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Advocate or Traditional Bureaucrat: Understanding the Role of ESL Supervisors in Shaping
Local Education Policy toward Immigrant Communities

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of
Philosophy in Public Policy and Administration at Virginia Commonwealth University

by

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Dedication

This work is dedicated to four embodiments of inspiration, encountered across 40 years:

Jim and Olive Kuhns – grandparents and practitioners of the hallowed art of teaching as well as proud champions to their grandchildren of constant learning;

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Table of Contents

Acknowledgments.....	iii
Dedication.....	v
Table of Contents	vii
List of Tables.....	ix
List of Figures.....	xi
Abstract.....	xiii
Chapter 1	1
School Communication with LEP Parents: A Significant Intersection.....	1
January 2015 Dear Colleague Letter - A Policy “Shock”?	5
The Unexplored Middle Range of Local Immigration Policy Construction.....	10
The Role and Representativeness of Bureaucrats in the Building of Local Policy	11
Limited English Proficient Students and Parents in the Era of Federal Accountability	12
Research Questions	13
Chapter 2: Review of Literature	17
Immigration: A Global Phenomenon Impacting Local Administrators	18
Education as a Crucible for Local Responsiveness to Immigration	38
Bureaucratic Discretion and Representative Bureaucracy - Needed Tools.....	48
Restating Gaps in the Literature.....	68
Defining a Policy “Shock”	70
Broad Research Questions	75
Chapter 3: Methodology	81
Research Design.....	81
Key Participants	85
Time Dimension.....	87
Sampling Strategy – Survey of ESL Supervisors.....	88
Sampling - Case Study Site Selection.....	90
Data Collection and Instruments Utilized.....	95
Research Hypotheses	103
Operational Definitions of Variables for Quantitative Analysis	104
Quantitative Comparisons and Regressions.....	133
Case Study Methodology	144

Statement of Personal Background and Identity	144
Interview Instrument Design.....	145
Specifying Expected Themes for Case Study	149
Case Study Analysis.....	151
Holistic Analysis of Total Results	153
Timeline for Study	154
Storage of Data.....	155
Managing Data.....	155
Risks and Limitations Associated with Study.....	157
Restatement of Study's Contributions.....	160
Chapter 4: Analysis of Results.....	163
4.1 - What Happened as a Result of the Dear Colleague Letter?.....	165
4.2 - Are ESL Supervisors Passively Representative?	194
4.3 – Factors Driving Advocacy Among ESL Supervisors.....	210
4.4 – What Was the Role and Impact of ESL supervisors in Responding to the DCL?.....	234
4.5 – Factors Driving Responsiveness at the School System Level	258
Chapter 5 – Conclusions and Implications	273
Weaving Together the Sum of the Parts	275
What Are the Implications for Academic Understanding?	287
What Are the Implications for Practitioners?.....	289
What Are the Implications for ELL Students and LEP Parents?	293
Limitations of the Research	295
Potential Areas for Further Research	296
Final Conclusions.....	298
References.....	301
Appendix I – ESL Supervisor Survey.....	313
Appendix II - Interview Instrument.....	325
Appendix III – Dear Colleague Letter (Opening and Section J)	331
Appendix IV – Sampling Frame – List of Title III coordinators	343
Appendix V – Codebook Prior to Coding.....	345
Appendix VI – CodeBook with Example Quotes.....	351
Appendix VII – IRB approval letter	375
Appendix VIII - Lessons Learned.....	377

List of Tables

Table 1: Overview of research - Local Responsiveness	29
Table 2: Rubaii-Barrett's (2009) Spectrum of local responses	33
Table 3: Specific Research Questions and Sources for Answering	79
Table 4: Linking Questions to Literature Theories and Gaps	80
Table 5: Limited English Proficiency Students in each context	95
Table 6: Variables in regression analyses.....	118
Table 7: Principle Component Analysis of Indexes (RRA, TRA, PSM)	129
Table 8: Timeline of Study.....	155
Table 9: Independent T Test for Bias in Survey Participation	158
Table 10: Independent T-test for early vs. late response bias.....	159
Table 11: Descriptive measures of letter's impact.....	181
Table 12: Correlations between impact of Dear Colleague Letter and Locality Factors	182
Table 13: Types of responses discussed and approved by school systems	184
Table 14: Binary Demographic Values	197
Table 15: Measures of Passive Representativeness	205
Table 16: Policy Preference Comparison.....	208
Table 17: Descriptive Statistics for Components of RRA Index	219
Table 18: Descriptive Statistics for Variables in Regression 1	228

Table 19: Results of Regression 1 (Factors influencing RRA Index).....	230
Table 20: Descriptive statistics of eight supervisor response options.....	248
Table 21: Descriptive statistics for factors influencing supervisor response	251
Table 22: Regression results of factors influencing supervisor response index (SRI)	253
Table 23: Regression results of factors influencing supervisor response any (SR_any)	254
Table 24: Descriptive statistics for SSRI and SSR_any.....	263
Table 25: Correlations for SSRI and SSR_any	264
Table 26: Results from Regression 3 – Factors influencing School System Response Index	265
Table 27: Results from Regression 3 – Factors influencing School System Response_Any	266
Table 28: Summary of quantitative hypotheses and results.....	276

List of Figures

Figure 1: The intersection of three areas of public policy and administration	9
Figure 2: Global Migration Flows (Sander et al., 2015).....	19
Figure 3: Tichenor's coalition model	23
Figure 4: ESL Supervisors in organizational context.	46
Figure 5: Linkages in the Concept of Representative Bureaucracy (Coleman et al., 1998).....	60
Figure 6: Negative Supply Shock	72
Figure 7: Conceptual model of relationships in study	77
Figure 8: Map showing Metropolitan Statistical Areas in Virginia.	91
Figure 9: Conceptual Model Regression 1.....	137
Figure 10: Conceptual Model - Regression 2	139
Figure 11: Conceptual Model Regression 3.....	140
Figure 12: First awareness of Letter	172
Figure 13: Histogram - reported Dear Colleague Letter impact.....	179
Figure 14: Reported shift in focus	181
Figure 15: Distribution of multiple response demographics for Title III coordinators.....	198
Figure 16: Word Cloud of titles of interviewees.....	200
Figure 17: Word cloud representing path to role	201
Figure 18: Scatterplot of years in current position and years in education total.....	202

Figure 19: Distribution of Representative Role Acceptance.....	220
Figure 20: Distribution of Traditional Role Acceptance.....	221
Figure 21: Correlation of TRA and RRA indexes.....	222
Figure 22: Felt isolation of Title III coordinators.	240
Figure 23: Relationship between RRA index and Supervisor Response	250
Figure 24: Impact of Percent Students LEP.....	255
Figure 25: Impact of Percent of Population who are Foreign Born.....	268
Figure 26: Impact of Romney Margin on System Response	269
Figure 27: A multi-dimensional concept of local immigrant incorporation	285

Abstract

ADVOCATE OR TRADITIONAL BUREAUCRAT: UNDERSTANDING THE ROLE OF ESL SUPERVISORS IN SHAPING LOCAL EDUCATION POLICY TOWARD IMMIGRANT COMMUNITIES

By Grant E. Rissler, Doctoral Candidate

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Public Policy and Administration at Virginia Commonwealth University.

Virginia Commonwealth University, 2017.

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As recent immigrants seek a productive and dignified life in “new immigrant destinations” that have little historical experience with immigration, public education systems serve a key function in immigrant integration efforts. In a federal system increasingly focused on accountability, a crucial sub-set of education policy and local responsiveness to immigration is English language instruction and services for Limited English Proficient (LEP) students and parents.

In such contexts, the role that local bureaucrats play, and whether they actively represent the interests of the newfound diversity of community members, are crucial questions if strongly

held American ideals of social equity and equal opportunity are to be upheld. This research asks broad questions at the intersection of bureaucratic power, representative bureaucracy and educational policy toward English language learners at the local level. Variations in how school systems in the political bellwether of Virginia responded to a recent policy shock - federal guidance released in January 2015 that reiterated local school system responsibility for providing equal educational access to LEP students and parents – form a unique window into local policy-making. Using a concurrent triangulation mixed methodology that consists of a state-wide survey and interviews with a sub-set of the Title III coordinators who supervise programs for English Language Learners, this research shows Title III coordinators to be unrepresentative in passive terms of the foreign born population but nevertheless to have a strong sense of advocating for English Language Learners. Findings suggest that public service motivation is the key explanatory factor in driving a sense of role advocacy and this in turn drives a greater range of action taking by the coordinator to benefit ELLs. Despite this link between role advocacy and coordinator action, role advocacy is not found to be significant in driving the likelihood or range of system level responsiveness to the letter. Instead, political and demographic factors increase the likelihood of system action but, counter to existing literature, more conservative localities are found to be more likely to have responded to the Dear Colleague Letter. This suggests that a previous reluctance to act in these places may have been dislodged by the letter and points to the importance of change over time in conceptualizing local responsiveness to immigrants.

Keywords: Immigration policy, English Language Learners, Local responsiveness, Representative Bureaucracy, education accountability, mid-level bureaucrats

Chapter 1

School Communication with LEP Parents: A Significant Intersection

In a “nation of immigrants” such as the United States, policies that affect the entrance and integration of immigrants into U.S. society have long been recognized as key concerns of public administrators and policy-makers. Immigration policy grew in importance to the public and to policy-makers in the last 40 years as flows of documented and undocumented immigrants swelled and dispersed increasingly beyond traditional gateways like New York and Los Angeles to what were termed “new immigrant destinations.” Simultaneously, gridlock on comprehensive federal immigration reform and the activity of political entrepreneurs combined to push more functional policy responsiveness down to state and local levels of government. The resulting, sometimes chaotic, experimentation by dozens of states and thousands of localities in how to include or exclude immigrants provides yet another case of state and local governments acting as individual but interconnected laboratories of U.S. democracy.

Actions by states and localities spanned a spectrum from undocumented sanctuary policies to immigrant-targeted enforcement and self-deportation efforts, with both extremes drawing legal challenges in federal courts.¹ Policies responding to new influxes of immigrants emerged in every conceivable sector of public administration – law enforcement, social welfare,

¹ Sanctuary policies are those where local officials refuse to cooperate or share information with federal Immigration and Customs Enforcement, in effect refusing to be part of the deportation efforts undertaken by the federal government. Self-deportation efforts, on the other end of the spectrum, are local or state policies that seek to make living in the community so difficult for undocumented immigrants that they will move elsewhere, or “self-deport.”

health care, non-profit services, zoning, workforce development and education. Lives are changed daily by these policies – through an alternative ID, access to banking services, access to public education; through eviction, detention, deportation and separation.

At the crux of this multi-faceted human drama in thousands of immigrant destinations are policy-makers, the bench scientists in these laboratories of democracy. Yet far from the majority of those serving the public and making decisions are elected officials. For every ordinance debated and passed (or debated and passed by) there are dozens, hundreds, perhaps thousands of decisions by bureaucrats and administrators, social workers, police officers and teachers that help form the system of policies that govern a community's life. For the newest members of the community, immigrants who may not be citizens in the legal sense, such decisions matter.

Just as they have highlighted the fact that policy is not solely the purview of the elected, students of politics have also raised important related questions. What is, and should be, the role of unelected bureaucratic power in a representative democracy? If not elected to represent a community explicitly, are bureaucrats representative of the broader society and of specific groups that their decisions impact in other important ways?

These questions, though little studied in relation to immigration, are just as relevant in the current dramatic search for policy solutions in new immigrant destinations. As recent immigrants seek a productive and dignified life in local communities that have little historical experience with immigration, they disproportionately face challenges of language barriers, learning new cultural expectations, and lower average socioeconomic status. In such contexts, the role that local bureaucrats play and whether they successfully represent the interests of the newfound diversity of community members are crucial questions if strongly held American ideals of social equity and equal opportunity are to be upheld. On the answers to these questions

likely ride the chances for immigrants to successfully join the broader story of this “nation of immigrants.”

This research asks these broad questions of local immigration policy, bureaucratic power and representative bureaucracy in one important slice of the larger drama – the local education system at the end of the Obama administration. In a federal accountability system increasingly dependent on high-stakes testing as a mechanism for measuring whether all student groups benefit from equitable educational opportunities at the local level, English language instruction and services for Limited English Proficient (LEP) students and parents is a crucial sub-set of education policy that profoundly impacts the lives and opportunities of recent immigrants.²

This research specifically takes advantage of a recent policy directive - federal guidance released in January 2015 that reiterated local school system responsibility for providing equal educational access to LEP students and equal access to school communication for LEP parents. Using this specific federal guidance as a focus for inquiry, this research examines how local school systems in the political bellwether of Virginia responded. Within this mapping of variation in responses, the research also examines what role a specific set of mid-level policy coordinators – system-wide English as a Second Language (ESL) program supervisors, known more technically as Title III coordinators - played both in receiving and understanding the guidance, formulating any policy shifts, and seeking to implement it within the complexity of a school system. ESL Supervisors, technically defined as the system-wide administrator in charge of compliance efforts with Title III of the Elementary and Secondary Education Act (ESEA), are

² Not all students designated LEP are immigrants and not all immigrants are LEP, but the overlap is significant and LEP immigrants are among the most vulnerable. For a detailed explanation of the technical difference between the two groups, see page 39 or visit http://www.doe.virginia.gov/federal_programs/esea/title3/guidance/definitions/. LEP, the term used in the Dear Colleague Letter, is used in this research synonymously and interchangeably with English Language Learner, the term preferred by practitioners and utilized in the new Every Student Succeeds Act of December 2015.

policy experts for the system they serve. They are charged with managing efforts across a network of administrators and teachers to achieve outcomes but rarely have direct supervisory power over most members of the network. This type of role, termed “brokers” by education researchers Burch and Spillane (2004), is similar in function to mid-level policy experts and managers in other parts of government, charged with bringing about compliance or change around a specific policy.

This makes the potential learning from this research significant for both policy-makers and academics. From a practitioner perspective, mapping the varied responses across school systems and identifying factors that led to more robust responses provides important guideposts on the way to developing best practices. Likewise, it highlights the power ESL supervisors have in shaping policy and the challenges they encounter in their role as accountability brokers.

This research also provides significant insights for academic inquiry. It helps fill an existing gap in the literature on local responsiveness to immigration in new immigrant destinations – the role of mid-level bureaucrats in setting policy toward recent immigrants. In doing so, it also contributes to one of the key broader theoretical debates on immigrant assimilation/incorporation – whether local responses to recent immigrants are being primarily driven by bureaucratic, demographic or political processes.

At the same time, focusing on ESL supervisors as key mid-level policy experts provides a chance to contribute to the field of democratic governance theory through two dimensions of representative bureaucracy. First, through a detailed survey and quantitative regression analysis, the research evaluates whether this particular slice of bureaucrats is representative of immigrant populations in Virginia’s rapidly shifting demographics, both passively and actively. Second, it helps answer questions like the following: What is the relationship between passive (i.e. sharing

a similar background or set of values) and active representation (i.e. guiding policy actions based on the interests of different sectors of the community)? What personal and organizational factors increase active representation? Does active representation shape outcomes in favor of represented groups?

Moreover, through a case study analysis that draws on interviews with 15 ESL Supervisors from four key Metropolitan Statistical Areas (MSAs), the research adds insight to understanding the process that school systems use in deciding how to respond to a federal guidance document and the role played by “brokers” such as ESL Supervisors in that process. How do bureaucrats understand and articulate their self-perceived role and responsibilities? Who are seen as the most important stake holders?

Taken together, this research contributes to understanding specific policy areas at a local level and in the previously mentioned narrow slices of the existing policy and administration literature. Yet it also engages questions about persistent and important tensions of the grand democratic experiment and experience of the United States. What represents the ideal role of unelected public administrators in a representative democracy? What balance is required between the interests of the majority/the powerful on one hand and the interests of those in need of advocates on the other? How do we as a nation welcome and integrate new members into our society? In raising these questions, this research moves beyond an academic exercise and becomes a window of self-awareness for the 300+ million actors in this “nation of immigrants” amid our ongoing experiment in democracy.

January 2015 Dear Colleague Letter - A Policy “Shock”?

On January 7, 2015, the U.S. Department of Education’s Office of Civil Rights (DOE OCR) and the U.S. Department of Justice’s Civil Rights Division jointly issued a “Dear

Colleague” letter reiterating existing legal requirements under the 1964 Civil Rights Act and the 1964 Equal Educational Opportunities Act (EEOA) for public schools to take “affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate” in educational opportunities (Office of Civil Rights, 2015). While the letter created no new policy and received limited popular media coverage³, the letter had the observed effect of ratcheting up concerns among school systems. The letter cited hypothetical examples of weak policies and noted that failure to improve such policies would leave school systems open to being deemed out of compliance with Title VI of the Civil Rights Act and EEOA obligations. As at least one Virginia school system had only recently emerged from a multi-year federal investigation into whether they failed to comply with required services for LEP’s, the letter was not perceived as an idle warning (Department of Justice, 2013).

While the full document produced discussion, of particular concern at a May 2015 meeting of English as a Second Language (ESL) supervisors was section J regarding “Ensuring Meaningful Communication with Limited English Proficient Parents” (observation, May 8, 2015). The letter reiterated that, if a parent or guardian has limited English proficiency in one or more domains (reading, speaking, listening, and writing), school districts are obligated to provide program information relevant to their child’s education in a language the parent can understand.

The letter listed a range of “essential” information required to be provided by “appropriate

³ Based on a Google News search on the term (“English language learner” department of education) between January 7, 2015 and January 31, 2015. In national newspapers of record, the Dear Colleague letter sparked one short article in the Washington Post (Brown, 2015) on the day it was released and no coverage in The New York Times or Wall Street Journal. PBS Newshour (Mason, 2015) and HuffingtonPost (Klein, 2015) ran short stories the day of the letter’s release and a few regional news sources in Florida (Solochek, 2015) and California (Robledo, 2015) wrote local angle pieces in the week following the letters release. More in depth analysis was posted on education specific blogs like EdCentral (C. Williams, 2015) and Learning Lab (Balonon-Rosen, 2015). By comparison, the Obama administration’s 2012 announcement of Deferred Action for Childhood Arrivals generated more than 3,000 articles and news reports in the days following the announcement (based on a Google News search term (“deferred action for childhood arrivals”) between June 15, 2012 and July 7, 2012).

competent staff” who are not just bilingual but “competent to interpret in and out of English (simultaneously)” (Office of Civil Rights, 2015, p. 39). This range of essential information

includes but is not limited to information regarding: language assistance programs, special education and related services, IEP (Individual Education Plan) meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options (Office of Civil Rights, 2015, p. 38).

In a presentation at the same May 2015 meeting of the Virginia ESL Supervisors Association (VESA), Virginia Department of Education (VDOE) staff demurred in adding any specific state-level guidance noting “the Department encourages divisions to develop a reasonable timeline for implementing necessary changes in an incremental fashion based on available resources” but that detailed policy choices “remain locally determined” (VESA Meeting, 2015; Virginia Dept. of Education, 2015, p. 10).⁴ For the gathered ESL supervisors, the received wisdom was akin to saying “figure it out on your own” (observation, May 8, 2015).

Clearly, for school systems with multiple languages spoken in student’s homes, the translation and interpretation costs (required to be provided free of charge to the parents) and logistics of identifying all parents and documents in need of such services is a potentially significant administrative burden and a directive such as the Dear Colleague letter could be a significant shock⁵, causing coordinators and school systems to reconsider their current policies and practices and potentially make changes. Moreover, under current federal policy that seeks to “supplement, not supplant,” funding for such communications with parents are designated as a

⁴ The presentation Power Point cited was also used in a March 2015 conference call with VESA members. It has since been removed from the VDOE website (last date checked, 10/31/15). The author retains a digital copy in files and a copy is available upon request. Author attended May meeting.

⁵ The term “shock” is used here in the same conceptual sense as that used in economics – an exogenous event to a particular market that causes a shift in the entire supply or demand curve because suppliers or consumers must reconsider and change their production or consumption based on the new reality. More discussion take place in Chapter 2, starting on page 72. See also Kreinin (1999).

local and state responsibility, meaning federal Title III funds cannot be utilized for these services. With school systems in Virginia managing limited and even shrinking resources compared to ten years ago (Dujardin, 2015), the decision of what actions to take is a bureaucratic implementation dilemma where the decisions made by bureaucrats effectively create policy for that school district and locality. In aggregate, those same local education policies also represent a significant impact on the lives of recent immigrants who make up the vast majority of the LEP population (Capps *et al.*, 2005).

Key actors in this emerging policy dilemma are the ESL supervisors, or more formally Title III coordinators.⁶ This group of mid-level policy experts are the designated administrator for an entire school district with responsibility for coordinating programs for English Learners funded under Title III of the 2003 No Child Left Behind (NCLB) reauthorization of the ESEA.⁷ Usually located in the system's central office, as policy experts, they have power within the school system because of their specific expertise, their ability to provide information and recommendations to senior leadership and their ability to effect implementation of decisions

⁶ The terms Title III coordinator, English Learner coordinator (EL) and ESL Supervisor are synonymous and denote the person identified to the Virginia Department of Education as overseeing Title III compliance - https://p1pe.doe.virginia.gov/ssws/viewContactListSSWSReport.do?report_format=pdf&report_id=contactlist-pdf&applicSystemTypeId=43&applications=43. The exact role title varies from one local school system to another. Title III coordinators in large systems may have additional staff working under them, while in small systems they have split responsibility for coordinating other federally funded programs (e.g. special education) or for functional groups (e.g. school counselors). This research uses ESL Supervisor and Title III coordinator interchangeably. The first term is descriptive of function and reflects the importance of the Virginia ESL Supervisors Association (VESA) in the research design. (VESA holds three meetings a year where many Title III coordinators and other ESL staff meet to hear updates on policy from the state DOE and receive other professional development.) Title III coordinators is a more specific and technical term and is often used in the description of results as it mitigates confusion in referencing the supervisor of the Title III coordinator.

⁷ Congress reauthorized the legislation in December 2015 as the Every Student Succeeds Act (ESSA). ESSA moved the English Language Learner (ELL) provisions of NCLB into Title I and preserved the requirement to track and report the performance of ELLs relative to all students. Though passed in 2015, the adoption of detailed rules on the basis of the new legislation and the approval of state plans to meet accountability requirements took significant time to develop – Virginia will submit its accountability plan to the federal DOE in September of 2017 and accountability mechanisms of ESSA are not expected to be in force until the 2018-19 school year. (Sugarman & Lee, 2017) From a methodological standpoint, this mitigates concerns about the passage of ESSA interacting with responsiveness to the Dear Colleague letter, though an additional probe question was used in interviews to assess this potential as well.

through networks of frontline workers. Their role makes them potential advocates for underrepresented LEP students and families but also responsible to top organization leadership. As such, they are both a key actor in policy development and an example of mid-level managers termed “brokers” (Burch & Spillane, 2004) within the academic literature on education accountability.

As a result, local school system responses to the parental communication portion of the Dear Colleague letter and the role played by ESL supervisors in the policy development process represents a unique opportunity not only to assess the impact of the letter and whether it might qualify as a policy shock, but also to study three areas of interrelated inquiry within public policy and public administration (see Figure 1):

- Local immigration policy in New Immigrant Destinations
- Local education system responses to accountability mechanisms such as the Dear Colleague letter in the era of high-stakes testing
- Bureaucratic discretion and representative bureaucracy in relation to LEP populations.

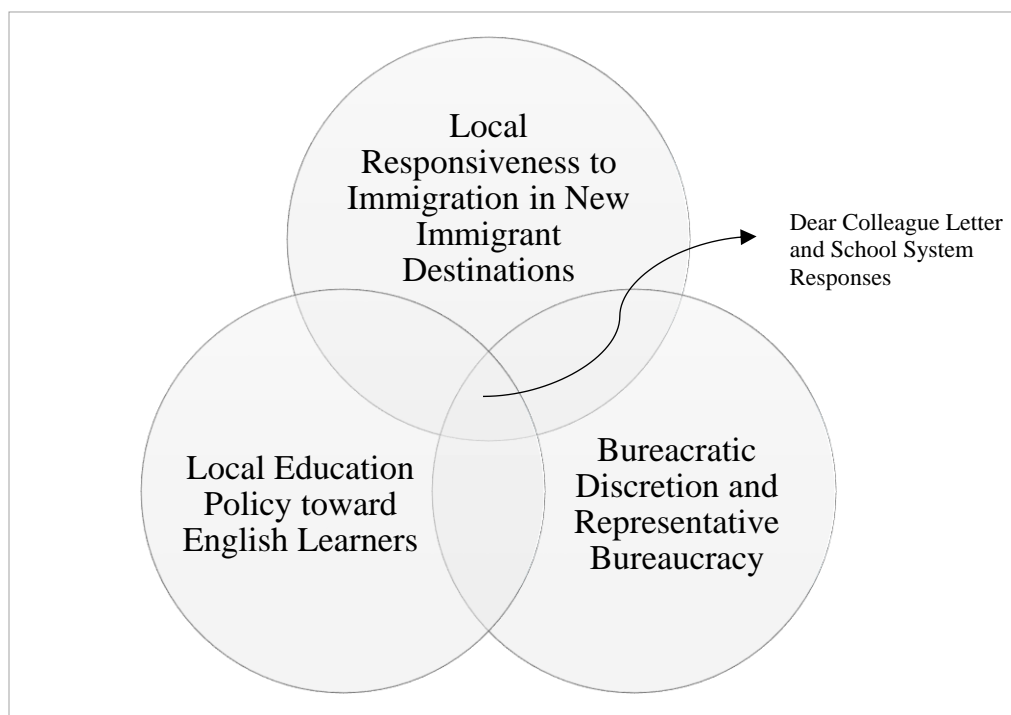


Figure 1: The intersection of three areas of public policy and administration

To understand the contributions of the research, we briefly review each area.

The Unexplored Middle Range of Local Immigration Policy Construction

In an era of highly politicized immigration debates in the United States, including local policies toward day laborer sites (Turque, 2007), English-only resolutions (Marschall *et al.*, 2011), immigration enforcement agreements with local police (Parrado, 2012) and “sanctuary city resolutions” (Freeland, 2010), the type of less visible federal influence, and potential policy “shock,” represented by the Dear Colleague letter can be easily overlooked by the public and researchers alike. Most existing research falls primarily within two lines of inquiry:

- Identification and categorization of official local responses to demographic shifts in new immigrant destinations (e.g. Benavides, 2008; Brenner, 2009b; Rubaii-Barrett, 2008)
- Factors explaining the passage of (often controversial) local ordinances or the overall response of a locality to an influx of immigrants, whether via single-site case studies or nation-wide quantitative data analysis (Hopkins, 2010; Ramakrishnan & Wong, 2010)

Unlike many of the ordinances researched by others, less visible but still important policies fall in the middle of the conceptual spectrum outlined by Rubaii-Barrett (2009), either taking place at the street level in the context of laissez-faire system-wide policy or within integration strategies that focus on community cohesion at the grass-roots. But exactly because most local decisions are not controversial enough to generate significant media coverage, this middle range represent the largest proportion of local responses (Esbenshade & Obzurt, 2008;

Rubaii-Barrett, 2008; Williamson, 2009) and are therefore an important area of focus in investigating another existing gap in the academic literature – the internal processes by which policy decisions, whether controversial or not, are decided and implemented.

