Chapter 9
Enhancing Equity for English Learners Through the Seal of Biliteracy: Policy/Practice Pitfalls and Possibilities

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Abstract The multilingual turn in TESOL (May in The multilingual turn: implications for SLA, TESOL, and bilingual education. Routledge, New York, 2014) is overdue with the field still viewing languages as separate entities that exist in individuals (Deroo et al. in Envisioning TESOL through a translanguaging lens. Springer, New York, pp. 111–134, 2020). By contrast, bilingual education, which has embraced the notion of translanguaging (Flores and Aneja in Res Teach Engl 51:441–463, 2017; Henderson and Palmer in Dual language bilingual education: teacher cases and perspectives on large-scale implementation. Multilingual Matters, Bristol, 2020), and critical sociolinguistics (e.g., Canagarajah in Reclaiming the local in language policy and practice. Routledge, New York, 2005; De Costa in J Multiling Multicult Dev 40(5):453–460, 2019) have long called for a recognition of suppressed local and indigenous languages and the need to help minoritized language users reclaim their home languages. The education system in the United States has been complicit (De Costa and Qin in English language education in a global world: practices, issues and challenges. Nova Science Publishers, Hauppauge, 2016) in not providing adequate space for local and indigenous languages to develop in schools. Following a brief trace of how such inequalities characterized U.S. language education, we review recent English language redesign attempts to prepare linguistically responsive teachers (Lucas and Villegas in Theory Pract 52:98–109, 2013) to serve emerging bilinguals, focusing on the most recent bottom-up language policy initiative—the Seal of Biliteracy (SoBL). Although SoBL acknowledges multilingualism as a resource on a wide scale by providing opportunities to develop the home languages of emergent bilinguals, we discuss the challenges associated with the

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implementation of this initiative in the U.S. Following a critical evaluation of SOBL, we provide exemplars for TESOL practitioner-policymakers and join a growing body of educational linguists who view TESOL and multilingualism as collaborative endeavors in order to make this initiative a sustainable endeavor for TESOL professionals (Dorner and Cervantes-Soon in TESOL Q 54:535–547, 2020).

1 Introduction

The multilingual turn in TESOL and the field of second language acquisition (SLA) are overdue (May, 2014), especially since many of the English learners who populate our classrooms often have more than two languages in their linguistic repertoire. TESOL has been slow to recognize this reality, as has been mainstream SLA, which continues to view languages as separate entities that exist in individuals (Deroo et al., 2020). By contrast, bilingual education, which has embraced the notion of *translanguaging* (Flores & Aneja, 2017; Henderson & Palmer, 2020; Palmer, 2018), and critical sociolinguistics (e.g., Canagarajah, 2005; De Costa, 2019; Heugh et al., 2021) have long called for a recognition of suppressed local and indigenous languages. This call emerges from the need to help minoritized language users reclaim their home languages. These languages often stand in diametric opposition to a dominant language, like English, which has invisibilized such languages in school (Morita-Mullaney & Singh, 2019) and society (Gallo & Hornberger, 2019). The education system in the United States, in particular, has been complicit (De Costa & Qin, 2016) in not providing adequate space for local and indigenous languages to develop in schools.

Following a brief trace of how such inequalities have characterized U.S. language education, we review recent English language redesign attempts to prepare linguistically responsive teachers (Lucas & Villegas, 2013) to serve emerging bilinguals. We then focus on one recent bottom-up language policy initiative—the Seal of Biliteracy (SoBL or the Seal, hereafter)—that has been implemented in 42 U.S. states along with Washington DC to date. As we write this chapter, six states are also in the early stages of adopting the Seal, and two additional states are currently considering the Seal. We highlight the Seal since it represents the strongest and boldest effort yet to acknowledge multilingualism as a resource on a wide scale in the U.S., and because it provides opportunities to develop the home languages of emergent bilinguals (Heineke & Davin, 2020b; Heineke et al., 2018). We then turn to the challenges associated with the implementation of SoBL. Following a critical evaluation of the Seal, we build on Fillmore and Snow's (2018) list of what teachers need to know to suggest ways to make SoBL a sustainable endeavor for TESOL professionals. Taking the view that teachers are effective language policymakers in their own right (Menken & García, 2010), we provide exemplars for TESOL practitioner-policymakers and join a growing body of educational linguists who view TESOL and multilingualism as collaborative enterprises (Dorner & Cervantes-Soon, 2020).

