



**From the SelectedWorks of Elizabeth Rigby**

---

January 2011

## Do State Policies Constrain Local Actors? The Impact of English Only Laws on Language Instruction in Public Schools

Contact  
Author

Start Your Own  
SelectedWorks

Notify Me  
of New Work

---

Available at: [http://works.bepress.com/elizabeth\\_rigby/12](http://works.bepress.com/elizabeth_rigby/12)

# **Do State Policies Constrain Local Actors? The Impact of English Only Laws on Language Instruction in Public Schools**

**Melissa Marschall\***  
**Rice University**

**Elizabeth Rigby**  
**George Washington University**

**Jasmine Jenkins**  
**University of Houston**

**Forthcoming, *Publius: The Journal of Federalism***

## **Abstract**

This study examines how instrumental and symbolic messages embedded in state law shape the practices of ‘street-level’ bureaucrats. Specifically, we investigate whether passage of state-level English Only laws influences the way English language learners are instructed in local public schools. Using data on state English Only laws from 1987-2004 and school-level data from the National Center for Educational Statistics, we find that instrumental aspects of English Only laws serve to constrain, but not eliminate, schools’ use of bilingual instruction, while those sending only symbolic messages are less constraining. Further, when state laws are vague in scope, adherence to the English Only law is dependent on the preferences of local actors, in this case Latino “cultural brokers” working in the public school system.

\*First two authors are listed alphabetically. Marschall is grateful for support from the Russell Sage Foundation, where she was a visiting scholar while working on this article.

As immigrant populations have swelled in recent decades, more and more children with limited English proficiency are enrolling in U.S. schools (McDonnell and Hill 1993; Terrazas and Fix 2009). Today immigrants represent around 20 percent of children in elementary and secondary schools (Jost 2009), with roughly half of these students considered English Language Learners (ELL). In addition to being one of the fast growing demographics in U.S. schools, ELL students continue to lag behind other students in educational achievement (Hernandez and Charney 1998; McPartland 1998). Serving as the institution at the frontline of meeting newcomers to this country, local schools have responded to this challenge by providing a range of educational services in new and innovative ways irrespective of the citizenship or nativity status of those in need (Jones-Correa 2008; Marrow 2009; Terrazas and Fix 2009).

In fact, several studies argue that schools are one of the most responsive institutions when it comes to developing programs and policies to address the needs of immigrants (Marrow 2009; Odem 2008). With schools serving as a primary venue for interaction between immigrants and the U.S. government, efforts to incorporate immigrant families sends messages to immigrant parents and the broader community regarding how Americans perceive immigrant groups, including the degree to which Americans value or fear diversity in this country, and what forms of accommodation and assistance immigrants should expect from their government (Newton 2005; Schneider and Ingram 1997; Soss 2000). This school-level response stands in stark contrast to the increasingly nativist political environment in many states, which was evident in California's anti-immigrant "Save our State" movement in the early 1990s, as well as the more recent 2010 Arizona law containing the broadest and strictest immigration measures in generations (Archibold 2010a, 2010b). It is even more surprising when we consider the increasingly intergovernmental political context in which public schools operate.

Although schools, or at least districts, certainly retain the ability to choose instructional programs that meet the needs or preferences of their constituents, school-level practices are not determined by school-level officials alone. In addition to explicit directives and regulation, schools receive symbolic messages from federal and state policymakers that signal which approaches are most favored and which goals should be given priority by school-level policymakers (Newton 2005; Schneider and Ingram 1997). In this study, we ask whether state policies constrain school-level efforts to accommodate ELL students—focusing on adoption of state-level English Only laws, which clearly endorse English monolingualism and asking whether this policy influences the way ELL students are instructed in local schools (e.g., in English only versus students’ native languages). We also consider whether the design of English Only policies—particularly their scope —shapes the options available to school-level actors to resist state policies with which they disagree.

To address these questions, we combine data on the timing and nature of states’ English Only laws with school-level data from the five waves of the Schools and Staffing Surveys (National Center for Educational Statistics, 1987–2003). We look first at the direct effects of English Only laws on school-level policies regarding language instruction and hypothesize that schools will be less likely to offer bilingual and native language instruction following the enactment of English Only laws. We then consider whether and how bureaucratic preferences might condition the effects of these laws by asking whether co-ethnic teachers and principals (Latinos in our analyses) serve as cultural brokers for ELL students who resist the state policy and preserve instructional approaches that include bilingual education and accommodations for native language instruction (Marrow 2009; Meier and Stewart 1992; Meier, Polinard, and Wrinkle 1999).

Our findings indicate that instrumental aspects of English Only laws serve to constrain, but not eliminate, schools' use of bilingual instruction, while those sending only symbolic messages are less constraining. Further, while schools tend to act as responsible agents of state government, when state laws are vague in terms of policy scope and goals, we find less faithful adoption of an English monolingualism priority in schools with higher proportions of Latino teachers and/or a Latino principal. These findings echo other research investigating how political and bureaucratic interests co-exist in policy implementation, in this case, looking explicitly at this relationship in an intergovernmental context.

### **Language Education on the Frontline: Schools and Instructional Methods for ELLs**

When it comes to instruction, there are a variety of methods for teaching ELL students, and schools typically rely on four in particular. While two of these methods provide little or no instruction in the students' native languages (English immersion and ESL or English as a second language), the other two (bilingual instruction and dual-language immersion) allow teachers and students to use students' native languages for all or some instructional content areas. Debates about which method of instruction is most effective are prevalent, but evidence seems to suggest that over the long term, more extended use of students' native languages leads to greater cognitive development and higher academic achievement (Datnow, Borman, Stringfield, Overman and Castellano 2003; Jost 2009). From the school's point of view then, offering multiple methods of instruction, including support in students' native languages, may be the most effective way to accommodate the instructional needs of ELL students.

In its Schools and Staffing surveys,<sup>i</sup> which have been conducted every three or four years since 1987, the National Center for Educational Statistics (NCES) asks school administrators whether their school offers special instruction for limited English proficient (LEP) students and

if so, which instructional methods are used. As the data from these nationally representative surveys indicate, the proportion of schools reporting that they provide no special instruction changed very little between 1987 and 2003, decreasing from about 60 to 56 percent only in 2003. On the other hand, the proportion of schools noting that they offer native language instruction dropped steadily over this period, from a high of 20 percent in 1987 to a low of 5 percent in 2003.<sup>ii</sup> These trends are counter to changes in the proportion of limited English proficient students over this period. Indeed, the mean proportion of LEP students reported by schools in the Schools and Staffing surveys increased 200 percent from 1987 to 2007 (from 2 to 6 percent). What explains these contradictory trends? As we discuss below, one likely factor is the changing political climate and the increasingly hostile attitudes of Americans toward the non-English proficient in particular, and immigrants more generally.

### **Language Policy in the U.S.: Linguistic Assimilation, English Monolingualism**

Language policy in the U.S. has always been contentious, involving issues of identity, citizenship, and even patriotism. Though the U.S. has never had an official language policy, federal policy has tended to promote linguistic assimilation and English monolingualism rather than multiculturalism and bilingualism. This tendency can be observed going back at least as far as the turn of the last century, when the first wave of foreign immigration to the U.S. reached its pinnacle and Congress passed legislation that not only reduced the flow of immigrants, but also made English proficiency a requirement for citizenship (Linton 2004; Piatt 1990). By the middle of the twentieth century, linguistic assimilation had taken root and the notion that immigrants should assimilate as quickly as possible to English and by the third generation abandon entirely their native languages had become powerfully entrenched (Linton 2004:282).

In the 1960s and 1970s, immigration reform and the Civil Rights Movement created some space for minority groups to articulate their ethnic identity and lobby for language policies promoting linguistic diversity and multiculturalism. For example, in *Lau v. Nichols* (1974), the Supreme Court required schools to take appropriate action to ensure that ELLs had the basic English skills needed to participate in their instructional programs. Later that year, Congress codified the Court's decision with the Equal Educational Opportunities Act. In 1980 the Carter Administration proposed regulations requiring bilingual education, and in 1981 a Federal appeals court in Texas established a three-part assessment for determining how bilingual education programs would be held responsible for meeting the requirements of the Equal Educational Opportunities Act of 1974 (CQ Researcher 2009).<sup>iii</sup> However, the policy gains made during this period were relatively short-lived and by the 1980s a growing nativist movement had resurfaced with renewed commitment and a new agenda. Beginning with Virginia in 1981, a number of states adopted Official English or English Only laws targeting Spanish-speakers (Tatalovich 1995), and today with the majority of states have such laws on their books. However, despite the diffusion of this policy among the states, there has been organized resistance to the English Only movement. For example, legal action in several states with substantial language minority populations has defeated some proposals (Preuhs 2005; Tatalovich 1995), whereas resistance among Latino elected officials and citizen groups has hindered the enactment of English Only policies in other states (Galindo and Vigil 2006; Santoro 1999).