The Role and Representativeness of Bureaucrats in the Building of Local Policy

The research efforts outlined above focus on outcomes and generally represent the locality as a unitary actor, influenced by contextual factors and outside influences such as media scrutiny or partisan networks. Though some work has been done by Marrow (2009a), Jones-Correa (2008) and Turner (2015), there has been much less attention to several questions central to generations of studies into both the process of policy formation, and more specifically the role of bureaucratic discretion and representativeness in politics. Applied to local responsiveness these questions can be summarized as the following:

- What power do bureaucrats have in shaping implemented policies toward immigrants? (Allison, 1969; Seidman, 1970)
- What internal motivations and external influences most impact the choices of bureaucrats? (Lipsky, 2010; Maynard-Moody & Musheno, 2003; Meier *et al.*, 1991; Wilson, 1975)
- How “representative” are bureaucrats of the broader society around them, or specific client groups, both in passive (i.e. sharing a similar background or set of values) and active modes (i.e. guiding policy actions based on the interests of different sectors of the community (Kingsley, 1944; Mosher, 1982; Selden, 1997)).

Even in regards to existing research that focuses on bureaucrats, their impact, and their motivations, most significant attention has been given to street-level or operator-level positions (e.g. teachers, social services providers, police officers) or executive positions (e.g. school system superintendents, city managers, police chiefs). Largely absent is the role of mid-level managers (an exception in this regard is Meier *et al.* (2004)). The introduction of an outside policy directive or “shock” (Kingdon, 2002) in the form of the Dear Colleague letter in 2015, along with the important role that system-wide Title III supervisors are likely to play in

identifying potential responses, provides a unique opportunity to fill this gap in the existing literature.

Limited English Proficient Students and Parents in the Era of Federal Accountability

In the United States, the education sector is the largest of local government responsibilities, making it an important and obvious choice for a study interested in the role and representativeness of local bureaucracy (Grissom *et al.*, 2015). Likewise, education systems are often some of the first local government agencies to feel the effects of an increase in the local immigrant population (Jones-Correa, 2008; Winders, 2013). Education systems have long played an important role in the long-term integration of immigrants into society (Portes & Rumbaut, 2006). Moreover, while not completely synonymous with the immigrant population (see page 39 for a detailed delineation), the LEP population has been rapidly growing within the United States, making it an important reference group for policy-makers seeking to develop systems of quality instruction that work with the unique needs of LEP students. Because LEP students are a protected group under Title III of the Elementary and Secondary Education Act (ESEA), schools can lose accreditation if LEPs perform poorly on key competency tests, heightening a focus on short-term responsiveness (Capps *et al.*, 2005; Menken, 2010). For policy-makers, this means the importance of meeting this pedagogical challenge, which includes elements ranging from finding sufficient ESL certified teachers to responding to social and emotional needs of recent immigrants, is one of both long-term outcomes (immigrant integration) and short-term goals (continued accreditation).

Several additional factors recommend education policy as a fruitful context for studying local immigration responsiveness. As with studies of new immigrant destinations, mid-level managers represent an understudied part of the bureaucracy. Those studies that have looked at

representative bureaucracy in education systems (e.g. Meier & Stewart, 1992) or at the role of mid-level managers (e.g. Burch & Spillane, 2004) have not focused on policy toward the growing LEP populations, a group important in its own right, but often a focus of concern for school systems because of the unique challenges the population faces in obtaining levels of proficiency on high-stakes tests (Menken, 2010). Moreover, while localities have significant latitude in implementing policies toward LEP students and parents, the federal system of Title III funding creates a common person responsible (Title III coordinator) in each school system, making more feasible the comparison of bureaucrats, and their impact, across systems. Finally, given the increased focus within education policy in recent decades on federal oversight of local education and opportunities provided to under-represented populations, studying the effectiveness of federal guidance in shifting local school system efforts in relation to LEP students and parents represents a contribution to the literature on local accountability in education policy, as well as to the field of local immigration responsiveness.

Research Questions

By examining these three interrelated areas, this inquiry provides insights to the following five broad research questions which can be grouped into three areas of interest – the response of the system (questions 1 and 5), the role of the bureaucrat within the system (question 4) and the representativeness of the bureaucrat (passively, actively and the links between the two – questions 2 and 3):

- 1) How did local school systems and ESL Supervisors respond to a federal guidance directive regarding policy toward English Learner/LEP students and is there evidence to consider the directive a “policy shock”?
- 2) To what extent are ESL supervisors passively representative of the general population and the foreign born population?
- 3) What factors influence whether ESL Supervisors accept an active representative role?

- 4) What was the self-perceived role and impact of ESL supervisors within the school system in responding to the Dear Colleague letter?
- 5) What factors best explain the variation in school system responses?

We separate out the questions this way because they allow us to answer key questions of “what” (what happened as a result of the directive); “who” (who are Title III coordinators), “how” (how Title III coordinators processed the letter within their role) and “why” (why coordinators saw themselves as active representatives and what factors explained the actions taken both by supervisors and school systems). These questions map onto conceptual relationships implicit within democratic governance theory and prior work on representative bureaucracy.

To answer these questions via both detailed quantitative comparison and qualitative narrative, a two stage concurrent triangulation mixed methodology study design is utilized, including:

- a state-wide survey of ESL supervisors sent with support of the Virginia ESL Supervisors Association (VESA) to develop an inventory of district level variation in response, the role of ESL supervisors in shaping that response and the passive and active representative characteristics of the ESL supervisors.
- Fifteen semi-structured interviews with ESL supervisors drawn from a sample of 31 school systems in 4 theoretically selected metropolitan areas. The interviews allow the development of in-depth understandings of how these particular bureaucrats are situated within their organizational contexts, their own sense of role and how they act as policy-makers within it.

A more detailed review of the relevant literature is presented in Chapter 2. It begins with literature on immigration, new immigrant destinations and general local responsiveness to growing immigrant populations because this research develops our expectations of what factors shape school system responsiveness. The review then highlights existing research on responsiveness to immigrants in the education sector and how these efforts exist within the broad policy area of educational accountability and equity. From education policy the review turns to summarizing relevant research in bureaucratic discretion and representative bureaucracy, both generally and in the education sector. The review points out how this education and bureaucratic literature can help fill gaps within the local immigration responsiveness literature. They also provide helpful frameworks that informed the selection of detailed research questions and methodology as well as shaping the formation of key hypotheses. The literature review concludes by summarizing the gaps in existing research and laying out the research questions in more detail.

Chapter 3 outlines the methodology utilized for the study, including the restatement of research questions and working hypotheses, specification of dependent, independent and control variables used in quantitative analysis, specification of expected themes for analysis of the qualitative case study, instruments utilized, sites sampled and the timeline for specific stages of the research. Likewise it provides an outline of the methods of analysis used to produce answers to the research questions. The chapter concludes with a review of the risks and limitations of the research – both elements known prior to the launching of data collection and those challenges encountered along the way.

Chapter 4 reports the results of the research, summarizing the data collected for both quantitative and qualitative analysis and exploring the relationships of interest that are

highlighted by the study's five research questions. While recognizing that the research questions are inherently interconnected, in order to provide a coherent structure, the reporting of results is organized to speak first to each over-arching research question independently before addressing the framework in its entirety. Because of the concurrent triangulation research design, in addressing each research question, the insights of data from both the interviews and survey are interwoven. Themes and quotes from interviews surround the discussion of statistical analyses, providing at times an opening context to introduce readers to the main themes and at others a conclusion to the presentation of comparative and regression results. This interweaving deepens and nuances the insights provided by the numbers while also contextualizing the individual perspectives quoted with the broader perspective provide by representative survey results.

Following this exploration of the data and the results of various analyses, Chapter 5 presents the final conclusions of the research, along with a necessary reminder of the limitations of the study and resulting caveats regarding our ability to generalize broadly from the conclusions. Likewise, the final chapter puts forward potential conceptual implications for academic understanding of the three intersecting areas and highlights potential real-world implications of our increased understanding, providing several recommendations for policy-makers engaged in this area. With this overall road map in mind, we turn to a review of the relevant literature in our three areas – local responsiveness, research on education as a form of local responsiveness and representative bureaucracy.

Chapter 2: Review of Literature

As noted in the introduction, this research draws on three areas of interrelated inquiry within public policy and public administration:

- Local immigration policy in New Immigrant Destinations
- Local education system responses to accountability mechanisms in the era of high-stakes testing
- Bureaucratic discretion and representative bureaucracy in relation to LEP populations.

Each area has been explored by previous researchers and each area makes a key contribution to designing the research performed for this dissertation. Literature on responsiveness in New Immigrant Destinations provides insights necessary for understanding what factors are likely causes of variation in local responsiveness towards LEP populations (research question 5), extending three different explanations – one demographic, one political and one bureaucratic. Literature on education accountability highlights the ways in which mid-level bureaucratic “brokers” play a key role in mediating how policy sanctions and incentives are viewed in educational systems while the underlying assumptions of the policies depend on theoretical assumptions of rational choice theory. These insights inform the expectation of variation in research question 1 and argue for the importance of better understanding the role of ESL supervisors in shaping policy toward LEP students and parents (research question 4). Finally, the literature on representative bureaucracy provides the concept of representative role acceptance as the factor that mediates between passive representation (i.e. sharing a similar

background or set of values) and active representation (i.e. guiding policy actions based on the interests of different sectors of the community), providing the key lens for analysis of research question 3. Likewise, the literature on passive representation at the level of both shared identity and shared policy preference informs the investigation of research question 2. To explain these contributions in more detail, we review the relevant literature for each one, beginning with immigrant responsiveness, followed by literature on education accountability and concluding with the literature on bureaucratic discretion and representative bureaucracy.

Immigration: A Global Phenomenon Impacting Local Administrators

Immigration is a major influence and issue on the global stage and has long been a focus of research within the U.S. context (Massey *et al.*, 2002; Sander *et al.*, 2015; Tichenor, 2002). A research focus on the local level emerged only recently within the United States (Winders, 2014) but has highlighted new dimensions of how immigrants are incorporated into society (Molina, 2008; Portes & Zhou, 1993; Williamson, 2009, 2011; Winders, 2012). A key unresolved question within this broader field of immigrant assimilation theory (Portes & Rumbaut, 2006) is the relative importance of political incorporation (where immigrants access services by gaining elected representation) or bureaucratic incorporation (where immigrants secure more equal access to services is based on actions of unelected bureaucrats) in the evolving responses of local governments. Reviewing the linkages between global, national and local levels provides important context for more detailed discussions of research into localities in new immigrant destinations, especially when studying policy shocks to local systems that are created by federal guidance.

Global immigration patterns and trends. As visualizations by the Wittgenstein Center show succinctly, migration is a global phenomenon, one not limited to flows from developing to developed economies (see Figure 3 Sander *et al.*, 2015). Between 30 and 40 million people migrated in any given half-decade since 1990. Latin America, non-Western parts of Asia, and Africa are predominantly sending regions. West Asia, North America and Europe are predominantly receiving regions. But all regions exhibit sending and receiving flows, including substantial flows between countries within the same region (see, for example, Africa in the chart below.)

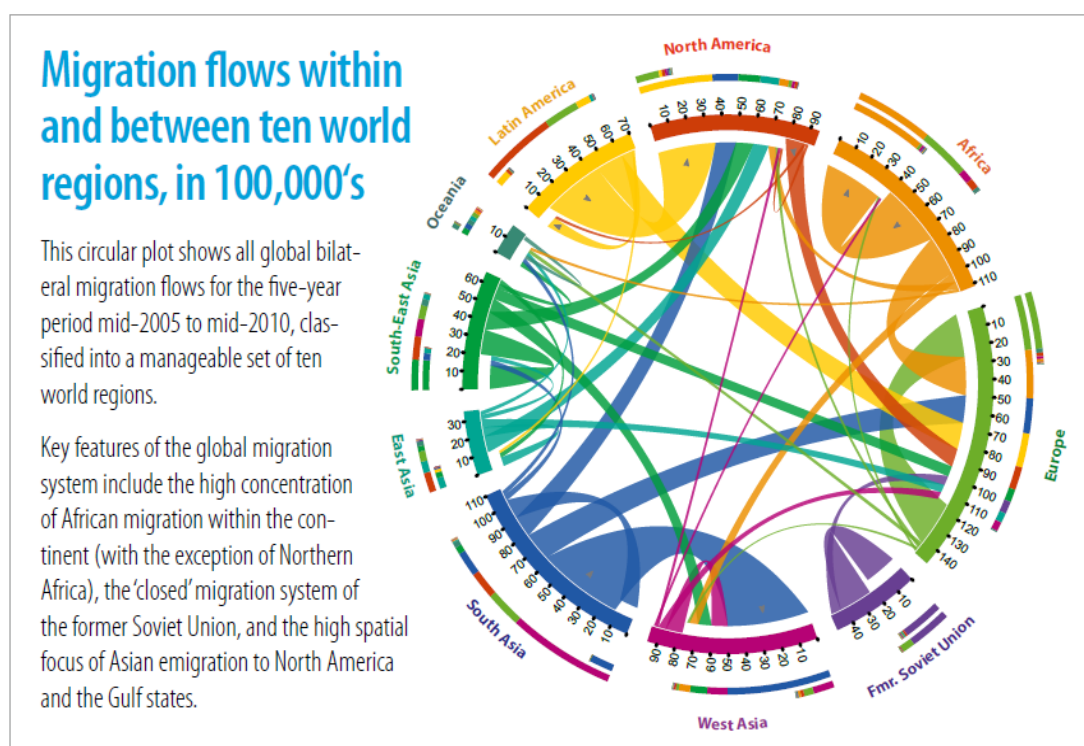


Figure 2: Global Migration Flows (Sander *et al.*, 2015)

Broad and continued patterns of networked migration (Massey *et al.*, 2002) brought 25 million migrants to Northern America between 1990 and 2013 (UNDESA, 2013). Additionally, in most developed countries, the changing “face” of immigrants (from traditionally European ethnic groups to “visible minority” persons from Latin America, Africa and Asia) continues to surface latent racial/ethnic tensions in U.S. (Feagin, 2013) and other societies (Ceobanu &

Escandell, 2010). In the U.S. a 1960 flow of 75% European immigrants turned into a 2010 flow of 88% non-European (with 53% coming from Latin America; U.S. Census Bureau (2010)).

These shifts increase the challenges of immigrant integration because it requires receiving societies to move beyond concepts of “melting pot” assimilation. Models such as multiculturalism (Good, 2009) and social equity (Gooden, 2014) are increasingly needed in this context for grappling with increased diversity in the immigration policy arena.

Inherent limitations in national control over borders (Massey, 2013) and a governance reality that increasingly requires nations to respond to market forces (Borjas, 2003; Chiswick, 1999) and international law (Joppke, 1998; Sassen, 1996) combine to create contexts in which countries cannot completely control or regulate migration without sacrificing core humanitarian values or economic interests. As Joppke (1998) has observed, countries may be “internally, rather than externally, impaired in controlling unwanted immigration” because there are two aspects of sovereignty – formal rule-making and the capacity to implement such rules at the administrative level (Joppke, 1998, p. 276). These limitations to national sovereignty are highlighted by recent news stories of unauthorized migrants risking their lives in treacherous land or sea voyages in Europe (Toppa, 2015), Southeast Asia (Forsythe, 2015) as well as North America (Dart, 2015). Receiving countries in such situations may simultaneously try to dissuade further migrants from undertaking similar journeys while providing, in most cases, some level of due process and recognized rights to those who have already reached their territory.

Whether authorized or not, future immigration is expected to hold at about 2 million migrants annually through 2050 with the vast majority of migrants expected to move to North America and Europe (Deutsche Bank Research, 2006). The stakes of these migrations are perceived to be high in political (Cornelius & Rosenblum, 2005), economic (Cornelius *et al.*,

2001; Deutsche Bank Research, 2006) and social terms (Colford, 2013; Patriot Project, 2012). Precisely because immigration policy touches on so many areas of society, at the national level it is rarely left solely to “experts.” Instead, policy formation and change is inherently political and often highly conflictual in the US, Europe, and, to a lesser extent, Canada and Australia (Ceobanu & Escandell, 2010; Tichenor, 2002; Triadafilopoulous, 2010).

How we got to federal gridlock on immigration in the U.S. Like many public administration challenges that are inextricably linked to processes of globalization, immigration highlights what Klinger describes more broadly as the “transformation of U.S. politics and public administration by globalization” (2015, p. 68). Over the past fifty years, a confluence of factors have combined to reshape the place, power, opportunities and challenges of immigrants in U.S. society:

- significant growth in the foreign-born population as more immigrants entered the country from 1965 to 2010 than in any other period in U.S. history (Jones-Correa & De Graauw, 2013)
- a shift in the countries from which immigrants originated over that period (U.S. Census Bureau, 2010)
- a concurrent shift in where immigrants settle (Light, 2006)
- the growing importance of education in the global knowledge economy and
- a significant shift since the 1960’s in U.S. legal standards toward standards of equal protection and non-discrimination (Wolgin, 2011; Wroe, 2008).

Open doors, racial quotas, and the era of equality. Though periodic backlashes against recently arrived immigrant groups have happened cyclically in early U.S. history, targeting Germans in the early 1800’s and Irish in the 1840’s (Wroe, 2008) concerted national immigration policy developed only in the late 19th Century (Bernard, 1998). As a federal immigration policy developed, attention focused primarily on the question of which types of intending immigrants should be allowed to naturalize once in the U.S. or be totally excluded from the outset (e.g.

Chinese Exclusion Act of 1882) (Wolgin, 2011; Wroe, 2008). In the final decade of the 19th Century and the first decade of the 20th, as annual immigration soared relative to the population and reached 8.7 million persons for the period from 1901-1910 (Wroe, 2008: 12) the debate expanded to two other questions – how many immigrants overall should be admitted and how should such a cap be allocated among the different countries/ethnicities from which immigrants were coming (Bernard, 1998; Wolgin, 2011). The imposition of a firm 350,000 person cap on non-Western Hemisphere immigration⁸ in 1921 significantly limited flows. A eugenics-inspired policy provided large quotas to North and West Europeans, tiny quotas to South and East Europeans and largely excluded Africans and Asians (Bernard, 1998; Wolgin, 2011; Wroe, 2008).

Capping the number of immigrants each year has remained a fixture of U.S policy ever since, with strong public support.⁹ Conversely, the racist quotas and outright bans were removed by 1965, one facet of the hard-fought victories of the Civil Rights Movement to remove racial and ethnic discrimination from government policy (Tichenor, 2002; Triadafilopoulos, 2010).

The Challenge of Undocumented Migration. The 1965 reform of immigration laws marked a significant and long lasting shift on the question of documented immigration. The robust immigration that flowed through legal channels over the next 50 years had significant impacts on the demographics of the United States. Yet part of what made the post-1965 era the largest immigration period in history (Jones-Correa & De Graauw, 2013) was the emergence of a growing stream of migration demarcated and excluded by the 1965 act. As Wolgin notes in looking beyond the legislative battle in 1965, “in their attempts to re-form entrance requirements,

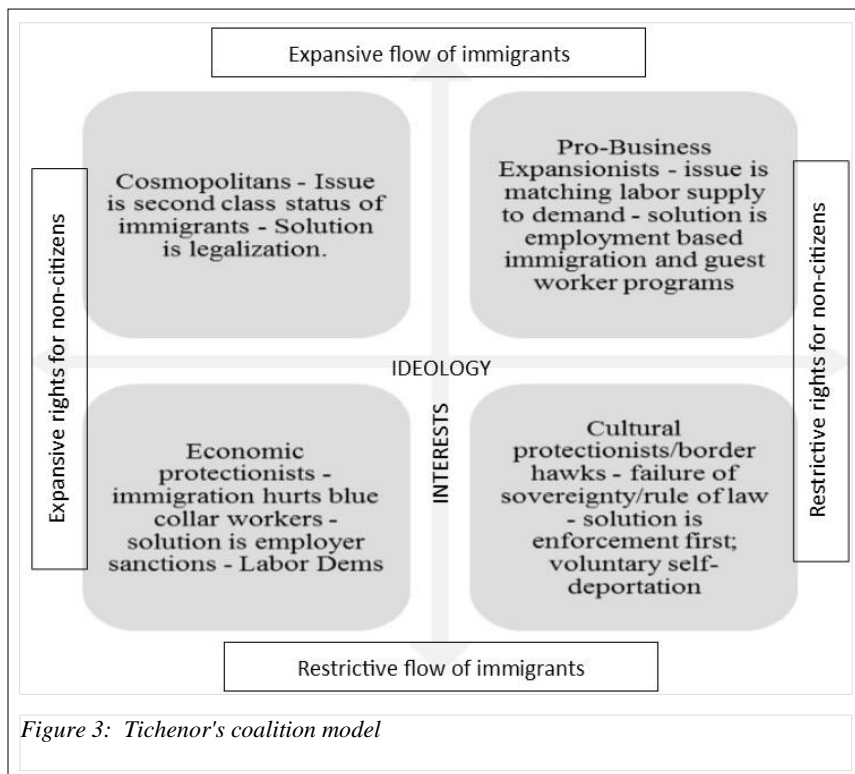
⁸ Western Hemisphere immigration, including from Mexico, remained uncapped until 1965 but often occurred through less formal channels across the lightly populated areas of the Southwest.

⁹ In 1946 a Gallup poll found only 5% of respondents who thought more immigrants should be admitted while 51% said less or none at all (Wolgin, 2011: 29); a 2002 Pew Research Center Values Survey found that 82.3% of respondents completely or mostly agreed that immigration should be more restricted (Pew Research Center for the People and the Press, 2013).

legislators left unanswered a set of questions about undocumented entry, numbers admitted, chain migration, and refugee status that would continue to haunt future debates” (Wolgin, 2011, p. 55). The cap on immigration from the Western Hemisphere, including Mexico, brought a previously less visible issue – undocumented immigration – to the forefront of subsequent immigration debates. INS deportations climbed steadily through the 1970s, reaching 1 million per year by the end of the decade (Tichenor, 2002) as interested immigrants from Latin America far outstripped the available number of visas.

During this period of the 1970’s, what Tichenor (2002) sees as the core tensions of current immigration debates, formed and hardened. Figure 3, based on Tichenor (2002), visually describes the coalitions that formed in the immigration policy space in the United States in the second half of the 20th century.

He argues that in the U.S. context, four types of broad coalitions of stakeholders compete to determine immigration policy – Cosmopolitans; Nationalist Egalitarians; Free-Market



Expansionists; Classic Exclusionists (see Figure 3). These four broad coalitions are delineated across two dimensions – one dimension of the debate is about the immigration flow and whether it should be larger or smaller; the other focuses on whether immigrants should have greater or lesser rights and protections within society than they currently enjoy.

These groups cut across typical party lines in the late 20th century U.S. context, often creating shifting and sometimes unexpected alliances. For example, economic protectionists have often been associated with labor unions and, by extension, the Democratic Party. But this group may make common cause on immigration with cultural protectionists and those who believe strongly that the rule of law is paramount because both groups prefer less immigration. Likewise, agricultural business interests that may typically align with the Republican Party on most issues, but which depend on cheaper immigrant labor, are potential allies of normally progressive Cosmopolitans who likewise are supportive of greater immigration flows and against draconian deportations.

The growing sway of neo-classical economic analysis highlighted the irregular immigration problem in terms of the stark difference in incomes between sending countries and the U.S. as well as concerns over the net cost to the country of government services like public education and emergency healthcare. While affirming existing levels of documented immigration, this viewpoint sought policy solutions that tried to “demagnetize” the U.S. labor market and limit the growth of the unauthorized immigrant population (Champlin, 2010; LeMay, 1994; Wong, 2006). Policy solutions that emerged from this framing of the issue included the creation of employer sanctions for hiring undocumented immigrants, increased border enforcement capacity and the creation and expansion of temporary worker visa programs to

provide a managed channel for labor demand, especially in seasonal agricultural sectors (LeMay, 1994).

At the same time, a consistent lobby formed around maintaining or expanding legal protections for immigrants, whether unauthorized or not, so that no “second-class” population would become an ongoing feature of U.S. society. A key force in support of this equal protection framing of immigration policy was the court system’s continued working out of the major policy shift brought on by the Civil Rights Act of 1965. Key cases included *Lau v. Nichols (1974)*, which mandated equal opportunity to gain an education even if recent immigrants did not yet speak proficient English and *Plyler v. Doe (1982)* which barred K-12 public education institutions from conditioning access to an education on proof of legal residence (Vacca & Boshier Jr, 2012).

The cross-cutting tensions identified by Tichenor (2002) continue to form the crux of national immigration debates. Despite one attempt at resolving undocumented migration via a broad amnesty and increased enforcement (the Immigration Reform and Control Act of 1986), the law had the unintended consequence of ending circular migration patterns, further increasing the number of undocumented migrants who settled permanently in the United States (Jones-Correa & De Graauw, 2013). In the decade of the 1990’s, at the same time the annual flow of legal migrants reached 800,000 per year, there was an estimated net inflow of 500,000 undocumented migrants annually (Fix & Passel, 2003). The undocumented population increased from an estimated 3.5 million in 1990 to a highpoint of 12.2 million in 2007 (Passel *et al.*, 2013).

Repeated failures in recent years to pass another comprehensive reform emerged from a growing agreement that the immigration system in the United States was broken, but disagreement over the best path forward (Aguilera, 2012; Cohen, Nuno and Sanchez, 2009;

Rosenblum, 2011; Triadafilopoulos, 2010). Border hawks focused on a need to “seal” the border before any further legalizations could take place. Pro-business groups argued for increased temporary worker programs as a needed trade-off for increased enforcement of labor laws and work-site inspections. Economic protectionists argued for the implementation of a national database to quickly check whether a person was authorized to work and worried about whether large temporary worker programs would undercut wages for low-skilled native and documented immigrant workers. Cosmopolitans stressed the need to bring the 11-12 million unauthorized immigrants out of the shadows via a legalization process that didn’t require draconian separations of family members. Attempts to find a compromise failed multiple times during the Bush administration and the increasingly polarized debate made any substantive work on the issue largely a non-starter during the Obama administration’s years in office (Rosenblum, 2011). The Great Recession of 2008 also dropped net undocumented flows close to zero so that in 2010, estimates of the total authorized foreign-born population in the U.S. reached 29 million (and annual inflows of authorized immigrants continued to top one million) while estimates of the unauthorized population were down to 11.2 million (Jones-Correa & De Graauw, 2013; Passel & Cohn, 2011).

