather than the Seal of Biliteracy.

Discursive Patterns

In the third step, I analyzed the data by looking for what was absent or discursively silenced (Thiesmeyer, 2003) in the content. Tensions around inconsistency in the Seal of Biliteracy state and national policies became more clear as I delved deeper into the contents of the policy texts. During participant interviews, teachers were unaware of this misalignment. Only the administrators had a keen understanding of the policy difference between the national Seal of Biliteracy and the Texas Performance Acknowledgment. While administrators were able to recognize the distinction in the language policies, none spoke about why this difference existed. It was evident, however, that the Wallis district took additional steps to maintain the integrity of the Seal of Biliteracy by having students reach higher levels of proficiency in English and Spanish. An additional example of the district's intentionality in replicating the Seal of Biliteracy was to use the same name for the award as the National Guidelines. In contrast, the legislation by the state of Texas did not use the name Seal of Biliteracy, but rather called it a Performance Acknowledgment, an obvious distancing from the California policy.

The last step focused on making sense of the patterns that emerged from the second and third levels in order to posit power effects across the local, institutional and societal domains in which discourses can operate (Fairclough, 2003). From this final level of analysis, the evidence led me to assert that the Texas HB 5 Performance Acknowledgment legislation passed under the guise of the Seal of Biliteracy legislation, but never intended to embrace the aims of bilingualism as an inclusive policy for language minoritized students. The Texas policy deviated from both name and intent of the original policy passed in the California Legislature. Although the rhetoric presented a surface inclusivity of bilingualism, it did not wholly embrace the full intent and

function of the Seal of Biliteracy recognition. This is problematic because the HB 5 policy, as currently written, does not give authorization for districts to award the Seal of Biliteracy. This is counterintuitive to the purpose of the original legislation.

Themes

Upon completion of assessing the data with the critical policy analytical procedures, there were two themes that stood out as salient in responding to the research questions. The first referred to the range of impact from the Texas HB 5 policy being an partial endorsement of the Seal of Biliteracy policy. The second theme focused on the Wallis school district striving to honor bilingual biliterate graduates within a macro state policy system that does not facilitate awarding the Seal of Biliteracy. Each of these themes are detailed in the sections that follow.

Texas HB 5: An Incomplete Endorsement

The Texas Seal of Biliteracy, or lack thereof, constructs a restricted language policy structure countering the equity heritage discourse. By choosing not to align directly with the original Seal of Biliteracy purpose, students in Texas were unaware of the national bilingual biliterate recognition, and have restricted access to pursuing their bilingualism as fully as states that embrace the Seal of Biliteracy. This limited endorsement, changing the name of the recognition from Seal of Biliteracy to Performance Acknowledgment, led to confusion for districts seeking to follow the national Seal policies and implement them with fidelity. Essentially, because of the omission of the Seal of Biliteracy in the Texas HB 5 policy, districts are left on their own to develop rigorous standards for biliteracy and bilingual recognition. Furthermore, Texas HB 5 omits the purpose of the Seal of Biliteracy to acknowledge student efforts in language acquisition and development. It also leaves discursively silenced any mention of language or cultural diversity, affirming students with multicultural or multilingual

backgrounds, intercultural connections, or strengthening community relations. The absence of these inclusive goals creates a macro level discourse that does not embrace the equity heritage aims.

Texas passed the HB 5 legislation two years after, and supposedly modeled by, California's AB 815 legislation. However, the choice to remove and replace the Seal of Biliteracy with a Performance Acknowledgment is the point of demarcation. This decision has had lasting impacts on school districts, administrators, and students alike. The students most impacted are heritage learners who have achieved years of dual language learning and reached demonstrated proficiency. Additionally, Texas has chosen to not amend their HB 5 bill to include an oral proficiency assessment for languages other than English, a requirement California updated with AB 1142 in 2017. With this limited scope of HB 5, awarding bilingualism shifts focus from the plight of heritage learners to the simpler route of English dominant students adding a language in their second year of high school. Language learning at best is a complex and cumbersome lifelong journey. It is not simply accomplished by being enrolled in a language course for three years. Due to the complex nature of language acquisition and bilingual proficiency, I contend that more needs to be done by the state of Texas to compel districts to adopt the Seal of Biliteracy recognition.

Wallis ISD: A Step Above

The Wallis school district made specific and intentional strides to develop and offer the Seal of Biliteracy to their high school graduates. Due to the limited state language policy conditions described in the previous section, Texas school districts are tasked with creating their own equitable standards for recognizing biliteracy. This was evident in Wallis ISD's language policies and practices that focused on inclusivity and multilingualism. Their implementation for

the bilingual biliterate student recognition is a step above the state level discourse and perceptions on language policy. From my analysis of Wallis ISD's implementation and interpretation of the Seal of Biliteracy, their desire was to celebrate students who are capable of earning this multilingual distinction. Having clarified and distinguished the criteria that meet eligibility for the Seal, the district placed a strong importance on recognizing students who achieved the advanced language requirements before graduation. Many students in the district achieve this by participating in and completing the Dual Language program through the 6th grade, and then taking advanced Spanish language courses at the middle and high school level. Other students complete the ESL program requirements at the primary or secondary level, and then moved into their high school language program. Fewer students simply take Spanish language courses only at the high school level. Among all of the students taking the AP Spanish Language and Culture exam in Wallis ISD, 87% passed with a score of 3 or higher in 2020. Those students were then able to be celebrated at the Seal of Biliteracy ceremony during their final year of high school.

Wallis ISD's focus on celebrating language students did not only apply for the Seal of Biliteracy. In addition to the language proficiency award at the end of high school, the district also observed students with a Pathway to Seal of Biliteracy award at three levels leading up to high school. This was a more recent award the district implemented after creating the Seal of Biliteracy award. Dual Language students successfully completing elementary (4th grade), intermediate (6th grade), and middle school (8th grade) all receive the pathway award as a type of incentive to continue their progress in the language program. In this way, DLI students remain on target to receive the Seal of Biliteracy, rather than the Performance Acknowledgment. In fact, there were some students who met all of the requirements for the Seal of Biliteracy at the end of

8th grade, as a result of the DLI program. As Kristina, one of the interview participants stated, “The Seal is the capstone piece on our Dual Language program.”

The previously mentioned discourses and policies ultimately had an impact on awarding students in Wallis ISD. Overall, the number of student recipients for the Seal of Biliteracy have increased by 71% during the five years of its existence in the district. The distinction of requirements for the Seal of Biliteracy and the Performance Acknowledgment in the district helped to facilitate recognition of students’ biliteracy and language proficiency. After making the separation between the two awards, the district was able to more easily identify who qualified for which award. As a result, many students qualified for the Seal of Biliteracy following the National Guidelines and having gone through the DLI program. Few students qualified for the Texas Performance Acknowledgment only.

Although the limitations of the Texas HB 5 policy presented hindrances for awarding the Seal of Biliteracy, there were conditions that enabled implementation of the language recognition. An importance placed on inclusiveness and valuing biliteracy and bilingualism was key among the administrators in Wallis ISD. In the district, there was a strong value placed on maintaining two languages and being proficient in each of them. This was evident by the district’s robust DLI program, which has grown since beginning in 2003. Their dual language immersion in English and Spanish was once available for only PreK- 4th grade, but is now extended to 6th grade students. In 2010, their language program expanded into middle school to offer advanced Spanish and AP Spanish classes. These programs undoubtedly facilitated students’ knowledge of academic and conversational language in both English and Spanish. Once in high school, students can continue in Spanish courses up to Spanish Level 5, along with their English Language Arts coursework. In my interview with James, the principal of the high

school, he emphasized the extensive language programs in the district, and that students who completed them were “an exclusive group”. Ashley, the Dual Language/ESL Director of the district reiterated the high academic standards required to achieve the Seal of Biliteracy. She similarly confirmed the expectation for students to have high levels of English and also Spanish in order to meet the Seal qualifications. Ashley also explained how vital maintaining heritage language is for bilingual students and their academic success, as noted when the district moved from a traditional ESL program to DLI. Ashley stated:

I was an ESL teacher and I watched students struggle to fill in those gaps and then we implemented dual language...and just watching the students completely flip. So ELs in an ESL program, that was one of our lowest performing groups on state assessment. And they went to being among our highest performing kids in a Dual Language program.