2 Bi-multilingual Education in the United States

The U.S. language education system has often been inconsistent—if not contradictory—throughout the nation's history, with state and federal legislation, court cases, and initiatives often driving its development (De Costa & Qin, 2016; Ovando, 2003). Ovanado's (2003, pp. 12–14) extensive review of bilingual education within the US has often been characterized as encompassing four historical periods:

1. Permissive (1700s–1880s)—bilingual education was not actively promoted but rather simply tolerated, if not simply neglected, the use of another language (p. 4).
2. Restrictive (1880s–1960s)—cultural groups were further colonized through English-only mandates (pp. 4–6).
3. Opportunist (1960s–1980s)—foreign language programs as well as bilingual and ESL programs were established but remained controversial at best (pp. 7–12).
4. Dismissive (1980s–Present)—bilingual education in the legislative and social arenas continued to be debated and often under the guise of resentment toward immigration.

While historical events, as Ovanado (2003) mentions, have played a central role in the establishment, dismantling, and struggle over bi-/multilingual education, the ideologies of local, state, and federal lawmakers led to the implementation of policies that have resulted in the establishment of structural inequalities within a fragmented language education system (e.g., De Costa & Qin, 2016; García & Sung, 2018).

As a consequence of a turbulent language education history characterized by contradiction and conflict, language teachers have often found themselves confused over (1) what constitutes *legitimate* language use in the classroom (McKinney, 2017), and (2) whether language is a separate entity or not. To some extent, both TESOL and second language acquisition (SLA), which aim to support the acquisition and development of an additional language, have ironically neglected such pivotal historical developments. Moreover, both fields may be fully unaware about the reality that many teachers often find themselves grappling with race-inflected concerns that continue to shape the language teaching profession (see Alim, 2016; De Costa et al., in press). This conspicuous gap is evident in how mainstream SLA continues to consider language as a unified and whole entity with individuals engaging in little if any code meshing. This has resulted in language policy scholars, such as May (2014), calling for a multilingual turn in the broader field of applied linguistics. As observed by May, the multilingual turn aims to "understand multiple-language learning as an object of inquiry and to support bi/multilingualism as a societal and individual right and asset" (p. 33), or to let (emerging) bi-/multilingual learners/speakers use both of their proverbial linguistic hands in and outside of the classroom (Martínez, 2018). By contrast, the field of bilingual education has embraced this call to consider ways to understand and support teachers in acknowledging and supporting students' entire linguistic repertoire despite hegemonic and myopic education policies that have favored monolingualism.

Bilingual education has transitioned into the multilingual turn by incorporating, adapting, and implementing notions such as *translanguaging*, that is, the bilingual performance that utilizes students' full cognitive, linguistic, and semiotic repertoires to teach and learn (Flores & Aneja, 2017). The promotion of practices such as translanguaging has occurred in tandem with calls to train and support language teachers in teaching culturally and linguistically diverse students (Kayi-Aydar & Green-Eneix, 2019; Lucas & Villegas, 2013). In allowing teachers to utilize both their own and their students' linguistic repertoires, Kayi-Aydar and Green-Eneix (2019), for example, found that their focal teacher, Mr. Armendarez, used translanguaging between English and Spanish to teach Mariachi to both White monolingual English speakers as well as Latinx students in order to develop bilingual literacy. While notable calls (e.g., Kayi-Aydar & Green-Eneix, 2019; Lucas & Villegas, 2013) highlight how teachers support culturally and linguistically diverse students, U.S. language education is unable to adequately support all students, however. Such support can only materialize if and when legislation is enacted to support the aforementioned multilingual turn (García & Kleyn, 2016; Heineke & Davin, 2020a, May, 2014). To mobilize such legislation, we turn to the Seal of Biliteracy next.