This history shows that while immigration is not a new phenomenon in the United States, the character of present-day immigration, the economic, legal and social contexts of communities in which immigrants settle and the politics used to develop policies aimed at integrating immigrants into communities and/or to exclude further migration are potentially qualitatively different than what has worked in the past. Though not the intent of all of the players in Washington, the political gridlock on immigration policy reform at the national level left sub-national governments to improvise responses within the broad outlines of the existing flawed

policy (Rubaii-Barrett, 2008; Tichenor, 2009). Along with a change in where immigrants chose to settle, these national trends combined to place a growing importance on the local aspects of immigration policy.

The growing importance of the local in immigration. From an immigrant integration standpoint, relationships in neighborhoods, local communities and state policy have always been important (Kotin *et al.*, 2011; Penninx, 2009; Portes & Zhou, 1993; Tossutti, 2012). Given this fact, another significant trend in the late 20th century is the dispersion of immigrants to a greater number of destinations for settlement, bringing immigration onto the agenda of communities that have been termed “new immigrant destinations” (Suro & Singer, 2002). Especially in metropolitan areas that are seen as the engines of growth in the context of “glocalization” (Mitnik & Halpern-Finnerty, 2010) the need for local policy makers to consider immigration as part of their agenda has increased. Others point to the role that specific federal political gridlock on immigration has had in opening space for members of state and local governments to become immigration policy entrepreneurs and experimenters (Jones-Correa & De Graauw, 2013; Ramakrishnan & Gulasekaram, 2013; Ramakrishnan & Wong, 2010).

Traditionally, immigrants clustered in a small number of “gateway” cities such as New York, Los Angeles and Chicago but from 1980 to 2000 this trend weakened. Light (2006) notes that 83% of foreign-born Mexicans who entered before 1980 settled in California, Texas and Illinois while of those entering between 1990 and 2000, only 61% settled in those three states. The US Census Bureau (2010) points out that while in 1960 foreign born residents represented less than 5% of the population in two-thirds of the states, in 2010, more than two-thirds of states had a percentage of foreign born that was greater than 5%. Williamson (2014) notes that nearly half of the foreign born population in the United States now live in cities between 5,000 and

200,000 in population, where previously they concentrated in the largest urban areas. Research has shown that this shift in settlement patterns is driven by factors as diverse as greater job opportunities (Furusetth & Smith, 2010), actions in traditional gateways that deflect immigration (Light, 2006) and networked follow-on migration after pioneering immigrants move to new areas (Light, 2006; Massey & Capoferro, 2008)

The result of this dispersion is that numerous communities who previously experienced little settlement by recent immigrants have now become “new immigrant destinations” (NIDs). Suro and Singer (2002) defined these “destinations” as having a small immigrant population in 1980 and greater than 150% growth by 2000. Thirteen states saw their immigrant population double from 1990 to 2000 (Singer, 2004). NIDs, including suburbs and rural areas, faced a “need to meet the challenges of incorporating new immigrants with diverse backgrounds and needs” (Singer, 2004, p. 2).

Research into the burgeoning New Immigrant Destinations. For researchers, understanding the rapidly growing phenomenon of new immigrant destinations and the patterns of responsiveness became an increasing focus during the early 21st century. Researchers in this area have argued that local governments maintain significant agency to welcome or exclude immigration through local policy formation (Benavides, 2008; Brenner, 2009b; Coleman, 2012; Everitt & Levinson, 2014; Light, 2006; Mitnik & Halpern-Finnerty, 2010; Ramakrishnan & Lewis, 2005; Ramakrishnan & Wong, 2010; Rodriguez, 2008; Rubaii-Barrett, 2009; Varsanyi, 2010b; L. M. Williams, 2015; Williamson, 2011; Wong, 2012). Research into these new immigrant destinations fall into several different types: single or double site descriptive case studies; comparative qualitative studies with purposeful sampling for diversity of context and larger sample quantitative comparisons (with both comparative efforts seeking to understand

what factors drive local responsiveness.) An overview of the key findings of these studies is contained in Table 1.

Table 1: Overview of research - Local Responsiveness

Local Responsiveness in New Immigrant Destinations Literature		
<u>Key Insights</u>	<u>Methodology</u>	<u>Authors</u>
Documenting Types of Local Responses		
Different sectors in same community can choose different policies	Narrative Case Study	(Furuseth & Smith, 2010; Marrow, 2009a, 2009b)
Basic Typologies		
Spectrum of responses range from welcoming to anti-immigrant – middle comprised of laissez-faire and community cohesion strategies	Qualitative	(Mitnik & Halpern-Finnerty, 2010; Rubaii-Barrett, 2009)
Local governments use a variety of strategies at levels of policy and practice	Qualitative	(Benavides, 2008; Brenner, 2009b; L. M. Williams, 2015)
Factors driving inclusionary responses		
Visibility of immigrants to policy-makers	Qualitative	(Winders, 2012)
Large urban population	Quantitative	(Ramakrishnan & Wong, 2010)
Strong Democratic advantage in locality	Mixed Methods	(Steil & Vasi, 2014)
Mature Immigration Advocacy organizations	Qualitative	(Steil & Vasi, 2014; Wilson <i>et al.</i> , 2010)
National Media coverage of local efforts/threat of lawsuit	Qualitative	(Williamson, 2014)
Factors driving exclusionary responses		
Speed of Demographic Shift	Quantitative and Qualitative	(Cadge <i>et al.</i> , 2010; Hopkins, 2010; Wilson <i>et al.</i> , 2010)
Influence of National Debate on Immigration	Qualitative	(Wilson <i>et al.</i> , 2010)
Pending Elections and Political Entrepreneurs	Qualitative	(Hopkins, 2010; Ramakrishnan & Gulasekaram, 2013; Wilson <i>et al.</i> , 2010)
Negative Framing of Immigrants	Qualitative	(Cadge <i>et al.</i> , 2010; Furuseth & Smith, 2010; Ramakrishnan & Gulasekaram, 2013; Williamson, 2014; Winders, 2011)
Strong conservative advantage in locality	Qualitative and Quantitative	(Ramakrishnan & Wong, 2010; Suro & Singer, 2002; Wilson <i>et al.</i> , 2010)
Edge suburbs of urban area experiencing rapid immigrant community growth	Qualitative	(Suro & Singer, 2002)

Worth noting is that each of the large sample studies necessarily (for their chosen methodology) treated local governments as unitary actors and looked only at the creation/existences of a policy, providing no insight into the debate within the local government or the policy's subsequent implementation. As Jones-Correa and De Grauw (2013) point out, only a few studies have sought to look inside the processes of governance in studying local

responsiveness to immigration and the picture painted by these studies of what determines bureaucratic responsiveness is somewhat different than the political patterns.

Many of the early studies of local responsiveness in new immigrant destinations focused on documenting and categorizing what was happening, in many cases in a single city or county (Williamson, 2009; Winders, 2014). Furuseth and Smith (2010), based on a case-study of the “pre-emerging immigrant gateway” of Charlotte, NC, trace the development of local responses over time. They identified four stages of impact and response:

1. **Welcome Amigos (1980’s – early 90’s)**; seventy percent growth of foreign born residents made up almost exclusively by healthy young men in construction –culturally and linguistically competent police officers assigned to immigrant communities.
2. **Bank of America phenomenon, early maturity – mid-90s to 2000** – construction of new Bank of America tower uses many Hispanic immigrants as workers. Hispanic-owned businesses increase 195% from 1997-2002 and networks of laborers and early entrepreneurs create follow-on migration. Police, healthcare, schools exhibit proactive integration responses as Hispanic¹⁰ students grow from 1.9% of the student population to 4.4% over a 5-year period.
3. **Honk if you hate Spanish – 2001 onward:** with media focusing on immigration-related challenges and crime, state level rhetoric frames immigrants as illegal and welfare-dependent. Republican politicians pass a restrictive driver’s license law in 2004. Local law enforcement moves in different directions with the county Sheriff’s office signing a 287(g) agreement to allow officers to enforce immigration violations, while at the same time the city Police Department refuse to do the same.
4. **Crossroads – present** –characterizes Charlotte as making no clear choice between inclusion and exclusion with opinions on the way forward mixed between different parts of community.

Wilson *et al.* (2010) conducted a case study of Prince William County, Virginia, a locality highlighted in media reports for its robust attempts to implement deflection-oriented policies in the Northern Virginia region which has seen rapid immigrant growth since 1970. One indicator of the salience of immigrant community growth in the county was the increase from 421 ESL

¹⁰ Because of the frequent use of U.S. Census data, which uses the term Hispanic to refer to persons who identify as being of Hispanic, Latino or Spanish origin, this study generally utilizes Hispanic, both as the broader conceptual category, and to operationalize certain questions for data collection. However, in recognition of the fact that the terms are not synonymous, in reviewing literature, the term utilized by the author(s) is preserved in summarizing their research.

students in 1990 to 13,409 (18% of the total) in 2007. In addition to following public meetings and media coverage, the authors analyzed the number of complaints against Hispanic residents that were made to the Property Code Enforcement office and the changes that office made in hiring two Spanish speaking staff to respond to the demographic shifts. In analyzing the events during the period of their study, they note several factors that were important in the county's attempt to implement extreme measures intended to exclude undocumented immigration:

- The speed of the demographic shift;
- The formation of local activism groups spurred by the national context and similar organizing in nearby communities two years earlier;
- The timing of local elections where the chair of the local board of supervisors campaigned on an anti-immigrant platform;
- The lack of a mature immigrant services/advocacy organizational network to speak on behalf of the immigrant community.

Also in the South, Winders (2012, 2013) provides a deep dive look at responsiveness in Nashville in the early to mid-2000's. Following Maynard-Moody and Musheno (2003) and Marrow's (2009a) footsteps, she argues that organizational mission alone does not explain bureaucratic choices but that visibility or invisibility of immigrants as residents or constituents is a major precursor for key decisions. Winders found that because immigrant settlement in Nashville was dispersed among many different neighborhoods and therefore not dominant in any one, the city's existing organizational culture of identifying neighborhood associations made it possible for city leaders to notice immigrants as workers, but rendered "immigrant residents" invisible in planning processes (Winders, 2012, p. 18). She concludes that structural visibility of immigrants as residents is a key precursor to local responsiveness.

Nascent typologies and conceptual frameworks of responsiveness. In addition to documenting narratives of response by local governments some researchers also developed basic typologies of responsiveness to immigrants and began suggesting elements that may lead to a more cohesive theory of responsiveness.

Brenner (2009b) conducted survey and qualitative interviews with officials in 100 new immigrant destinations and reported a typology of six general strategies used by new immigrant destinations to facilitate specifically Latino¹¹ immigrant incorporation:

- **Economic Development** – sees Latinos as economic revitalization assets and incorporates them into business loan/grant/assistance programs
- **Public Safety** – sees Latinos either as victims (domestic violence interventions) and/or as criminals (gang prevention efforts)
- **Community Building** – sees Latinos as local citizens and provides targeted outreach and bilingual access to services
- **Employment Diversity** – tries to have Latino population reflected in government staff, sometimes by hiring Latinos for outreach positions
- **Partnership focus** – forms links with Latino-trusted organizations to facilitate service delivery, including private, public school and NGO institutions
- **Advisory Councils** – recruits Latinos as volunteer brokers between elected officials and the community.

Additionally, a recent study (L. M. Williams, 2015) focused on law enforcement responses and used a nationally representative survey of police chiefs (supplemented by 18 in-

¹¹ This study, in general, uses the term Hispanic, in keeping with the way specific measures are operationalized (see Chapter 3). However, because Brenner's operationalization is specifically Latino, we preserve the term here to better reflect her work.

depth interviews) to develop a measure of “welcomeness” that included five dimensions: in-language resources (matching the language needs of immigrants), community outreach (to immigrant communities, whether substantively or symbolically), collaboration (with other local agencies involved with immigrants), staff training (in how to interact with immigrants) and enforcement (participation in arrangements for local officers to enforce immigration violations). Included in her list of areas for future research is the need to broaden research in “welcomeness” to sectors beyond law enforcement and to look more closely at how policies intended to promote a welcoming stance are implemented by frontline officers or bureaucrats.

Mitnik and Halpern-Finnerty (2010) point to this variety of local government impacts by arguing that in the context of a rescaled nation-state it is important to broaden research beyond immigrant-specific inclusionary local policies. The list of areas they include are: efforts to avoid local involvement in immigration enforcement; inclusionary policies regulating (self) employment; health care access; and socio-political integration.

More specifically, Rubaii-Barrett (2008) notes that on a spectrum from most welcoming to immigrants to most restrictive, local actions would form a bell curve with most action concentrated in the moderate center. In a subsequent column calling for greater focus on integration efforts, Rubaii-Barrett (2009) suggests this spectrum of action can be loosely demarcated into four areas (see Table 2).

Table 2: Rubaii-Barrett’s (2009) Spectrum of local responses

<i>Anti-immigrant</i>	<i>Neutral or laissez-faire</i>	<i>Community Cohesion</i>	<i>Pro-Immigrant</i>
Crackdown on illegal immigrants	No changes in policy or practice	Immigrant Integration Strategies	Sanctuary Designation

While Rubaii-Barrett suggests a category of inaction (Laissez-Faire), she provides little insight about what prompts local governments into action (whether in an inclusionary- or

exclusionary-focused direction). Winders (2012), as noted above, provides evidence that a major precursor to local agency response to recent immigrants in their community is whether the immigrant influx is visible to policy-makers or not, raising the question of salience often cited in studies of national action (Arnold, 1992). Given the myriad concerns of top-level local administrators and elected officials, and in the absence of clear and specific mandates from other government levels, whether a demographic shift from recent immigration is large enough or has raised enough new issues to place the question on high-level agendas is an important factor and one explanation for what drives independent local responses.

Studies seeking to explain reasons for different responses. Other researchers began using small, medium or large sample comparisons across localities, seeking to understand what lay behind the local responses of governments. These efforts varied from qualitative comparative studies interviewing multiple individuals in each of less than half a dozen localities (Everitt & Levinson, 2014; Fennelly, 2008; Frasure & Jones-Correa, 2010; Jones-Correa, 2008; Marrow, 2011; Williamson, 2011) to qualitative studies interviewing one or two key individuals across several dozen sites (Brenner, 2009b; Rubaii-Barrett, 2008) to quantitative comparisons of existing data on large national samples of municipalities or local educational systems (Marschall *et al.*, 2011; Marschall *et al.*, 2012; Ramakrishnan & Wong, 2010).

Several small sample comparative studies provide a narrative of what factors influence and determine local responsiveness, though due to their methodology, often with necessary caveats about the ability to generalize beyond the specific contexts. Based on her research in two counties in North Carolina, Marrow (2009a) argues that federal and state policies are important shapers of local responses, potentially activating more welcoming or more deflectionary responses depending on the nature of the policy. Cadge *et al.* (2010) – argue that 5

analytic axes provide a valid description of factors impacting local responsiveness to immigrants in Portland, ME, Danbury, CT and Olympia, WA

1. Cultural frames – symbols and frames for the immigrant (including whether the immigrant is “illegal” or not)
2. Geographic factors – land-use/local-global intersections
3. Political economy – revitalization and changes in city self-identity
4. Demographic shifts – size, growth and characteristics of immigrant population
5. Municipal resources/services provided to immigrants

Moving away from simple cross-sectional case studies in order to begin looking at policy changes over time, Williamson (2014) found that originally restrictive local policymaking is frequently moderated over time by external scrutiny (legal or popular) when immigrants can be defined as a protected minority. This happens because such policies may result in embarrassment for local policy makers or increase fiscal strains on budgets either directly because of litigation or indirectly via a worsening business climate. However, if an “illegal alien” framing of the issue dominates, restrictive responses are more likely to occur and remain.

In contrast to the small sample studies mentioned above, several studies using large national datasets also asked the question of why policies of inclusion or exclusion were adopted. Overall, the early leading explanation (best summarized by Ramakrishnan and Gulasekaram (2013)) was that the recent dispersion of immigrants to a wider range of localities and a lack of immigration reform at the federal level led local communities facing rapid demographic change to experiment in their responses. Suro and Singer (2002) found that it is often conservative counties with little immigration on the edge of areas experiencing hyper-growth that adopt ordinances to try to deflect immigrants from settling there.

In later studies, using a dependent variable of ordinance adoption or consideration, several authors have shown convincingly via multivariate regression that demographic pressures are not a sufficient explanation, but that partisan imbalances and (often negative) framing of immigrants are more accurate predictors of local ordinance adoption (Brettell & Nibbs, 2011; Hopkins, 2010; Ramakrishnan & Wong, 2010; Steil & Vasi, 2014; Walker, 2014).

This explanation, dubbed the Polarized Change Model by Ramakrishnan and Gulasekaram (2013), places a clear emphasis on the elected political arena and top-down policy change. Yet this stream of inquiry is also limited by its focus on legislated change at the local level – much of the responsiveness found by Rubaii-Barrett would not be picked up in a study of proposed or passed ordinances. In fact, a key study by Ramakrishnan and Wong (2010) looked at 25,622 observations and found attempted or successful action on ordinances in only 178 (.7%). A key question is whether the primacy of the political as a determinant of local responsiveness also needs qualification.

Bureaucratic responsiveness to rapid growth in immigrant communities. As more recent research has noted (L. M. Williams, 2015), the role of the bureaucrat also needs to be explored further. The key pioneer in asking questions of bureaucratic roles in local responsiveness to immigrants is Marrow, whose work used qualitative, purposeful and snow-ball sampled interviews in two North Carolina counties with several dozen immigrants, local bureaucrats in the sectors of health care, law enforcement, education and social services, as well as elected officials (Marrow, 2009a, 2009b, 2011). Contrary to theories of political incorporation developed in studying the African-American experience or that of prior immigrant groups like the Irish (which found that political representation preceded bureaucratic incorporation - see Dahl (1963); Nelson (1982)), Marrow found that street-level bureaucrats in

some sectors (education, healthcare) often took proactive steps to make sure immigrants who had recently moved into the community could access services. Based on her interviews, she suggests that one key factor is the bureaucrats received professional values. If directed primarily to serving community members without an accompanying enforcement mission, bureaucrats default toward a stance of inclusion. Street-level bureaucrats who needed to balance service to a client with enforcing eligibility rules (for example welfare agency social service workers) were less likely to proactively take steps to integrate recent immigrants into the community. This welcoming perspective, she notes, was not shared by local elected officials, who tended to be shaped by the partisan debate surrounding immigration at the national level.

Zincone and Caponio (2006), researching in a European context, also found little evidence that the politics surrounding immigration made much of an impact in the day to day implementation of municipal services with regards to immigrants. Instead, they found that established structures and networking with other organizations were more important in shaping implementation choices.

Brenner (2009a), as part of her larger study looking at patterns of local responsiveness to immigration (Brenner, 2009b), analyzed interviews with Latina administrators to see whether their identity within their professional role conformed primarily to a state-agent perspective (bureaucrats place greater emphasis on rule following) or cultural abidance (bureaucrats draw on cultural identity and knowledge to form judgements about clients and potentially engage in active representation). She concluded that administrators fell into one of three categories:

- Activists who engaged in active representation
- Bridge-builders who blended the two conceptual possibilities
- Institutionalists who defined their role primarily in relation to the signals of the institutional culture and structures around them.

Jones-Correa (2008) and Turner (2015) are other members of the small group of researchers that have looked intentionally at bureaucratic processes in local responsiveness to immigrants. As their research focused exclusively on educational systems, their insights are summarized below in a focused section on education. However a key question across the local responsiveness literature is whether demographic change factors, political factors or bureaucratic discretion and initiative drive incorporation opportunities. This should be held in mind as we review the literature on education as a further context for developing formal hypotheses.

Education as a Crucible for Local Responsiveness to Immigration

Public education systems have long been a focus and a flash point for immigrant incorporation, including around the topics of language acquisition and service provision. Rapid immigrant population growth in non-traditional gateways (Suro & Singer, 2002), comes with profound fiscal and policy impacts in the education sector ranging from needs for additional facilities, translation capacity and English as a Second Language (ESL) teachers (Kandel & Parrado, 2006). In turn, this need for expanded services may affect public opinion toward immigrants – research has shown that if native born residents of an area perceive immigrants as needing language accommodations in schools, they are more likely to support restricting immigration overall (Chandler & Tsai, 2001; Fussell, 2014).

However, legal parameters surrounding education limit the spectrum of policies for which political entrepreneurs can push. Local political entrepreneurs have less flexibility to deflect future migration by reducing services or tightening regulations (Turner, 2015) because K-12 education policy is bounded by equal protection guarantees found in landmark Supreme Court cases. *Lau v. Nichols (1974)* required that “English language learners (ELLs) [have a right to] full and equal access to the same curriculum and educational opportunities as all students”

(Virginia Dept. of Education, 2014). *Plyler v. Doe (1982)* ruled that undocumented immigrant children had a right to education access despite their lack of immigration status (Vacca & Bosher Jr, 2012). Moreover, under federal Office of Civil Rights regulations in force since 1970, schools are required to “provide the same information and services to the parents of ELLs, to the extent practicable in a language they understand, that are provided to other parents” (Virginia Dept. of Education, 2014). These legal precedents were all heavily cited as the basis for the guidance issued in the January 2015 Dear Colleague letter.

Worth noting here are two precise definitions within the education sector for immigrant youth and students designated LEP. In broader U.S. policy discussions an immigrant is generally defined as a person born outside the United States who did not automatically acquire U.S. citizenship via parentage and who intends to be a long-term resident of the U.S. Within the education sector, the definition of an immigrant youth is further constrained by an age range (3-21) and a length of residency cut off (no more than 3 academic years). The designation of LEP is given to students in the same age range “whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual” any of three opportunities: a) ability to meet the State's proficient level of achievement on State assessments; b) ability to achieve successfully in classrooms where the language of instruction is English; c) opportunity to participate fully in society. Additionally, the student does not have to be foreign born – a child who is born in the U.S. who meets the definition above, but whose native language is other than English and whose primary environment is one where English is not dominant could also be designated LEP (Virginia Dept. of Education, 2014).

While this helps us see that immigrants and LEP students are not exactly synonymous as group designations, they are still highly correlated in local communities (Capps *et al.*, 2005).

Either group represents a significant and growing portion of the national public school population. By 2000, children of immigrants represented one in five school age children and one in four of low-income school age children. There were more than 3.2 million LEP children across the nation in 2000 (Capps *et al.*, 2005), rising to 5 million in 2014 (Migration Policy Institute, 2017). Kochhar *et al.* (2005) note that the Hispanic school age population in the South from 1990-2000 grew 322% compared to white (10%) and black (18%) population growth.

As several authors argue, the number and share of students who have LEP parents is also a concern for school systems as language barriers can prevent parental involvement in schools, a factor often associated with student success (Capps *et al.*, 2005; Marschall *et al.*, 2012).

Children who live in a household where all members over the age of 14 are LEP are designated as “linguistically isolated” and in 2000 five percent of all children and 6 of 7 LEP children in grades 1-5 met this description (Capps *et al.*, 2005). These students, who are more common in elementary grades than secondary, face the challenge of learning English without the support of others at home who speak English fluently or very well (Capps *et al.*, 2005). The challenge is even greater for children whose parents never completed high school themselves – 48% of elementary-age LEP students in 2000 fit this category while 25% of the total LEP elementary population had parents with less than a 9th grade education. This compares to rates for English proficient students of 11% and 2% respectively (Capps *et al.*, 2005).

While aligning with settled constitutional principles (a normative pressure) and responding to demographic change (a demand for services pressure) are both reasons school systems want to find effective responses, another source of pressure is the accountability structure of high-stakes testing. As Sheldon (2016) notes, current testing and oversight mechanisms are based on an accountability structure that expects schools to change policies and

performance if incentivized to do so. These incentives include both sanctions and rewards and are often meted out based on specific performance measurements – including test scores, but also periodic audits of practices toward protected classes of students. Because the children of immigrants fit several mandated reporting groups protected under the Elementary and Secondary Education Act (ESEA; e.g. LEP, Hispanic, Asian, low-income), schools enrolling large numbers of these children face increased pressure in meeting performance targets set by the ESEA, or by the state if the state has been granted a waiver to use its own (often more rigorous) performance targets (Capps *et al.*, 2005; Menken, 2010). Schools can lose accreditation if the performance of LEP students fails to improve from year to year.

These provisions were largely preserved and even accentuated when Congress reauthorized the legislation in December 2015 as the Every Student Succeeds Act (ESSA). ESSA moved the English Language Learner (ELL) provisions of NCLB into Title I and preserved the requirement to track and report the performance of ELLs relative to all students. Though passed in 2015, the adoption of detailed rules on the basis of the new legislation and the approval of state plans to meet accountability requirements took significant time to develop – Virginia will submit its accountability plan to the federal DOE in September of 2017 and accountability mechanisms of ESSA are not expected to be in force until the 2018-19 school year. (Sugarman & Lee, 2017; Virginia Dept. of Education, 2017a)

As noted before, such an accountability structure based on sanctions and rewards is rooted in rational choice theory – the framework requires the assumption that school systems can accurately assess their optimal course of action given the incentives and move as a unified system in taking that course. Political science researchers have long questioned the validity of such an assumption. Allison (1969) famously highlighted some of the shortcomings of the

rational choice and unitary actor assumptions in explaining the actions of countries in the Cuban Missile Crisis. Lindblom (1959) argued that policy-makers rarely select the optimal course of action but instead move incrementally in that direction by adopting changes very close to the current status quo. Explanations for this gap between optimal rational action and observed outcomes have been explained in principle-agent theory as often stemming from asymmetric or hidden information (Laffont & Martimort, 2009) and this explanation has garnered widespread use in fields of economics, policy and administration (Eisenhardt, 1989). The solution, in this line of thinking, is to improve the balance of information by requiring regular comparable assessments of performance and the meeting of certain performance benchmarks.

Conversely, Spillane *et al.* (2002) point out that this approach assumes little role for individual administrators or teachers in the process of determining how systems should change. In research investigating the role of elementary school principals in implementing mandated curriculum reform in Chicago, the same researchers observe significant variation in how these actors make sense of and interpret the mandate for reform in their own contexts. They conclude that alongside a rational choice assumption, understanding the implementation of education accountability mechanisms requires an additional cognitive perspective which assumes that implementation involves some level of interpretation by administrators and staff. This additional perspective provides an explanation for expecting variation among school system responses, even when all receive the same letter. Moreover, it argues for examining the role of key mid-level interpreters like ESL coordinators.

In light of this review of the literature, and thinking about the accountability mandates of the Dear Colleague letter, one could conceive of school systems with equal motivation to make changes that would increase communication with LEP parents but following very different paths.