Additionally, teachers helped to foster an atmosphere of appreciation for bilingualism and biculturalism in schools. Kristina, who is a high school ESL teacher, commented:

People who are gonna discriminate and be prejudiced are going to be prejudiced whether you're armed with the knowledge about your culture or not. So get armed and figure it out! You know...that's my philosophy. I have kids in my classes that are not [only] Spanish speakers. I have kids that speak Arabic and speak Farsi, and speak Vietnamese, and you know, different languages, Tagalog. But we always value where we come from and I carry that philosophy with me.

The importance and high expectations district leaders and teachers placed on bilingualism and biliteracy was certainly an element that enabled the Seal of Biliteracy to excel in Wallis ISD. This combined support from district and school leaders demonstrated just how much the Seal of Biliteracy is encouraged for students to commemorate their bilingual academic journeys. As students are informed about the Seal, and reminded about it through the Pathway to Seal of Biliteracy awards, they are also reassured that their bilingualism is valued and significant.

Commitment to Bilingual Recognition

A testament to the commitment of celebrating students was Wallis' Seal of Biliteracy ceremony. At a typical ceremony, students are invited to come on stage to be presented with a medal worn around their neck. While acknowledging each student, a picture and information about them is displayed on a screen for the audience to see. This information could include thoughts on their high school experience, their future plans, and also a reflection on their bilingualism. After the ceremony, there would be a reception for the Seal recipients, their families, and teachers. Another way to commemorate the Seal designation is having it included on the student's diploma. Every year the ceremony takes place before the actual graduation ceremony for seniors, so Seal students are able to wear their medals with their cap and gown as they cross the stage at graduation, an additional way for others to observe their bilingual achievement.

Although the circumstances of the global coronavirus pandemic put various restraints on social gatherings in 2020, Wallis ISD remained determined to celebrate their Seal graduates. There was a drive through Seal of Biliteracy ceremony at the high school in lieu of the traditional indoor ceremony. Families drove up in their own cars to celebrate their child without the risk of large numbers of people gathering together at a time. There was a tent decorated with balloons where the Dual Language/ESL Director, high school administrators, and a few teachers congratulated each recipient. The student would step out of their car to receive their medal and take a picture. Instead of a reception, the school gave students goodie bags to continue the celebration at home and share with their families. To ensure a celebration for all students, there were measures to recognize the few Seal students who were not able to attend the drive through ceremony. Ashley and a group of other staff members conducted at home visits, as well as

visiting students at their workplace, to deliver the medals. At the work visits, they took balloons and banners into the store to commend the students. Several people in the community were curious about what was happening and Ashley saw it as an opportunity to share more about the Seal of Biliteracy. By taking these additional steps, each of the Seal graduates were recognized despite having to cancel the traditional Seal of Biliteracy ceremony.

Student Reflections

At the beginning of the school year for language students meeting the biliteracy award qualifications during their senior year, the students complete a brief application about their bilingualism. This application is a personal reflection on their educational experience, their bilingual journey, and also their plans for the future. Ashley was able to share the reflections of the 2020 Seal of Biliteracy graduates for the purposes of this study. From these reflections, I gathered and analyzed data specifically for the responses related to the students' bilingual journey, their bilingualism, and their participation in DLI and/or Advanced Spanish programs.

There were two main ideas from the student responses about the perceptions of their bilingual journeys. The first and most common response relates to the DLI experience. For these students, they viewed participating in the dual language program as an honor and completing the program as an achievement and something to be proud of. Students commented that their fluency in bilingualism was a privilege, a special and unique skill that not everyone can possess. Many students also noted that their dual language experience was fun and enjoyable. Two examples of such student responses are below:

Being bilingual is an incredible blessing and participating in the advanced Spanish program gave me memories to last me forever. It taught me so much more than just "Spanish", it taught me just how important the different cultures are and gave me a huge love for my language.

I enjoy being bilingual and look forward to learning more languages. Although being part of the advanced Spanish program took some hard work, at the long run it was a pay off and an enjoyable experience.

Secondly, opportunities were another common response in the student reflections. Some students spoke in general about opportunities they had already received, one of which was being in the dual language program. Others specifically mentioned the opportunity to grow in friendships and bond with their classmates as a dual language group. Also, many students reflected on the opportunity for growth in their ethnicity and language. One student commented that “Being bilingual has opened many doors for me. I am able to have a social life in the USA as well as in Mexico.” This is another response that was especially striking to me:

Being able to grow up with most of the people I was with in the dual language program in elementary is probably a bittersweet moment. And also, being bilingual has a huge advantage, having the opportunity to grow not only in friendships, but also growing more into my ethnicity and language is pretty amazing.

Students also expressed the opportunity to translate for people who needed help. Table

4.3 details the student responses.

Table 4.3 *Student Reflection Responses*

Reflection Response	<i>n</i>	%
Dual Language Program	23	85.19
Opportunities	11	40.74
Social	8	29.63
Spanish	6	22.22
Advanced Learning/Language	5	18.52
Helping People	5	18.52
Culture	4	14.81
Unique Ability	4	14.81
Job	2	7.41
English	1	3.70
Second Nature	1	3.70

The most frequent response, 85% of students, were those reflecting on their positive experiences in the DLI program. The least frequent responses, less than 10%, were students who reflected that their bilingualism led to job prospects, that it helped particularly with English speakers, and that being bilingual was simply second nature. Additional top responses included bilingualism giving more opportunities, and allowing them to be more social and communicative. Other responses varied among bilingualism increasing their use of and appreciation for Spanish as their first language, being in advanced academic courses, helping people, appreciating their culture, and bilingualism being an exceptional ability.

Summary

This chapter presented the findings of a critical policy analysis of the language education discourse for the Seal of Biliteracy policy in Walls ISD. The prominent themes were the Texas HB 5 language policy operating as an incomplete endorsement of the original intent for the Seal of Biliteracy, and the lack of policy cohesion that results. An additional theme was Wallis school district's intentional distinction of the HB 5 Performance Acknowledgment and the Seal of Biliteracy by emphasizing an equity heritage discourse, highlighting language diversity and multilingualism. The interpretation of the Seal of Biliteracy policy in the district was based on distinguishing the highest standards for biliteracy and bilingualism. The district chose to implement the National Seal of Biliteracy Guidelines, as issued by the Californians Together advocacy coalition, rather than the Texas HB 5 legislation for a Performance Acknowledgment. In terms of their language education discourse, the Wallis district policies and practices for the Seal of Biliteracy primarily reflected an equity heritage discourse. The effects of this discourse were paramount, and displayed by the increase in student recipients of the Seal since its inception, most of whom were heritage learners and former dual language students. Despite the

state conditions that hinder awarding the Seal of Biliteracy, an administrative culture of inclusivity and commitment to valuing biliteracy and bilingualism have enabled the district to continue offering the Seal equitably.

CHAPTER 5

DISCUSSION

The purpose of this study was to explore how the Seal of Biliteracy policy is implemented and interpreted in a Texas school district. With recent research in bilingual education citing a gentrification of dual language programs and the Seal of Biliteracy in other states, I specifically wanted to investigate and identify the language education discourses operating within the Texas language policies and implementation for the Seal. The framework for discourses of language policy (Valdez, Delavan, & Freire, 2016), combined with a critical policy analysis lens, informed the conceptual context for this study. Using critical policy and discourse analysis methods, I conducted a critical policy analysis on the discourses of language policy for the Seal of Biliteracy. Due to the state controlled nature of school district policies, state legislature bills from California and Texas were incorporated as essential policy texts in this study. In order to gain insight on this subject matter, the following research questions were posed:

- How does a school district and campus interpret and implement the Texas HB 5 Performance Acknowledgment and Seal of Biliteracy?
 - How do the district and campus Seal of Biliteracy promotion and policy documents reflect or counter, if at all, the language education discourses of equity heritage and global human capital?
 - What are the effects of district and campus Seal of Biliteracy policy documents and discourses on the awarding of student recipients?
 - What conditions enable, or hinder, district and school leaders to implement and award the Texas Seal of Biliteracy?