### **English Only Laws and Language Instruction**

Research suggests that adoption of English Only laws has been closely tied to resentment toward immigrants and racial/ethnic minorities (Schildkraut 2001). Even when they do not specifically focus on educational institutions, these laws constitute exclusionary policies that

seek to isolate, alienate, and stigmatize immigrants and their children. Under a traditional model of bureaucratic behavior, school-level practices and procedures are presumed to be responsive to political control exerted by laws and regulations adopted by elected officials or, in some instances, the voters themselves (e.g., under the initiative and referendum process). In this way, schools operate as *agents* that implement the language priorities of *principals* (in this case elected officials, as communicated through their policy choices)—placing schools as key actors in the typical principal–agent relationship. We examine this relationship in the present study by testing the hypothesis that *ceteris paribus, schools will be less likely to rely on bilingual and native language instruction after the enactment of any English Only law in their state (H1)*.

### ***The Scope of English Only Laws: Instrumental or Symbolic?***

Because English Only laws do not contain specific provisions for funding, enforcement, or implementation (Galindo and Vigil 2006) and they provide little material benefit to the English speaking population that supports them (Citrin, Reingold, Walters and Green 1990), they are often viewed as symbolic policies whose primary effect is to de-value language pluralism and establish English-speaking as a prerequisite for engagement in the broader community. These symbolic messages can serve as powerful forces institutionalizing particular policy approaches and reinforcing socially constructed notions of which groups deserve governmental responsiveness and which do not (Pierson 2000; Schneider and Ingram 1997, 2005). In fact, these symbolic messages have been particularly critical for the social construction of immigrants in U.S. society. Newton (2005) emphasizes how susceptible immigrants are to elite social-constructions—as deserving or undeserving of governmental accommodation.

Yet, a few states have enacted English Only laws that extend beyond symbolic policy (and beyond basic changes in state practices such as the printing of forms in English alone) to

explicitly include language instruction in public schools (Feder 2007; Galindo and Vigil 2006). In these cases, symbolic messages are reinforced by instrumental messages that articulate expectations of school-level actors. Clearly, school-level actors are likely to view English Only laws that include education as more constraining. Yet, state laws that do not require schools to instruct ELL students strictly in English may still influence school-level practices by transmitting symbolic messages about governmental priorities—in this case the normative value of English monolingualism. We test for this dynamic via a second hypothesis: *schools will be less likely to rely on bilingual and native language instruction after the adoption of an English Only law in their state, even if the law excludes K-12 education from its scope (H2).*

### ***School Resistance to English Only Laws: Loyal Agents or Rogue Bureaucrats?***

Despite the traditional political control model of policy implementation, the school-level implementation of either instrumental or symbolic messages in state policies is not guaranteed, automatic, or straightforward. School officials, like other “street-level bureaucrats,” operate in a relatively autonomous environment that provides considerable discretion, and thus power, when it comes to policy implementation (Elmore 1979; Lipsky 1980). Further, elected officials have limited time, resources, and expertise to devote to effectively and efficiently overseeing and managing bureaucratic agents (Friedrich 1940). Therefore, an alternative decision-making model, one of bureaucratic control, suggests that school-level agents serve as their own guides, making decisions about instructional methods based on their own priorities and values, with considerable immunity from the policy messages sent by state policies (see e.g., Datnow 2000).

Although the bureaucratic control model has only occasionally been applied to study the effects of political actors on local school agents (e.g., Meier and O’Toole 2006), public administration research has emphasized the role of bureaucratic professionalism and the

characteristics of local context to understand bureaucratic behavior and variation in policy implementation across local units (Weissert 1994). Recent work by Jones-Correa (2005, 2008), Marrow (2009) and Lewis and Ramakrishnan (2007) builds on this framework to develop a model of bureaucratic incorporation of new groups, immigrants in particular, where professional norms or personal ethos of school-level actors lead them to create de facto policies that advance the interests of groups that are otherwise marginalized by local politics and affairs.

Particularly relevant for the present analysis is Marrow's (2009) study of Latino newcomers in two rural North Carolina counties, which finds that local educational bureaucrats' beliefs about fairness and appropriate action toward their clients encouraged them to view themselves as advocates for these clients rather than for the system. This led school administrators and teachers to sometimes "ignore, stretch, bend, and if need be, break restrictive government policies in order to provide 'more-than-routine' services for newcomer clients" (759). For example, in both of the rural counties she studied, districts had hired bilingual/ESL staff, despite substantial costs, and had established policies to encourage Latino parental involvement in their children's education (Marrow 2009, 761).

We test for this dynamic via an alternative to our second hypothesis: *schools will resist messages in state English Only laws and continue to provide bilingual and native language instruction after the adoption of an English Only law in their state, this resistance will be greater for laws containing only symbolic messages than for those with instrumental messages (H3).*

### ***School Resistance to English Only Laws: Variation in Schools' Response***

A number of factors are likely to influence whether schools respond to, rather than resist, state policy conveying a negative social construction of immigrants (e.g., English Only laws), which serve to move the agent (the school) away from bilingual and native language instruction

to exclusive reliance on English immersion or ESL methods. These include the broader context in which the school operates, such as centralization at the district and state level, and the level of funding for bilingual education, as well as the supply of teachers for ELL students. Although we acknowledge the importance of this context, we focus on one particularly salient aspect of the school context: the preferences of school-level actors themselves. Not surprisingly, research examining language policy implementation has found that preferences of local stakeholders play an important role in compliance. For example, analysis of district-level compliance to Prop 227 in California (the initiative that mandated reduction or elimination of bilingual education in public schools) found that districts with superintendents of Hispanic origin were less likely to comply (Bali 2003), as were districts with large numbers of bilingual staff (Gandara et al. 2000).

As these examples illustrate, school personnel often serve as “cultural brokers” for immigrant and ELL students and parents. Cultural brokers have important connections to the underrepresented groups they serve, typically through mutual history, shared socio-cultural experiences, or membership in the same racial or ethnic groups (Achinstein and Aguirre 2008; Nieto 2000). Studies have shown that the cultural connection between teachers and their students has positive effects on achievement, including reductions in drop-out rates and disciplinary action, increases in college attendance (Meier and England 1984; Fraga, Meier, and England 1986), the promotion of positive role models (Good 1981), the provision of culturally relevant teaching (Achinstein and Aguirre 2008), and increases in outreach to minority and immigrant parents (Marschall and Shah 2010; Marschall, Shah, and Donato 2010).<sup>iv</sup>

These different strains of research indicate a specific set of conditions under which bureaucrats resist state policies and instead take actions that are more consistent with their own professional values and interests and/or their perceptions of the service needs of their clients.

This realization leads us to propose a third hypothesis: *Schools with a greater presence of cultural brokers (personnel drawn from racial/ethnic groups with large numbers of immigrants) will be less likely to incorporate the negative messages conveyed by state English Only laws and will instead continue providing bilingual and native language instruction to ELL students (H4).*

Further, we expect that the design of any English Only law will structure the opportunities that street-level bureaucrats have for resisting its implementation. We acknowledge that many design elements may serve to shape these opportunities, including the degree of monitoring employed by the principle and the centralization of the system (Elmore 1979). In this paper, we focus on one such design element: the scope of the law, particularly its goals vis-à-vis K-12 education. Matland (1995) emphasizes the importance of goal specificity versus ambiguity in structuring the politics surrounding implementation of high-conflict policies such as English Only laws. He notes how clearly defined policies are easier to implement since those in power are better able to monitor and force compliance. Yet, when the scope of a policy is ambiguous or vague, implementation depends on the preferences of local political coalitions who control the policy's success, as well as how local actors translate the abstract goal of a policy into specific actions (Elmore 1979; Matland 1995). This leads us to our final hypothesis: *Cultural brokers will be more able to resist negative messages conveyed by State English Only laws when they are vague in scope, with discretion more limited when explicitly including K-12 education (H5).*

## **Methodology**

We test these hypotheses using data on school language instructional practices gathered as part of the federal Schools and Staffing Survey (SASS) during five school years: 1987–1988, 1990–1991, 1993–1994, 1999–2000, and 2003–2004. In the following sections we describe our measures of state English Only laws, and school-level ELL instructional strategies.