They could vary in the processes used to reach a decision (e.g. different levels of communication between senior administrators and LEP policy experts). They could confront a different mix of stakeholders (e.g. partisan environments). In relation to our research question – “How did school systems and ESL Supervisors respond to the Dear Colleague letter?” – we can frame the following general qualitative hypothesis to guide our case study and descriptive exploration of response variation.

Qual. hypothesis 1. Variation in response to the Dear Colleague letter is expected to be found along dimensions of process (how systems decided what to do), stakeholders (who had a voice in deciding what to do) and policies (what school systems did).

While there is clear recognition in the qualitative research community that quantitative hypothesis testing should not be applied to qualitative data, some argue for the usefulness of propositions or hypotheses in beginning to organize the analysis of qualitative findings around themes. (For a brief discussion, see Maxwell (2013, pp. 77-78).) Based on the literature review above and in various sections below, qualitative hypotheses are used to propose themes that were useful to guide the research and to provide a preliminary development of starting codes for qualitative analysis.

A short explanation of the numbering of hypotheses in this study is also needed – broad qualitative hypotheses framed with primarily the case study portion of the research in mind correspond to the appropriate research question and are numbered Qual-1, Qual-2, etc. Hypotheses geared toward quantitative analysis (whether comparative means or regression) are numbered 2a, 3b, etc. The number itself connects the hypothesis to the corresponding research question (see Table 3, page 74 for a complete listing of questions) while the lettering is sequential within each numbered group. In this review of the literature, please note that the

numbering of hypotheses will not appear sequentially because numbering is based on the structure of reporting used in Chapter 4.

Research on education systems in New Immigrant Destinations. Most research that examines educational impacts experienced by New Immigrant Destinations has focused inquiry on the role and perspectives of classroom teachers (Marrow, 2009a; Winders, 2013) or elected officials and executive administrators (Jones-Correa, 2008; Turner, 2015), missing the mid-level which we study here.

Winders (2013) interviewed teachers in Southeast Nashville schools and built from this ethnographic research certain understandings of how school systems responded to rapid demographic changes. The number of Hispanic students in the city from 1996 to 2006 jumped 1,260% – in 2010, 17% of the system was Hispanic. Challenges the city encountered included an inability to find trained ESL teachers¹², a lack of additional state/federal funding and a split between the use of self-contained ELL classrooms at elementary levels and a mix of ELL and mainstreaming in upper grades. Winders concluded that “schools . . . matter in the politics of immigrant integration in the new destinations because they occupy the frontline of contact between immigrants and receiving communities as both negotiate a new social and racial order” (Winders, 2013, 105).

Jones-Correa (2008) also focused on significant responsiveness within the education sector in a study of two systems in the Washington, DC metro area (one in Virginia, one in Maryland). Counter to the lack of responsiveness that might be expected based on Dahl (1963)

¹² In Virginia the qualifications to be endorsed as a K-12 ESL teacher are graduation from an approved teacher prep program in ESL and 8 classes of related coursework, of which 4 must specifically deal with English language learners, ESL methods or cross-cultural education. See (Commonwealth of Virginia, 2015)

in an area where immigrants had gained no political representation, he found that systems were proactively integrating immigrant communities, in part due to initiative by top-level administrators.

In interviewing elected and appointed school system leaders, Turner (2015) similarly found that districts went beyond what might be expected based on the local political context, pursuing expanded efforts to meet the needs of English Language Learners even in the face of some community opposition because it matched with “best practices” and was “what was right for the kids” (Turner, 2015, 22-23). But Turner also surfaced differences in how different levels of school system personnel framed problems in relation to demographic changes. Elected and top-level administrators saw increasing levels of poverty, white family exit from the community and limited financial resources as problems. Mid-level administrators in charge of curriculum largely saw ensconced teacher beliefs and practices as the problem and professional development as the solution. By contrast, mid-level ELL and special education administrators, informed by professional networks, saw compliance (or lack of compliance) with federal and state laws as being the problem.

With the exception of Turner, who focused on responsiveness in very broad terms, the role of mid-level managers is a gap within the existing literature and provides a novel window into the construction of policy as these managers are often experts in their field but usually lack the power to make ultimate decisions unilaterally. (Figure 5 provides a sense of where ESL supervisors fit generically within school system structures. Two explanatory notes are helpful. First, the supervisor (or coordinator) exists somewhere between the Superintendent, who holds executive authority for the entire system, and the building level administration, led by principals. However, the coordinator is usually outside the direct supervisory relationship for the principals,

and in some cases, of ESL teachers, limiting the structural power they possess. Second, though represented here as having some assistance in coordinating ESL programs, this scenario is likely rare – in most cases the ESL coordinator not only does not have a dedicated assistant, but often also manages a number of other program areas such as Title I (low-income focused funding), special education, foreign language programs, or even school counseling.) This makes them parallel to a broad range of bureaucrats in other systems that have the potential power to shape policy-making (Wilson, 1975).

In a somewhat different vector, translated communication with LEP parents brings with it the possibility of greater parental involvement and a resulting improvement in student performance (Marschall *et al.*, 2012). But greater communication also brings significant costs. The sheer logistics of providing communication in multiple languages grows immense in a school system with children speaking more than 40 different home languages (e.g. City of Harrisonburg, 2012). Given these countervailing tensions and the likelihood of ongoing debate

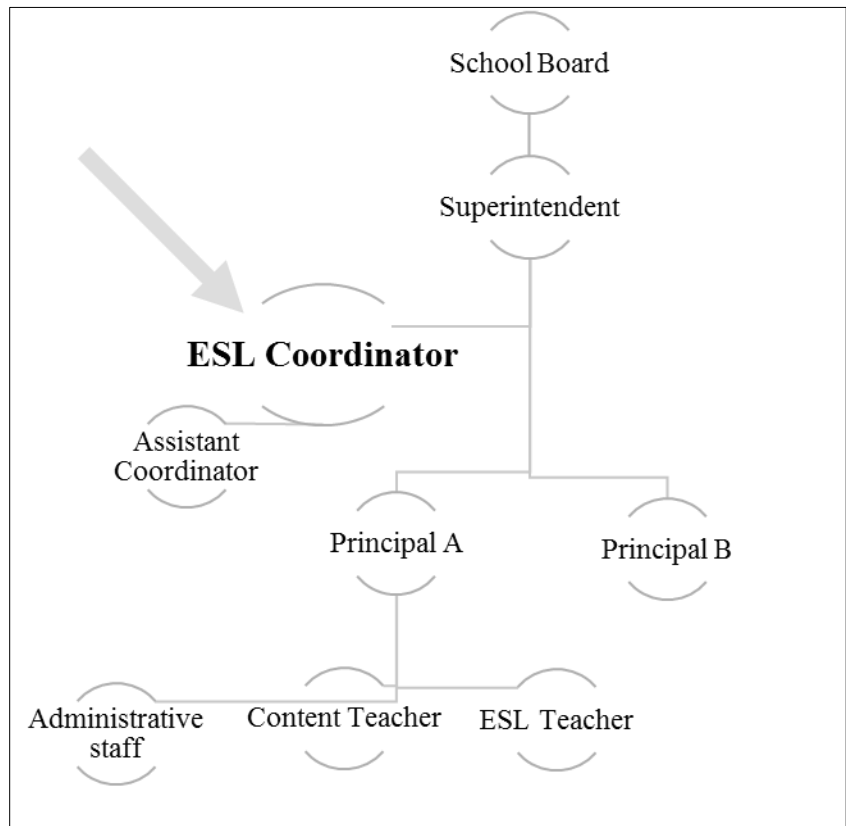


Figure 4: ESL Supervisors in organizational context.

Supervisors manage Title III compliance for the entire school system but they rarely directly supervise school principals. In some cases they may supervise ESL teachers especially when those teachers are assigned to multiple school buildings.

within localities about the best path forward, a public policy shock (Kingdon, 2002) coming from the federal level provides a fertile area for both identifying diverse implementation choices made by local administrators and discovering the factors that guide their choice-making.

In short, education policy surrounding LEP students and parents is a multi-faceted area of inquiry. As with studies of new immigrant destinations, mid-level managers in education represent an understudied part of the bureaucracy. In the context of reforms and high-stakes testing that aim to increase accountability for equality of educational opportunity among local school systems, further research on the growing but understudied LEP populations is also needed. Finally, since the increased focus on federal oversight of local education is predicated on the assumption that such oversight increases local system focus on under-represented populations, studying the effectiveness of federal guidance in shifting local school system efforts is also a valuable contribution.

In terms of formalizing our expectations for outcomes, we keep in mind that education also has some characteristics that constrain the range of possible responses away from extreme exclusionary efforts. This provides an interesting context for studying bureaucratic discretion and representation in new immigrant destinations because the legal context shifts the political/administrative balance. While it may be reasonable to expect that a policy expert role will have limited influence to shift the policy of an entire school system, in this particular situation where a policy shock increases the salience of their issue area, there is greater possibility that advocacy from such a key policy expert can shape policy. Based then on findings in the literature we expect that demographic (Suro & Singer, 2002), political (Hopkins, 2010; Ramakrishnan & Gulasekaram, 2013; Ramakrishnan & Wong, 2010) and bureaucratic (Jones-

Correa, 2008; Turner, 2015) factors to be surfaced through analysis of interviews and survey data. For the purposes of the case study, the expectation can be stated as the following:

Qual. hypothesis 5. Factors surfaced as influencing what policies are implemented are expected to reflect political (meeting expectations of local elected officials; state or federal administrators), organizational (following procedure or meeting expectations of senior local administrators) and professional value considerations (doing what is right for LEP students.)

For regression analysis, the following is a formal statement of the expected impact of selected demographic (5a), political (5b), and bureaucratic (5c) factors which are analyzed alongside other control variables:

H5a: School systems with a higher % of LEP students will have a higher value on the system responsiveness index.

H5a.2 – School systems with a higher % of LEP students will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

H5b: School systems in localities with a more conservative partisan balance will have a lower value on the system responsiveness index.

H5b.2 – School systems in localities with a more conservative partisan balance will have a lower probability of reporting an action taken in response to the Dear Colleague letter.

H5c: School systems whose ESL coordinator has a higher representative role acceptance score will have a higher value on the system responsiveness index.

H5c.2 – School systems whose ESL coordinator has a higher representative role acceptance score will have a higher probability of reporting an action taken in response to the Dear Colleague letter.

Bureaucratic Discretion and Representative Bureaucracy - Needed Tools

The range of inquiry into new immigrant destinations and their responsiveness in various sectors, including education, has continued to expand (Winders, 2014). Yet, as noted above in the literature review, what remains scarce is research into, and theory building around, an understanding of how policy and implementation decisions and processes are made within local government systems (Borkert & Caponio, 2010; Williamson, 2014). Specifically the theoretical areas of bureaucratic discretion and representative bureaucracy, both nested within the broader

framework of democratic governance theory, provide useful frameworks, concepts and methodologies that can fill these gaps and guide our own inquiry.

Bureaucratic power and discretion. The study of bureaucratic politics has long questioned the assumption of a government, whether national or local, as a unitary actor (Allison, 1969). Likewise, researchers have pointed to the fact that local policy can emerge from the practices of street-level bureaucrats (Lipsky, 2010). These front-line efforts may differ in tone from those of elected officials, who, research has shown, are more likely to be responsive on immigration questions to political debates in the broader society (Ramakrishnan & Wong, 2010). Numerous authors have noted that bureaucrats are far from powerless and often make decisions that are inherently political in that they have a hand in allocating scarce societal resources (Kingsley, 1944; Meier, 1975; Mosher, 1982; Selden, 1997). In short, bureaucrats, though unelected, have power and discretion to make policy that affects citizens profoundly.

This phenomenon of bureaucratic discretion is no less the case in the area of immigration. Bouchard and Carroll (2002) researched administrative discretion among Canadian immigration officers and found three types of professional discretion in use: Procedural discretion; Evaluative discretion; and Reflective discretion. The authors also note that the frequency of discretion is increased by unclear or ambiguous regulations, tasks that have an inherent need for flexibility in certain situations, limited capacity to monitor performance and a limited degree of control by policy-makers over bureaucrats (Bouchard & Carroll, 2002).

Also related to immigration, Marrow (2009a) found that street level bureaucrats have greater contact with recent immigrants and as a result are often key figures in determining the role of local government in the lives of immigrants. This aligns with previous findings by Maynard-Moody, Musheno and Kelly (1995) who showed that as street-level discretion/control

increases, the justice norms of the individual bureaucrats and any strong identification with the client will become relevant guides for work decisions. However, in situations where bureaucrats have little discretion, personal justice norms will be shunted aside in making decisions. While ESL supervisors are less likely to have front-line interactions with the population they serve, having a role focused, at least in part, on a vulnerable population makes it likely that some will adopt an advocacy perspective of their roles.

The role of mid-level bureaucrats in school systems. While research into street-level bureaucratic discretion is present in the literature on immigration responsiveness, little attention to date has focused on mid-level bureaucrats. There is, however, some limited but growing work within the education literature on this type of actor, which highlights the role of mid-level bureaucrats as “brokers” within “communities of practice” (Burch & Spillane, 2004; Wenger, 1999). Reviewing this research provides us with several helpful concepts that drive our later development of hypotheses and data collection instruments.

Burch and Spillane (2004) define mid-level personnel as those “who administer or manage programs or services but are not in top cabinet positions such as deputy superintendents or chief education officers” (Burch & Spillane, 2004, pg. 3). These often engage in brokering which they define as “cultivating the exchange of information and expertise within and across schools” and between “instructional leaders working at the very top of the system and those running reforms from inside the [individual] school” to further innovation or reform (Burch & Spillane, 2004, pg. 4). This type of role, which has parallels to the concept of administrators as “boundary spanners” (Aldrich & Herker, 1977; Honig, 2006), inherently involves working with a) networks of policy implementers over which the administrator has limited or no direct supervisory power; b) significant ambiguity as to what the appropriate action is in a given

situation, and c) split responsibility to different stakeholders, including some that may be outside the system. This combination of pressures, according to Honig, means that such brokers often have “a limited sense of control over their own work” which can increase stress and reduce job satisfaction (Honig, 2006, pg. 362).

Essential functional activities of these types of roles are information management or expertise (e.g. seeking out new relevant information, translating/summarizing it into useable forms and recommendations) and political management or creating practices to support viable work on a given agenda within structures characterized by dependency and conflict (e.g. representing interests of some stakeholder groups to high-level decision makers and vice-versa) (Burch & Spillane, 2004; Honig, 2006; Spillane *et al.*, 2002). In theoretical terms of neo-institutionalism, principle-agent theory and a cognitive perspective on policy implementation, this means that such brokers both respond to institutional and political signals and also retain personal agency and influence over others through their own sense-making and actions in support of certain policy choices (Spillane *et al.*, 2002). Yet in their methods with a mid-level position, such brokers or spanners tackling new challenges often operate without significant support in how best to go about such a position – as Honig notes, “they, in effect, must design [their role] while engaging in them, often with little help” (2014, p. 258).

Several findings about what allows brokers to be successful in their unique roles are also relevant. First, such brokers’ work can be helped or hindered by the length of their tenure and their relative position in the organization. Those who have a high status have been found to make more productive use of gathered information and complete tasks in shorter time periods than those lower in the organizational hierarchy (Honig, 2006). Other research finds countervailing impacts based on length of tenure – longer tenure increased informal authority

within the organization in some cases (Blau, 1963) but in other cases, colleagues came to believe that a long tenure in a lower level position indicated a lack of power or ability (Brass, 1984).

Burch and Spillane (2004) also have noted that the working style of mid-level brokers can vary along a spectrum ranging from an authoritative orientation (channeling expertise down the organizational chart from the broker to others) in how they related to others to a more collaborative orientation (fostering exchanges that also help central office staff learn). They found that an authoritative orientation was much more common among brokers than a collaborative orientation. Honig (2006) found that the longer a person worked within a central office environment, the more they took on the perspective of top leadership and elected officials as their own priorities.

Finally, Burch and Spillane (2004) also identified four functional roles exhibited by brokers in school districts: a) tool designers (translating change agendas into useable tools); b) data managers (leveraging outcome data to improve practice); c) trainers and support providers (designing staff development and other trainings); d) network builders (creating spaces and routines that develop or maintain connections between stakeholders). These functional roles provide valuable conceptual bins that are useful in designing specific data collection instruments.

The training of federal program coordinators in school systems. Given Honig's observations (Honig, 2006, 2014) about a frequent lack of clear guidelines for mid-level brokers in how to best go about their role and a historical and institutional mismatch between traditional central office tasks of fiscal and regulatory functions on one hand and newer demands on the other to produce student achievement gains especially for disadvantaged students such as English Language Learners, some attention to what professional development Title III coordinators can access is worthwhile. Also worth remembering is that Title III coordinators may well have

combined responsibilities for other programs, meaning that the likelihood that they come from an ESL background may be lower and the amount of time they can dedicate to learning the specifics of the program may be more limited.

Certainly the following review of professional development opportunities is not exhaustive as numerous online resources exist and additional national conferences take place which focus on English Language Learners and Title III. However, for most Title III coordinators, the resourcing and training opportunities provided by the state department of education and/or state-level professional organizations are going to be the most easily accessible and relatively affordable sources of resourcing. In Virginia, such training opportunities fall into three general categories: the annual state organized federal program coordinators' academy (a 3-4 day conference held in late July or early August); the state facilitated Title III consortium trainings (a 1-2 day conference held for a grouping of small LEP population school systems who jointly submit a Title III grant application); and an annual 2 day conference (in January) and two half-day meetings (in May and October) organized by the professional association for ESL supervisors (VESA). In the course of conducting research, it was possible to observe multiple meetings of the VESA organization (both conference and fall/spring meetings) as well as a limited portion of the Coordinators' Academy in 2016.

In the case of the VESA annual conference, target attendees include ESL teachers as well as supervisors and many of the sessions focus on ESL pedagogy and assessment (including testing). Several sessions also focus on understanding changes in legal or federal policies related to ELLs. Because the conference is wholly organized by members of the professional organization (often Title III coordinators in systems with larger numbers of ELLs) and because the content of some breakout sessions is sometimes provided by the same coordinators, most of

the focus appears to be on broadening awareness beyond the circle of Title III coordinators (the dissemination of information) rather than coordinator-focused professional development.

The VESA spring and fall meetings are much more sparsely attended due to their timing (a half day on a Friday during the school year). The content of these meetings is anchored by invited updates from key state Department of Education staff on changes in policy and practice that are emerging. The Dear Colleague letter was the focus of this presentation in May 2015 when the author first began considering this research. Other frequent topics have been the timing and any adjustments to testing for English proficiency (the ACCESS test) that will be taking place in the future and the impact of such federal changes as the passage of ESSA and state changes such as the shift in accountability criteria around SOL innovation. (observation, 2016a, 2016b, 2017; VESA Meeting, 2015). Though the VESA meetings provide valuable networking opportunities and information on policy shifts, little of the content observed focuses explicitly about how one plays the role of a Title III coordinator. VESA regional groups also hold ad hoc meetings that serve as networking opportunities and may facilitate informal mentoring.

Though not observed directly, the Title III consortium meetings (based on a review of the conference website) appear to be a valuable opportunity for state policy-makers to connect with Title III coordinators from smaller divisions and provide valuable content and best practices. It is unclear from the program whether sessions focus on themes distinct from those offered at VESA or the Coordinators' Academy, however, it does appear that pedagogy and policy are the main foci (Virginia Dept. of Education, 2017c).

Finally, the Coordinators' Academy appears to be the most focused professional development opportunity for Title III coordinators. Worth noting is that the academy provides sessions not just about Title III, but all federal programs (e.g. Title I for low-income students,

etc.). Here the presentations are focused on policy, legal requirements and best practices rather than on detailed pedagogy. However, it's worth noting that some coordinators who handle both Title III and other federal programs may be forced to choose between sessions on different tracks and Title I is often the program for individual systems that brings in a greater amount of resources (Virginia Dept. of Education, 2016).

Expectations based on foregoing discussion. While the above review provides insight into what factors may shape the role and drive the actions of mid-level bureaucrats in education settings, no research has looked specifically at the role of mid-level actors in shaping policy toward LEP populations. Our study of ESL supervisors contributes to filling this gap by documenting their unique role in selecting and implementing any policy changes following the Dear Colleague letter of January 2015. This set of concepts drives our fourth broad research question – “What was the self-perceived role and impact of ESL supervisors within the school system in responding to the Dear Colleague letter?” The results of the study are expected to provide insight into the extent of power and discretion that these specific mid-level bureaucrats wield, what factors (e.g. length of tenure, proximity to top leadership) affect their level of success and what functional tactics they utilize. This provides a basis for comparison with the findings of Marrow and Jones-Correa in local responsiveness research, as well as contributing to the broader development of knowledge around the concept of bureaucratic discretion.

While studying mid-level bureaucrats is more exploratory in nature, the existing literature provides enough basis to formalize several expectations. First, following the observations of Honig and Spillane that mid-level brokers often work without the leverage of direct supervision of key policy implementers, there is an obvious expectation that while they have assets of expertise and relationships with other officials, they also encounter significant challenges,

including barriers and frustrations in shaping policy that aligns with their professional understanding of best practices or personal interests based on values. Our case study hypothesis formally stated is the following:

Qual. hypothesis 4. The role of ESL supervisors in shaping policy responses will be described as both utilizing significant assets (expertise, personal motivation) and barriers to success (isolation from key decision makers, lack of sufficient resources).

Second, based on findings by Selden (1997) and Brewer and Selden (1998) that active representation, as measured by representative role acceptance, makes policy outcomes favorable to underrepresented groups more likely, we also expect that higher representative role acceptance results in greater efforts by the individual supervisor themselves in the four brokering roles found by Burch and Spillane (2004). Because supervisors have greater control over their own activities than they do over policies for the whole school system, responses by the individual supervisor are more likely to show variation, even if our expectation of variation at the school system level based on the supervisors representative role acceptance is unfounded. This may logically occur because coordinators may be insulated from other local context factors such as the political environment. These factors make an additional dependent variable desirable and we operationalize a Supervisor Response variable using the conceptual categories found by Burch and Spillane (2004) as well as by asking a simple question of whether the supervisor took any actions in response to the Dear Colleague letter. We formalize the expected relationship between representative role acceptance and supervisor response in regression analysis in the following hypothesis:

Hypothesis 4a. ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.

Hypothesis 4a.2 – ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

Representative Bureaucracy. Given the discretion that bureaucrats wield (see above), the representative bureaucracy strain of public administration theory takes stock of the fact that an unelected bureaucracy with power may call into question how democratic such governance can be. It asks the question, “how representative is the bureaucracy” of society (Mosher, 1982; Selden, 1997). As Mosher notes, “our dependence on professionals is now so great that the orientation, value system, and ethics which they bring to their work and which they enforce on one another are a matter of prime concern to those who would strengthen the democratic system” (Mosher, 1982, p. 12).

More specifically, the framework of representative bureaucracy asks whether those working in the bureaucracy represent the larger population or a specific underrepresented group either passively (sharing a similar background or set of values) or actively (guiding policy actions based on the interests of different sectors of the community (Frederickson *et al.*, 2012; Mosher, 1982)). On one hand, if bureaucrats are passively representative, it alleviates concerns about undermining democratic governance, at least at a symbolic level (Krislov, 2012). On the other, if bureaucrats actively represent historically underrepresented groups, such bureaucratic representation may mitigate underrepresentation among elected officials, in effect making society more democratic through non-electoral means (Levitan, 1946; Long, 1952; Selden, 1997). Finally, another normative argument for a representative bureaucracy is that a diverse public sector workforce in a diverse society can internally incorporate a greater range of the perspectives present in the broader society and will therefore be potentially more creative and effective at finding policy solutions acceptable to the greatest number of the various competing coalition stakeholders (Long, 1952; Selden, 1997).

Kingsley (1944) first put forward the concept of a representative bureaucracy, along with the opinion that “no group can safely be entrusted with power who do not themselves mirror the dominant forces in society” (1944, p. 282). Some early authors on the topic, however, argued against the likelihood that passive representation would lead to active representation (Subramaniam, 1967). Meier (1975) noted that two assumptions are necessary for a representative bureaucracy to have a mitigating effect on the potential irresponsibility of bureaucrats to the preferences of the populace:

- Similar identities or starting social environments (race, class, religion, etc.) lead to similar values.
- Similar values to that of the populace lead to similar decisions.

However, the tendency for organizational cultures to shape people of different backgrounds toward similar values is likely to mitigate the effect of common starting points, especially over long years of service. Mosher (1982) summarized these countervailing forces as being “responsibility as hierarchy” (implementing decisions made above you without questioning them) or “responsibility as psychology” (a subjective commitment to identity, group loyalty or conscience). He noted that professional values were a particular variant of “responsibility as psychology” where bureaucrats are shaped over their time in a profession toward certain values and that those values may reinforce hierarchy and organizational socialization or buttress conscience or identity.

These countervailing forces then affect whether representativeness takes an active or passive form (Mosher, 1982). Passive representation simply means a descriptive representativeness where the bureaucrats mirror (or don’t) the diversity of the larger society. Factors that Mosher names include geographic location or type of origin, occupational history,

education, family income level, social class, sex, race and religion. Conversely, active representation entails advocacy on behalf of groups that the bureaucrat represents, a relationship that can contain a feedback mechanism of accountability to particular stakeholders and raises the question of how active bureaucrats stay aware of the needs or preferences of the particular stakeholder.

Several authors point to these countervailing forces as the key pivot point in assessing whether shared backgrounds (passive representation) leads to shared values, active representation and ultimately to policy outcomes that are beneficial to particular represented groups (Coleman *et al.*, 1998; Selden, 1997). Prior empirical research (e.g. Meier and Nigro (1976)) found that the organizational socialization that yields what Mosher called the “responsibility as hierarchy” tended to dominate in most areas – only in the policy area of improving the conditions of minorities did active representation or advocacy win out.