The organization of this chapter focuses on relating the discourse of language policy findings to prior literature in the field. Additionally, contributions for future avenues of research and practice are discussed.

Discussion of Findings

Through this research study, a deeper understanding of global human capital and equity heritage discourse was gained to contribute to the field of bilingual recognition. The work of Valdez, Delavan, & Freire (2016) specifies global human capital as a hegemonic discourse affecting the current landscape of Dual Language education where elite bilinguals, rather than racialized bilinguals, have a perceived greater value. This is due to the GHC discourse having a more neoliberal emphasis on language education, leading to the gentrification of language programs. Their work cites GHC discourse as being detrimental to heritage learners by promoting a neoliberal version of bilingualism and thereby favoring native English speakers as participants in DLI. Davin, Heineke, and Bedford (2018) address potential issues of equity and access among heritage learners attempting to attain the SSB in relation to English dominant students. Also, Subtirelu et al., (2019) found that the eligibility requirements for the California SSB advantage awarding the Seal to students earning credits for a foreign language rather than students who are heritage learners.

Unlike the literature citing an inclination away from heritage learners as primary recipients of the Seal of Biliteracy, this study did not find any evidence pointing to gentrified language programs or the Seal recognition. In contrast, the findings from Wallis ISD were of policies and discourse intentionally centered around the heritage learner student experience, pointing to the equity heritage framework. The district's range of language programs, focused on heritage language maintenance alongside English development, are intent on encouraging heritage learners to understand the importance of their bilingualism and to celebrate it via the Seal of Biliteracy award. Since the district has offered the Seal, the majority of recipients have been heritage learners. Ultimately, recent research citing a trend of gentrification in dual

language programs was not an issue for the Seal of Biliteracy in WISD because of their stance on supporting the multilingual abilities of heritage learners throughout both primary and secondary education. They have created an educational environment of respect for languages, as well as understanding and honing the capabilities and possibilities of heritage learners.

This study is unique because it is the first to explore the Texas context of the Seal of Biliteracy, its policies and their impact. The research findings connect with the field by providing a broadened perspective to the national landscape of bilingual education. By shedding light on the language education policies and conditions in the Texas setting, exemplars are highlighted and areas of growth are identified to improve equity for marginalized language students. As the original goal of the Seal of Biliteracy aspires to recognize language minoritized student success in bilingualism and biliteracy, this research shows that the promotional and policy discourses in a Texas school district reflect this same goal. This expands the research of Subtirelu et al. (2019) by giving an alternative perspective on the Seal of Biliteracy advantaging more students earning credits for a foreign language, rather than heritage learners. A notable difference is that their study was conducted in California with data across multiple districts (Subtirelu et al., 2019), while this study was conducted with data from one Texas school district. This study found that the Wallis district developed the Seal of Biliteracy through an implementation approach with equity for heritage learners at the forefront, and the student graduates of the Seal were a direct reflection of that effort. The findings from this study also showed a push and pull of opposing discourses between state language policies and those of the Wallis school district. The Texas HB 5 language policy for bilingualism revealed issues of equity for heritage learners in that there are added requirements for them to qualify for the Seal of Biliteracy, or Performance Acknowledgment. This study suggests there is more to be done in regards to ensuring justice for

bilingual student success in the state of Texas. While there was evidence that individual districts are working to combat this injustice, Wallis ISD being one of them, it is not enough. Greater impact can be made if there is change in the state level policies versus districts working in isolation. Despite the inconsistent policies and discourse between state and district, Wallis has been able to ensure equity for marginalized students and heritage learners.

To further elaborate on the findings, this district's equity heritage discourse exists within the constructs of Texas language policies that counter an equity heritage discourse. This landscape is unique and complex, exemplified by a push and pull of opposing forces and language policies. For the district participating in this study, there was guidance and direction for former EL's and DLI students to continue pursuing their bilingual journeys. Student affirmation and celebration ensued among completion of that journey by earning the Seal of Biliteracy. This was not only the aim of the district, but also reflected in the student outcomes, as heritage learners were the majority of Seal recipients. The equity heritage discourse is focused on ensuring that language policies in education are promoting equity rather than inequity (Menken, 2008) by offering programs to support linguistically minoritized students and their heritage languages (Corson, 1992a; McCarty, 2004; Schmidt, 2002). An equity heritage discourse framework is also stemmed in preserving and fostering non-dominant languages (Valdez et al., 2014), and supports those disempowered socioeconomically within language groups (Hossain & Pratt, 2008). In terms of language education policy and EH discourse, schools seeking greater equity for heritage learners support programs that foster home languages and English simultaneously (Corson, 1992b; McCarty, 2002; Schmidt, 2002; Valdez et al., 2016). Wallis ISD's Dual Language and advanced Spanish programs are examples of such language education policies and discourse because they recognize language diversity without loss of the heritage

language, thereby placing language equity at the forefront. For example, in 2016, the first year of recognizing Seal graduates, data revealed that 65% of the recipients had participated in the district's dual language program since kindergarten, gaining high levels of language proficiency in both English and Spanish. This was also evident in the district policies and purpose for dual language education as stated on their website:

Because native Spanish speakers have support in their native language, they are less likely to develop gaps in learning content and concepts of the state required curriculum. This native language support gives them a strong foundation upon which to build English Language Proficiency skills.

There is also evidence in the literature that these educational practices have shown increased academic achievement outcomes for language minoritized students and reduced academic gaps between student groups (Valdez et al., 2014). Wallis ISD mirrors this tendency with the high academic performance of their Seal of Biliteracy graduates, most of whom were once emergent bilinguals. Evidence from the findings revealed that several of the Seal students were among the top 20 graduates of their class. There was also a Seal student who became the valedictorian of the senior class in 2019. Also, Ashley stated that with the district's program change from ESL to dual language, student state assessment scores increased from one of the lowest groups to one of the highest performing groups under the newly adopted dual language instructional program. Ultimately, the equity heritage discourse prevailed in the district, dedicated to ensure educational equity and conserve heritage language for their heritage learners. The prominent EH discourse led to increased numbers of heritage learners receiving the Seal in Wallis ISD. Although there was minimal evidence of GHC, it was not found to counter the EH discourse. In this study, the intentional and limited use of GHC discourse proved effective as the school experienced a 71% increase in Seal of Biliteracy graduates since implementing the recognition. I contend, therefore, that small instances of GHC discourse to motivate English

learners does not signify an absence of equity heritage discourse.

Distinguishing Standards

The Texas HB 5 policy, which authorizes a Performance Acknowledgment rather than the Seal of Biliteracy, plainly omits language that promotes and celebrates multilingualism. In doing so, the policy counters the equity heritage discourse, which supports language minoritized students in development and maintenance of bilingual abilities and skills. While HB 5 does not blatantly support the global human capital discourse, neglecting to identify and address the needs of heritage learners in the language policy is antithetical to the original purpose for the bilingual recognition. This leaves districts in the difficult position of navigating how to celebrate bilingualism and offer the Seal while operating under the confines of the exclusionary macro policy.

As stated in the chapter on analytical findings, the Wallis school district took extra measures, apart from the Texas HB 5 Performance Acknowledgment, to recognize student multilingual abilities at the highest levels. Choosing to align their district policies with the national Seal of Biliteracy was an intentional decision to increase rigor for the bilingual biliterate student recognition. This decision was also spurred by the emphasis on language equity to affirm the language and culture of heritage learners in their pursuit of bilingualism. By offering the Seal, Wallis ISD provides language learners and historically minoritized students access and opportunity to excel in their languages, and overall in their academics. This opportunity and access is omitted in the HB 5 Performance Acknowledgment, thereby continuing to perpetuate inequity for heritage learners.