## *English Only Laws*

We employed a range of sources for data on state English Only law, including those regulating the official language of the state and those limiting the use of non-English language in public schools. We began with two published accounts of state-level policy activity in the 1980s and early 1990s: an academic study (Tatalovich 1995) and a report published by the Congressional Research Service (Dale and Gurevitz 1995). We cross-checked this information and expanded the years of study with data provided on the websites of four organizations that track state English Only laws and/or bilingual education and language policy: Education Commission of the States, U.S. ENGLISH, English First, and The Institute for Language Policy.<sup>v</sup> From these descriptions,<sup>vi</sup> we coded each state English Only law for the year it was enacted and for whether it was still in effect or had been repealed (as occurred in Alaska in 2002). Additionally, we coded each law for whether the law explicitly addressed the use of English in K-12 education, and if so, whether the law explicitly included or excluded K-12 educational practice. Laws in which we could not discern coverage of language instruction in K-12 schools were coded as vague regarding their applicability to education.

[Table 1 about here]

Table 1 presents our coding of each state English Only law, divided into three groups based on the scope of the law—specifically whether the law explicitly included education in its scope, excluded education, or was vague on the degree to which the English Only law applied to K-12 education. We generated a simple indicator variable for whether the state had enacted any of the three types of English Only laws, as well as a set of three variables that disaggregate the laws into these three categories: includes education (19 percent of laws), excludes education (25 percent of laws), and vague regarding education (57 percent of the laws). As described in more

detail in the analytic strategy section, we estimate parallel models using first the measure of any English Only law and then the set of three variables capturing the differing scope of these laws.

### **SASS Data on School Language Instruction Policies and Practices**

To measure our dependent variables, school practices with regard to language instruction for ELLs, we relied on NCES Schools and Staffing (SASS) data, which are national surveys administered roughly every four years to a representative sample of all public U.S. elementary and secondary schools. We used these data to construct all other school-level variables as well. Note that since this study examines how state language policies affect school-level language instructional practices for ELLs, we restricted our analyses to schools reporting at least some (>0) ELL students. This selection rule yielded a sample of roughly 18,000 schools across the five SASS waves, which span the period 1987–88 to 2003–04.

To operationalize our dependent variables, we focused on survey questions regarding both English language and subject matter instruction. Because the wording of these questions changed slightly after the 1993–94 survey, we relied on two different specifications of our dependent variable. For the first, *Language Instruction 1 (LI 1)*, we included separate categories for schools with no special instruction for ELL students (Y=0), ESL programs or services where ELL student are provided with intensive instruction in English (Y=1), and bilingual/native language education in which the native language is used to varying degrees in instructing ELL students (Y=2). Since the ESL/bilingual questions were combined starting in 1999-2000, we relied on a question that asked whether ELL students were taught subject matter courses in their native language to code for bilingual/native language instruction for the last two waves of the survey (1999-2000 and 2003-2004). For our second indicator, *Language Instruction 2 (LI 2)*, we

constructed a binary variable where 0 corresponds to no bilingual or native language instruction and 1 includes any type of bilingual or native language instruction.<sup>vii</sup>

To operationalize the key construct of the professional values and shared interests captured by research on bureaucratic control and “cultural brokers,” we employed variables that measured the racial/ethnic makeup of the teaching faculty representing the largest immigrant groups in the U.S (percent Latino and percent Asian), while also including a control for African Americans (percent Black). We also included a set of dummy variables indicating the presence of minority (Latino, Asian, Black) principals (1=yes, 0 otherwise), since they not only serve as cultural brokers, but also have authority over defining school language instructional policy.

[Table 2 about here]

### **Data for Control Variables**

While the key explanatory variables in this analysis represent the state language policies and school-level measures of the professional values and interests of local agents, our empirical models also include a host of both state- and school-level control variables to capture other factors that may influence the relationship between state-level language policy and school-level responses. Table 2 provides descriptive statistics for all variables in our dataset.

*State-level Characteristics* includes a set of variables that capture states’ political, socio-demographic, representation, and policymaking contexts for each of the survey waves. These include socio-demographic factors that might affect the state’s proclivity toward a particular language policy: government ideology (drawn from Berry et al. 1998), state wealth (drawn from the U.S. Census and adjusted to reflect constant 2008 dollars), and the percentage of foreign-born residents in the state (also from the U.S. Census). We also included a measure of the

number of Latino state legislators (from the National Association of Latino Elected Officials, various years) as a proxy variable for the current level of immigrant incorporation in the state.

*School-level Characteristics* include variables tapping the racial/ethnic composition of students in the school (percent Asian, percent Black, percent Hispanic), as well as measures of students' socio-economic status (percent free lunch students) and language instructional needs (percent LEP students). In addition, controls for school size and location (suburban and rural, with central city schools representing the excluded category) are included, as are measures for charter schools (1=yes; 0 otherwise) and elementary schools (1=yes; 0 otherwise).

### **Analytic Strategy**

Since the dependent variables for our empirical models are discrete, we estimated ordered logit (for *Language Instruction1*, or LI 1) and logistic (for *Language Instruction2* or LI 2) models with both state- and year-fixed effects. In addition, because our primary independent variables, state language policies, are measured at the state-year (or state-wave) level, we clustered our standard errors for this analytic *N* of 250 state-years. These robust standard errors are presented for all models. The advantage of a fixed-effects approach is that it absorbs the invariant characteristics of states (and time points) that may matter for school-level language instructional practices, as well as the effect of state language policies.<sup>viii</sup> As a result, we did not control for stable characteristics of states, such as region, history of immigration, or previous language policy. Similarly, we did not control for important national events, such as enactment of the No Child Left Behind Act, since its effect was absorbed in the dummy variables for the years following this policy change. This modeling approach does not account for time-varying characteristics of states and so we included the state-level control variables described earlier.

[Table 3 about here]

## Findings

In our first set of models, we estimated the direct effect of state English Only laws on school-level provision of bilingual education. Table 3 presents these results. The first two models estimate the effect of any English Only law on each of the measures of language instruction. For each dependent variable, we find a negative association ( $b = -.35$ ,  $se = .09$  and  $b = -.20$ ,  $se = .11$ ) indicating that schools are less likely to provide bilingual education to LEP students after enactment of a state English Only law. The second pair of models examine whether this relationship is dependent on the scope of the law, particularly whether it explicitly includes, explicitly excludes, or is vague on its applicability to K-12 education. Here we find negative associations for only those English Only laws that explicitly include K-12 education ( $b = -.69$ ,  $se = .19$  and  $b = -.50$ ,  $se = .15$ ). Additionally, for one of the outcomes (LI 1) we also found a negative, but smaller, decrease in bilingual education after enactment of a law that excludes education ( $b = -.41$ ,  $se = .14$ ). Vague English Only laws had no direct effect on provision of bilingual instruction in local schools.

These findings support our first hypothesis that state-level English Only laws serve to constrain local-level provision of bilingual education. And they address our conflicting hypotheses 2 and 3 by illustrating how this negative effect is most pronounced for laws explicitly focusing on education practice (which send both instrumental and symbolic messages, rather than symbolic messages alone). Notably, laws that were vague in scope did not serve to alter the practices of school-level personnel. To illustrate the magnitude of these effects, we estimated predicted probabilities for each measure of language instruction in a school with average values on each of the control variables, including the percent ELL students (8 percent).

[Figure 1 about here]

Figure 1 presents these predicted probabilities of bilingual instruction (LI 1) for an average school in a state with no law versus any English Only law, and for each of the three scopes of English Only laws. In the absence of an English Only law, the average school has a 20 percent probability of providing bilingual instruction. However, this probability is reduced to 15 percent if the state adopted any form of English Only law. The magnitude of this reduction varies though by the scope of the law—with a predicted probability of 11 percent if the state has a law including education, 14 percent if the law excludes education, and 17 percent if the law is vague regarding its applicability to education. The same pattern of findings holds for the alternative specification of the dependent variable (LI 2).<sup>ix</sup> The magnitude of these findings can be viewed as evidence of a substantial decrease in bilingual instruction—a nearly 50 percent reduction following enactment of a law that focuses on education. However, it is also worth noting that even the enactment of an English Only law that includes education was not completely successful in eliminating bilingual instruction in public schools.

[Table 4 about here]

We then tested our expectation in Hypothesis 4 that the impact of state English Only laws on school-level language instruction would vary according to the extent to which “cultural brokers” were present in local schools. Specifically, we hypothesized that schools with more cultural brokers, who are likely to oppose monolingualism, would be less likely to alter existing instructional practices in order to conform with English Only policy, and thus more likely to continue offering bilingual instruction. To test this, we re-estimated the full set of models in Table 3 including an interaction between the English Only policy and the percent of teachers who are Latino. We then estimated the full set of models again replacing the interaction terms

with interactions between the state policy variables and an indicator of a Latino principal. The results of this model are presented in Table 4.