3 The Seal of Biliteracy

The Seal of Biliteracy (SoBL) started in California as a product of bi/multilingual activism. The goal of SoBL was to promote home language use for English language learners as well as encourage English monolingual students to learn a foreign language. With SoBL's promotion predominantly executed through local, grassroots movements, criteria for SoBL vary from one state to another, as does teachers' and learners' engagement with it. Successful SoBL implementations have been attributed to the commitment of educational professionals who identified its importance and what it could offer multilingual students (Davin, 2020). Due to the variation of SoBL legislation by state, most literature has focused on analyzing individual state's Seals, or comparing one state to another (Heineke et al., 2018). Extensive research has been done on identifying problematic areas in respective states' Seals and how English learners in public schools are disadvantaged accordingly (Heineke & Davin, 2020b). Though we will introduce some of the documented issues seen in different seal legislations in the next section, our intention is not to be critical of any specific Seal but to highlight how SoBL can aid teachers and researchers in serving linguistically diverse learners.

3.1 Challenges Associated with the Implementation of the Seal of Biliteracy

By definition, SoBL is "an award made by a state department of education or local district to recognize a student who has attained proficiency in both English and one or more other world languages by high school graduation" according to a joint report issued by the American Council on the Teaching of Foreign Languages, National Association for Bilingual Education, National Council of State Supervisors for Languages, and Teachers of English to Speakers of Other Languages International Association (2015, p. 2). However, such a definition itself poses a key challenge because it highlights how students are recognized with the Seal in K-12 (kindergarten through Grade 12) contexts. Specifically, SoBL emphasizes writing and reading skills of bi/multilinguals at the expense of other ways of using and performing languages such as speaking and understanding. In other words, the prioritization of writing and reading confines or reduces diverse, multilingual competencies or linguistic repertoires (Canagarajah, 2012; García & Kleyn, 2016) to prescriptive standards of writing and reading, which are often connected to the discourse of "global human capital," and move the focus of SoBL away from the discourse of equity/heritage (Subtirelu et al., 2019). In addition to the requirements of SoBL prioritizing formal learning (i.e., to demonstrate literacy skills), it also places privileged native English-speaking students at an advantaged position over their already multilingual English-language-learning counterparts; therefore, SoBL ignores the multilingual competencies of English language learners (ELL) and emphasizes the need to support the foreign/world language learning of native speakers of English in U.S. schools (Subtirelu et al., 2019).

In addition, even though SoBL has been able to gain the attention of educators and the public to value biliteracy, it has not been able to completely redeem itself from being entangled with linguistic Anglocentrism. This is best illustrated when examining its implementation in California. According to Heineke and Davin (2020a), SoBL was initiated in California in 2008 to resist English-dominant federal- and state-level policies that limited opportunities for bilingual education such as Proposition 227[1] in 1998 (Felton, 1998) and discriminated against (minoritized) students whose first language was not English. Scholars (e.g., Heineke et al., 2018; Subtirelu et al., 2019) have also asserted that SoBL unwittingly reinforces the dominance of English. For instance, ELLs in California are required to demonstrate a higher proficiency level in English than students in world languages classes. In contrast, California SoBL does not specify an ACTFL proficiency level[2] for a world language studied at school. Having different benchmarks of proficiency for ELs and native

[1] Proposition 227 was passed in 1998 to reject bilingual education and to provide the mandate for English only instruction in California (Crawford, 1997).