Student Motivation

Student motivation also played a role in the discourse of Wallis ISD's promotion of the

Seal of Biliteracy. Much of the literature on motivation points to students feeling connected to the school environment in order to participate fully and perform well in their academics (Christenson et al., 2008; Stout & Christenson, 2009). In their work on bilingual biliterate skills and student success, González-Carriedo and Babino (2017) describe potential for the Seal of Biliteracy to motivate students. Participants in their study, recent high school graduates, revealed that the possibility of earning the Seal was a motivating factor to remain in the DLI program. The Seal of Biliteracy language policies, therefore, were found to have a motivational effect on student success. Wallis ISD used this encouraging discourse regarding the Seal of Biliteracy, and also Pathway awards, to help students feel belonging and affirmation in their school environment, as well as to keep them on track for the bilingual recognition. For example, district and school leaders, from the principal to classroom teachers, spoke about encouraging students to celebrate their bilingualism. They also explained to students the pride and importance that comes with being able to communicate across languages and cultures. The district dual language director also boosted support via senior meetings and presentations, as well as informational sessions with elementary and middle school students and families.

An interesting aspect of student motivation were the responses seniors gave about the perceptions of their bilingualism and why it is important to them. Many students cited the importance of relationships developed with their dual language classmates, as well as opportunities to help people with language barriers, as top elements of their participation in the dual language and advanced Spanish programs. This was consistent with research conducted by Colomer and Chang-Bacon (2020) which found that students receiving the Seal of Biliteracy in Oregon valued the camaraderie and cultural exchange the dual language program offered them. It was especially interesting to know that only a few of the students referred specifically to their

potential job placements as important to their bilingualism. These student responses were enlightening because they reflected the motivations of the target population. Much of what schools have advertised about opting into DLI programs is geared toward economic benefit and job marketability, but this may not be an immediate, or perceived, benefit for students. It will be necessary to engage in deeper investigation of student perceptions of bilingualism and motivation as a key element to strengthen and further bilingual programs and recognition.

Implications for Research

This study adds to the field of bilingual education by demonstrating that the Seal of Biliteracy can be implemented with equity and a focus on linguistically minoritized students. Although there are limited studies on the Seal, this investigation is important because the participating district counters the current trend of gentrified bilingual programming in Texas and other states, as mentioned previously. To further the field, it is recommended that researchers recognize the impact student motivation has on pursuing bilingualism and bilingual courses, especially for heritage learners. There are many families with heritage languages other than English that believe students will best improve their English language skills by focusing on only English in school. However, research has shown that using heritage language in school, along with English, actually helps in second language acquisition and development in both languages (Collier, 1995; Potowski, 2004). Some students, as with their parents, place less of a focus on developing heritage language skills in school as they attempt to blend into the mainstream by speaking more English. Specifically studying how motivation impacts the pursuit of bilingualism and recognition is an element that has not been fully investigated and can help bring light to how to better encourage and instill importance for biliteracy among heritage learners.

Another aspect of research related to student motivation that would provide insight on

bilingual recognition is the importance students assign to their own bilingualism, and their reasons for continuing to pursue bilingual education and recognition through their senior year of high school. As students reflected on their accomplishments from the bilingual programs in this study, it was interesting that many students spoke about their friendships and positive experiences, as well as helping people, more frequently than job related aspects of their bilingualism. Job marketability, notably one of the greatest arguments districts use to push the Seal to students, was only mentioned once in all of the student responses. Hence, there is a need to focus on developing the Texas Seal of Biliteracy with students in mind. I believe interest in the recognition program will grow by increasing support for bilingual students and tailoring it to what they hope to gain from their bilingualism.

A final implication for research is the importance of sharing outcomes and knowledge, between districts of all sizes, in order to learn and gain new perspectives on best practices and methods of implementation. As with the Wallis district in this study, smaller school districts have fewer steps to go through in implementing the Seal of Biliteracy. In districts with smaller numbers at the administrative level, there are fewer gatekeepers and protocol stages to get bilingual programs and policies authorized. There is a need therefore to also research larger districts to understand the necessary implementation steps that are in place for bilingual programming. Through this line of research, other districts without bilingual recognitions can learn about the complexities of policy creation as they embark on furthering their bilingual programs. Language policies can vary in each school district. However, the goal is to share knowledge among administration regarding ways to support initiatives, professional development, and funding for bilingual programs. From this recommended research, insights can be gleaned for growing and supporting bilingual recognition programs such as the Seal of

Biliteracy and Pathway to Seal of Biliteracy awards.

Implications for Practice

Findings from this study support that the Seal of Biliteracy has been implemented with equity and a focus on language minoritized students in the Texas school district of Wallis ISD. To see this level of equity among other districts in the state, and in language programs across the country, the following recommendations are offered for district and campus leaders, administrators, and policy makers for bilingual education. First, it is suggested that the Texas state legislature mandates an oral language proficiency exam to assess students' multilingual ability, much like the California AB 1142 amendment to AB 815. In many credentialed professions, including teaching, it is required to first pass a language exam to become certified. Without a similar type of assessment for Seal of Biliteracy graduates, it is possible for students to reach the current bilingual requirements simply by attending language classes, which alone does not equate to a fluid usage or understanding of additional languages. As mentioned by Ashley, the Dual Language/ESL Director in Wallis, it is also recommended that bilingual education organizations cooperate together to establish greater language proficiency standards for Texas' bilingual recognition. I similarly recommend that professional organizations advocate to the Texas state legislature for reform and improvements in bilingual education policies. Similar to Californian's Together coalition developing their state's Seal standards and ways to observe the recognition, Texas would also benefit from doing the same. This will allow for greater policy clarity and implementation among districts looking to introduce or grow the Seal in their school districts, especially since state legislation is limited in this area. Additionally, this could expand access and equity for heritage learners seeking to earn the Seal of Biliteracy, thereby increasing academic success and outcomes for marginalized students. With the Seal, language learners and

historically minoritized students have greater access and opportunity to excel in their languages, and overall in their academics. This opportunity and access is omitted in the HB 5 Performance Acknowledgment, thereby continuing to perpetuate inequity for heritage learners. This needs to change. Honoring heritage learners with the Seal of Biliteracy is commendable, yet rare in Texas. Currently, there are only a handful of known districts in the entire state implementing the Seal of Biliteracy, and districts not incorporating the Seal remain in compliance with the Texas HB 5 policy. This must also change. Ensuring equity for the state's bilingual students should not have to be tackled in isolation by individual districts, but needs to be addressed holistically via language policies and discourse at the state level. The last recommendation for the state level is for Texas to create a tracking system of school districts participating in the Seal of Biliteracy. This would serve as both a database and learning tool for parents and schools seeking to learn more about the Seal. For example, the California Department of Education keeps district records, resources, student requirements, and a plethora of information devoted to the Seal of Biliteracy. This is missing in Texas and would serve to improve implementation and growth for bilingual recognition in the state.

This study demonstrated that support for the Seal of Biliteracy comes from district leaders and administrators who place value and high expectations on student biliteracy and bilingualism. These leaders implement and interpret the Seal as a recognition for students who have developed both English and their heritage language throughout their educational journeys to high school graduation. They also invest in funding professional development opportunities for district and school staff to deepen their knowledge of bilingual research and praxis. Although there are some leaders who naturally possess these multilingual perspectives, it is recommended that student academic outcomes are shared with more administrators to encourage considering

support for language programming and policies. Furthermore, when districts awarding the Seal can collaborate across district lines it will help inform those seeking to add the Seal of Biliteracy recognition, or grow their language education policies and programs. Another area of growth is in languages awarded by the Seal in Texas. As one participant noted, there are school language programs for more than just Spanish, and it would be great to see the Texas Seal of Biliteracy extend to languages such as French, German, and others. As a state with policy ambiguity for the Seal of Biliteracy, the importance of inter-district networking in Texas cannot be overstated.

An additional aspect for school leaders to consider is creating student mentorship and support groups for bilingual learners. This will serve as a way for students to bond and form connections along their language journey. Mentorship initiatives can also be a method for recognizing the accomplishments of previous Seal recipients and encouraging upcoming students to stay on the path for bilingual recognition. The student reflection responses included in this study point to the importance seniors give to their friendships and the value of relationships to help each other in their biliteracy. Also, one teacher commented on a need she has observed to “Cultivate more student leaders to give back and mentor former EL’s and bilingual students.” She particularly referenced newcomers and ELs who are just starting their language journey and may need assistance with language and cultural barriers. Those seasoned language students on the verge of receiving the Seal of Biliteracy could prove to be an essential piece to the mentorship puzzle, especially because many have only recently made it through the same cultural and linguistic struggles in their language education. There is strength in peer support and motivation, which can be used in expanding the Seal of Biliteracy.