The key coefficients of interest are those for the interaction terms. We find no significant interaction between our measure of any English Only law and the presence of cultural brokers (teachers or the principal). Instead, the degree to which cultural brokers serve to condition the effect of English Only laws (i.e. by resisting its implementation) depends on the scope of the English Only law. Most notably, as expected in Hypothesis 5, for vague English Only laws, we find a significant, positive interaction with the percent Latino teachers ( $b=1.74$ ,  $se=.49$ ;  $b=1.31$ ,  $se=.64$ ), as well as a similar, but less robust, pattern of positive coefficients for the interactions with Latino principals ( $b=.37$ ,  $se=.19$ ;  $b=.14$ ,  $se=.22$ ). Interestingly, it was the vague English Only laws that had no direct impact on language instruction—suggesting that any effect of these laws was dependent on the presence or absence of cultural brokers in the school—with a larger decrease in schools with fewer Latino teachers. Additionally, we find a marginally significant, negative interaction between the percent of Latino teachers and the enactment of an English Only law that includes education ( $b=-.97$ ,  $se=.55$ ,  $b=-1.54$ ,  $se=.88$ )—suggesting that laws with clear policy messages can be constraining (resulting in less bilingual instruction) even in schools where the presence of cultural brokers is stronger (greater proportions of Latino teachers).

[Figure 2 about here]

To illustrate these two conditional effect, Figure 2 presents the predicted probability of bilingual language instruction (LI 1) in a school with no English Only law (dashed line) versus an English Only law that includes education (solid line, top panel) and compared with a vague English Only law (solid line, bottom panel). These predicted probabilities are estimated for a school with average characteristics, but with varying proportions of Latino teachers. As these

estimates illustrate, the effect of a law including education is to reduce bilingual language instruction, regardless of the presence of cultural brokers. In contrast, schools with large proportions of Latino teachers (30 percent or more) are more likely to provide bilingual instruction following enactment of a vague English Only law. This finding suggests that when confronted by symbolic messages embedded in the vague laws, schools do not simply resist English Only laws promoting monolingualism, but instead increase their bilingual instruction beyond what would be expected in the absence of the law.

[Figures 3 here]

We bring together these findings in Figures 3, which presents the predicted probability of each type of English Only law on bilingual instruction (LI 1) in a school with no Latino teachers, 10 percent Latino teachers, or 20 percent Latino teachers. Here we compare these estimates by the scope of the law, illustrating how a law that includes education leads to a significant decline in bilingual instruction regardless of the presence of cultural brokers. An English Only law that excludes education also seems to constrain language instruction, but to a lesser (and marginally significant) degree. In contrast, the effect of vague English Only laws depends on the presence of Latino teachers with little to no effect in the absence of Latino teachers, but a positive influence—serving to spur more bilingual instruction—in a school with more cultural brokers.

## **Conclusions**

In this study, we examined school-level responses to state-level adoption of English Only laws. Our findings indicate that schools' ELL instructional strategies do shift following enactment of a state-level English Only law. In particular, enactment of English Only law reduces the likelihood that schools offer native language instruction and increases the likelihood that they either rely strictly on ESL methods or provide no special instruction for ELL students at

all. However, this effect is most pronounced for English Only laws that explicitly include—or even specifically target—K-12 education, suggesting that the instrumental messages directing schools to reduce bilingual education are adhered to by most schools even when the symbolic messages face greater resistance.

Further, the level of school-level resistance to the monolingualism message varies according to both the scope of the law and the presence of Latino teachers and principals. These findings suggest that policy design and the preferences of local actors together shape the decisions schools make regarding which instructional methods to employ in servicing the needs of ELL students. Resistance to symbolic messages sent by English Only laws is more likely in schools with Latino cultural brokers, and the ability of cultural brokers to resist negative messages conveyed by State English Only laws is greater when the law is vague in scope.

Although this study did not consider all of plausible factors that potentially shape school-level actors' incentives or capacity to resist English Only laws (e.g., the degree to which school systems are centralized; funding and/or enforcement provisions in the laws), it makes important theoretical and empirical contributions to a growing body of work that seeks to better understanding the conditions under which school-level actors behave as loyal agents for state policy or rogue bureaucrats establishing policy on their own (Jones-Correa 2008; Marrow 2009; Odem 2008). Our findings support a bureaucratic notion of control in which school-level agents identify as policymakers themselves—making decisions about the language accommodations most important for their school population. Yet, this role is more constrained when state policy specifically targets the behavior of local actors (in this case educators), while state policies that are more vague in scope seem to allow room for street-level bureaucrats to interpret the policy in different ways to justify different efforts at implementation. This “proliferation of

interpretations” (Matland 1995, p. 168) is not surprising in the context of an ambiguous policy goal, which devolves the power to shape implementation to street-level actors.

In the context of immigrants and ELLs, our findings present both optimistic and pessimistic scenarios. On the one hand, evidence from our study suggests that in more established immigrant gateways, where Latinos are present in larger numbers and have achieved a greater degree of socio-economic and political incorporation, cultural brokers are more likely to be present and to therefore effectively represent the needs and interests of ELLs. On the other hand, in new immigrant destinations such as Atlanta or Raleigh, which are characterized by small, but rapidly expanding foreign-born populations, not only are cultural brokers less likely to be present, but the resources and infrastructure to address the needs of immigrants and ELLs are also less likely to exist. Though findings from studies by Marrow (2009) and Jones-Correa (2008) do not rule out the possibility that school administrators in new immigrant destinations can and sometimes do act as rogue bureaucrats in responding to the needs of immigrant and ELL students, our study suggests that state English Only laws may make such actions the exception rather than the rule. In other words, when it comes to language instruction for ELLs, the political and social incorporation of immigrant and ELLs groups in the local community may play a bigger role in determining the capacity of school-level actors to act as rogue bureaucrats than has been recognized by previous studies.

## References

- Achinstein, Betty and Julia Aguirre. 2008. "Cultural Match or Culturally Suspect: How Teachers of Color Negotiate Socio-cultural Challenges in the Classroom." *Teachers College Record* 110(8): 1505-1540.
- Archibold, Randal C. 2010a. "Arizona's Effort to Bolster Local Immigration Authority Divides Law Enforcement." *New York Times*, April 22, 2010, p. A16.
- \_\_\_\_\_. 2010b. "Arizona Enacts Stringent Law on Immigration." *New York Times*, April 23, 2010, p. A1.
- Bali, Valentina. 2003. "Implementing Popular Initiatives: What Matters for Compliance." *Journal of Politics* 65 (4): 1130-46.
- Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russell L. Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960-93," *American Journal of Political Science* 42:327-48.
- Citrin, Jack, Beth Reingold, Evelyn Walters, and Donald P. Green. 1990. "The 'Official English' Movement and Symbolic Politics of Language in the United States." *Western Political Quarterly* 43 (Sept): 535-59.
- Dale, Charles V. and Mark Gurevitz (1995), *Legal Analysis of Proposals to Make English the Official Language of the United States*. Washington, D.C.: Congressional Research Service.
- Datnow, Amanda. 2000. "Power and Politics in the Adoption of School Reform Models." *Educational Evaluation and Policy Analysis* 22 (4):357-374.
- Datnow, Amanda, Geoffrey Borman, Sam Stringfield, Laura Overman, and Marisa Castellano. 2003. "Comprehensive School Reform in Culturally and Linguistically Diverse Contexts:

- Implementation and Outcomes from a Four-Year Study.” *Educational Evaluation and Policy Analysis* 25(2): 143-170.
- Education Commission of the States. 2004. *ECS Report to the Nation State Implementation of the No Child Left Behind Act*. Denver, CO: Education Commission of the States.
- Elmore, Richard. 1979. “Backward Mapping: Implementation Research and Policy Decisions.” *Political Science Quarterly* 94(4): 601-16.
- Feder, Jody. 2007. English as the Official Language of the United States. *CRS Report for Congress* RL-33356. Washington, DC: Congressional Research Service.
- Fraga, Luis Ricardo, Kenneth J. Meier, and Robert E. England. 1986. “Hispanic Americans and Educational Policy: Limits to Equal Access.” *Journal of Politics* 48 (Nov): 850-76.
- Friedrich, Carl J. 1940. “Public Policy and the Nature of Administrative Responsibility.” *Public Policy* 1: 3-24.
- Galindo, Rene and Jami Vigil. 2006. Language Restrictionism Revisited: The Case Against Colorado’s 2000 Anti-Bilingual Education Initiative. *Harvard Latino Law Review*, 7:27-61.
- Gandara, Patricia, Julie Maxwell-Jolly, Eugene Garcia, Jolynn Asato, Kris Gutierrez, Tom Stritikus, and Julia Curry. 2000. “The Initial Impact of Proposition 227 on the Instruction of English Learners.” The University of California, Berkely. Typescript.
- Good, Thomas L. 1981. “Teacher expectations and student perceptions: A decade of research.” *Educational Leadership* 38(5): 415-421.
- Hernandez, D.J. and E. Charney (eds.) 1998. *From Generation to Generation: The Health and Well-Being of Children in Immigrant Families*. Committee on the Health and Adjustment