Selden (1997) added further theoretical nuance to the field’s conceptualization of representative bureaucracy, arguing that a key factor was how bureaucrats perceived their role – whether they accepted a “minority representation role” or aligned themselves with a “traditional” role in line with a responsibility to the organization or hierarchy. Importantly, she points out that minority representatives can eschew an active representational role while dominant category members (for example white or male) can be active representatives of minority groups if they accept an active minority representation role. In short, “administrators who perceive their role as a representative of minority interests are more likely to engage in behavior that benefits the minority community” (Selden, 1997, p. 123). This perceived role is in turn shaped by the role expectations that are received from colleagues, clients and other stakeholder groups. This

theoretical construct (see Figure 5, drawn from Coleman *et al.* (1998)¹³) led Selden to structure her survey research to collect data on five groupings of factors that she hypothesized would impact whether a traditional or active role was accepted:

- Personal background factors (geography and time period of formative years; sex, race, ethnicity, class, education, etc.)
- Personal professional and community involvements
- Job activities and diversity of coworkers
- Role expectations conveyed from other stakeholders (the three options articulated by Selden are similar to those found by Brenner (2009a).)
- Role perceptions of the individual bureaucrat that inform their decision-making

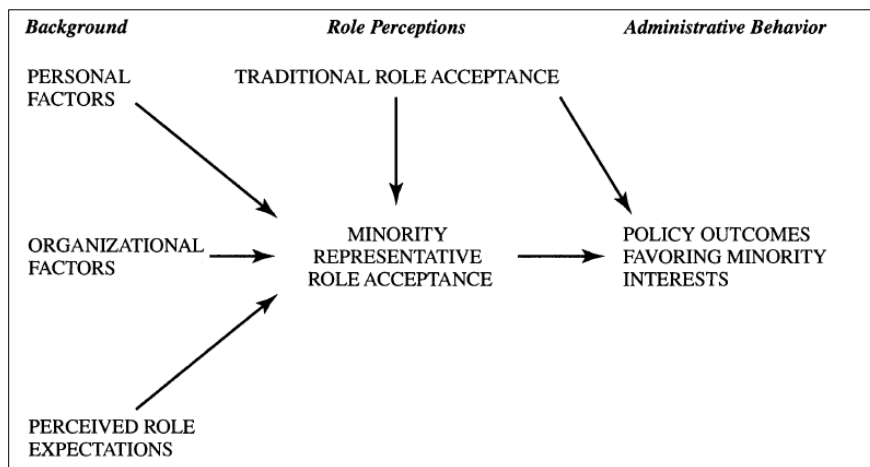


Figure 5: Linkages in the Concept of Representative Bureaucracy (Coleman *et al.*, 1998)

The relationship between this range of factors depicted in the figure above sees personal factors, organizational factors and perceived role expectations as influencing representative role acceptance (active representation), along with traditional role acceptance. The figure also highlights Selden’s belief that traditional role acceptance and representative role acceptance are

¹³ Selden is Coleman’s married name.

not mutually exclusive, but can both exist in an individual's motivations. However, the figure represents them as being in tension – both influencing policy outcomes in different ways, alongside contextual factors not contained in the figure (e.g. dominant partisan identity in a locality or state) that may also be a determinant of policy outcomes.

While much research in this area suggests that active representation of many portions of society may not always occur, Meier *et al.* (1991) found that school bureaucracies may be more responsive to active representation than some other sectors. As Keiser *et al.* (2002) note, public schools often provide little immediate oversight to classroom teachers, giving these street-level bureaucrats significant discretion within the classroom. The same can be said of school and system administrators. In education specific research, Meier and various co-authors established that greater numbers of African-Americans (Meier & Stewart, 1992) and Latinos¹⁴ (Meier, 1993) in teaching and some administrative positions in school systems led to better outcomes for the represented group of students in areas of discipline referrals, gifted tracks and special needs or disability tracks. Likewise, Selden (1997) found that greater numbers of African-Americans in the Farmers Home Association led to a greater frequency of positive decisions for African-American clients. Robinson (2002) also found that having Hispanic representatives on local school boards resulted in greater budget allotments for bilingual education.

Overall, a recent review of inquiries into representative bureaucracy in the field of education (Grissom *et al.*, 2015) shows researchers largely examining the impact of greater descriptive representation along race, gender and ethnicity lines for its impact on the same four broad areas that Meier and Stewart examined two decades ago: student discipline, gifted

¹⁴ As noted previously, though this study generally uses the term Hispanic in its own operationalization, the term used by Meier is preserved here for transparency.

assignment, special education services and student achievement outcomes. The authors of the review note that among the reasons that representative bureaucracy is a helpful focus for research on education is the rapid growth of Hispanic student populations and a much slower growth of Hispanic teachers and administrators. They conclude their paper with a call for research that looks at other constructs beyond race and gender, an area of opportunity that would include LEP populations.

Several observations can be taken away from this review of the representative bureaucracy literature. First, as Grissom *et al.* (2015) note, public schooling systems constitute the largest component of the public sector in the United States, making education an important area for research in representative bureaucracy and on responsiveness to immigrants. Second, despite the growing importance of the LEP population in schools and immigrants in local communities, no research we encountered looks specifically at how bureaucratic discretion and representation affect policy outcomes for these populations. Third, as with the literature on New Immigrant Destinations, few researchers have looked specifically at mid-level policy experts (bureaucrats whose power comes from expertise and outlining options rather supervisory power). Existing research focused instead on top administrators, school principals and teachers. Finally, while Selden points out the theoretical possibility of persons of a different race or gender accepting the role of advocate for underrepresented groups, few if any studies have looked at this possibility systematically, perhaps because most studies rely primarily on existing secondary data. To get at this type of role acceptance, original survey work like Selden's and qualitative interview work such as that undertaken with municipal administrators by Brenner (2009a) are both likely necessary. Given these factors, the actions and role of ESL supervisors in responding to a potential policy shock provide a fascinating window into whether mid-level

bureaucrats are passively and/or actively representative of the groups their work impacts and whether their disposition in turn shapes policy in favor of the groups.

We explore this question of what factors influence the formation of active representation among ESL supervisors through both a survey, that develops data for quantitative analysis, and case study interviews, which provide greater nuance and narrative. In light of research by Meier and Nigro (1976) that found active representation was prominent in the policy area of improving the conditions of minorities, and because LEP supervisors are structurally charged with providing equal educational opportunity to LEP students, our expectation is that evidence of active representation will be found among many of the ESL supervisors. For the purposes of our case study, this expectation can be formally stated as follows:

Qual. hypothesis 3. ESL supervisors will articulate a strong sense of serving the interests of LEP students and parents in their role and will point to both personal experiences (e.g. cross cultural experiences) and broad general values (e.g. importance of equality of access) as motivations for this service.

Showing specific impact of particular factors on a person's active representation requires both a more formal conceptual model and more precise hypotheses. In terms of specific expectations drawn from the literature, we follow Selden's conceptual model (Figure 5) in building a similar conceptual model of what drives acceptance of a representative role (see Figure 7). Selden's research showed that:

- minority bureaucrats in the FmHA had significantly higher representative role acceptance
- bureaucrats with more years of formal education were less likely to accept a representative role
- older bureaucrats were more likely to accept a representative role
- bureaucrats who identified more strongly with the Republican party were less likely to accept a representative role

- bureaucrats with a greater number of years in federal government employment were less likely to accept a representative role
- bureaucrats who reported receiving from a higher number of stakeholders that in their role they were expected to increase minority access to programs were more likely to accept a representative role
- bureaucrats who reported receiving from a higher number of stakeholders that in their role they were expected to both implement programs according to departmental practices and increase minority access to programs were more likely to accept a representative role
- bureaucrats who reported a higher acceptance of a traditional bureaucratic role were less likely to accept a representative role

Selden also included attendance at a traditionally all-black university, number of days in training, years in the current position, the presence of minority colleagues and if bureaucrats reported receiving from a higher number of stakeholders that in their role they were expected to implement programs according to departmental procedures. None of these factors were found to be significant in her regression analysis. We include all but attendance at a traditionally all-black university as controls in our model because there are no findings in the literature or conceptual reasons to expect that representative role acceptance toward LEP students and parents would be affected by that factor. Instead, we include a variable that measures whether a coordinator focused on ESL expertise in their highest completed degree.

While each of the relationships could be formalized as an expected direction of effect for purposes of quantitative analysis, we limit our formal statement of hypotheses to several key factors for the reasons outlined below. First, we follow Selden in including whether the ESL Supervisor shares identity characteristics with the underrepresented group of interest (foreign

born). (The direct identification would arguably be whether the ESL Supervisor has limited English proficiency, but since this is likely a barrier to being hired to such a mid-level education position, we adjust to foreign born as a conceptually similar group with significant cross-over.) Second, because previous research found an impact of being a minority on active representation, we expect minority ESL supervisors to have a higher acceptance of a representative role.

Formally, we state our expected relationship between these factors as the following:

Hypothesis 3a. Minority ESL supervisors will have a higher acceptance of a representative role.

Hypothesis 3b. Foreign born ESL supervisors will have a higher acceptance of a representative role.

Additionally, we include two additional factors of interest – an index of cross-cultural experience and a measure of public service motivation.

The inclusion of an index for cross-cultural experience is based on an assumption that a person who has gone through the experience of learning a new language or living in another culture or building a strong relationship with someone from another culture will have a greater felt connection to those going through a similar process of cultural learning as recent immigrants with limited English experience. Previous research on factors that increase cross-cultural competency have found statistically significant links between cross-cultural competency and fluency in a second language (Chae *et al.*, 2012; Kim & Kim, 2013), experience in foreign language classes (Chae *et al.*, 2012) and experience working with (Chae *et al.*, 2012) or being friends of (Kim & Kim, 2013) foreigners. As noted in the methodology below, we utilize these concepts to develop a cross-cultural experience index, which we analyze alongside the other independent and control variables. The expectation for the impact of cross cultural experience takes the form of the following hypothesis:

Hypothesis 3c. ESL supervisors with a higher level of cross-cultural experience will have a higher acceptance of a representative role.

The potential role of Public Service Motivation. Representative bureaucracy theory has shown robust effects of minority staff and elected officials on policy outcomes supportive of minorities in the education sector (Meier, 1993; Meier & Stewart, 1992; Meier *et al.*, 1991) and in several other sectors (Dolan, 2002; Hinderer, 1993; Selden, 1997). But Selden's conceptual construct (Figure 6) allows for the possibility that persons of a different group than the underrepresented group may accept an active representative role. However, little explanation of what might drive such a phenomenon is explored. In recent decades, public service motivation (PSM) has become an established concept within the public administration literature (Pandey *et al.*, 2008) and may offer one explanation. Conceptually, public service motivation has similarities to an advocacy role in relation to an underrepresented group. For example, one of the accepted instruments for measuring PSM (Perry 1996) asks respondents for their level of agreement with the following statement – "I am not afraid to go to bat for the rights of others, even if it means I will be ridiculed." PSM has been linked to such pro-social behaviors within an organization as helping co-workers and activities in the policy shaping arena such as whistleblowing (Brewer & Selden 1998) and undermining organizational goals in order to further broader public social interests (O'Leary 2006). It seems possible that PSM could also be linked to acceptance of an active representative role toward underrepresented groups when one is not a member of that group. This would provide an additional, or a supplanting factor explanation of what drives active representative role acceptance. Based on the broad number of studies showing PSM to have a relationship with other pro-social factors, our expectation is that PSM will show up as a significant explanatory variable that increases the representative role acceptance.

Hypothesis 3d. ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.

While the focus within Selden's work is identifying the links between personal and organizational factors and active representation (as measured by representative role acceptance), also worth investigating is the degree to which ESL Supervisors are representative of the general public on one hand and the foreign born population on the other. Following Meier (1975) this should be done, when possible, at both the passive level (e.g. race/ethnicity) and the values level (e.g. specific policy preferences). This study collects data on ESL supervisors along several demographic dimensions. By comparing it to demographic Census data on the general population of Virginia and the foreign-born population of Virginia, it is possible to test the following formal hypothesis:

Hypothesis 2a. The demographic make-up of ESL supervisors in Virginia on factors of race/ethnicity [percentage minority] and gender [percentage female] will be closer to that of the total population than to that of the foreign born population.

We focus on race/ethnicity and gender because of their long-standing salience in U.S. society as markers of structural privilege (e.g. for white males, see (Feagin, 2013)), for the proven impact these factors have on educational opportunity, and for the potential for more representative bureaucrats to have a positive impact on those groups not privileged by existing structures (see, for example, on gender Keiser *et al.* (2002) and on race/ethnicity (Meier, 1993; Meier & Stewart, 1992; Meier *et al.*, 1991). We expect the ESL supervisors to be closer to the general population because the foreign born population is increasingly diverse and educators have been shown to lag even the general public in diversity (Marschall *et al.*, 2012).

Likewise, this study collects data on the opinion of ESL supervisors on two policy questions. First their support is gauged for more state funds being used to ensure that public school parents who only understand limited English have access to information about their

children's education in a language they fully understand. Second, their preference among three ways of handling LEP students is determined: a) Require students to learn English in special classes at the parents' expense; b) require public schools to provide instruction in the students' native language; or c) require students to learn English in public school classes before enrolling in regular classes. By comparing the results to data from the 2016 Commonwealth Education Poll, a representative measure of public opinion in Virginia, we can analyze whether ESL Supervisors are representative of the general public in their state on these policy preference or value questions. (Unfortunately, no similar data is available for the foreign-born population). It is possible then to test the following formal hypotheses:

Hypothesis 2b. A larger percent of ESL supervisors than the general public will support providing instruction in the students' native language (vs. first needing to learn English or parent's paying).

Hypothesis 2c. A larger percent of ESL supervisors than the general public will favor more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand.

Our expectation is driven by two factors. In regards to the first hypothesis, having some early instruction for LEP students in their own language is a common bridge in many states and we assume ESL supervisors who are familiar with it will see this as closer to best practice. For the second, both institutional self-interest and the interest of LEP populations are likely to converge in support for more state funds. For the general public, their self-interest as state tax payers may outweigh their empathetic concern for LEP parents.

Restating Gaps in the Literature.

What can be highlighted from the entire literature review above is a series of gaps that this study helps fill. First is a methodological gap that prevents answers to the political/bureaucratic incorporation debate. Even with the rapid growth in research on local

responsiveness in new immigrant destinations, most research has focused on comparisons across localities that either engage a very broad question of responsiveness or focus on the extreme actions of sanctuary or anti-immigrant ordinances. These different studies have raised a key question of whether it is demographic, political or bureaucratic factors that drive local responsiveness but the primary dependence of each stream of inquiry on a different methodology make it hard to surface clear answers. Conclusions drawn from such broad inquiries that cross multiple sectors in a small sample of localities (e.g. Marrow, 2009a; 2011) necessarily make the sample from any one sector relatively thin and the generalizability of the results a challenge. Likewise, studies that focus broad quantitative studies on dependent variables that count the extreme actions may be missing different factors that drive actions taken in the middle of Rubaii-Barrett's spectrum, an area where actions of a vast majority of localities would fall. Moreover, purposeful sampling of communities that exist in different states sacrifices some degree of being able to strain out what variation might be due to local dynamics and what might, instead, be the result of different state contexts. This study focuses on a single sector where clear federal legal parameters force the action of local responsiveness to the middle of the spectrum while relying on a medium size cross-sectional sample for a quantitative comparison of responsiveness and a case study component to discover with greater nuance what the internal processes are that create the final policy outcomes.

Second, this study follows Selden's exploration of specific mediating factors between passive representation, active representation and policy outcomes, and examines these factors in the field of responsiveness to recent immigrants – something that has not previously been done. Relatively few studies investigating responses to immigration have looked seriously at the internal processes of policy-making and the role of bureaucrats specifically (exceptions include

the previously mentioned research of Marrow (2011), Jones-Correa (2008), Brenner (2009a), Winders (2013) and Turner (2015)). Within this small subset, only Brenner and Turner have investigated the perspectives of mid-level managers within larger studies. Jones-Correa and De Graauw (2013) specifically call for additional attention to this area, suggesting a focus on “what factors drive state and local agencies and bureaucrats to develop anti- and pro-immigrant policies and practices” (Jones-Correa & De Graauw, 2013, 215). This could include research similar to Turner (2015) and (Brenner, 2009a), which each asked questions about the external influences affecting key mid-level managers and the internal identities that are also likely to shape their actions. The concepts and methodologies developed in the fields of bureaucratic discretion and representative bureaucracy help fill these gaps.

In addition to this contribution to the immigration responsiveness literature, this study also contributes a replication of Selden’s model in a new policy area with a focus on an understudied band of administrators – the mid-level manager that acts as a broker. This study fills this gap by exploring the role of a specific set of mid-level bureaucrats in detail, using both quantitative and case study measures. The resulting breadth and depth of understanding can help expand knowledge about which personal, organizational and role-based factors most affect a representative role acceptance by mid-level administrators as well as whether they are successful in shaping policy, and what factors are most important in determining that success. Finally, in exploring the factors that drive representative role acceptance, we introduce Public Service Motivation as an additional potential explanatory factor.

Defining a Policy “Shock”

Public policy theorists have long argued that studying policy systems as they respond to external changes often provides an important window into how policy options are developed,

selected and implemented. Sabatier and Jenkins-Smith (Sabatier, 1988; Sabatier & Jenkins-Smith, 1999) pointed to events that are external to a policy sub-system as being one of the main factors that may cause dominant coalitions to lose their monopoly on policy outcomes. Kingdon (2002) points to shocks such as a wave election that suddenly makes an issue salient and increases the potential for change to occur in systems that are used to being more incremental in their change behavior.

The concept of an outside exogenous shock, however, is much more developed in theoretical terms within the study of economics (see, for instance Kreinin, 1999, 389-392). Events like a sharp and unexpected drop in oil supply are an example of negative supply shocks. As supply shrinks (moving from AS to AS' in Figure 6 below) there is less available at the pump but the same level of aggregate demand (AD), so greater scarcity causes the price to go up (from P to P'). Consumers then need to decide whether to drive the same amount and pay more, or restrict their driving to pay the same amount toward gas. The gap between Y and Y' represents those who decide not to pay the higher price and so reduce their driving, in the process reducing the quantity of gas purchased.

A positive supply shock moves in the other direction – another example is the development of fracking technology which increased the supply of natural gas, driving down prices for substitute heat sources like coal. This leads coal producers to reconsider whether to keep mining coal at the same rate, or whether to shut down a shift or an entire mine. In short, an outside shock is an event that causes participants in an economy to re-examine and potentially recalibrate their actions within the new reality that exists after the “shock” (Kreinin, 1999)

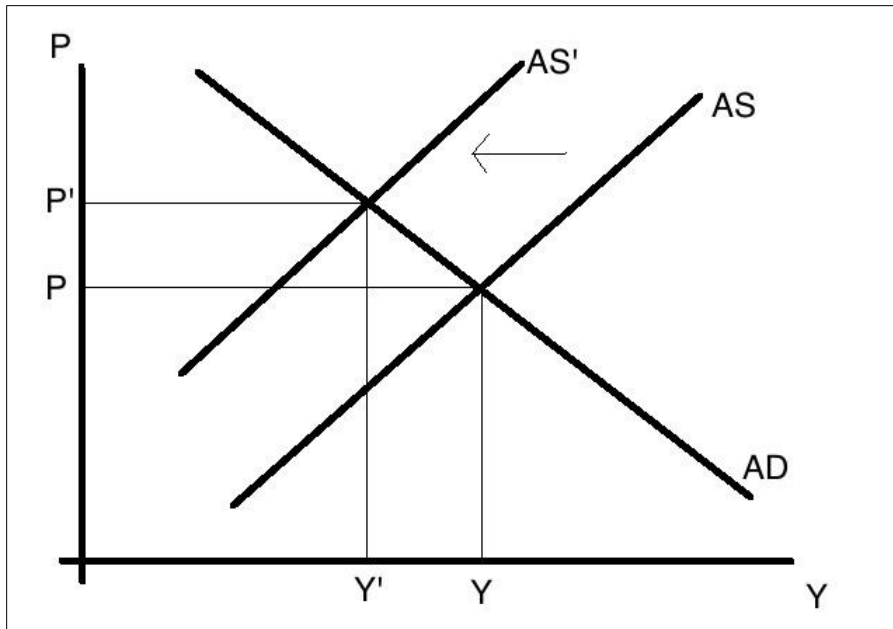


Figure 6: Negative Supply Shock

Researchers within economics use the term frequently and distinguish, in some cases, between actual shocks and those produced by information (see Lorenzoni’s (2009) discussion of “news shocks”) and between temporary and persistent shock impacts (see, for example, Sola (2012)). The term shock has also been used to look at impacts on higher education when tuition changes act as a shock (see Mitze *et al.* (2015)) and as a concept to explain the impact of Supreme Court legal decisions on use of the public education system by Amish (Wang, 2010).

In the case of the Dear Colleague Letter, the conceptual use of the term “shock” draws on this economic theory in so far as the letter can be seen as a mandated minimum level of demand (from the federal government) for services to English Language Learners and their families. This outside demand, or shock, is expected to force school systems to re-examine how much services to ELL’s they are currently providing and make a decision about whether and how much to increase their own demand for these services from their existing system of teachers, administrators and contracted services.

Economic insight suggests that the decision by school systems may in part depend on how much, if any, “spare” capacity the school system has to dedicate to ELL services (relative to the range of other services schools are also asked or required to provide) – in economic terms, responses will partly be due to the elasticity of supply. If a school system can easily shift resources to this area, supply is fairly elastic. But if a school system is operating very close to full capacity, supply of additional services will be inelastic and even a strong shift in demand will result in very little increase in supply.

While the purpose of this research is not to develop a formal economic model of the “market” for services to ELLs, keeping these concepts in mind as the impacts of the letter are analyzed may provide a basis for understanding why certain patterns may emerge. For example, if a school system is already serving a large number of ELL’s in their system and is operating close to maximum productivity (i.e. have reached an inelastic point on the supply curve), a major shift in the quantity of services may be unlikely.

The most basic insight of the concept, however, is that for local school systems, a guidance document like the Dear Colleague letter from the federal level can create a shock that causes local policy-makers to reassess current choices and systems. It also is important to remember, given our focus on internal processes, that a shock may also change the “balance of power” within a local school system in small but crucial ways. Spillane *et al.* (2002) conclude that accountability policies generated higher up in an educational system can be used by leaders opportunistically to support their own change agenda. Such shocks are also likely to feed into organizational learning processes that involve the search for information from outside the organization (forced upon actors in the case of an external “shock”) followed by a process of interpretation or sense-making from the new information, the storage of the new interpretations

within policies and practices and finally a process of retrieval as the policies are re-accessed again in the future, sometimes by new personnel (Honig, 2003).

Preliminary evidence that led us to believe that the Dear Colleague letter represented a shock to at least portions of local school systems is found in several ways. First, observation of the uncertainty and concern over the implications of the letter at the May 2015 VESA meeting suggests a sustained salience of the issue from when the letter was issued in January of the same year. Second, though there was little mainstream media coverage of the letter, a number of education blogs ran analysis of the implications (e.g. Balonon-Rosen, 2015; C. Williams, 2015) and numerous states briefed local schools systems about the contents of the letter (e.g. Illinois State Board of Education, 2015; Oregon Department of Education, 2015).¹⁵

The letter, then, represents an opportunity for studying the intersection of local responsiveness to immigration, education policy, bureaucratic discretion and representative bureaucracy because it explores:

- A single service sector (education) where immigrant communities often first become visible but policy is constrained to the nuanced middle by existing federal law.
- A policy “shock” common to all localities, which caused new questions about what policies were necessary to comply with existing law, making it easier to trace variations in responsiveness around a single focused issue.
- A single state context (Virginia) which effectively controls for state-level policy variation and represents a study context where recent rapid growth in immigration is relevant, where the state education authorities did little to clarify expectations

¹⁵ Some may wonder about the intermingling of policy shocks over time. As noted above, the passage of ESSA, while covering a much broader scope of issues and therefore receiving greater media attention, also is only now (2017) beginning to have clear impacts on school systems due to the lag time created by formal rule making processes that delay the functional use of its accountability structure to the 2018-19 school year. From a methodological standpoint, this mitigates concerns about the passage of ESSA interacting with responsiveness to the Dear Colleague letter, though an additional probe question was used in interviews to assess this potential as well. Some may wonder about the intermingling of policy shocks over time. As noted above, the passage of ESSA, while covering a much broader scope of issues and therefore receiving greater media attention, also is only now (2017) beginning to have clear impacts on school systems due to the lag time created by formal rule making processes that delay the functional use of its accountability structure to the 2018-19 school year. From a methodological standpoint, this mitigates concerns about the passage of ESSA interacting with responsiveness to the Dear Colleague letter, though an additional probe question was used in interviews to assess this potential as well.

outlined in the federal guidance and where the state political landscape is roughly balanced.

- A group of mid-level managers (Title III/ESL supervisors) whose designation is similar across different jurisdictions and who would logically be expected to play a key role in developing responses to the shock.

Broad Research Questions

To take advantage of this ideal research opportunity, our research questions focus on three areas of inquiry: a descriptive uncovering of the impact federal guidance had on school systems; a more nuanced look at the leverage and motivations ESL supervisors perceived themselves to have within policy discussions about potential responses; and finally an analysis of the passive and/or active representativeness of ESL supervisors. While investigating any of these three broad areas of inquiry makes a contribution to the existing literature, the ability to study the relationship between two units of analysis (the ESL supervisor and the school system in which they are embedded) makes the study particularly compelling as well as more complex. As noted before, these questions map onto conceptual relationships implicit within the reviewed elements of democratic governance theory and prior work on representative bureaucracy, especially that of Selden (1997).

Figure 7 visually represents these interconnected relationships. Arranged as they are in Figure 7, the questions trace backwards from the policy impacts under research question 1 (actions taken by the government, either in the form of the entire school system or the individual supervisor) to polity (the people that, in a democracy, make up the government) with the passive and active representativeness of bureaucrats mediating between the public and the eventual policies in ways that are responsive to the people (at least in the democratic ideal). Note that our interest in understanding narratively what impact the letter had means that our first research question is at the far right, while the remainder track from the far left (the passive representation

factors of research question 2), through the factors that are likely to affect the advocacy stance of individual supervisors (research question 3 and 4) and finally to the analysis of which factors appear to influence policy (completing the journey from polity to policy). Given the similarities of this model to the one outlined in Figure 5, the reader will likely recognize the debt owed to Selden's (1997) conceptual model in developing the model for this study.

Several other visual components require quick notes of explanation. Those factors contained in boxes with darker borders (e.g. LEP Representative Role Acceptance in the center of the figure) are those which are used as dependent variables in regression analyses (or in the case of question 2, the factors of interest for a comparison of means analysis) while those in lighter boxes are independent variables. Listed in corresponding columns based on the research questions are also examples of the semi-structured questions used in interviews that will allow the narrative case study analysis that triangulates the quantitative findings.

The basis for these semi-structured questions is visible in unpacking further the five broad research questions. In Table 3 (see next page), the five original research questions outlined in our introduction are expanded into several relevant subparts. In relation to the first question, breakout questions are developed:

- Research Question (RQ) 1a is used to focus attention in the case study on the process used in different school systems, a factor of interest given the gap in prior quantitative analyses for understanding the internal deliberations that lead to policy decisions.
- RQ 1b surfaces how school systems responded – information gathered via both the survey and several interview questions.