Recommendations for Seal of Biliteracy Implementation

Understanding the restricting conditions of the Texas HB 5, the Wallis school district

demonstrates determination in their inclusion efforts to honor bilingualism and biliteracy. To help in this effort, recommendations of various methods are provided to strengthen and expand the Seal and Pathway programs. Some of these suggestions are also mentioned in the 2020 National Guidelines for Implementing the Seal of Biliteracy, which also includes many more helpful resources. One area for growth would be in the Seal of Biliteracy award at the high school level. To further highlight the multicultural aspect of the recognition, districts can include a community learning or service component to the requirements for eligibility. This community learning opportunity would be done in the language other than English, as a form of authentic engagement with language in a natural context. Suggestions for Pathway to Seal of Biliteracy awards involve introducing requirements for elementary and middle school students in dual language programs. This could include options for a culminating project or portfolio in the heritage language. For younger students, a collection of student work in the language other than English, or a reading log of grade level books in the heritage language may be useful. In older grades, projects such as a written report and an oral presentation in Spanish may be valuable.

Transferability

The strengths of this study include focusing on one school district's implementation and interpretation of the Seal of Biliteracy in Texas. By doing so, the data and findings present an in depth and detailed view of the context. The information provided was insightful and relevant to the setting of the study. A limitation of this research study considers the global coronavirus pandemic which restricted in person meetings and face to face gatherings. Virtual or telecommunication was the method for all interactions. In terms of transferability, the specific context of this study is situated around state and local district policies that are unique to Texas and may not be easily generalized or transferred to other contexts. There may be some

transferability for other districts within Texas that are similarly situated under constricting language policies for the Seal of Biliteracy.

Conclusion

The purpose of this study was to explore how the Seal of Biliteracy policy is implemented and interpreted in a Texas school district, and its impact on students. Specifically, the intent was to fill a gap in the literature and illuminate what is being done for the Seal in Texas and how. There was a particular focus on equity and participation of heritage learners and language minoritized students receiving this bilingual biliterate graduation recognition. Prior to the start of this investigation, I thought the outcome might be consistent with recent bilingual studies citing a shift in focus away from heritage learners toward favoring English dominant students in language programs. At the conclusion of this study, however, it became apparent that in Wallis ISD there was an intentional focus on encouraging bilingualism and biliteracy from Pre-K through 12th grade, as well as celebrating bilingualism with the Seal of Biliteracy and Pathway to Seal of Biliteracy awards. This emphasis by the district comes despite the limiting policy conditions in the state of Texas regarding multilingualism and bilingual recognition. It was also the purpose of this study to share findings which can add to and enhance the field. From the creation of language policies to the implementation of bilingual programming and student graduation outcomes, an equity heritage discourse was consistent throughout for the Wallis district. This dedication to honoring biliteracy and student success is what drove Wallis ISD to initiate and continue the Seal of Biliteracy, in spite of little guidance and policy standards from the state level. With this study, it was my aim to share policy implementation ideas with other Texas school districts wanting to offer the Seal of Biliteracy with equity to their bilingual students. I also hope that by illustrating the constraints of the Texas HB 5 Performance

Acknowledgment, professional organizations and groups working on behalf of language minoritized students can advocate for more equitable language education policies at the state level.

APPENDIX A
TEXAS LEGISLATURE HOUSE BILL 5

Texas Legislature Online Bill HB 5
Adoption 6/10/2013
74.14. Performance Acknowledgments.

- (b) A student may earn a performance acknowledgment on the student's transcript for outstanding performance in bilingualism and biliteracy as follows.
 - (1) A student may earn a performance acknowledgment by demonstrating proficiency in accordance with local school district grading policy in two or more languages by:
 - (A) completing all English language arts requirements and maintaining a minimum grade point average (GPA) of the equivalent of 80 on a scale of 100; and
 - (B) satisfying one of the following:
 - (i) completion of a minimum of three credits in the same language in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
 - (ii) demonstrated proficiency in the Texas Essential Knowledge and Skills for Level IV or higher in a language other than English with a minimum GPA of the equivalent of 80 on a scale of 100; or
 - (iii) completion of at least three credits in foundation subject area courses in a language other than English with a minimum GPA of 80 on a scale of 100; or
 - (iv) demonstrated proficiency in one or more languages other than English through one of the following methods:
 - (I) a score of 3 or higher on a College Board Advanced Placement examination for a language other than English; or
 - (II) a score of 4 or higher on an International Baccalaureate examination for a higher-level languages other than English course; or
 - (III) performance on a national assessment of language proficiency in a language other than English of at least Intermediate High or its equivalent.
 - (2) In addition to meeting the requirements of paragraph (1) of this subsection, to earn a performance acknowledgment in bilingualism and biliteracy, an English language learner must also have:
 - (A) participated in and met the exit criteria for a bilingual or English as a second language (ESL) program; and
 - (B) scored at the Advanced High level on the Texas English Language Proficiency Assessment System (TELPAS).

APPENDIX B

CALIFORNIA LEGISLATURE ASSEMBLY BILL 815

California Assembly Bill 815

BILL NUMBER: AB 815 CHAPTERED BILL TEXT

CHAPTER 618

FILED WITH SECRETARY OF STATE OCTOBER 8, 2011
APPROVED BY GOVERNOR OCTOBER 8, 2011
PASSED THE SENATE SEPTEMBER 7, 2011
PASSED THE ASSEMBLY SEPTEMBER 9, 2011
AMENDED IN SENATE SEPTEMBER 1, 2011
AMENDED IN SENATE AUGUST 30, 2011
AMENDED IN SENATE JULY 11, 2011
AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY MAY 4, 2011

INTRODUCED BY Assembly Member Brownley
(Principal coauthor: Assembly Member John A. Pérez)
(Coauthors: Assembly Members Alejo, Ammiano, Carter, Dickinson, Eng, Furutani, Gatto,
Roger Hernández, Lara, Ma, and Williams)
(Coauthors: Senators Correa, Hancock, Lowenthal, and Vargas)

FEBRUARY 17, 2011

An act to add Article 6 (commencing with Section 51460) to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code, relating to instructional programs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 815, Brownley. Instructional programs: State Seal of Biliteracy.

Existing law sets forth various requirements for the issuance of diplomas conferred upon a pupil as evidence of graduation from high school. Statutory provisions establish the Golden State Seal Merit Diploma for the purpose of recognizing pupils who have mastered the high school curriculum.

This bill would establish the State Seal of Biliteracy to recognize high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. The State Seal of Biliteracy would be awarded by the Superintendent of Public Instruction in accordance with specified criteria. The Superintendent would be required to prepare and deliver to participating school districts the seal insignia. Participating school districts would be required to maintain records in order to identify pupils who have earned a State Seal of Biliteracy and to affix an appropriate insignia to the diploma or transcript of pupils who earn a State Seal of Biliteracy.

The bill would make an appropriation by authorizing the Superintendent to use money appropriated for purposes of the Golden State Seal Merit Diploma program to develop an Internet Web site for electronic delivery of the seals for both the Golden State Seal Merit Diploma and State Seal of Biliteracy programs to school districts.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) It is the intent of the Legislature to encourage excellence for all pupils, and the Legislature wishes to publicly recognize pupils for exemplary achievements in academic studies.
- (b) The study of world languages in elementary and secondary schools should be encouraged because it contributes to a pupil's cognitive development and to our national economy and security.
- (c) Proficiency in multiple languages is critical in enabling California to participate effectively in a global political, social, and economic context, and in expanding trade with other countries.
- (d) The demand for employees to be fluent in more than one language is increasing both in California and throughout the world.
- (e) The benefits to employers in having staff fluent in more than one language are clear: access to an expanded market, allowing business owners to better serve their customers' needs, and the sparking of new marketing ideas that better target a particular audience and open a channel of communication with customers.
- (f) It is the intent of the Legislature to promote linguistic proficiency and cultural literacy in one or more languages in addition to English and to provide recognition of the attainment of those needed and important skills through the establishment of the State Seal of Biliteracy. A State Seal of Biliteracy would be affixed on the high school diplomas or transcripts of graduating pupils attaining proficiency in one or more languages in addition to English.