- of Immigrant Children and Families, National Research Council and Institute of Medicine.
- Jones-Correa, Michael. 2008. "Race to the Top? The Politics of Immigrant Education in Suburbia," pp. 308-40 in *New Faces in New Places: The Changing Geography of American Immigration*, ed by Douglas S. Massey. New York: Russell Sage
- \_\_\_\_\_. 2005. "Bringing Outsiders In: Questions of Immigration Incorporation." Pp. 75-101 in *The Politics of Democratic Inclusion*, ed. by R. Hero and C. Wolbrecht. Philadelphia: Temple University Press.
- Jost, Kenneth. 2009. "Bilingual Education vs. English Immersion." *CQ Researcher* 19 (43):1029-52.
- Lewis, Paul G. and S. Karthick Ramakrishnan. 2007. "Police Practices in Immigrant-Destination Cities: Political Control or Bureaucratic Professionalism." *Urban Affairs Review* 42: 874-900.
- Linton, April. 2004. "A Critical Mass Model of Bilingualism among U.S.-Born Hispanics." *Social Forces* 83 (1): 279-314.
- Lipsky, Michael. 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage.
- Marrow, Helen B. 2009. "Immigrant Bureaucratic Incorporation: The Dual Roles of Professional Missions and Government Policies." *American Sociological Review* 74 (Oct): 756-76.
- Marschall, Melissa, Paru Shah and Katharine Donato. 2010. "Parent Involvement Policy in Established and New Immigrant Destinations." Working Paper, Rice University.
- Marschall, Melissa and Paru Shah. 2010. "Cultural Brokers and the Coproduction of Education in America's Most Segregated Schools." Working Paper, Rice University.

- Matland, Richard E. (1995). Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation. *Journal of Public Administration Research and Theory*, 5(2):145-174.
- McDonnell, L.M. and P.T. Hill.1993. *Newcomers in American Schools: Meeting the Educational Needs of Immigrant Youth*. Santa Monica, CA: RAND.
- McPartland, J. 1998. "Project #7126: The Adaptation of Immigrant Children in the American Educational System." Center for Research on the Education of Disadvantaged Students. Baltimore: Johns Hopkins.
- Meier, Kenneth J., and Laurence J. O'Toole Jr. 2006. "Political Control versus Bureaucratic Values: Reframing the Debate." *Public Administration Review* 66 (2): 177-92.
- Meier, Kenneth J., and Robert E. England. 1984. "Black Representation and Educational Policy: Are They Related?" *The American Political Science Review* 78(2):392-403.
- Meier, Kenneth J., and Joseph Stewart, Jr. 1992. "The Impact of Representative Bureaucracies: Educational Systems and Public Policies." *American Review of Public Administration* 22(2): 157-171.
- Meier, Kenneth J., J.L. Polinard, and Robert D. Wrinkle. 1999. "Representative Bureaucracy and Minority Student Performance: The Interaction of Resources and Representation." *Journal of Public Management and Social Policy* 5: 85-96.
- National Center for Educational Statistics, various years. Schools and Staffing Surveys. Washington, DC: Department of Education.
- Nieto, Sonia. 2000. *Affirming Diversity: The Sociopolitical Context of Multicultural Education*. NY: Longman.

- Newton, Lina. 2005. "It Is Not a Question of Being Anti-Immigration": Categories of Deservedness in Immigration Policy Making." In Anne Larason Schneider and Helen Ingram, Eds. *Deserving and Entitled: Social Constructions and Public Policy* (p. 139-172). Albany, NY: SUNY Series in Public Policy, State University of New York Press.
- Odem, Mary. 2008. "Unsettled in the Suburbs: Latino Immigration and Ethnic Diversity in Metro Atlanta." Pp. 105-136 in *Twenty-First Century Gateways: Immigrant Integration in Suburban America*, ed. by A. Singer, S.W. Hardwick, and C.B. Brettell. Washington, DC: Brookings Institution Press.
- Piatt, Bill. 1990. *Only English?: Law and Language Policy in the United States*. Albuquerque, NM: University of New Mexico Press.
- Pierson, Paul. 2000. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review* 94:251-267.
- Preuhs, Robert. 2005. "Descriptive Representation, Legislative Leadership, and Direct Democracy: Latino Influence on English Only Laws in the States, 1984-2002." *State Politics and Policy Quarterly* 5 (Fall): 203-24.
- Santoro, Wayne. 1999. "Conventional Politics Takes Center Stage: The Latino Struggle against English Only Laws." *Social Forces* 77(3): 887-909.
- Schildkraut, Deborah J. 2001. "American Identity and Attitudes Toward Official-English Policies." *Political Psychology* 24 (3): 469-99.
- Schneider, Anne Larason and Helen Ingram, Eds. 2005. *Deserving and Entitled: Social Constructions and Public Policy*. Albany, NY: SUNY Series in Public Policy, State University of New York Press.

Schneider, Anne Larason and Helen Ingram. 1997. *Policy Design for Democracy*. Lawrence, KS: University of Kansas Press.

Soss, Joe. 2000. *Unwanted Claims: Politics, Participation, and the U.S. Welfare State*. Ann Arbor: University of Michigan Press.

Tatalovich, Raymond. 1995. Nativism Reborn? *The Official English Language Movement and the American States*. Lexington, KY: University of Kentucky Press.

Terrazas, Aaron and Michael Fix. 2009. "The Binational Option: Meeting the Instructional Needs of Limited English Proficient Students." Washington, DC: Migration Policy Institute.

Weissert, Carol S. 1994. "Beyond the Organization: The Influence of Community and Personal Values on Street-Level Bureaucrats' Responsiveness." *Journal of Public Administration Research and Theory* 4 (April): 225-54.

**Table 1. State English Only Laws**

Includes Education	Excludes Education	Vague re: Education
AZ (2000)* CA (1998)* MA (2002)* <i>NE (1920)</i> TN (1993)* VA (1996)* UT (2000)	AK (1998-2002) <i>AR (1987)</i> GA (1996)* <i>ID (2007)</i> <i>KS (2007)</i> NH (1995) <i>SC (1987)</i> SD (1995) WY (1996)	AL (1990) <i>AZ (2006)*</i> CA (1986-1998)* CO (1988) FL (1988) GA (1986-1996)* <i>HI (1978)</i> <i>IL (1969)</i> <i>IN (1984)</i> IA (2002) <i>KY (1984)</i> LA (1992) MA (1975-2002)* MT (1995) <i>MS (1987)</i> MO (1998 & 2008) <i>NC (1987)</i> <i>ND (1987)</i> TN (1981-1993)* VA (1981-1996)*

**Note:** State English Only laws categorized by scope (including, excluding, or vague regarding education). Enactment dates in parentheses. Italicized laws were enacted/changed outside the study period (1987-2004); therefore, our analytic leverage comes from the non-italicized laws. \* indicates a state listed in more than one cell due to enactment of more than one law. Twenty states did not adopt an English Only law: CT, DE, ME, MD, MI, MN, NM, NJ, NY, OK, OH, OR, PA, RI, TX, VT, WA, WV, WI.

**Sources:** Dale and Gurevitz (1995), Tatalovich (1995), and websites of organizations tracking state English Only laws: *Education Commission of the States* (<http://www.ecs.org/ecsmain.asp?page=/html/issuesK12.asp>), *U.S. English, Inc.* (<http://www.us-english.org/view/364>), *English First* (<http://englishfirst.org/englishstates/>), *The Institute for Language Policy* (<http://www.languagepolicy.net/archives/langleg.htm#State>).