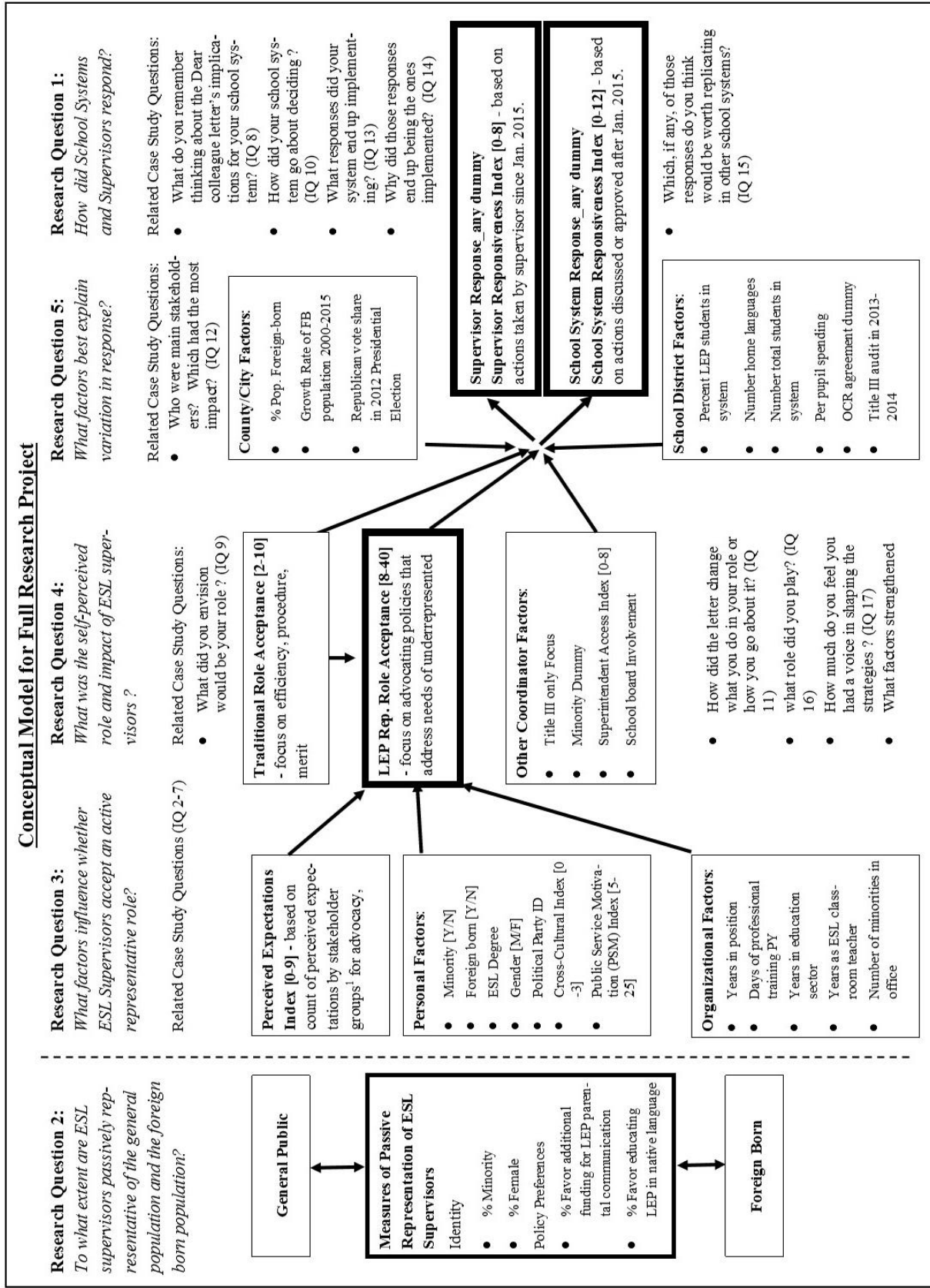


Figure 7: Conceptual model of relationships in study

1 - Stakeholder groups consist of following - School board members; district leadership; state education officials; federal education officials; general public; immigrant community; ESL professional associations; ESL-focused colleagues; non-ESL focused colleagues.

- RQ 1c helps identify any best practices discovered by schools in their responses (and corresponds to Interview Question (IQ) 15, noted in the bottom right corner of Figure 7).

In relation to the second question, research question two is split into two sub-questions, one written to generate specific comparisons of supervisors to the general population (RQ 2a) and the other to the foreign born population (RQ 2b). Research question three also is broken up into sub-questions to facilitate qualitative exploration of who supervisors see themselves as serving and what personal experiences in their lives influence their current work as well as setting up statistical analysis of the relationship between similar personal and organizational factors and representative role acceptance. These complementary research questions – each exploring an element of interest via case study or survey methods – are necessary to support the concurrent triangulation design of the mixed methodology research plan.

The fourth question is broken out into two sub-questions geared toward a case study approach (exploring ESL Supervisors own perspective on their role/power (RQ 4a) and how they approached the task of formulating policy responses to the Dear Colleague letter (RQ 4b)) and two geared toward statistical analysis, first surfacing responses (RQ 4c) and then examining the relationship between active representation and supervisor action (RQ 4d) via regression analysis.

Finally, our search for explanations for variation in school responses is formulated to facilitate regression analysis (RQ 5a) and to provide a focus within interviews (RQ 5b). The relationship of the broad questions to identified gaps in the literature are also summarized in Table 4 (see next page). With these relationships and research questions in hand, we turn to describing the research design in more detail.

Table 3: Specific Research Questions and Sources for Answering

Question #	Research Question	Instruments used
Question 1	How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language/LEP students and is there evidence to consider the directive a “policy shock”?	
Question 1a	What process did the decision making process follow?	Semi-structured Interviews
Question 1b	What responses are reported?	Survey of ESL Supervisors Semi-structured Interviews
Question 1c	Are there any best practices that emerged from local experimentation?	Semi-structured Interviews
Question 2	To what extent are ESL supervisors passively representative of the general population and the foreign born population?	
Question 2a	To what extent are ESL supervisors representative of the general population in terms of demographic factors and policy preferences?	Survey of ESL Supervisors State level Census Data State-wide poll
Question 2b	To what extent are ESL supervisors representative of the foreign born in terms of demographic factors?	Survey of ESL Supervisors State level Census Data
Question 3	What factors influence whether ESL Supervisors accept an active representative role?	
Question 3a	How do ESL supervisors articulate who they serve in their role, how they learn about the needs of the LEP community and how they decide who to listen to?	Semi-structured Interviews
Question 3b	How do ESL supervisors articulate what life experiences influence them in their work?	Semi-structured Interviews
Question 3c	What impact do personal and organizational factors, perceived role expectations and traditional role acceptance have on Representative Role Acceptance by ESL Supervisors?	Survey of ESL Supervisors
Question 4	What was the self-perceived role and impact of ESL supervisors in responding to the Dear Colleague letter?	
Question 4a	What is their own perception of their power and role?	Semi-structured Interviews
Question 4b	How do supervisors approach opportunities to shape policy?	Semi-structured Interviews
Question 4c	What responses did Supervisors report taking individually within their role?	Survey of ESL Supervisors
Question 4d	What impact does Active Representation by ESL Supervisors have on their own reported ESL Supervisor Response	Survey of ESL Supervisors District level Census Data
Question 5	What factors best explain the variation in School System Response?	
Question 5a	What impact does Active Representation by ESL Supervisors have on School System Response	Survey of ESL Supervisors District level Census Data
Question 5b	Which stakeholders do ESL Supervisors see as most important in shaping district response	Semi-structured Interviews

Table 4: Linking Questions to Literature Theories and Gaps

	Education & Local Accountability	Immigration & Local Responsiveness	Bureaucratic Discretion and Representative Bureaucracy
Societal Challenge	How to provide equal access to quality education for all students.	How to manage immigration flows and effectively integrate newcomers into society as productive citizens.	How to balance majority and minority interests when unelected bureaucrats wield significant power.
Broad question(s) in Academic Literature	What are effective ways for Federal and State guidance and monitoring to insure underserved (including LEP) students have equal access to quality education?	How do local governments respond to recent large influxes of immigrants in New Immigrant Destinations? What factors drive those responses?	Are unelected bureaucrats, who make many decisions, passively and/or actively representative of a) the general population (majority) and b) underserved groups. What factors influence bureaucrats actively representing an underserved group?
Relevant Theory	Rational Choice vs Interpretive Framework in Education Accountability	Immigrant Incorporation Theory (Bureaucratic vs. Political)	Democratic Governance Theory and Representative Bureaucracy
Understudied factors	Effectiveness of guidance memos in spurring changes in local education policy.	Large middle ground that is neither explicitly anti- nor pro-immigrant. Bureaucratic discretion in shaping policy, especially among mid-level bureaucrats	Representativeness of local bureaucracies, including mid-level bureaucrats.
Opportunities in current study	Dear Colleague letter provides chance to compare school system responsiveness to a common shock where State provided no additional guidance	Education sector makes bureaucratic discretion more likely because federal law limits range of local policy options. Education is largest local government role and is where immigration influxes are first felt.	ESL supervisors are likely to be in a position of both advocating up for LEP parents and students and implementing down policy decisions made by high-level officials attuned to public opinion.
Specific research question(s) for this study	How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language/LEP students?	What factors best explain the variation in School System Response?	What was the self-perceived role and impact of ESL supervisors in responding to the Dear Colleague letter? What factors influence whether ESL Supervisors accept an active representative role? To what extent are ESL supervisors passively representative of the general population and the foreign born population?

Chapter 3: Methodology

In this chapter we outline our full research design, first summarizing the overall design and identifying the key participants, explaining the time dimension of the entire research, the sampling strategy for both components and planned methods of data collection. Following this overview, we restate our collection of hypotheses and then delve into the methodology for each component of the research. Because the sequence of our concurrent triangulation mixed methods design is a survey alongside a case study to confirm and deepen nuances of the survey findings, we follow Creswell's (2009) suggestion in first developing the sampling of respondents, operationalization of the variables and plans for quantitative analysis, then return to the case study portion of the methodology to specify expected themes and discuss methods used in coding and subsequent analysis. After outlining both major components of the methodology, we briefly discuss how we undertook a holistic analysis of the total research to determine if there is convergence between the stories surfaced by the two methods. We then cover the logistical elements common to the whole project - data storage, overall timeline – before concluding with an assessment of the risks and limitations of the study as a whole and a restatement of the study's contribution.

Research Design

The research design utilized for this study is a concurrent triangulation mixed methodology research design consisting of a two stages:

- A quantitative cross-sectional survey with one post-test observation invited from ESL supervisors, or formally, Title III coordinators, in each of the 130 geographically defined Virginia school systems;
- A case study of four theoretically selected sites in the form of MSAs with a total of 31 potential units of analysis – interviews were secured with respondents from 15 of the 31 systems included in the sampling frame. Data was gathered via semi-structured interviews with ESL supervisors in the school systems.

This research plan allows us to investigate each of our research questions. For reference, we review them here:

- 1) How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language/LEP students and is there evidence to consider the directive a “policy shock”?
- 2) To what extent are ESL supervisors passively representative of the general population and the foreign born population?
- 3) What factors influence whether ESL Supervisors accept an active representative role?
- 4) What was the self-perceived role and impact of ESL supervisors within the school system in responding to the Dear Colleague letter?
- 5) What factors best explain the variation in School System Response?

First, the research plan allows us to build a triangulated understanding of the variation of school system responses to the Dear Colleague letter through both survey and interview questions (Research Question 1). Primarily via the survey and secondary data, it also allows us to collect data on factors found to impact local responsiveness in other studies and to statistically analyze factors influencing the observed variation (research question 5). Second, it provides a

way to look statistically at passive (research question 2) and active representation (representative role acceptance) by ESL supervisors (research question 3) and its impact on their role and activities (research question 4) and policy development for the whole school system (part of research question 5). Third, we can triangulate the findings with the nuanced and context rich narrative insights available via interviews, developing a narrative case study analysis of the process of policy-making as well as the role of the ESL supervisor in it and the final outcomes.

A further justification of choices made follows for research design and time frame elements.

Type of research design. A concurrent triangulation mixed methodology design (quantitative exploration alongside a case study exploration) is utilized to combine the assessment of likely causation that is possible from regression analysis of survey results with the greater narrative and contextual insight that is possible from a multi-site case study with multiple units of analysis based on semi-structured interviews (Yin, 2013). Secondary data available from the U.S. Census, the 2016 Commonwealth Education Poll and Dave Leip's Atlas of U.S. Presidential Elections is also utilized for analysis.

The design is appropriate because it is the method most likely to allow the identified gaps in the literature to be filled. As noted in the literature review above, previous studies of local responsiveness typically relied methodologically on either existing survey/demographic data (Meier, 1993; Meier & Stewart, 1992; Ramakrishnan & Espenshade, 2001; Ramakrishnan & Wong, 2010; Selden, 1997) or on qualitative interviews with local policy-makers in a limited number of contexts (Brenner, 2009a, 2009b; Marrow, 2009a, 2009b; Williamson, 2011). Each choice of method provided insight but limited the ability of the researchers to triangulate between narrative and quantitative dimensions and the factors identified as shaping policy

variation were often different. Qualitative methods emphasized bureaucratic factors while quantitative methods emphasized locality demographics and political balance. A few researchers have combined both aspects (Brenner, 2009b; Steil & Vasi, 2014) and these have produced the most detailed and robust results but neither of these studies focused on the education sector.

In order to look at both political and bureaucratic factors, the dual richness of a triangulated concurrent methodology is helpful. Because we are unaware of any pre-existing data on ESL supervisors' characteristics, roles and motivation in the construction of policy, a cross-sectional survey component is needed to develop a data-driven picture of ESL supervisors as a group. Also as noted in Chapter 2, research on representative bureaucracy has often relied on survey research and pre-existing data to analyze the passive representativeness of some subsection of the bureaucracy while also delving into the potential for active representation (shared values). These studies have also looked at factors, including role perceptions and role expectations, which have been shown to create active representation and/or impact policy outcomes to the benefit of underrepresented groups.

In order to understand motivations and the nuances of representation however, a qualitative component of semi-structured interviews is also necessary as interviews are recognized for providing a higher density of clues to cultural understandings than survey methods (Quinn, 2005).

A concurrent triangulation strategy is justified because there is sufficient literature to guide the creation of data collection instruments in both segments of the methodology. Likewise, sampling for interviews is theoretical rather than being driven by the results of the survey (meaning the design is not explanatory).

The development of the specific survey methodology owes significant debt to the conceptual scheme (see Figure 5) developed by Selden (1997) and the survey-based study she developed from it. Her study surveyed 246 county supervisors in the federal Farmer's Home Administration and then conducted the following analyses that are relevant as a model to this research:

- Comparison of passive representation of district level, county supervisors and lower-level county employees of the FmHA to the general population of the United States.
- Regression analysis of the impact of (IVs) personal, organizational, role expectation and traditional role acceptance factors on (DV) minority representative role acceptance among supervisors surveyed.
- Regression analysis of the impact of (IVs) traditional role, minority representative role and geographic control variables (hardship index as a demand for services, minority population, minority representation in Congress) on the (DV) percentage of loan eligibility determinations awarded to minorities.

This study combines these aspects with a multi-site, multiple units of analysis case study of four metro areas with a combined 31 diverse localities. Site selection was based on a theoretical sampling strategy. This case study allows more detailed understanding of variations in process and response across school systems, as well as highlighting the particular perspective of ESL supervisors.

Key Participants

The key informants in this research project are the **ESL supervisors**, or more formally the Title III coordinator, in each city/county-based school district in Virginia. Because individual titles for ESL supervisors vary across schools systems, the operational definition for an ESL supervisor requires specification as the following: the person designated to the Virginia Department of Education as overseeing Title III compliance in each locality based school system

for the 2015-2016 school year.¹⁶ The ESL supervisor is the key unit of analysis for research questions related to the role of ESL supervisors and their responsiveness within that role, their traditional or representative role acceptance and factors influencing that characteristic. The ESL coordinator, as the respondent to the survey, or the participant in the semi-structured interview, is the key informant about their own experience, actions and background.

At the same time, the key unit of analysis for all questions examining local responsiveness is the school system as a whole. The ESL supervisor remains the key informant for information about the actions taken by the system in response to the Dear Colleague letter. In order to mitigate any bias that would result from depending only on ESL supervisors, each interviewed system's public website was reviewed as a cursory way of establishing the reliability of the information gained from the ESL supervisors.

Local school districts are conceptually defined as the efforts of local government in the education sector within a particular county or city geographic jurisdiction. Operationally, local school districts are defined as the entities recognized by the Virginia Department of Education as being the relevant local education agency for a jurisdiction. In Virginia the comparison of local education agencies to county and city government jurisdictions is made simple by the fact that in almost all cases (see footnote 16 above), school districts align perfectly with county and city jurisdictions. Moreover, while most localities elect their school board members, those school boards do not have taxation authority, making school policy inherently part of local county or city government (Guynn, 2013).

¹⁶ Several coordinators are identified on the VDOE list who work in regional specialty schools or with the Department of Juvenile Justice. Because our interest is in studying variation in local responsiveness, these coordinators are excluded because they do not match up with a geographically defined local government structure.

Time Dimension

The **time dimension** of this study is the period from the 2013-2014 school year to January of the 2016-2017 school year. This dimension was originally conceptually defined by the use of questions on the survey that ask respondents about the school year prior to the Dear Colleague letter (2013-2014) and the school year after the Dear Colleague letter (2015-2016). However the extension of the period of data collection into the 2016-17 school year makes the time dimension of the study technically inclusive of the date of the last survey completed, or January 13, 2017. However the primary period of focus is on the period following the issuance of the letter up until the survey observations began in May 2016.

The **timing of the single survey observation** ran from May 6, 2016, with a first opportunity to complete the survey offered at the spring meeting of the Virginia ESL Supervisors Association. Only a portion of potential participants attended the meeting and many who did attend did not wish to complete the survey at that time. For both these types of cases a link to the online version of the survey was first e-mailed to the respondents on May 19th. Though the original intent was to have all survey responses completed prior to conducting any semi-structured interviews, the slow response rate from potential participants necessitated the extension of the time period for surveys, as well as a substantially larger number of follow-up e-mails and phone calls than originally envisioned.

The **timing of the single semi-structured interview observation** for those participants included in the sample was originally conceived as running between July 1 and September 30 2016 but the challenges of setting up interviews within the busy schedules of respondents necessitated the extension of this period as well. The timing of each individual interview depended on the availability of the respondent. The final interview took place on November 17, 2016. All but one other interview fell within the originally planned window.

The planned timing of the survey and interviews balanced concerns about two challenges to usefulness of the research. The first is the validity of responses by ESL supervisors – waiting longer than the 2015-2016 school year would increase the potential difficulty of recalling the events of the 2014-2015 school year. Likewise, turnover in the position for some school systems would make it difficult for a new Title III coordinator to accurately respond to the survey.

On the other hand, collecting data earlier would fail to record relevant responses by school districts. While a full 16 months passed between the issuance of the Dear Colleague letter and the start of data collection, change happens incrementally within an entire school system, especially when it comes to budgeting. School budgets are typically approved by the local government structure in March and April and the new fiscal year begins in July. Hence collecting data beginning in May of 2016 means two budget planning cycles occurred since the Dear Colleague letter was issued. Other changes may take place in future years, but the time frame utilized allowed sufficient variation in responses to develop to make that variation worth studying.

Sampling Strategy – Survey of ESL Supervisors

Target Population. The target population for the Stage 1 survey is school district-wide ESL supervisors (also known as Title III coordinators) in the Commonwealth of Virginia in May of the 2015-2016 school year. The focus on a single state is a way of controlling for the diversity of state laws and or guidance. Because prior research (e.g. Ramakrishnan & Wong, 2010) indicates that overall partisanship trends are a key factor in influencing local policy decisions, a state not firmly controlled by one or the other main party is preferred because of our interest in seeing what is happening at the middle of the response spectrum and complete dominance at the state level may constrain or overwhelm local agency.

Notwithstanding the previous point, the fact that Virginia is a Southern state also makes it an ideal site. Winders (2007, 925) notes that “southern states have led the nation in restrictive state immigration legislation” and were among the earliest and most comprehensive adopters of 287g agreements to allow local law enforcement to enforce immigration violations. But others have found inclusionary initiatives in the South (Marrow, 2009b). In addition to its status as a contested state, the fact that Virginia is a Southern state makes it a representative context for studying local responsiveness to immigration.

Finally, studying areas with recent rapid increase in the foreign born population is an obvious condition. Given our focus on educational services to LEP students and specifically on communication to LEP parents, Virginia is also a compelling site for the study having experienced 89% growth in the number of LEP students in grades PK through 5 from 1990-2000 and 86% growth in the number of LEP students in grades 6-12. Both these rates place Virginia above the national average for the period but not among the top three¹⁷, which might be outliers (Capps *et al.*, 2005). Virginia is also ideal in that administration of school systems corresponds directly to county and city jurisdictions with no overlap, meaning that comparisons of demographic data for jurisdictions have no possibility for error in mapping this context onto the school system.

The target population of ESL supervisors is knowable from the list of supervisors designated at the time that data collection began to the Virginia Department of Education¹⁸ and includes all contacts on the list except for those at specialty centers. A copy of the list was

¹⁷ The top three states in terms of growth in LEP student population in grades PreKindergarten-5th Grade from 1990 to 2000 were Nevada, Nebraska and South Dakota. For grades 6-12, the top three were Nevada, Nebraska and Oregon.

¹⁸ The current version is viewable at https://p1pe.doe.virginia.gov/ssws/viewContactListSSWSReport.do?report_format=pdf&report_id=contactlist-pdf&applicSystemTypeId=43&applications=43.

downloaded on May 2, 2016 from the same link and serves as the official frame for the target population (see Appendix IV). Note, several school systems are not listed because at the time of download, the system did not have a person designated to the state as a Title III coordinator, likely due to a recent transition of the designee to a new position.

The target population for the Stage 2 semi-structured interviews is school district-wide ESL supervisors (also known as Title III coordinators) in school systems located in one of four Metropolitan Statistical Areas in the 2015-2016 school year. The target population is knowable from the list of supervisors designated to the Virginia Department of Education cross referenced with the 31 localities that make up the selected MSAs as defined by the U.S. Census Bureau in 2010.

Sample Selection – Survey. As a result of the limited target population, this research utilized the entire target population of ESL supervisors for the study (possible N=130) and so did not use a sampling mechanism. While the small target population increased error terms in statistical analysis, the number of participants (N=56) still allowed for relevant analysis with standard confidence intervals (i.e. $\alpha < .05$ – Tabatchnik and Fidell, 2007) and extended in certain cases of regression analysis to discussion of results where $\alpha < 0.1$.

Sampling - Case Study Site Selection

This research utilizes a theoretical basis for sampling localities for the second stage case study. Using insights of existing literature and knowledge about potential localities, those that are most likely to meet the theoretical qualities needed were selected. This approach is in keeping with best practices for case studies when prior theoretical propositions allow a focus on certain factors and the setting aside of others in guiding data collection (Yin, 2013).

The first level of site selection used is based on the theoretical insights about the networked nature of immigration which highlights the interplay between the economic pull factors of metropolitan agglomeration and the efforts of local policy-makers to manage the impacts of migration flows (Light, 2006; Massey *et al.*, 2002; Sassen, 1998). Drawing the set of sites (school systems) examined from localities in a recognized metro region means that all sites share the common economic agglomeration effects for that MSA – in effect controlling for these factors in order to allow the study to focus on others that existing literature argue are driving diverse policy responses. As mentioned above, a case study of local school systems in MSAs that are wholly contained within one state eliminates the variation that different state laws are likely to cause in localities. (See Figure 8 for a map showing MSA’s within Virginia.) Finally, selecting an entire MSA for sampling inherently includes a range of localities across factors such as population size and urban/suburban/rural community types.

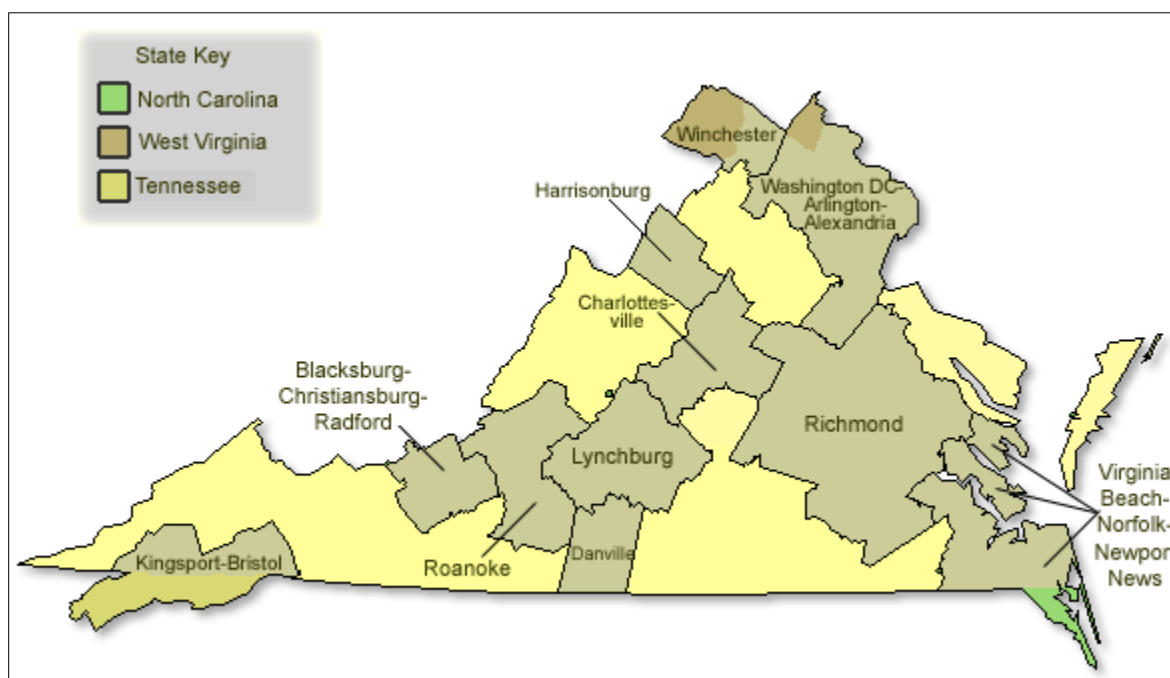


Figure 8: Map showing Metropolitan Statistical Areas in Virginia.