SEC. 2. Article 6 (commencing with Section 51460) is added to Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code, to read:

Article 6. State Seal of Biliteracy

51460. (a) The State Seal of Biliteracy is established to recognize high school graduates who have attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. The State Seal of Biliteracy shall be awarded by the Superintendent. School district participation in this program is voluntary.

(b) The purposes of the State Seal of Biliteracy are as follows:

- (1) To encourage pupils to study languages.
- (2) To certify attainment of biliteracy.
- (3) To provide employers with a method of identifying people with language and biliteracy skills.
- (4) To provide universities with a method to recognize and give academic credit to applicants seeking admission.
- (5) To prepare pupils with 21st century skills.
- (6) To recognize and promote foreign language instruction in public schools.
- (7) To strengthen intergroup relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.

51461. (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

- (1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.
- (2) Passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.
- (3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:
 - (A) Passing a foreign language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.
 - (B) Successful completion of a four-year high school course of study in a foreign language, and attaining an overall grade point average of 3.0 or above in that course of study.
 - (C) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that foreign language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.
 - (D) Passing the SAT II foreign language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, he or she shall do both of the following in order to qualify for the State Seal of Biliteracy:

- (1) Attain the early advanced proficiency level on the English language development test. For purposes of this paragraph, a participating school district may administer the English language development test an additional time as necessary.
- (2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing his or her list of equivalent summative tests.

(d) For purposes of this article, "foreign language" means a language other than English, and includes American Sign Language.

51462. The Superintendent shall do both of the following:

- (a) Prepare and deliver to participating school districts an appropriate insignia to be affixed to the diploma or transcript of the pupil indicating that the pupil has been awarded a State Seal of Biliteracy by the Superintendent.
- (b) Provide other information it deems necessary for school districts to successfully participate in the program.

51463. A school district that participates in the program under this article shall do both of the following:

(a) Maintain appropriate records in order to identify pupils who have earned a State Seal of Biliteracy.

(b) Affix the appropriate insignia to the diploma or transcript of each pupil who earns a State Seal of Biliteracy.

51464. It is the intent of the Legislature that no fee be charged to a pupil pursuant to this article.

SEC. 3. The Superintendent of Public Instruction may use money appropriated for purposes of the Golden State Seal Merit Diploma program pursuant to Section 47 of Chapter 204 of the Statutes of 1996 to develop an Internet Web site for electronic delivery of the seals for both the Golden State Seal Merit Diploma and State Seal of Biliteracy programs as set forth in Article 5 (commencing with Section 51450), and Article 6 (commencing with Section 51460), of Chapter 3 of Part 28 of Division 4 of Title 2 of the Education Code. The Superintendent may use these funds on a one-time basis to develop an Internet Web site to make electronically available to school districts the seals for the Golden State Seal Merit Diploma and State Seal of Biliteracy programs.

APPENDIX C

CALIFORNIA LEGISLATURE ASSEMBLY BILL 1142

California Assembly Bill No. 1142

CHAPTER 208

An act to amend Section 51461 of the Education Code, relating to high school diplomas.
[Approved by Governor September 1, 2017. Filed with Secretary of State September 1, 2017.]
legislative counsel's digest

AB 1142, Medina. High school diplomas: State Seal of Biliteracy: English learners.
Existing law requires the Superintendent of Public Instruction to award a State Seal of Biliteracy. Existing law provides that the State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets specified criteria, including, but not limited to, passing the California Standards Test in English language arts administered in grade 11 at the proficient level or above.

This bill would replace that criterion with one requiring that a pupil pass the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the “standard met” achievement level, or at the achievement level determined by the Superintendent for any successor test. Existing law requires a pupil in any of grades 9 to 12, inclusive, if the primary language of the pupil is other than English, to attain the early advanced proficiency level on the English language development test and to meet other specified requirements in order to qualify for the State Seal of Biliteracy.

This bill would repeal the requirement to attain the early advanced proficiency level on the English language development test, and would instead require a pupil to attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, and to meet those other same requirements, in order to qualify for the State Seal of Biliteracy. Existing law requires that proficiency in a language other than English, for purposes of qualifying for the State Seal of Biliteracy, be demonstrated through one of four methods, including by passing a school district language examination that, at a minimum, assesses speaking, reading, and writing at the proficient level or higher, if no Advanced Placement examination or off-the-shelf language test exists and the school district can certify that the test meets certain standards.

This bill, notwithstanding that provision, would require a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, to pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

The people of the State of California do enact as follows:

SECTION 1. Section 51461 of the Education Code is amended to read:
51461. (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a

graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

- (1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.
- (2) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the “standard met” achievement level, or at the achievement level determined by the Superintendent for any successor test.
- (3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:

(A) Passing a foreign language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

(B) Successful completion of a four-year high school course of study in a foreign language, attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A).

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that foreign language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(D) Passing the SAT II foreign language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, he or she shall do both of the following in order to qualify for the State Seal of Biliteracy:

(1) Attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing his or her list of equivalent summative tests.

(d) For purposes of this article, “foreign language” means a language other than English, and includes American Sign Language.

APPENDIX D
DISTRICT DEMOGRAPHICS 2019-2020

	<i>n</i>	%
Student Population	6,971	100
Low SES	1,049	51.7
At Risk	1,020	50.3
Title I	2,028	100
English Learner	104	5.1
Bilingual/ESL Education	104	5.1
Immigrant	14	0.7
Migrant	1	0.0
Caucasian	871	42.9
Hispanic	830	40.9
African American	207	10.2
Asian	31	1.5
American Indian	3	0.1
Pacific Islander	9	0.4
Two or more	77	3.8

APPENDIX E
CAMPUS DEMOGRAPHICS 2019-2020

	<i>n</i>	%
Student Population	2,028	100
Low SES	4,001	57.4
At Risk	3,305	47.4
Title I	6,971	100
English Learner	858	12.3
Bilingual/ESL Education	1,032	14.8
Immigrant	47	0.7
Migrant	4	0.1
Caucasian	2,923	41.9
Hispanic	2,913	41.8
African American	661	9.5
Asian	101	1.4
American Indian	28	0.4
Pacific Islander	19	0.3
Two or more	326	4.7

APPENDIX F

DISTRICT INTERVIEW PROTOCOL DUAL LANGUAGE/ESL DIRECTOR

1. How long have you implemented/awarded the SSB?
2. Who initiated the SSB in your school/district?
3. Why was the decision made to implement the SSB in your school/district?
4. Were other individuals, schools, or districts instrumental (helpful/supportive) in you all starting the SSB?
5. What challenges have been faced while implementing the SSB? In the early adoption stages?
6. In addition to HB 5, does your district have any written policy documents on the Seal of Biliteracy? Does your campus have any? What are these documents?
7. How is the Performance Acknowledgment promoted to students?
8. Does your district have a bilingual program? A dual language program? (ask about the program model...)
9. If so, what languages are supported through the program?
10. How many of the ELs in your district/campus have reached advanced high proficiency in English?
11. How is the SSB awarded?
 - a. Where does the seal go?
 - b. How is the SSB celebrated?
 - c. Are both students and parents notified of recognition?
12. What is the role of school counselors in regards to the Seal? Administrators?
13. How many students have received the Seal of Biliteracy in your district/school? In what language(s)?
14. How many of those SSB recipients are former ELs?
15. How do you transmit information to parents/teachers/students about eligibility or the requirements for earning the SSB?
16. What is the process (pathway) of earning the seal for students starting in the 9th grade? From middle school? From elementary?
17. Who notifies students if they are/are not eligible for the seal? What is the notification process like (application, interview, etc)?

18. What is the discourse among district/school leaders regarding implementing the Texas SSB?
19. Do you feel that the system for the SSB is equitable?
20. Is there anything that you would like to change about the SSB or its implementation?