**Table 2. Descriptive Statistics**

	<b>N</b>	<b>M</b>	<b>sd</b>	<b>Min</b>	<b>Max</b>
<b>School-Level Instruction</b>					
Language Instruction 1	18029	1.10	0.60	0.00	2.00
Language Instruction 2	18029	0.57	0.50	0.00	1.00
<b>State Policies</b>					
English Only Law	18029	0.42	0.49	0.00	1.00
EO: Including Educ.	18029	0.08	0.27	0.00	1.00
EO: Excluding Educ.	18029	0.06	0.24	0.00	1.00
EO: Vague re: Educ.	18029	0.27	0.45	0.00	1.00
<b>State Characteristics</b>					
Ideology	18029	50.76	21.78	5.04	93.54
Per Capita Inc. (\$1000s)	18029	32.56	4.77	20.22	48.93
% with BA degree	18029	22.57	4.25	11.06	34.90
% Immigrants	18029	4.93	3.82	0.36	16.03
% Non-Hisp White	18029	78.89	12.01	24.33	98.82
# of Latino Legislators	18029	5.64	10.13	0.00	43.00
<b>School Characteristics</b>					
Size of Student Body	18029	7.31	2.25	1.00	12.00
Elementary School	18029	0.47	0.50	0.00	1.00
Charter School	18029	0.00	0.06	0.00	1.00
Urbanicity	18029	2.02	0.77	1.00	3.00
% LEP students	18026	0.08	0.15	0.00	1.00
% Free lunch students	18029	0.36	0.52	0.00	59.20
% Asian students	18029	0.05	0.12	0.00	4.00
% Black students	18029	0.13	0.43	0.00	48.00
% Hispanic students	18029	0.15	0.23	0.00	6.40
% Asian teachers	18029	0.02	0.11	0.00	1.00
% Black teachers	18029	0.06	0.13	0.00	1.00
% Hispanic teachers	18029	0.05	0.12	0.00	1.00
Asian principal	18029	0.02	0.15	0.00	1.00
Latino principal	18029	0.06	0.23	0.00	1.00
Black principal	18029	0.08	0.27	0.00	1.00
<b>Survey Wave</b>					
1987-88	18029	0.15	0.34	0.00	1.00
1990-91	18029	0.16	0.36	0.00	1.00
1993-94	18029	0.21	0.41	0.00	1.00
1999-00	18029	0.23	0.42	0.00	1.00
2003-04	18029	0.26	0.44	0.00	1.00

**Table 3. Influence of State English Only Laws on Language Instruction**

	Any Law			Scope of Law		
	LI 1	LI 2		LI 1	LI2	
<b>State Context</b>						
Ideology	0.00 (0.00)	0.00 + (0.00)		0.00 (0.00)	0.00 * (0.00)	
Income (\$1Ks)	0.08 * (0.02)	0.07 * (0.02)		0.07 * (0.02)	0.07 * (0.02)	
% with BA	0.05 * (0.02)	0.08 * (0.02)		0.07 * (0.02)	0.09 * (0.02)	
% Immigrants	0.30 * (0.04)	0.38 * (0.04)		0.27 * (0.04)	0.35 * (0.04)	
% Non-Hisp Whites	0.16 * (0.02)	0.18 * (0.02)		0.11 * (0.02)	0.14 * (0.02)	
# Latino Legislators	0.02 * (0.00)	0.02 * (0.01)		0.02 * (0.00)	0.02 * (0.01)	
<b>School Characteristics</b>						
Size of school	0.15 * (0.01)	0.16 * (0.01)		0.15 * (0.01)	0.16 * (0.01)	
Elementary School	0.16 * (0.04)	0.15 * (0.04)		0.17 * (0.04)	0.15 * (0.04)	
Charter School	-0.94 * (0.28)	-1.15 * (0.31)		-0.86 * (0.28)	-1.07 * (0.31)	
Suburban	-0.08 + (0.04)	-0.07 (0.05)		-0.08 + (0.04)	-0.07 (0.05)	
Urban	0.06 (0.05)	0.05 (0.05)		0.07 (0.05)	0.05 (0.05)	
% LEP Students	2.25 * (0.14)	2.39 * (0.17)		2.27 * (0.14)	2.39 * (0.17)	
% FRP Lunch	0.38 * (0.08)	0.49 * (0.09)		0.38 * (0.08)	0.49 * (0.09)	
% Asian Students	0.28 (0.26)	0.43 (0.30)		0.27 (0.27)	0.43 (0.30)	
% Black Students	-0.06 (0.08)	-0.11 (0.09)		-0.05 (0.08)	-0.10 (0.09)	
% Hispanic Students	2.36 * (0.13)	2.51 * (0.16)		2.37 * (0.13)	2.50 * (0.16)	
% Asian Teachers	-0.34 (0.37)	0.05 (0.41)		-0.31 (0.37)	0.05 (0.41)	
% Black Teachers	0.60 * (0.18)	0.61 * (0.21)		0.60 * (0.18)	0.61 * (0.21)	
% Latino Teachers	1.16 * (0.21)	0.91 * (0.28)		1.16 * (0.21)	0.93 * (0.28)	
Asian Principal	-0.16 (0.16)	-0.26 (0.18)		-0.14 (0.16)	-0.25 (0.18)	
Latino Principal	-0.04 (0.08)	0.03 (0.10)		-0.04 (0.08)	0.02 (0.10)	
Black Principal	0.18 * (0.07)	0.17 * (0.08)		0.18 * (0.07)	0.17 * (0.08)	

**Table 3 Cont'd**

		Any Law		Scope of Law	
		<i>LI1</i>	<i>LI2</i>	<i>LI1</i>	<i>LI2</i>
<b>Survey Wave</b>					
1990-1991		-0.68 *	-0.88 *	-0.75 *	-0.94 *
		(0.08)	(0.09)	(0.08)	(0.09)
1993-1994		-1.11 *	-0.83 *	-1.27 *	-0.97 *
		(0.09)	(0.10)	(0.10)	(0.11)
1999-2000		-2.44 *	1.46 *	-2.64 *	1.29 *
		(0.14)	(0.16)	(0.14)	(0.16)
2003-2004		-2.77 *	1.14 *	-3.11 *	0.86 *
		(0.20)	(0.23)	(0.21)	(0.24)
<b>English Only Law</b>					
Any		-0.35 *	-0.20 +		
		(0.09)	(0.11)		
Includes Educ.				-0.69 *	-0.50 *
				(0.19)	(0.15)
Excludes Educ.				-0.41 *	-0.25
				(0.14)	(0.16)
Vage re: Educ.				-0.14	-0.07
				(0.10)	(0.12)
<b>Constant/Cut Point 1</b>					
		13.27 *	-19.42 *	9.77 *	-16.56 *
		(1.34)	(1.60)	(1.43)	(1.71)
<b>Cut Point 2</b>					
		17.27 *		13.78 *	
		(1.34)		(1.43)	

**Note:**  $N=18,029$ . Table entries are ordered logit (LI 1) and logistic (LI 2) coefficients estimating school-level provision of bilingual education to ELL students. Standard errors are listed in parentheses beneath each coefficient. \* =  $p<.05$ , + =  $p<.10$ .

**Table 4. Interaction Models Examining Influence of Cultural Brokers**

	LI 1	LI 2						
<b>State Context</b>								
Ideology	0.00 (0.00)	0.00 + (0.00)	0.00 * (0.00)	0.00 * (0.00)	0.00 (0.00)	0.00 + (0.00)	0.00 + (0.00)	0.00 * (0.00)
Income (\$1Ks)	0.08 * (0.02)	0.07 * (0.02)	0.07 * (0.02)	0.07 * (0.02)	0.08 * (0.02)	0.07 * (0.02)	0.07 * (0.02)	0.07 * (0.02)
% with BA	0.05 * (0.02)	0.08 * (0.02)	0.06 * (0.02)	0.08 * (0.02)	0.05 * (0.02)	0.08 * (0.02)	0.07 * (0.02)	0.08 * (0.02)
% Immigrants	0.30 * (0.04)	0.38 * (0.04)	0.25 * (0.04)	0.33 * (0.04)	0.30 * (0.04)	0.38 * (0.04)	0.25 * (0.04)	0.33 * (0.04)
% Non-Hisp Whites	0.16 * (0.02)	0.18 * (0.02)	0.10 * (0.02)	0.13 * (0.02)	0.16 * (0.02)	0.18 * (0.02)	0.10 * (0.02)	0.14 * (0.02)
# Latino Legislators	0.02 * (0.00)	0.02 * (0.01)	0.02 * (0.00)	0.03 * (0.01)	0.02 * (0.00)	0.02 * (0.01)	0.02 * (0.00)	0.03 * (0.01)
<b>School Characteristics</b>								
Size of school	0.15 * (0.01)	0.16 * (0.01)						
Elementary School	0.16 * (0.04)	0.15 * (0.04)	0.17 * (0.04)	0.15 * (0.04)	0.16 * (0.04)	0.15 * (0.04)	0.17 * (0.04)	0.15 * (0.04)
Charter School	-0.94 * (0.28)	-1.15 * (0.31)	-0.87 * (0.28)	-1.05 * (0.31)	-0.94 * (0.28)	-1.15 * (0.31)	-0.88 * (0.28)	-1.09 * (0.31)
Suburban	-0.08 + (0.04)	-0.07 (0.05)						
Urban	0.06 (0.05)	0.05 (0.05)	0.06 (0.05)	0.05 (0.06)	0.06 (0.05)	0.05 (0.05)	0.06 (0.05)	0.05 (0.05)
% LEP Students	2.25 * (0.14)	2.39 * (0.17)	2.29 * (0.14)	2.39 * (0.17)	2.24 * (0.14)	2.39 * (0.17)	2.28 * (0.14)	2.39 * (0.17)
% FRP Lunch	0.39 * (0.08)	0.49 * (0.09)	0.38 * (0.08)	0.49 * (0.09)	0.39 * (0.08)	0.49 * (0.09)	0.38 * (0.08)	0.49 * (0.09)
% Asian Students	0.28 (0.26)	0.43 (0.30)	0.24 (0.27)	0.42 (0.30)	0.28 (0.26)	0.42 (0.30)	0.25 (0.27)	0.43 (0.30)
% Black Students	-0.06 (0.08)	-0.11 (0.09)	-0.05 (0.08)	-0.10 (0.09)	-0.06 (0.08)	-0.11 (0.09)	-0.05 (0.08)	-0.10 (0.09)
% Hispanic Students	2.36 * (0.13)	2.52 * (0.16)	2.34 * (0.13)	2.49 * (0.16)	2.36 * (0.13)	2.52 * (0.16)	2.36 * (0.13)	2.50 * (0.16)
% Asian Teachers	-0.34 (0.37)	0.06 (0.41)	-0.24 (0.37)	0.10 (0.41)	-0.35 (0.37)	0.04 (0.41)	-0.30 (0.37)	0.06 (0.41)
% Black Teachers	0.60 * (0.18)	0.60 * (0.21)	0.58 * (0.18)	0.61 * (0.21)	0.60 * (0.18)	0.61 * (0.21)	0.60 * (0.18)	0.62 * (0.21)
% Latino Teachers	1.10 * (0.24)	0.75 * (0.33)	1.05 * (0.24)	0.82 * (0.33)	1.19 * (0.21)	0.93 * (0.28)	1.19 * (0.21)	0.96 * (0.29)
Asian Principal	-0.16 (0.16)	-0.27 (0.18)	-0.14 (0.16)	-0.25 (0.18)	-0.16 (0.16)	-0.26 (0.18)	-0.14 (0.16)	-0.25 (0.18)
Latino Principal	-0.04 (0.08)	0.03 (0.10)	-0.04 (0.08)	0.03 (0.10)	-0.13 (0.10)	-0.03 (0.13)	-0.15 (0.10)	-0.03 (0.13)
Black Principal	0.18 * (0.07)	0.17 * (0.08)	0.18 * (0.07)	0.17 * (0.08)	0.18 * (0.07)	0.17 * (0.08)	0.18 * (0.07)	0.16 * (0.08)