[2] American Council on the Teaching of Foreign Languages (ACTFL) is an organization that focuses on improving and standardizing (foreign/world/second/heritage) language education in the US. ACTFL categorizes language learners into different proficiency levels based on their language proficiency. Visit the ACTFL Web site for more information.

speakers of English signifies that English is more valuable than other languages. Also, multilinguals who do not demonstrate high proficiency in English would not get the SoBL endorsement, even though their native English-speaking counterparts would receive SoBL endorsement despite their relative lack of proficiency in the world languages they study. This situation exemplifies the existence of double standards in awarding the SoBL to native English speakers while discriminating against minoritized students who are already subjected to systemic inequality within and outside school.

In principle, SoBL is mainly implemented to support ELLs to learn both English and their home languages. However, in practice, SoBL focuses mainly on teaching the English language to ELLs and certain languages that are identified as linguistic capital to native speakers of English. This situation acknowledges and perpetuates the dominance of English in schools and creates a linguistic hierarchy (Heineke et al., 2018; Subtirelu et al., 2019), with English valued over other languages. The prioritization of certain languages (e.g., Arabic, Mandarin, Spanish) over other languages exists because these former languages are viewed to have more instrumental value, which may in turn discourage some minoritized students from learning their home languages at school. Such a counterproductive move thus defeats the key value of SoBL. Thus, to make the SoBL equitable, it is important to respect the linguistic rights of the students who speak less commonly taught languages (e.g., Amharic, Polish, Swahili) in U.S. schools and grant them the right to learn the language most meaningful to them. In understanding the aforementioned challenges, and moving forward in terms of future policy procedures, the next two sections explore ways to enhance education through SoBL and discuss implications for pedagogy and research.

3.2 Enhancing Education Through SoBL

In this section, we present several suggestions to overcome the challenges and enhance education through SoBL. One of the key challenges faced by SoBLs in all states is its prior conceptualization within an Anglocentric ideology that unwittingly reinforces the dominance of English. Consequently, one way to reduce inequalities is by specifying ACTFL proficiency level for both English and world languages, which would then create a level playing field for all language learners. Another option is to require students to demonstrate advanced proficiency in their home language and intermediate-level proficiency in the second or third language they learn at school (Heineke et al., 2018). Furthermore, ELLs and world language learners should be given the same amount of time to demonstrate their language proficiency (Heineke et al., 2018).

Mainstream ways of assessing language competency also limit the Seal's potential to be more inclusive and serve linguistically marginalized students mainly because SoBL is highly dependent on criteria and norm referenced tests for evaluating the language proficiency of students (Heineke et al., 2018), which Laing and Kamhi (2003) argue are biased against culturally and linguistically minoritized students. By

contrast, using portfolio assessments to evaluate language competency, as evidenced in Illinois (Heineke et al., 2018), is a more equitable alternate form of assessment to evaluate language proficiency of ELLs and world language learners.

Another challenge is that because only some languages are taught in schools (Heineke et al., 2018; Subtirelu et al., 2019), languages that are less taught or not taught at all are perceived as having little or no value. Such a perception might discourage some minority students from even using their home languages, since the message that they get at school is that their home languages are not important. To overcome this challenge, teachers and institutions should attempt to connect with communities that speak minority languages to provide resources to learn languages and assess linguistic proficiency. For instance, the state of New Mexico has provided members of indigenous communities with the opportunity to get their home languages certified by their respective tribes.

Relatedly, and in the spirit of community building, Heineke and Davin (2020a) observed that most of the challenges associated with SoBL can be overcome by getting various stakeholders to participate in the decision-making process. Different stakeholders can be enlisted to participate in the process of drafting policies and their subsequent implementation. Also, as parents and guardians are often involved in the process of revising current policies and drafting new ones, they should be provided with translations of policy documents, so that they clearly understand how the policy is going to affect their children. Moreover, the different U.S. states should take measures to allocate enough resources to all schools to implement SoBL. Crucially, Subtirelu et al. (2019) found that schools attended by minoritized or low-income students encountered difficulty in implementing SoBL due to a lack of resources.