Map developed by Virginia Labor Market Information. (Virginia LMI, 2015)

Likewise, a region that contains variation in the partisan balance of power in different localities but is politically contested as a whole is also ideal. Virginia and the selected MSAs are both contested political spaces from a partisan perspective (at least one locality in the metro area won by each party in the 2012 presidential election and an overall gap of less than 25%), in part because of shifting demographics connected to immigration (Frey & Teixeira, 2008). Taken together (single state metro areas with rapid growth in immigrant populations in a contested political space) these criteria lead us to select four MSAs as a theoretically appropriate site for further focused inquiry. Pseudonyms for the MSAs and the individual school systems are used to provide confidentiality to the informant - because the number of localities in each MSA ranges from 2 to 17, naming the MSAs but using pseudonyms for the individual locality would likely make potential identification of participant systems possible. For the same reason, population and partisan balance figures are reported in general ranges, rather than in precise figures that would also likely allow identification of participant systems.

Conifer City MSA. The Conifer City Metropolitan Statistical area (4-10 jurisdictions) had an estimated 2012 population of 250,000-500,000 people and is contained wholly within the Commonwealth of Virginia (Virginia Employment Commission, 2015). The foreign born population grew from less than 2.5% in 2000 to about 5% in 2014. The MSA's Hispanic population grew by about 200%, with its growth rate on that measure among the top 10 in the 362 U.S. MSAs (DiversityData.org, 2014). The change in the LEP student population in public schools within the metro area increased by more than 200% from 2000 to 2014 (Sugarman & Lee, 2017).

Hickory City MSA. The Hickory City Metropolitan Statistical area (<4 jurisdictions) had an estimated 2012 population of 100,000-250,000 people and is contained wholly within the

Commonwealth of Virginia (Virginia Employment Commission, 2015). The 2014 foreign born population topped 9% of the total population, having grown from below 6% in 2000. The Hispanic population share grew from around 5% in 2000 to more than 10% in 2012 with its growth rate on that measure among the top 100 in the 362 U.S. MSAs (DiversityData.org, 2014). The change in the LEP student population in public schools within the metro area increased by more than 100% from 2000 to 2014 (Sugarman & Lee, 2017).

Maple City MSA. The Maple City Metropolitan Statistical area (4-10 jurisdictions) had an estimated 2012 population of 100,000-250,000 people and is contained wholly within the Commonwealth of Virginia (Virginia Employment Commission, 2015). The 2014 foreign born population topped 8% of the total population, up from less than 6% in 2000. The Hispanic population share grew from less than 2.5% in 2000 to about 5% in 2012, about a 150% change and ranking Maple City in the top 50 MSAs in the U.S. by Hispanic population growth. The Asian-American population grew by more than 60%, good for a ranking in the top 100 of 362 MSAs on that measure. (DiversityData.org, 2014). The change in the LEP student population in public schools within the metro area increased by more than 100% from 2000 to 2014 (Sugarman & Lee, 2017).

Oak City MSA. The Oak City Metropolitan Statistical area (10+ jurisdictions) had an estimated 2012 population of more than 1 million and is contained wholly within the Commonwealth of Virginia (Virginia Employment Commission, 2015). In 2000 the percent of the metro area population that was foreign-born was more than 4% but this increased to more than 7% by 2010. Hispanic population in the metropolitan area increased from 2000 to 2010 by more than 150% (between 40% and 50% of the Hispanic population was foreign-born in 2000). This rapid Hispanic growth ranked Oak City in the top 30 out of the 362 Metro areas in the U.S.

in the rate of Hispanic population growth. Asian and Pacific Islander population grew by between 80 and 100% over the same period, ranking the study's metro area in the top 50 of the U.S. Metro areas (DiversityData.org, 2014). The change in the LEP student population in public schools within the metro area increased by more than 300% from 2000 to 2014 (Sugarman & Lee, 2017).

In addition to the overall ethnic and foreign born population, as well as the growth rate in the LEP population, looking briefly at the number and portion of students designated as LEP is an important additional point of reference at the system level. Systems in Virginia report numbers of LEP students as part of their annual fall membership count.

Clearly, there is significant variance across school systems – some rural areas of the Oak City MSA need to provide equitable education to less than 20 English Language Learners in their entire system. In contrast, larger systems all work with more than 1,500 or more LEP students.

Within the local school systems of the MSA, this research requested interviews with ESL supervisors from all localities. Existing research shows data saturation usually occurs within the first twelve interviews, so this served as a minimum number for completion without endangering the goal of achieving saturation (Guest *et al.*, 2006). Because of the number of ESL supervisors identified via invitations to the survey as transitioning to retirement or a new position, or who declined participation in the study, the original plan to limit interviews to one larger MSA was altered and invitations were sent to ESL supervisors in 31 systems across 4 MSAs (Oak City, Maple City, Conifer City and Hickory City) that were selected based on similar qualities.¹⁹ This

¹⁹ My dissertation chair approved the expanded selection and the dissertation committee members were provided a detailed explanation of the basis for selection of the additional MSAs in a July 2016 e-mail update. However, in order to preserve confidentiality, that detailed justification is not included in the final write-up of the dissertation (which is required to be a public document). Anyone wishing to review this selection in detail can contact us and upon signing a confidentiality agreement, review the identifiable MSA data.

converted the case study to a multi-site study and ultimately interviews were obtained with 15 supervisors. Table 5 shows the number and proportion of LEP students for each system interviewed (figures are provided within ranges to preserve confidentiality).

Table 5: Limited English Proficiency Students in each context (Virginia Dept. of Education, 2015a)

LOCALITY	TOTAL # LEP STUDENTS	TOTAL # STUDENTS	% LEP
<u>CONIFER CITY MSA</u>			
CONIFER CITY	500-1,500	5,000-15,000	7+%
SPRUCE COUNTY	100-500	5,000-15,000	1-2%
CEDAR COUNTY	25-100	2,500 – 5,000	<1%
<u>HICKORY CITY MSA</u>			
HICKORY CITY	>1,500	5,000-15,000	7+%
<u>MAPLE CITY MSA</u>			
SUGAR MAPLE	500-1,500	5,000-15,000	4-7%
SILVER MAPLE	25-100	<2,500	2-4%
RED MAPLE	<25	<2,500	<1%
<u>OAK CITY MSA</u>			
OAK CITY	>1,500	>15,000	7+%
CHESTNUT OAK COUNTY	>1,500	>15,000	7+%
SWAMP OAK TOWN	100-500	2,500 – 5,000	4-7%
LAUREL OAK TOWN	100-500	2,500 – 5,000	2-4%
CHINQUIQUIN OAK COUNTY	<25	<2,500	2-4%
TURKEY OAK COUNTY	25-100	<2,500	2-4%
OVERCUP OAK COUNTY	100-500	>15,000	1-2%
SHINGLE OAK COUNTY	<25	<2,500	1-2%

To restate, each MSA fits the definition of a new immigrant destination and provides a diversity of systems in terms of size and proportion of LEP populations. As noted above, the sample size of fifteen completed interviews was sufficient to reach data saturation along major thematic dimensions and types of school systems.

Data Collection and Instruments Utilized

Data collection for this project included two stages of primary data collection as well as supplemental secondary data to provide a baseline understanding of public opinion on the issue of outreach to LEP parents. This combination of secondary and primary data allows

comparisons of those population preferences with the values held by ESL supervisors. The first stage of primary data collection, a survey of ESL supervisors, is organized to gather data on all five of the general factor areas Selden proposed as determinants of active representation: personal characteristics and identities, organizational socialization, perceived role expectation received from other stakeholder groups, traditional role acceptance and minority representative role acceptance (in this case LEP students and parents.) In addition to these elements, the survey collected data on whether the supervisors individually responded to the Dear Colleague letter and specifically what changes they made since January 2015 to provide equal access for LEP parents to school communications with parents. Likewise, the survey collected responses on whether the school systems discussed or took any action in response to the Dear Colleague letter and what types of actions, if any, they discussed or took to provide equal access for LEP parents to school communications with parents. These provided four measures of short-run responsiveness to the needs of LEP students and parents.

The second stage of primary data collection was a set of interviews with ESL supervisors in 15 school systems in the selected MSAs. These interviews, as a form of triangulation, gathered greater narrative information about how school system responses unfolded following the Dear Colleague letter, how ESL supervisors perceived their role and their leverage within the system, from where they sought information about the needs of LEP students and parents, and what lessons or best practices they discovered in the process.

These stages are described in more detail below, beginning with a review of several areas of secondary data that were used as control or independent variables.

Secondary data: Survey of Virginia public (conducted as part of the Commonwealth Education Poll). Policy decisions by school systems regarding outreach to

LEP families rarely rise to the level of public attention, so any estimation of public opinion cannot be drawn from news accounts or public meetings. To provide a benchmark understanding of public opinion on the issue, data from two questions are used from the 2016 Commonwealth Education Poll, a representative survey of adult Virginians on various education issues conducted in late December 2015 and released in January 2016. The two questions are discussed in detail in the listing of Control Variables, specifically “Public Opinion.”

Secondary data – Demographics of Virginia. In order to develop a demographic profile of the population of Virginia (i.e. Race/Ethnicity, Education, Age, Party Identification) for purposes of comparison to ESL supervisors as a group, several factors are drawn from census sources using the 2015 5-year American Community Survey estimates. Likewise, for purposes of assessing what factors most affect what level of response a school district takes in relation to the Dear Colleague letter, county/city level data is used for several demographic factors (e.g. growth rate of the foreign-born population from 2000 - 2015.) This secondary data is drawn from the U.S. Census American Fact Finder website, using data for the 2015 American Community Survey five year estimate (US Census Bureau, 2017). 2015 ACS estimates are used in order to provide the most recent data.

Secondary data - school system profile/context. Secondary data about the context and profile of the school district was gathered to allow the subsequent analysis to control for those School District Factors listed in the conceptual model (Figure 7 – e.g. per pupil spending) and described operationally below under control variables. This secondary data was drawn from publicly available figures compiled by the Virginia Department of Education.

Stage 1 – primary data: Survey of ESL supervisors in each Virginia school system. Because of federally mandated requirements to provide equal access to education for English

language learners (or Limited English Proficient (LEP) students), each school district in the Commonwealth of Virginia designate a Title III supervisor or “ESL supervisor” who supervises English Language instruction throughout the system and manages federal grant funding for that work. (Title III covers language instruction for LEP and immigrant students.) In most systems, the Title III supervisor has additional responsibilities, such as foreign language programs, programs targeting students living in poverty or special education oversight. However all of these ESL supervisors are linked via a professional organization, the Virginia ESL Supervisors Association (VESA). This research conducted its survey with cooperation from VESA. Specifically, VESA provide time to introduce the project at their January 2016 meeting, and to gather survey data at their May 2016 and October 2016 meetings.

Respondents were provided an opportunity to fill out a hard copy survey at the May 2016 VESA supervisors meeting, with a web-based survey (using REDCap²⁰) sent to those not in attendance or who preferred to fill out an online survey in order to allow participation from the entire sampling frame of 130 supervisors. Original notification of the survey was sent directly to respondents from REDCap, but an invitation to participate was also sent out by the leadership of VESA (to maximize trust among respondents). Modest incentives funded with my own personal resources were offered to incentivize participation (e.g. respondents were entered in a drawing for a free registration for VESA’s annual conference). Follow-up e-mail invitations and phone calls were made to also increase participation rates. (Contact information was publicly available via the VDOE list of Title III coordinators.) With a maximum number of respondents of 130, a

²⁰ Study data were collected and managed using REDCap electronic data capture tools hosted at Virginia Commonwealth University. REDCap (Research Electronic Data Capture) is a secure, web-based application designed to support data capture for research studies, providing 1) an intuitive interface for validated data entry; 2) audit trails for tracking data manipulation and export procedures; 3) automated export procedures for seamless data downloads to common statistical packages; and 4) procedures for importing data from external sources (Harris *et al.*, 2009).

high participation rate was necessary to achieve a large enough sample to undertake viable regression analysis and reach a viable sample size required the collection of data to stay open past the originally envisioned window. However, the fact that the entire sampling frame is surveyed mitigates concerns about sampling error that typically motivate larger sample sizes.

As noted above, the survey design is broadly modeled after similar representative bureaucracy survey research undertaken by Selden (1997) but with adjustments for the policy of interest – access for LEP students broadly and outreach to LEP parents specifically. The variables collected as part of the survey are discussed in operational detail below. A review of the survey protocol was conducted with a former ESL supervisor who served in a Virginia locality to make sure no important questions were missed. Based on the review, two additional system response questions were added to capture technical responses that systems were likely to consider, a sub-question on education was added to capture whether the respondents highest degree was focused on ESL and several response categories were revised to make the questions easier to understand. During the proposal defense, a recommendation to utilize two additional questions was implemented, namely to ask first whether the individual supervisor took any concrete actions in response to the letter and whether the school system as a whole discussed approved any concrete actions in response to the letter.

Additionally, a pre-test of the online instrument was conducted with two persons, one an academic colleague and one an assistant ESL supervisor from a large system who is familiar with the Dear Colleague letter but who was not part of the sampling frame (in order to avoid using up

respondents for the survey itself.) The testing suggested no concrete alterations as being needed.²¹ The protocol used for the survey is contained in Appendix 1.

Stage 2 - primary data: Qualitative interviews in a sample of localities. As noted above, a number of researchers have engaged the question of local immigrant responsiveness via qualitative interviews. Marrow (2009b) conducted 129 semi-structured interviews in two different counties in North Carolina using a combination of theoretical selection and snowball sampling to obtain respondents. In researching the implementation of California's bi-literacy seal, DeLeon (2014) used a sequenced methodology to gather survey responses from a range of schools systems as well as semi-structured interviews with selected school officials responsible for awarding the seal. For this study I conducted semi-structured interviews with the ESL supervisor in each of the school systems in the selected case study site who agreed to be interviewed. Documents (e.g. website from that school system) were also reviewed as a way to insure that the perspective and narrative of the ESL supervisor is not at significant variance with the reality found within the reviewed documents.

Format of semi-structured interviews – ESL Supervisors. The semi-structured interviews with ESL supervisors are designed to understand not only their narrative of how the system responded to the Dear Colleague letter, but also their experience of their role within the policy-making process and how they articulate their role and their motivations. The instrument (see Appendix II) is designed to maximize the capacity of a case study to understand how and why decisions were made, an important triangulation of the results from the survey which focuses on whether and what responses were made by supervisors and school systems. In order

²¹The test respondent did inquire for the reasoning behind collecting information on political identity and income levels. A reply sent that identified the potential for comparison of those demographic elements to results of the CEPI poll resulted in the test respondent saying they were happy to help without any further follow up.

to facilitate honest responses from those interviewed, reporting individual details of these case studies uses pseudonyms for the school system. Since each system has only one Title III coordinator, individuals are simply referred to as being the coordinator from the pseudonymous school system. A pre-test of the interview protocol was conducted with a former ESL supervisor in Virginia prior to finalizing the instrument in order to make sure no important questions were missed. Likewise, a question asking for any insights that might not have been explicitly asked about was included at the end of the protocol. Questions included in the approved semi-structured interview protocol are listed in Appendix 2. In addition to the approved protocol, we regularly used probe questions to surface two topics of interest if they did not emerge organically:

- Participation, if any, of the supervisor or school board in the responses to the Dear Colleague letter;
- The impact of ESSA passage on responses to the letter.

IRB approval. Because this study meets the definition of research and involves surveying human subjects, the proposal obtained approval from the VCU Institutional Review Board (IRB) via an expedited review. A copy of the approval letter is provided as Appendix VII.

In conducting the survey research, steps were taken to make it highly unlikely or impossible for subjects to be identified from the aggregated data. First, individual responses are kept confidential and when compiled into data sets were organized via district identification numbers rather than the names of individual respondents or school district names. Second, publication of the survey results is limited to de-identified scatterplots or histograms, aggregated cross-tabulation and regression results. In the case of interview responses, the transcripts of the interviews have likewise been kept confidential in password protected digital storage and locked

physical storage and reporting of the case study results uses pseudonyms for both the individual supervisor and the individual school district.

The sampling method observed the following guidelines as suggested by IRB ethics:

- Survey communications provided information to prospective subjects that described the project as research, explained the research procedures, communicated that participation is voluntary and provided our name and contact information.
- Survey communications to subjects also noted that to the extent possible no individualized information would be reported about supervisors or districts.
- Communications to interview participants from the case study likewise were provided the information listed above, and a consent form was signed by each participant prior to the start of the interview.

As we complete this discussion of the overall research design and prepare to specify in more detail the quantitative analysis and case study portions, it is helpful to review our stated hypotheses, which we developed in the course of our literature review. One important note in reviewing them – the numbering of the hypotheses provides an indication of the research question to which it is connected (e.g. Qual-H4 and H4a are both related to Research Question 4 – Table 3 provides the full list of research questions). As noted previously, qualitative hypotheses (denoted with a “Qual.” Prefix) are used to propose themes that were useful to guide the research and to provide a preliminary development of starting codes for qualitative analysis. Those with a sub-letter apply to a quantitative analysis of data drawing from the survey and secondary data and using either a comparison of means (i.e. H2a, H2b, H2c) or regression analysis. Finally, as explained regarding the dual dependent variables for system and supervisor responsiveness, those hypotheses related to the dichotomous “response_any” measure are signified by appending “.2” to the hypothesis (e.g. H4a.2).

Research Hypotheses

Qual-H1: Variation in response to the Dear Colleague letter is expected to be found along dimensions of process (how systems decided what to do), stakeholders (who had a voice in deciding what to do) and policies (what school systems did.)

H2a – The demographic make-up of ESL supervisors in Virginia on factors of race/ethnicity [percentage minority] and gender [percentage female] will be closer to that of the total population than to that of the foreign born population.

H2b – A larger percent of ESL supervisors than the general public will support providing instruction in the students' native language (vs. first needing to learn English or parent's paying)

H2c – A larger percent of ESL supervisors than the general public will favor more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand

Qual.-H3. ESL supervisors will articulate a strong sense of serving the interests of LEP students and parents in their role and will point to both personal experiences (e.g. cross cultural experiences) and broad general values (e.g. importance of equality of access) as motivations for this service.

H3a – Minority ESL supervisors will have a higher acceptance of a representative role.

H3b – Foreign-born ESL supervisors will have a higher acceptance of a representative role.

H3c – ESL supervisors with a higher measured level of cross-cultural experience will have a higher acceptance of a representative role.

H3d - ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.

Qual-H4: The role of ESL supervisors in shaping policy responses will be described as both utilizing significant assets (expertise, personal motivation) and barriers to success (isolation from key decision makers, lack of sufficient resources).

H4a – ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.

H4a.2 – ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting an action taken in response to the Dear Colleague letter.
Qual-H5: Factors surfaced as influencing what policies are implemented are expected to reflect political (meeting expectations of local elected officials; state or federal administrators), organizational (following procedure or meeting expectations of senior local administrators) and professional value considerations (doing what is right for LEP students.)

H5a: School systems with a higher percentage of LEP students will have a higher value on the system responsiveness index.

H5a.2 – School systems with a higher percentage of LEP students will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

H5b: School systems in localities with a more conservative partisan balance will have a lower value on the system responsiveness index.

H5b.2 – School systems in localities with a more conservative partisan balance will have a lower probability of reporting an action taken in response to the Dear Colleague letter.

H5c: School systems whose ESL coordinator has a higher representative role acceptance score will have a higher value on the system responsiveness index.

H5c.2 – School systems whose ESL coordinator has a higher representative role acceptance score will have a higher probability of reporting an action taken in response to the Dear Colleague letter.

Operational Definitions of Variables for Quantitative Analysis

The survey portion of the design is geared primarily toward building a descriptive understanding of the variation in policy (e.g. what percentage of school systems hired new ESL trained staff in response to the Dear Colleague letter) and to support statistical analysis (e.g. holding other factors constant, was the impact of an ESL supervisor’s active representative role acceptance statistically significant in determining the level of response). Clear connection of conceptual definitions to existing theory and clear operationalization of variables to be measured is important for the study’s validity. In the following section, key independent, dependent and control variables are conceptually justified based on existing literature and defined in specific operational terms. The conceptual relationship between these variables is summarized in Figure 7 as a conceptual map showing the flow of personal, organizational, perceived expectation and traditional role acceptance factors into the Representative Role Acceptance by ESL supervisors. This factor, along with others such as institutional school district factors and locality context factors then are expected to influence supervisor and school system responsiveness to the Dear Colleague letter.

Dependent variables. As noted above, there are three primary dependent variables that are used in regression analysis – LEP Representative Role Acceptance, ESL Supervisor Responsiveness and School System Responsiveness. These are expected to be related in the manner mapped out in Figure 7 with Representative Role Acceptance being a dependent variable in answering research question 3c – “What impact do personal and organizational factors, perceived role expectations and traditional role acceptance have on Representative Role Acceptance by ESL Supervisors?” – and an independent variable in explaining ESL Supervisor Responsiveness and School System Responsiveness.

LEP representative role acceptance. LEP representative role acceptance (RRA) conceptually measures the degree to which a bureaucrat conceives of her or his role as taking action on behalf of a particular, often underrepresented group (in this case LEP populations within the school system). It is operationally defined by responses to an 8-item Likert like scale (anchored at 1=completely disagree and 5=completely agree) with the scores being summed into an index which can range from 8-40. Both the conceptualization and operationalization follow Selden (1997), but whereas Selden focused her research on representation of minorities and minority interests broadly, this research is focused on LEP residents (students and parents). Hence in drafting specific survey language, LEP is generally inserted in place of “minority”. LEP is preferred to “immigrant” because LEP is the more relevant term within the education context due to its use within key legal rulings and federal guidance language. (See previous discussion of the overlap between immigrant and LEP populations). In two questions regarding hiring and recruitment where a person with limited English proficiency would likely be unqualified for many positions, the wording “persons who learned English as a subsequent language” is inserted.

As did Selden, we expect that a higher score on this index of representative role acceptance would lead to a greater focus on LEP interests in the policy-making process. The elements of the index are as follows:

- I should seek to provide information to policy makers to assist them in making decisions concerning LEP community needs and perspectives.
- I should recommend or actively advocate in favor of policies which address the needs and concerns of LEP students and parents.
- I should be supportive of procedures which may result in greater and more equitable access for LEP students and parents to school system programs and services.
- I should actively advocate in favor of a more equitable distribution of program services to LEP students and parents including recommending procedural service delivery alternatives when necessary.
- I should be supportive of or encourage change within the school system when necessary to insure the representation of LEP students and parents in school system affairs.
- I should recommend and or actively advocate in favor of institutional changes which may result in a greater school system responsiveness to LEP students and parents.
- I should specifically encourage and recruit qualified persons who learned English as a subsequent language for professional and administrative employment within the school system.
- I should actively advocate in favor of hiring and promotional practices which may result in greater representation of persons who learned English as a subsequent language and greater ethnic balance in school system personnel.

ESL supervisor responsiveness. ESL Supervisor Responsiveness is conceptually defined as the range of ways in which the individual ESL Supervisor changed efforts or ways of working in relation to efforts to communicate with LEP parents as a response to the Dear Colleague letter during the period from January 2015 to survey data collection in May 2016. One of the challenges of constructing a valid measure for responsiveness is that an instrument needed to be constructed from scratch as no such instrument is encountered in the literature. This challenge was confronted in two ways. First, a clear but not highly nuanced question was asked of the ESL Supervisor – Did you personally take any concrete actions in response to the Dear Colleague Letter? – to which respondents could select a check box for either [yes=1] and [no=0]. This

simple entry question provides a baseline of whether the respondent responded in any way with concrete action to the Dear Colleague Letter.

In order to have a more nuanced understanding of the breadth and types of responses taken by supervisors in relation to communication with LEP parents, respondents were also asked to report whether they took any of eight broad types of actions. To improve construct validity, the index was based on conceptual categories of role activity found by Burch and Spillane (2004) to be used by mid-level central office staff in school systems undergoing instructional reform in their role as “brokers” – a designation noted in the literature review to be applicable to the role of ESL supervisor. These four functional activities of brokers are a) tool designers; b) data managers; c) support and training providers; d) network builders. The index asks supervisors whether they undertook new activities in each category or increased the frequency of existing activities in each category since January 2015 (the time the Dear Colleague Letter was released). Since the supervisor is assumed to have control over their own work, the response categories are a dichotomous [yes=1] and [no=0]. The index is constructed by summing the value of the total responses with a possible value range of 0-8.

- What types of responses, if any, did you personally undertake in your role since January 2015 to provide equal access for LEP parents to school communications with parents?
 - Designed new tools or materials to support staff in the school system with communications to LEP parents.
 - Disseminated existing tools or materials more widely or more frequently to staff in the school system to support communications to LEP parents.
 - Collected new types of data to better measure school system communications to LEP parents.
 - Increased the use of existing types of data that measure school system communications to LEP parents.
 - Revised or developed new trainings to equip staff in the school system for communications to LEP parents.

- Conducted existing trainings with a greater number of staff in the school system to equip them for communications to LEP parents.
- Built connections with new partners who had expertise to share on how to communicate with LEP parents.
- Connected more frequently with existing partners who had expertise to share on how to communicate with LEP parents.

These two measures of supervisor responsiveness provide complementary windows into how supervisors reported a) responding to the Dear Colleague Letter in any form and b) taking new or increased action after the release of the letter to improve communication with LEP parents. We argue they are complementary perspectives rather than synonymous because conceptually, respondents could report not taking action because of the Dear Colleague letter but still report having taken steps to improve access to communications for LEP parents. Likewise, a respondent could report taking action as a result of the Dear Colleague letter, but be referring to another area addressed in that letter, rather than the directives regarding parental communication. For this reason, we analyze the two measures separately, rather than combining them into one index.

School system responsiveness. School System Responsiveness is conceptually defined as the degree to which a local school system changed efforts or policy to communicate with LEP parents in response to the Dear Colleague letter or during the period from January 2015 to survey data collection (which began in May 2016). One of the challenges of constructing a valid measure for responsiveness is that an instrument needed to be constructed from scratch as no such instrument is encountered in the literature. This challenge was confronted in the same two ways as identified for supervisor responsiveness. First, a clear but not highly nuanced question was asked of the ESL Supervisor – Did your school system discuss or approve any concrete actions in response to the Dear Colleague Letter? – to which respondents could select a check

box for either [yes=1] and [no=0]. This simple entry question provides a baseline of whether the system responded in any way to the Dear Colleague Letter.

Second, in order to developed a more nuanced understanding of the types of responses, if any, taken by schools systems in relation to communication with LEP parents, respondents were also asked to report whether they took any of eight broad types of actions. The index below is based off of logical actions that school systems could realistically take in meeting their obligation for appropriate communication with LEP parents. To increase confidence in the validity of the instrument, two steps are taken. First, an “other” category was included to allow an open-ended response and eliminate the possibility that closed coding would exclude valid school system responses rather than surfacing them.²² Second, a former ESL supervisor reviewed the components and suggested improvements based on expert key informant knowledge similar to that which respondents brought to their survey responses.