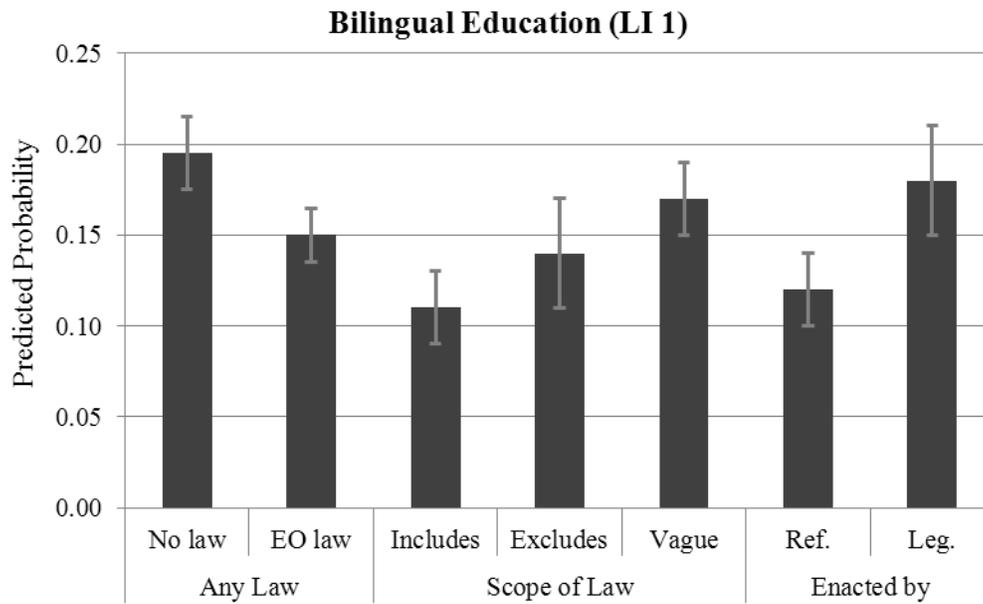
**Table 4, cont.**

	LI1	LI2	LI1	LI2	LI1	LI2	LI1	LI2
<b>Survey Wave</b>								
1990-1991	-0.68 *	-0.88 *	-0.77 *	-0.96 *	-0.68 *	-0.88 *	-0.77 *	-0.96 *
	(0.08)	(0.09)	(0.08)	(0.09)	(0.08)	(0.09)	(0.08)	(0.09)
1993-1994	-1.11 *	-0.83 *	-1.29 *	-0.98 *	-1.11 *	-0.83 *	-1.29 *	-0.98 *
	(0.09)	(0.10)	(0.10)	(0.11)	(0.09)	(0.10)	(0.10)	(0.11)
1999-2000	-2.44 *	1.46 *	-2.62 *	1.31 *	-2.44 *	1.46 *	-2.63 *	1.30 *
	(0.14)	(0.16)	(0.14)	(0.16)	(0.14)	(0.16)	(0.14)	(0.16)
2003-2004	-2.77 *	1.14 *	-3.11 *	0.86 *	-2.77 *	1.14 *	-3.12 *	0.85 *
	(0.20)	(0.23)	(0.21)	(0.24)	(0.20)	(0.23)	(0.21)	(0.24)
<b>English Only Law</b>								
Any	-0.36 *	-0.22			-0.36 *	-0.21		
	(0.09)	(0.11)			(0.09)	(0.11)		
EO: Includes			-0.62 *	-0.44 *			-0.70 *	-0.52 *
			(0.12)	(0.15)			(0.12)	(0.15)
EO: Excludes			-0.40 *	-0.17			-0.41 *	-0.24
			(0.14)	(0.11)			(0.14)	(0.16)
EO: Vague			-0.19 +	-0.11			-0.15	-0.08
			(0.10)	(0.12)			(0.10)	(0.13)
<b>Interaction with % Latino Teachers</b>								
EO: Any	0.30	0.62						
	(0.36)	(0.53)						
EO: Includes			-0.97 +	-1.54 +				
			(0.55)	(0.88)				
EO: Excludes			-0.70	0.37				
			(0.81)	(1.17)				
EO: Vague			1.74 *	1.31 *				
			(0.49)	(0.64)				
<b>Interaction with Latino Principal</b>								
EO: Any					0.25	0.18		
					(0.16)	(0.21)		
EO: Includes							0.18	0.53
							(0.24)	(0.46)
EO: Excludes							-0.41	-0.51
							(0.74)	(0.80)
EO: Vague							0.37 *	0.14
							(0.19)	(0.22)
<b>Constant/Cut Point 1</b>	13.30 *	-19.40 *	9.33 *	-16.22 *	13.28 *	-19.38 *	9.54 *	-16.46 *
	(1.34)	(1.60)	(1.43)	(1.71)	(1.34)	(1.60)	(1.43)	(1.71)
<b>Cut Point 2</b>	17.30 *		13.34 *		17.29 *		13.56 *	
	(1.34)		(1.43)		(1.34)		(1.43)	

**Note:**  $N=18,029$ . Table entries are ordered logit (LI 1) and logistic (LI 2) coefficients estimating school-level provision of bilingual education to LEP students. Standard errors are listed in parentheses beneath each coefficient.