APPENDIX G

CAMPUS INTERVIEW PROTOCOL ADMINISTRATORS AND COUNSELORS

1. What is your role in the Seal of Biliteracy?
2. Has your role changed since first adopting the seal?
3. Who supports you in implementing the seal?
4. What challenges have you faced in promoting the seal to students?
5. What challenges have you faced in awarding the seal to students?
6. Do you have direct contact with students/parents about the seal?
7. How are students/parents informed about the seal?
8. How are teachers informed about the seal?
9. In addition to HB 5, does your district have any written policy documents on the Seal of Biliteracy? Does your campus have any? What are these documents?
10. What type of language programs are supported in your district? Campus? (ask about the program model...)
11. Do you feel that the system for the SSB is equitable?
12. Is there anything that you would like to change about the SSB or its implementation?

REFERENCES

- Allan, E. J. (2007). Policy discourses, gender, and education: Constructing women's status. Retrieved from <https://libproxy.library.unt.edu:2160>
- Apple, M. W. (2019). On Doing Critical Policy Analysis. *Educational Policy*, 33(1), 276-287.
- Bacchi, C. (2000). Policy as discourse: What does it mean? Where does it get us?. *Discourse: studies in the cultural politics of education*, 21(1), 45-57.
- Baker, C. (2011). Foundations of bilingual education and bilingualism (Vol. 79). *Multilingual matters*.
- Bakhtin, M. M. (2010). *Speech genres and other late essays*. University of Texas Press.
- Bialystok, E. (2007). Cognitive effects of bilingualism: How linguistic experience leads to cognitive change. *International Journal of Bilingual Education and Bilingualism*, 10(3), 210-223.
- Blanco, G. (1977). The education perspective. *Bilingual education: Current perspectives*, 4, 1-68.
- Brecht, R. D. (2007). National language educational policy in the nation's interest: Why? How? Who is responsible for what?. *The Modern Language Journal*, 91(2), 264-265.
- Browning, H. L., & McLemore, S. D. (1964). The Spanish-Surname Population of Texas. *Public Affairs Comment*, 10(1), P11.
- Carter, P. L., & Welner, K. G. (Eds.). (2013). *Closing the opportunity gap: What America must do to give every child an even chance*. Oxford University Press.
- Cervantes-Soon, C. G. (2014). A critical look at dual language immersion in the New Latin@ diaspora. *Bilingual Research Journal*, 37(1), 64-82.
- Cervantes-Soon, C. G., Dorner, L., Palmer, D., Heiman, D., Schwerdtfeger, R., & Choi, J. (2017). Combating inequalities in two-way language immersion programs: Toward critical consciousness in bilingual education spaces. *Review of Research in Education*, 41(1), 403-427.
- Chou, A. (2019). National seal of biliteracy report for 2017-2018 academic year. Retrieved from sealofbiliteracy.org website: <https://sealofbiliteracy.org/research/2019-National-Seal-of-Biliteracy-Report/>
- Citrin, J., Levy, M., & Wong, C. J. (2017). Politics and the english language in california: Bilingual education at the polls. *California Journal of Politics and Policy*, 9(2).
- Colombo, M., Tigert, J. M., & Leider, C. M. (2018). Positioning teachers, positioning learners: Why we should stop using the term English learners. *TESOL Journal*, e00432.

- Colomer, S. E., & Chang-Bacon, C. K. (2020). Seal of Biliteracy Graduates Get Critical: Incorporating Critical Biliteracies in Dual-Language Programs and Beyond. *Journal of Adolescent & Adult Literacy*, 63(4), 379-389.
- Corson, D. J. (1992a). Minority cultural values and discourse norms in majority culture classrooms. *Canadian Modern Language Review*, 48(3), 472-496.
- Corson, D. J. (1992b). Social justice and minority language policy. *Educational Theory*, 42, 181-200.
- Cummins, J. (1984). Wanted: A theoretical framework for relating language proficiency to academic achievement among bilingual students. *Language proficiency and academic achievement*, 10, 2-19.
- Dascomb, A. E. (2019). Language education policy in developing nations from colonization to postcolonialism. *International Journal of Society, Culture & Language*, 7(1), 16-26.
- Davin, K. J., & Heineke, A. J. (2017). The Seal of Biliteracy: Variations in policy and outcomes. *Foreign Language Annals*, 50(3), 486-499.
- Davin, K. J., & Heineke, A. J. (2018). The Seal of Biliteracy: Adding students' voices to the conversation. *Bilingual Research Journal*, 41(3), 312-328.
- Davin, K. J., Heineke, A. J., & Egnatz, L. (2018). The Seal of Biliteracy: Successes and challenges to implementation. *Foreign Language Annals*, 51(2), 275-289.
- Davis, B. (2004). *Inventions of teaching: A genealogy*. Routledge.
- DeLeon, T. M. (2014). *The new ecology of biliteracy in California: An exploratory study of the early implementation of the State Seal of Biliteracy* (Unpublished dissertation). Loyola Marymount University, Los Angeles, CA.
- Du Bois, W. E. B. (2006). Double-consciousness and the veil. *Social class and stratification: classic statements and theoretical debates*, 203.
- Duchêne, A., & Heller, M. (Eds.). (2012). *Language in late capitalism: Pride and profit* (Vol. 1). Routledge.
- Fairclough, N. (2013). *Critical discourse analysis: The critical study of language*. Routledge.
- Fairclough, N. (2003). *Analysing discourse: Textual analysis for social research*. Psychology Press.
- Fairclough, N. (2012). Critical discourse analysis. *International Advances in Engineering and Technology (IAET)*. Retrieved from <http://scholarism.net/FullText/2012071.pdf>^[1]_[SEP]
- Flores, N. (2013). The unexamined relationship between neoliberalism and plurilingualism: A cautionary tale. *TESOL Quarterly*, 47(3), 500-520.

- Flores, N., & Chaparro, S. (2018). What counts as language education policy? Developing a materialist anti-racist approach to language activism. *Language Policy*, 17(3), 365-384.
- Flores, N., & Rosa, J. (2015). Undoing appropriateness: Raciolinguistic ideologies and language diversity in education. *Harvard Educational Review*, 85(2), 149-171.
- Foucault, M. 1972. *The archaeology of knowledge and the discourse on language*. Pantheon Books.
- Foucault, M. (1982). The subject and power. *Critical inquiry*, 8(4), 777-795.
- García, O. (2011). *Bilingual education in the 21st century: A global perspective*. John Wiley & Sons.
- García, O., & Sung, K. K. (2018). Critically assessing the 1968 Bilingual Education Act at 50 years: Taming tongues and Latinx communities. *Bilingual Research Journal*, 41(4), 318-333.
- Gandára, P. (2014). The value of bilingualism and the seal of biliteracy in the California labor market. Retrieved June, 29, 2017.
- Gee, J. P. (2004). Discourse analysis: What makes it critical?. In *An introduction to critical discourse analysis in education*(pp. 49-80). Routledge.
- Gee, J., & Gee, J. P. (2007). *Social linguistics and literacies: Ideology in discourses*. Routledge.
- Gee, J. P. (2014). How to do discourse analysis. *An Introduction to Discourse Analysis*.
- González-Carriedo, R., & Babino, A. (2017). Bilingual and biliterate skills as cross-cultural competence success. In *Educational Policy Goes to School* (pp. 201-214). Routledge.
- Gorter, D., & Cenoz, J. (2017). Language education policy and multilingual assessment. *Language and Education*, 31(3), 231-248.
- Heiman, D. B. (2017). *Two-way immersion, gentrification, and critical pedagogy: Teaching against the neoliberal logic* (Doctoral dissertation).
- Heiman, D., DeVaughn, N., & González-Carriedo, R. (2019). The Seal of Biliteracy. *Texas Journal of Literacy Education*, 7(1), 5-9.
- Heiman, D. (2021). "So, Is Gentrification Good or Bad?": One Teacher's Implementation of the Fourth Goal in Her TWBE Classroom. *Anthropology & Education Quarterly*, 52(1), 63-81.
- Heineke, A. J., & Davin, K. J. (2018). Prioritizing Multilingualism in US Schools: States' Policy Journeys to Enact the Seal of Biliteracy. *Educational Policy*, 0895904818802099.
- Heineke, A. J., Davin, K. J., & Bedford, A. (2018). The Seal of Biliteracy: Considering equity and access for English learners. *education policy analysis archives*, 26(99).