Finally, we need to recognize that bi/multilingualism is more than just the ability to read and write two languages. While reading and writing skills can be measured and evaluated, bi/multilingualism can be demonstrated in different ways. For example, heritage language learners might understand what their parents or grandparents speak, even though they do not write or read those languages. Such an orientation shift, that is, one that emphasizes bi/multilingualism in a broader sense and not just reading- and writing-inflected biliteracy, will make the Seal more encompassing by ratifying a wider range of skill sets that also include speaking and listening.

4 Implications

4.1 ESL and Foreign Language Teachers

The high national visibility of SoBL has afforded teachers the opportunity to advocate for their learners—by way of the Seal's status—as a result of state legislation. Advocacy for bi/multilingual students has been an ongoing part of school reformation in the U.S., with several cases landing at the Supreme Court (Kim et al., 2015; Ramsey, 2012). Significantly, SoBL allows teachers the chance to dialog openly with their

administrators regarding the academic expectations set for their ELLs. Comparing state English as a second language (ESL) exit standards with the standards of their respective state's Seal can equip teachers with the much-needed justification to secure the requisite resources and information from local authorities to meet stipulated ESL program exit proficiency levels. As for current foreign language teachers, knowing clear standards their students are required to meet may bring much-needed changes to otherwise stagnant curricula. As multilingualism becomes more common, and the benefits of being a speaker of more than one language are recognized, foreign language classes should be given higher priority. The existence of the Seal could potentially increase the number of middle schools that offer a foreign language (Kissau et al., 2015).

4.2 Online Instruction

The global COVID-19 pandemic of 2020 has shown that teachers must be adaptable and able to drastically modify instruction at a moment's notice (Gacs et al., 2020), and this disruption to education has prompted calls for more personal development centered on effective online instruction (Paesani, 2020). Even more so, language instruction that considers students who hope to realize the spirit of SoBL will need to ensure that they meet Seal requirements, even if instruction switches entirely to an online mode. The flexibility of online communication can thus provide new ways of connecting students to speakers of their home language, especially if there is a lack of trained teachers of that language at their school. Along with this access to online resources, institutions should explore online teaching and assessment materials to potentially mitigate costs. The emergence of online affordances would, in turn, allow teachers and school administrators to offer foreign language instruction to a diverse group of non-English speakers and provide more foreign language options for L1 English-speaking students, thereby facilitating the long-term success of SoBL.

4.3 Teachers and Researchers

We recommend that research surrounding SoBL—specifically with respect to teacher development and the enhancement of pedagogical practices—involve teachers as research partners. Teachers have a wealth of knowledge, which has been underutilized in research, to provide insights on how to remedy problems associated with SoBL. Additionally, a synergistic collaboration of teachers and researchers would assist in making research accessible to a wider audience because language policy enactment is ecological in nature, involving various stakeholders at multiple levels, and thus should not be mediated in a top-down manner (Han et al., 2019; Menken & García, 2010). As a consequence, teachers should not be considered merely as informants but as credible research partners who collaboratively investigate ways to improve

their own teaching while also finding new, effective ways to ensure the successful implementation of SoBL at the classroom- and school-level.

5 Final Remarks

The motivation behind SoBL is certainly well intentioned, with its primary mission focused on alleviating the disenfranchisement of minoritized language users whose home languages have historically been denigrated. As explained in this chapter, U.S. language policy has been characterized by unequal access and recognition. And while SoBL clearly marks a positive step in the right direction, it is not without its challenges. In response to these challenges, we put forward some suggestions to improve language-learning conditions, in the hope that the noble goals of SoBL will eventually be achieved. Ultimately, we need to recognize that in order for policies to be successfully implemented and their outcomes realized, a concerted effort by various language policymakers is necessary. We need to start with teachers because, as Menken and García (2010) aptly remind us, teachers are pivotal in helping us successfully negotiate language policies in schools. Put simply, educators need to acknowledge the value of bi/multilingualism and subsequently work in tandem with researchers, policymakers, and parents if a policy like SoBL—or any other language-in-education policy—is to succeed.

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