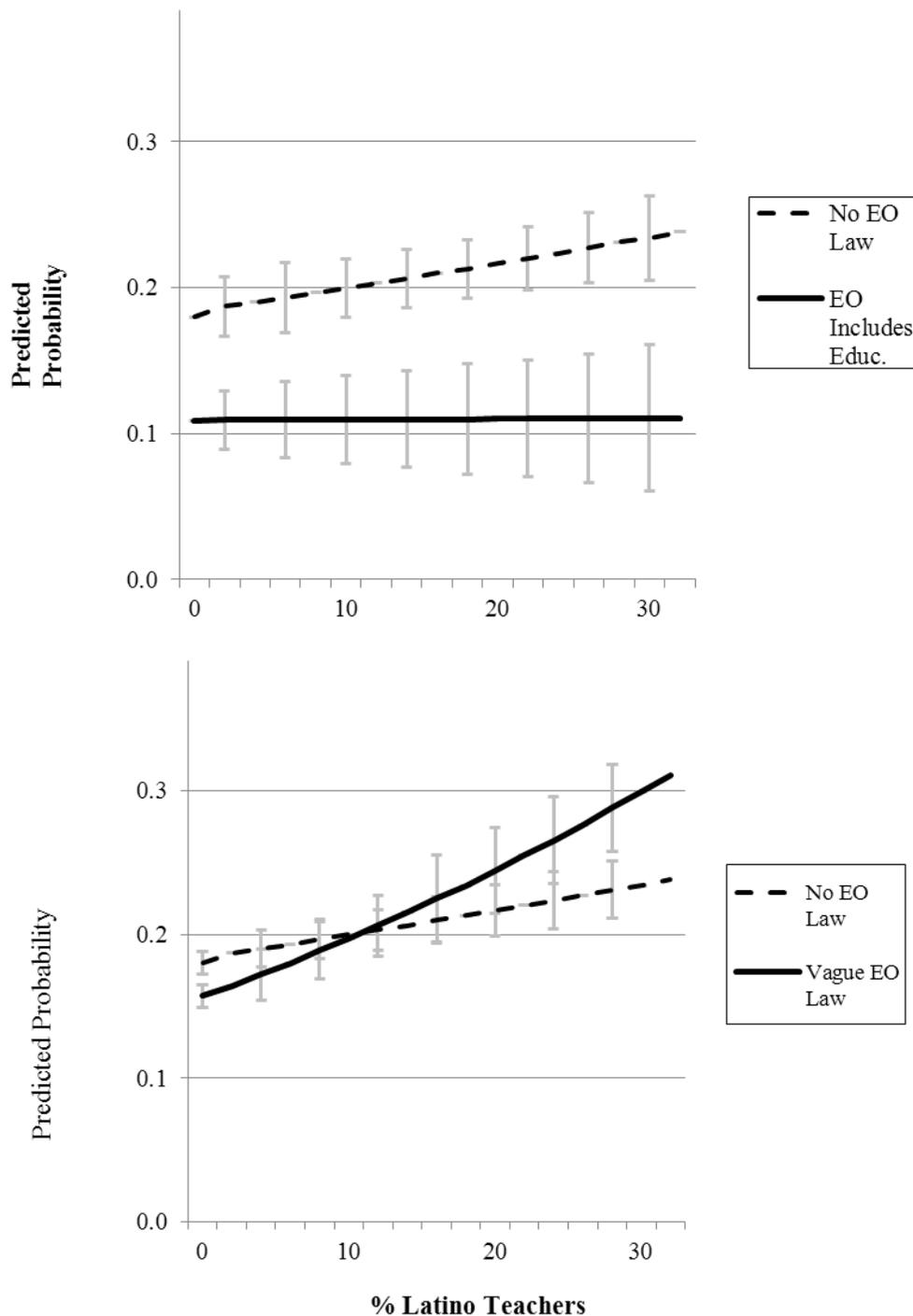
\*  $p<.05$ , +  $p<.10$ .

**Figure 1. Influence of State English Only Laws on Language Instruction**



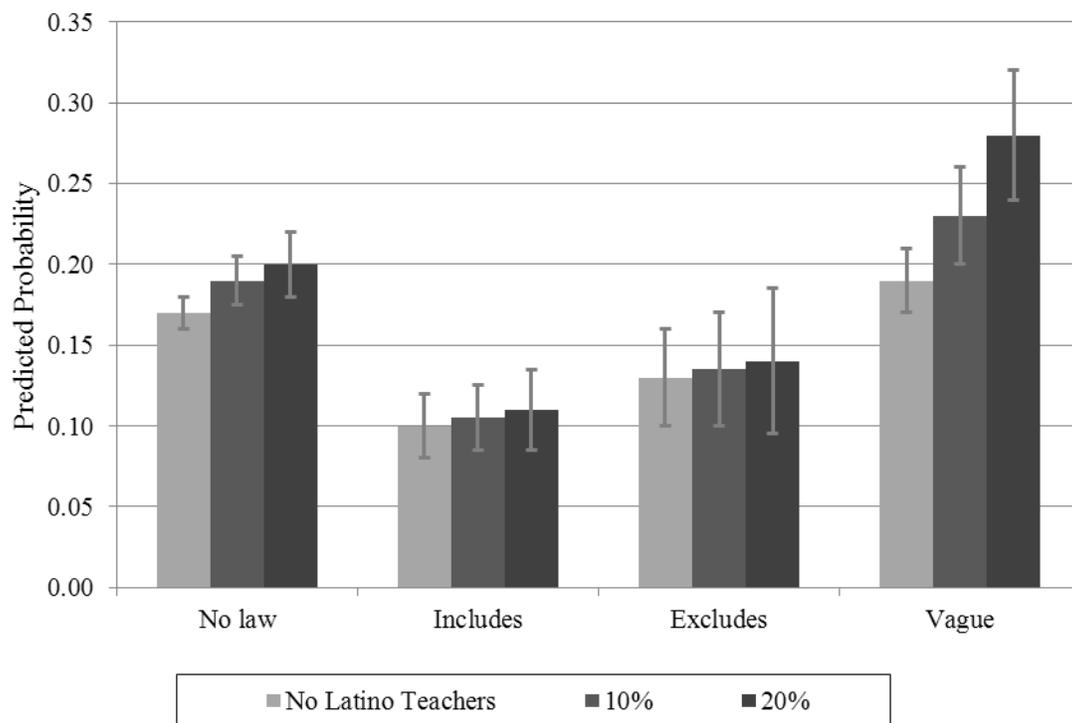
**Note:** Bars represent the predicted probability of a school providing bilingual education, by the type of English Only law adopted by the state. All other variables are estimated at their mean value. Error bars indicate the 95% confidence interval of each estimate.

**Figure 2. Conditional Effect of English Only Laws, by Presence of Cultural Broker**



**Note:** Lines represent the predicted probabilities of bilingual education (LI 1), by the percent of the school’s teachers who are Latino. Estimated for a state with no English Only law (dashed line) compared with an English Only law that includes education (solid line, top panel) and a vague English Only law (solid line, bottom panel). All other variables are estimated at their mean value. Error bars indicate the 95% confidence interval of each estimate.

**Figure 3. Influence of English Only laws, by Scope of Law**



**Note:** Bars represent the predicted probability of a school providing bilingual education (LI 1), by the percent of the school’s teachers who are Latino. Estimated for a state with no English Only law, an English Only law that includes education, an English Only law that excludes education, and an English Only law that is vague re: education. All other variables are estimated at their mean value. Error bars indicate the 95% confidence interval of each estimate.

## Endnotes

---

<sup>i</sup> Additional information on these data is presented in the methodology section.

<sup>ii</sup> Because question wording has changed over time, particularly with regard to ESL and bilingual instruction, we report statistics here only for these two categories. In addition, these questions were unfortunately dropped from the 2007 survey.

<sup>iii</sup> Specifically, bilingual education programs needed be based on sound educational theory and implemented effectively with resources for personnel, instructional materials, and space, and after a trial period, the program needed be proven effective in overcoming language barriers/handicaps [648 F.2d 989 (5th Cir., 1981)].

<sup>iv</sup> The concept and causal mechanisms of “cultural brokers” are similar to those embodied in the literature on “representational bureaucracy,” which examines the extent to which the public sector workforce shares descriptive characteristics of the population it serves and how representation along these attributes shapes performance, public attitudes, and the promotion of democratic values in society.

<sup>v</sup> The specific websites were: (1) *Education Commission of the States* (<http://www.ecs.org/ecsmain.asp?page=/html/issuesK12.asp>); (2) *U.S. ENGLISH, Inc.* (<http://www.us-english.org/view/364>), the oldest and largest national citizens' action group dedicated to preserving the unifying role of the English language in the United States; (3) *English First* (<http://englishfirst.org/englishstates/>), a national, non-profit grassroots lobbying organization working to make English America's official language; and (4) *The Institute for Language Policy* (<http://www.languagepolicy.net/archives/langleg.htm#State>), a research clearinghouse managed by James Crawford, a former editor at *Education Week*.

<sup>vi</sup> In cases in which these sources provided conflicting information, we read the official state statutes and state-level newspaper coverage to best characterize each law.

<sup>vii</sup> For this measure, the 1999-2000 and 2003-04 questions combining ESL and bilingual instruction were coded as 1.

<sup>viii</sup> The disadvantage of this method is that it only identifies off of changes within states during this time period. Thus, this may not be the best approach for a broader effort to understand school-level decisions regarding language accommodation but is better for efforts to isolate the influence of specific changes, such as English Only laws.

<sup>ix</sup> For the second definition of language instruction (LI 2), the average school in a state with no English Only law has a predicted probability of 63 percent that some bilingual education will be provided; this is reduced to 58 percent if the state has an English Only law. This reduction is larger if the law includes education (51 percent probability) than if it excludes education or is vague.