- Heller, M. (2003). Globalization, the new economy, and the commodification of language and identity. *Journal of Sociolinguistics*, 7(4), 473–492.
- Henderson, K. I. (2018). The danger of the dual-language enrichment narrative: Educator discourses constructing exclusionary participation structures in bilingual education. *Critical Inquiry in Language Studies*, 1-23.
- Hornberger, N. H., & Johnson, D. C. (2007). Slicing the onion ethnographically: Layers and spaces in multilingual language education policy and practice. *Tesol Quarterly*, 41(3), 509-532.
- Hossain, T., & Pratt, C. B. (2008). Language rights: A framework for ensuring social equity in planning and implementing national-education policies. *New Horizons in Education*, 56(3), 63-74.
- Howard, E. R., Sugarman, J., Christian, D., Lindholm-Leary, K. J., & Rogers, D. (2007). *Guiding principles for dual language education*. Washington, DC: Center for Applied Linguistics.
- Johnson, D. C. (2010). Implementational and ideological spaces in bilingual education language policy. *International Journal of Bilingual Education and Bilingualism*, 13(1), 61-79.
- Johnson, D. C. (2011). Critical discourse analysis and the ethnography of language policy. *Critical discourse studies*, 8(4), 267-279.
- Katznelson, N., & Bernstein, K. A. (2017). Rebranding bilingualism: The shifting discourses of language education policy in California's 2016 election. *Linguistics and Education*, 40, 11-26.
- Kelly, L. B. (2018). Interest convergence and hegemony in dual language: Bilingual education, but for whom and why?. *Language Policy*, 17(1), 1-21.
- Kleinsasser, A. M. (2000). Researchers, reflexivity, and good data: Writing to unlearn. *Theory into Practice*, 39(3), 155–162.
- Koch, T. (1994). Establishing rigor in interpretive research: The decision trail. *Journal of Advanced Nursing*, 24, 174-184.
- Krippendorff, K. (2018). *Content analysis: An introduction to its methodology*. Sage publications.
- Krippendorff, K. (2018). *Content analysis: An introduction to its methodology*. Sage publications.
- Lea, V. (2011). CONCOCTING CRISES TO CREATE CONSENT. *The Phenomenon of Obama and the Agenda for Education: Can Hope Audaciously Trump Neoliberalism?*, 23.

- Levinson, B. A., Sutton, M., & Winstead, T. (2009). Education policy as a practice of power: Theoretical tools, ethnographic methods, democratic options. *Educational Policy*, 23(6), 767-795.
- Lincoln, Y. S., & Guba, E. A. (1985). *Naturalistic inquiry*. Sage publications.
- Marian, V., & Shook, A. (2012). The Cognitive Benefits of Being Bilingual. Retrieved August 02, 2017, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3583091/>.
- McCarty, T. L. (2002). Between possibility and constraint: Indigenous language education, planning, and policy in the United States. *Language policies in education: Critical issues*, 285-307.
- McCarty, T. L. (2004). *Dangerous difference: A critical-historical analysis of language education policies in the United States* (pp. 71-93). Lawrence Erlbaum.
- McLeay, H. (2003). The relationship between bilingualism and the performance of spatial tasks. *International Journal of Bilingual Education and Bilingualism*, 6(6), 423-438.
- Menken, K. (2008). *English learners left behind: Standardized testing as language policy* (Vol. 65). Multilingual Matters.
- National Education Association, Department of Rural Education. (1966). The invisible minority: Report of the NEA-Tucson survey on the teaching of Spanish to the Spanish-speaking. National Education Association.
- Núñez, I., & Palmer, D. (2017). Who will be bilingual? A critical discourse analysis of a Spanish-English bilingual pair. *Critical Inquiry in Language Studies*, 14(4), 294-319.
- Olssen, M., Codd, J. A., & O'Neill, A. M. (2004). Education policy: Globalization, citizenship and democracy. Sage.
- Ovando, C. J. (2003). Bilingual education in the United States: Historical development and current issues. *Bilingual research journal*, 27(1), 1-24.
- Palmer, D. (2010). Race, power, and equity in a multiethnic urban elementary school with a dual-language "strand" program. *Anthropology & Education Quarterly*, 41(1), 94-114.
- Petrovic, J. E. (2005). The conservative restoration and neoliberal defenses of bilingual education. *Language Policy*, 4(4), 395.
- Pitney, W. A. (2004). Strategies for establishing trustworthiness in qualitative research. *Athletic Therapy Today*, 9(1), 26-28.
- Potowski, K. (2004). Student Spanish use and investment in a dual immersion classroom: Implications for second language acquisition and heritage language maintenance. *The Modern Language Journal*, 88(1), 75-101.

- Ricento, T. (Ed.). (2000). *Ideology, politics and language policies: Focus on English* (Vol. 6). John Benjamins Publishing.
- Ricento, T. (2006). Americanization, language ideologies and the construction of European identities. In *Language ideologies, policies and practices* (pp. 44-57). Palgrave Macmillan, London.
- Rogers, R. (2004). An introduction to critical discourse analysis in education. In *An introduction to critical discourse analysis in education* (pp. 31-48). Routledge.
- Ruiz, R. (1984). Orientations in language planning. *NABE: The Journal for the National Association for Bilingual Education*, 8(2), 15–34.
- Schmidt, R. (2002). Racialization and language policy: The case of the USA. *Multilingua*, 21(2-3), 141-162.
- Shohamy, E. (2006). *Language policy: Hidden agendas and new approaches*. Routledge.
- Spiegel-Coleman, S. (n.d.). Seal of Biliteracy About-us. Retrieved from <http://www.sealofbiliteracy.org/about-us>
- Subtirelu, N. C., Borowczyk, M., Thorson Hernández, R., & Venezia, F. (2019). Recognizing Whose Bilingualism? A Critical Policy Analysis of the Seal of Biliteracy. *The Modern Language Journal*, 103(2), 371-390.
- Tollefson, J. W. (2006). Critical theory in language policy. *An introduction to language policy: Theory and method*, 42, 59.
- Tollefson, J. W., & Tsui, A. B. (2014). Language diversity and language policy in educational access and equity. *Review of Research in Education*, 38(1), 189-214.
- United States Department of Education. (2016). Consolidated state performance report: Parts I and II. Retrieved from <https://www2.ed.gov/admins/lead/account/consolidated/sy14-15part1/tx.pdf>
- United States Department of Education. (2017). Our Nation's English Learners. Retrieved from <https://www2.ed.gov/datastory/el-characteristics/index.html>
- Valdés, G. (1997). Dual-language immersion programs: A cautionary note concerning the education of language-minority students. *Harvard Educational Review*, 67(3), 391-430.
- Valdés, G., & Figueroa, R. A. (1994). *Bilingualism and testing: A special case of bias*. Ablex Publishing.
- Valdés, G. (2005). Bilingualism, heritage language learners, and SLA research: Opportunities lost or seized?. *The Modern Language Journal*, 89(3), 410-426.

- Valdez, V. E., Delavan, G., & Freire, J. A. (2016). The marketing of dual language education policy in Utah print media. *Educational Policy*, 30(6), 849-883.
- Valdez, V. E., Freire, J. A., & Delavan, M. G. (2016). The gentrification of dual language education. *The Urban Review*, 48(4), 601-627.
- Valenzuela, A. (1997). Mexican American youth and the politics of caring. From sociology to cultural studies: *New perspectives*, 322-350.
- Varghese, M. M., & Park, C. (2010). Going global: Can dual-language programs save bilingual education? *Journal of Latinos and Education*, 9(1), 72-80.
- Wiley, T. G. (2000). Continuity and change in the function of language ideologies in the United States. *Ideology, politics, and language policies: Focus on English*, 67, 86.
- Wiley, T. G., & García, O. (2016). Language policy and planning in language education: Legacies, consequences, and possibilities. *The Modern Language Journal*, 100(S1), 48-63.
- Wiley, T. G., & Wright, W. E. (2004). Against the undertow: Language-minority education policy and politics in the “age of accountability”. *Educational Policy*, 18(1), 142-168.
- Yamagami, M. (2012). The political discourse of the campaign against bilingual education: From Proposition 227 to *Horne v. Flores*. *International Multilingual Research Journal*, 6(2), 143-159.