School system responsiveness is operationally defined as the sum of the value for each response reported on the survey, which is termed a responsiveness index and has a potential range from 0 – 12. The response for each of eight potential responses can take one of three values [0-Response not considered/ don’t know; 1-Response discussed but not approved, 2-Response approved]. The elements asked are as follows:

- What types of responses, if any, did your school system take since January 2015 to provide equal access for LEP parents to school communications with parents?
 - Increased number of communications translated into languages other than English
 - Increased funding for contracted translation services
 - Increased use of volunteers to assist with interpretation or translation
 - Increased number of ESL certified staff/teachers in schools system
 - Increased number of staff in school system who speak a language other than English

²² Only 5 responses made valid use of the Other category and so Other was excluded from the construction of the index.

- Increased training for current staff/teachers in best practices for services to LEP population
- Increased use of free public software (e.g. Google Translate) to assist with interpretation or translation.
- Added data categories or capacity to student information databases already used by the school system to drive communications with parents.
- Other [fillable field]

The categories of response are designed to allow some insight into what actions have been considered, even if they have not been approved. Additionally, “approved” is preferred as a word choice over “implemented” because the timing of the survey (May 2016) would correspond with a window where budgets for the following fiscal year (beginning July 1) would be approved but not yet implemented. Some responses (e.g. hiring additional staff) are likely to be conditional on the level of approved budget. To avoid missing these elements, approved is selected as the best word choice in the instrument.

Note the index range includes only six of the items. Two items (use of free public software and use of volunteers for translation/interpretation) are both ambiguous as to whether using such means would be in compliance with the expectations outlined in the letter. For this reason, these two items are excluded from the index but reported in descriptive results.

These two measures of school system responsiveness provide complementary windows into how supervisors reported that their systems a) responded to the Dear Colleague Letter in any form and b) discussed or approved action after the release of the letter to improve communication with LEP parents. We argue they are complementary perspectives rather than synonymous because conceptually, systems could report not taking action because of the Dear Colleague letter but still report having taken steps to improve access to communications for LEP parents. (For example, some school systems invited to participate in the survey were subject to

federal Office of Civil Rights (OCR) agreements that pre-dated the Dear Colleague Letter – these systems may have continued to increase services after January 2015 due to the OCR agreement, rather than seeing them as a response to the Dear Colleague letter itself. Likewise, a respondent could report taking action as a result of the Dear Colleague letter, but be referring to another area addressed in that letter, rather than the directives regarding parental communication. For this reason, we analyze the two measures separately, rather than combining them into one index.

Independent variables. Those variables that factor directly into one of the stated hypotheses are denoted as Independent Variables (IVs) within the research design and are operationally defined here. Other variables included because of prior research or theoretical indications but not directly incorporated into a stated hypothesis are denoted control variables and these are covered in the next section. From a statistical point of view, there is no difference between independent and control variables and significance of control variables was analyzed and reported as warranted alongside the independent variables.

Though our research questions are organized to mirror our reporting in Chapter 4, in discussion of independent variables, we start with those slated for statistical comparison in relation to research question 2 that looks at passive representation in the form of shared identity and in the form of shared policy preferences. (Though not IVs in a formal regression analysis, we include them here as part of those variables used in quantitative analysis.) We then examine variables related to research question 3, which looks at factors influencing Representative Role Acceptance (RRA). We then briefly restate the variable related to research question 4, which looks at the impact of RRA on Supervisor Response, though both of these are operationalized under dependent variables. Finally we examine the variables related to research question 5 which asks what factors best explain variation in the school system responses.

Independent variables related to question 2 (passive representativeness of ESL supervisors). We begin with the IVs of interest for conducting comparative analysis between ESL Supervisors, the general population of Virginia and (in the case of demographic values) the foreign born population. Calculated means for each of the three groups alongside each other form the core of this analysis. For reference, the IVs of interest in the comparison between all three groups are the percent of each group who identify as a racial/ethnic minority and the percent of each group who identify as female. The IVs of interest in the comparison of policy preferences between ESL supervisors and the general population of Virginia are the percent of each group who support providing instruction in the students' native language (vs. first needing to learn English or parent's paying) and who support more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand.

Racial/ethnic minority. Race/ethnicity have long-standing salience in U.S. society as markers of structural privilege (see Feagin (2013)). Likewise, representative bureaucracy research has focused on race/ethnicity as impacting educational opportunity and as being a dimension where a more representative bureaucracy has a positive impact on those groups not privileged by existing structures (Meier, 1993; Meier & Stewart, 1992; Meier *et al.*, 1991). Within this study, we use this variable as both a) a comparison point of passive representation between ESL supervisors as a whole, the general public and the foreign born population in Virginia and b) as a personal factor expected to influence Representative Role Acceptance. We operationalize the variable in the same way for both uses by combining self-identification of those who identify as Hispanic and those who identify as a race other than white/Caucasian – these similarly represent two separate questions on both the survey of ESL Supervisors, the

Commonwealth Education Poll and the U.S. Census. For ESL supervisors, the data was collected via the described survey. For the general population and the foreign born population, 2015 ACS estimates are used in order to provide the most logical point of comparison to the release of the Dear Colleague letter. The two following categorical questions are used, following the phrasing utilized by the Commonwealth Education Poll:

- “Are you of Hispanic or Spanish origin?” – [1=Yes; 0=No]²³
- “What is your race?” [1=White; 2=Black, African-American; 3=Asian; 4=Other or mixed race [fillable field]; 9=Don’t know or Refused]

Female. As with race/ethnicity we use this variable as both a) a comparison point of passive representation between ESL supervisors as a whole, the general public and the foreign born population in Virginia and b) as a control variable among the personal factors expected to influence Representative Role Acceptance. We operationalize the variable in the same way for both uses, asking respondents to self-identify their gender as Male, Female or Other. Following the literature on gender (e.g. Keiser *et al.* (2002)) we treat Female as the value of interest. When used in analysis of factors influencing RRA, we use a dummy variable equal to 1 for Female and 0 for Male/Other. The percentage of total respondents for ESL supervisors who are female is used in comparisons to other groups. For the general population and the foreign born population, 2015 ACS estimates are used in order to provide the most logical point of comparison to the issuance of the Dear Colleague letter. The question in the survey is as follows: “What is your gender?”

²³ As noted above, this specific operationalization follows the phrasing utilized by the Commonwealth Education Poll. However, this phrasing is at variance with 2010 Census wording which asks “of Hispanic, Latino, or Spanish origin.” Additionally it should be noted that doing so introduces a limitation as some indigenous persons from countries in Latin America may not identify as being of Hispanic or Spanish origin, though they would likely be classified by others as Hispanic within the categories used generically by U.S. dominant culture. This limitation is further explored in the limitations section, including an explanation for why it is unlikely to affect results.

Percent of each group who support providing instruction in the students' native language.

We use this variable as a comparison point of passive representation in terms of policy preferences between ESL supervisors as a whole and the general public. We operationalize the variable as the percent of each group who select “Provide instruction in the student’s native language” from among the three options in the relevant question. The data for ESL Supervisors is gathered via the survey and the question wording is duplicated from the 2016 Commonwealth Education Poll. The precise wording of the question is as follows:

Many families who come from other countries have school-age children who understand little or no English. Which one of the following do you think is the BEST way for public schools to handle the education of non-English-speaking students, even if none of these is exactly right?

- Require students to learn English in special classes at the parents’ expense before enrolling in regular classes
- Require public schools to provide instruction in the students’ native language, OR
- Require students to learn English in separate public school classes before enrolling in regular classes?

Percent of group who support more state funds to enhance LEP parental communication.

We use this variable as a comparison point of passive representation in terms of policy preferences between ESL supervisors as a whole and the general public. Our expectation is that a greater percentage of ESL supervisors will more frequently favor greater funds being used for communication with LEP parents than was found for the general public. We operationalize the variable as the percent of each group who select “Favor” in response to the following question.

- Would you favor or oppose more state funds being used to ensure that public school parents who only understand limited English have access to information about their children’s education in a language they fully understand? [1=Favor; 0=Oppose].

Independent variables related to question 3 (Factors affecting representative role acceptance). Next, we turn to the IVs analyzed for their impact on Representative Role

Acceptance (RRA). For reference, the independent variables referenced in hypotheses 3a-3d with expected impacts on RRA are whether the ESL Supervisor is a minority (covered above in terms of operationalization); whether they are foreign born; whether they have significant Cross-Cultural experience and whether they have high public service motivation.

We follow Selden in including whether the ESL Supervisor identifies with the underrepresented group of interest (foreign born). (The direct identification would arguably be whether the ESL Supervisor has limited English proficiency, but since this is likely a barrier to being hired to such a mid-level education position, we adjust to foreign born as conceptually similar group with significant cross-over.) We also follow Selden in including whether the ESL supervisor is a minority on the premise that native born minorities may identify with and advocate for persons who are often defined as minorities within the U.S. context. The cross-cultural experience index and the public service motivation index are not found in Selden's research design but are incorporated based on their identification as important by other literature and because of their conceptual validity.

Foreign born. Conceptually, someone who is foreign born is likely to have a different perception of recent immigrants and hence a different perspective on policy toward LEP persons who, predominantly, are recent immigrants. The expectation is that foreign-born persons are more empathetic toward LEP persons and hence more likely to have a high representative role acceptance. We measure this factor as a dichotomous value [0=no; 1=yes] based on the response to the following question: "Were you born in a country other than the United States?"

Cross-cultural index. We include this variable to account for formative cross-cultural experiences which we hypothesize might influence ESL supervisors toward greater identification with clients and hence a greater likelihood to be active advocates. The inclusion of an index for

cross-cultural experience is based on an assumption that a person who has gone through the experience of learning a new language or living in another culture or building a strong relationship with someone from another culture has a greater felt connection to those going through a similar process of transition as recent immigrants with limited English. This ability to think outside one's own cultural framework has been linked to cross-cultural competency (Hammer *et al.*, 2003). Previous research on factors that increase cross-cultural competency have found statistically significant links between cross-cultural competency and fluency in a second language (Chae *et al.*, 2012; Kim & Kim, 2013), experience in foreign language classes (Chae *et al.*, 2012) and experience working with (Chae *et al.*, 2012) or being friends of (Kim & Kim, 2013) foreigners. Though cross-cultural competency and empathy toward recent immigrants are not exactly the same, we suspect similar factors influence empathy toward immigrants, hence, we include a measure for fluency and a measure for close relationships with an immigrant. Additionally, based purely on conceptual validity, we suspect that significant experience (which we define as 3 months or more in a single experience) living abroad increases empathy and hence representative role acceptance.

Three response categories are summed into an index with a potential range of 0-3:

- **Significant (3 months or longer) experience living abroad** – conceptually, persons who have lived in cross-cultural settings are likely to have a different perspective on policy toward persons who are making the same transition in the U.S. We measure this factor as a dichotomous value [0=no; 1=yes] based on the response to the following question: “Have you lived in another country for more than 3 consecutive months?”
- **Limited working proficiency in a language other than English** - conceptually, persons who master a second language (either other than English, or English as a second language) to a level where they can converse comfortably in it are likely to have a different perspective on policy toward persons who are learning English in the U.S. As noted above, fluency in another language also impacts cross-cultural competency, a factor conceptually related to empathy for those learning English in the U.S. However, “fluency” is an ambiguous category and a very high bar. Many who have a working knowledge of a language would not say they are fluent, but would likely have similar felt sense of connection to others striving to learn another language. A more precise

operationalization is accomplished by using the description of limited working proficiency in a language, as established by the U.S. State Department (2015) – “Able to satisfy routine social demands and limited work requirements.” We measure this factor as a dichotomous value [0=no; 1=yes] based on the response to the following question: “Are you able to satisfy routine social demands and limited work requirements in a language other than English?”

- **Foreign-born close family, friends or coworkers who are foreign born** – conceptually, someone who is closely related to, in a close friendship with, or works closely with a foreign born person is likely to have more empathy toward recent immigrants and be more supportive of expanding policy that benefits persons who, predominantly, are also recent immigrants. We measure this factor as a dichotomous value [0=no; 1=yes] based on the response to the following question: “Do you have close relatives, friends or coworkers who are foreign-born or immigrants?”

Public service motivation index. Because prior research shows public service motivation (PSM) to be connected to such advocacy-like activities as whistle-blowing (Brewer & Selden, 1998) and undermining organizational goals to further broader public social interests (O’Leary 2006) we also include a five item 5-point response scale for PSM developed and validated by (Perry, 1996) with anchor values 1 = Strongly disagree and 5 = Strongly agree. We sum the responses across the five items to generate a Public Service Motivation Index, which can range from 5 - 25:

- Meaningful public service is very important to me.
- I am often reminded by daily events about how dependent we are on one another.
- Making a difference in society means more to me than personal achievements.
- I am prepared to make sacrifices for the good of society.
- I am not afraid to go to bat for the rights of others, even if it means I will be ridiculed.

Independent variables related to question 4 (RRA and supervisor response). We now turn briefly to the analysis related to research question 4, which looks at the impact of RRA on Supervisor Response. The operationalization of the IV of interest in this analysis – Representative Role Acceptance – is covered above under Dependent Variables as it serves that purpose in our regression analysis which seeks to answer research question 3c. In addition,

control variables relevant to the school district/locality and the supervisor context are also included. (See the list of specific variables in Table 6.)

Table 6: Variables in regression analyses

Regression 1 – Factors Influencing LEP Representative Role Acceptance (Research Question 4c) (Dependent Variable = Supervisor – LEP Representative Role Acceptance Index [8-40])			
<u>Independent Variable</u>	<u>Instrument</u>	<u>Expec. Relat.</u>	<u>Lit Source</u>
Org Factor – # minorities in central office staff	Survey	Positive	Selden (1997)
Org Factor – Years in ESL classroom	Survey	Positive	Selden (1997)
Org Factor – Years in education	Survey	Positive	Selden (1997)
Org Factor – Days of training past year	Survey	Positive	Selden (1997)
Org Factor – Years in current position	Survey	Positive	Selden (1997)
Traditional Role Acceptance Index [2-10]	Survey	Negative	Selden (1997)
Personal – Age	Survey	Negative	Selden (1997)
Personal – Gender			
Personal – ESL Degree	Survey	Positive	Alternate to Education
Personal – Party ID Republican dummy	Survey	Negative	Selden (1997)
Personal – Minority Dummy variable	Survey	Positive	Selden (1997)
Personal – Foreign Born Dummy variable	Survey	Positive	Logic
Personal – Cross-cultural Index [0-3]	Survey	Positive	Logic
Personal – PSM Index [5-25]	Survey	Positive	Perry (1996)
Perceived Expec. – Increase LEP access [0-9]	Survey	Positive	Selden (1997)
Perceived Expec. – Follow procedure [0-9]	Survey	Negative	Selden (1997)
Perceived Expec. – Both [0-9]	Survey	Unsure	Selden (1997)
Regression 2 – Factors Influencing Supervisor Responsiveness (Research Question 4d) (Dependent Variable = Supervisor Responsiveness Index [0-8])			
<u>Independent Variable</u>	<u>Instrument</u>	<u>Expec. Relat.</u>	<u>Lit Source</u>
% LEP in school system population	VDOE	Positive	Logic
# Home Languages (OTE)	VDOE	Positive	Practitioner suggestion
Romney 2012 Margin	Leip’s Atlas	Negative	Ramakrishnan (2010)
Growth rate FB population 2000-2015	Census	Unsure	Hopkins (2010)
% Population Foreign Born	Census	Positive	Ramakrishnan 2010
Per pupil spending	VDOE	Positive	Logic
# total students (ADM)	VDOE	Positive	Ramakrishnan 2010
OCR Agreement Dummy	VDOE +	Positive	Practitioner suggestion
Last Title III audit 2013-14	VDOE	Negative	Practitioner suggestion
Supervisor – TRA Index [3-15]	Survey	Negative	Selden (1997)
Supervisor – LEP RRA Index [8-40]	Survey	Positive	Selden (1997)
Supervisor – Public Serv. Mot. Index [5-25]	Survey	Positive	Perry (1996)
Supervisor – Minority Dummy variable	Survey	Positive	Selden (1997)
Supervisor – Title III only focus	Survey	Positive	Practitioner suggestion
Supervisor – Access Index [0-8]	Survey	Positive	Practitioner suggestion
Regression 3 – Context and Process/Supervisor Factors Influencing Variation in Locality Responses (Research Question 5b) - (Dependent Variable = System Responsiveness Index [0-12])			
<u>Independent Variable</u>	<u>Instrument</u>	<u>Expec. Relat.</u>	<u>Lit Source</u>
% LEP in school system population	VDOE	Positive	Logic
# Home Languages (OTE)	VDOE	Positive	Practitioner suggestion
Romney 2012 Margin	Leip’s Atlas	Negative	Ramakrishnan (2010)
Growth rate FB population 2000-2015	Census	Unsure	Hopkins (2010)
% Population Foreign Born	Census	Positive	Ramakrishnan 2010

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<u>Independent Variable</u>	<u>Instrument</u>	<u>Expec. Relat.</u>	<u>Lit Source</u>
Per pupil spending	VDOE	Positive	Logic
# total students (ADM)	VDOE	Positive	Ramakrishnan 2010
OCR Agreement Dummy	VDOE +	Positive	Practitioner suggestion
Last Title III audit 2013-14	VDOE	Negative	Practitioner suggestion
Supervisor – TRA Index [3-15]	Survey	Negative	Selden (1997)
Supervisor – LEP RRA Index [8-40]	Survey	Positive	Selden (1997)
Supervisor – Public Serv. Mot. Index [5-25]	Survey	Positive	Perry (1996)
Supervisor – Minority Dummy variable	Survey	Positive	Selden (1997)
Supervisor – Title III only focus	Survey	Positive	Practitioner suggestion
Supervisor – Access Index [0-8]	Survey	Positive	Practitioner suggestion
School Board Involvement	Survey	Negative	Ramakrishnan (2010)

Independent variables related to question 5 (RRA and school system response). As explained in laying out our specific research hypotheses, and based on the literature on local responsiveness to immigrants and the ongoing debate regarding what drives local action (demographic demand, political incorporation or bureaucratic incorporation), we highlight three independent variables of interest in a regression analysis related to research question 5. Specifically, question 5 explores what factors best explain school system responsiveness. The three variables are the percent of the students in the school system that are designated LEP (demographic demand), partisan balance at the locality level (political incorporation) and representative role acceptance (bureaucratic incorporation). RRA is covered under dependent variables.

Percent of the students in the school system that are designated LEP. Conceptually a school system with a large proportion of the student body designated as LEP is more likely to take action to expand program efforts for LEP students and parents while one with very few LEP students is less likely to respond with significant changes. This variable is operationally defined as the number of LEP students divided by the Average Daily Membership (total students) in the Fall 2015 report made to the Virginia Department of Education (VDOE). Data is drawn from the Virginia Department of Education website (Virginia Dept. of Education, 2015).

Number of home languages in the school system. Given the federal directive mandating the translation or interpretation of communications into the home languages of LEP students or parents, a school system with a much larger number of languages spoken in community homes faces a much larger logistical task than does a system that has only one or two non-English languages spoken within the homes of their students. The variable is operationally defined as the number of languages listed on the Fall 2015 report made to the Virginia Department of Education (VDOE). Data is drawn from the Virginia Department of Education website (Virginia Dept. of Education, 2015). Because of non-normal distribution of the data (Skewness 2.510, Kurtosis 6.536), in regression analysis the natural log of the number of home languages is utilized.

Conservative partisan balance. This variable is measured by the Republican (net) vote share in 2012 Presidential election for locality. The emerging consensus of research on local responsiveness to immigrants is that more conservative contexts are less likely to adopt inclusionary policies or measures (e.g. Ramakrishnan & Wong, 2010). We operationalize this conservative context variable as the percentage of votes won in each respective locality by Republican Mitt Romney in 2012. A presidential election is preferred to a (more recent) congressional election cycle for two reasons. First, presidential elections draw a broader proportion of the electorate, making it a better representation of partisan balance than a narrower Congressional cycle election. Second, the data is easier to apportion directly to the appropriate locality as no locality is split between Congressional districts. Finally, because most of the period studied occurred prior to the 2016 general election, 2012 results are more relevant as a measure of political influence on coordinators' and systems' context than 2016 results. Data is drawn from Dave Leip's Atlas of U.S. Presidential Elections (Leip, 2015).

Control variables. The following control variables (and operational values) were used. Control variables may be used in multiple regression or comparative analyses. For a precise list of the variables included in each regression analysis, see Table 6, above.

Personal factors. In order to analyze the degree to which ESL supervisors are passively representative of the general population of Virginia and what impact these factors have on Representative Role Acceptance, we include demographic factors similar to those used by Selden (1997).

Education. Previous research consistently finds that greater educational attainment is correlated with more inclusionary attitudes toward immigrants (Ceobanu & Escandell, 2010) so we would expect those with more education to be more supportive of immigrants, and in the case of ESL supervisors, to have higher levels of representative role acceptance. On the other hand, the range of education levels among ESL supervisors is likely to be relatively compressed due to degree requirements for such a policy expert position and persons in such a position have likely been socialized to professional norms by their education. If that socialization is towards a traditional role, more education would reduce RRA. Because of the ambiguity, in relation to RRA among ESL supervisors, we have no clear expectation. The education variable is operationalized as an ordinal list of choices, which is borrowed from the Commonwealth Education Poll in case any more detailed comparison is needed along this variable between the two instruments. However, because of the educational requirements of an ESL Supervisor position and in the interests of keeping the survey manageable, categories 1-4 are not included as options in the survey:

- 1 = Less than high school (Grades 1-8 or no formal schooling)
- 2 = High school incomplete (Grades 9-11 or Grade 12 with NO diploma)
- 3 = High school graduate (Grade 12 with diploma or GED certificate)
- 4 = Some college, no degree (includes some community college)
- 5 = Two year associate degree from a college or university
- 6 = Four year college or university degree/Bachelor's degree (e.g., BS, BA, AB)
- 7 = Some postgraduate or professional schooling, no postgraduate degree
- 8 = Postgraduate or professional degree, including master's, doctorate, medical or law degree (e.g., MA, MS, PhD, MD, JD)

ESL degree. One of the testers for the original instrument noted that ESL supervisors are likely to have relatively little variation in education level, since most administrators in central office roles are required to have a master's or terminal degree. The focus of an administrator's degree may also play a role in inculcating an individual in the professional values of ESL educators. To provide an opportunity to analyze this additional dimension that may influence advocacy for LEP students and parents, the following question with a dichotomous value [0=no; 1=yes] was added to the instrument immediately following the education question: "Did your highest degree earned focus on ESL/ELL policy or pedagogy?"

Age. Previous research on attitudes toward immigrants finds that older persons are more exclusionary (Ceobanu & Escandell, 2010). However, Selden's research on representative bureaucracy found that older bureaucrats had higher levels of RRA, a finding she attributed to a generational effect for African-Americans who grew up under segregation. Given these countervailing indicators from different research, it's unclear what impact age may have on RRA when the represented group are persons with LEP, so we have no clear expectation of direction of impact. We operationalize the variable as the age of the respondent in years and gather the data via the survey of ESL supervisors by asking the following question with a fillable field: "What is your age?"

Political party identification. Conceptually, persons who feel they align more with the Republican party are often more exclusionary in their policy preferences toward immigrants (Ceobanu & Escandell, 2010) so we would expect Republican affiliated persons to be less likely to accept a representative role. We operationalize political party identification by combining those who identify themselves as being a member of one of the two dominant parties with those who say that they think of themselves as closer to one or the other party (if they do not declare an affiliation to one or the other in the first question.) Those that neither think of themselves as part of either party nor as being closer to one or the other are designated Independent. The specific questions are as follows:

- Do you normally consider yourself a Democrat, a Republican or an independent?
[1=Democrat; 2= Republican; 3=Independent; 4=Other]
- Do you think of yourself as closer to the Democratic Party or to the Republican Party?
[1=Democrat; 2=Republican; 3=Neither one]

In practice, these are combined to form a series of dichotomous dummy variables for those that identify or lean toward Democrat or Republican, as well as a dummy variable for those who identify as either Independent or Other and select “neither one” in response to the second question. Because results showed Democrats to be the largest grouping, dummy variables used are for Republican and Independent.

Household income. For an additional option in comparing passive characteristics between ESL Supervisors, the general public and the foreign born population in Virginia we also collect information from ESL supervisors on household income. Conceptually, the growing importance of socio-economic status in the United States as a defining identity factor argues for inclusion of such a factor. Research on income as a driver of attitudes toward immigrants has either suggested that higher income is connected to positive attitudes towards immigrants (Borjas, 2003; Coenders *et al.*, 2008) or that the factor is not significant (Semyonov *et al.*, 2006).

The theoretical explanation for those with higher wages having more positive attitudes (and lower income having more negative attitudes) is that most immigrants compete with native workers at the lower end of the income spectrum while higher income workers benefit from lowered costs for services such as house cleaning, construction and child care where immigrants concentrate (Borjas, 2003; Sassen, 1998). However, because of the lack of clear consensus in the research, we do not specify a directional expectation for this variable. Household income is preferred to the supervisor's salary because the factor of socio-economic status is more dependent on the total resources available than the earnings of just one member of a household. We operationalize the variable using the same categories as are used in the Commonwealth Education Poll in case any more detailed comparison is needed on this variable between the two instruments. The data is collected via the survey of ESL supervisors by presenting an ordinal list as response options to the following question:

“Last year – that is in 2015 – what was your total family income from all sources, before taxes?” [1 = Less than \$20,000; 2 = 20 to under \$35,000; 3 = 35 to under \$50,000; 4 = 50 to under \$70,000; 5 = 70 to under \$100,000; 6 = 100 to under \$150,000; 7 = \$150,000 or more; 9 = Don't know.]

Organizational/professional development factors. Following Selden (1997), we include several organizational factors that are expected to shape the perspectives of bureaucrats, including ESL supervisors. Where a directional expectation is relevant, that expectation is stated.

Number of days of training. Conceptually, professional development could affect representative role acceptance in two ways. It could strengthen professional values, which for ESL personnel likely includes elements of service to LEP populations and would therefore lead to greater RRA. Conversely, professional development can be used by a school system to instill organizational procedures and priorities in staff, which would likely increase traditional role

acceptance. Because of the uncertain impact, we don't have a directional expectation for this variable. We operationalize the variable as the actual number of days (as an integer) that the respondent reports attending. We gather this data with the following question on the survey and a fillable field – “In the past year, how many days of training or professional development have you attended as part of your work responsibilities?”

Years in current position. Conceptually, following insights by Honig (2006), a person with a longer tenure is expected to adopt a more traditional role as the impact of organizational acculturation accrues over the years. We expect higher number of years in the current position to lead to a lower RRA. The variable is operationalized as the actual number of years (as an integer) that the respondent reports. We gather this data with the following question on the survey and a fillable field – “How many years have you been in your current position?”

Years of service in the field of education (as teacher or administrator). Conceptually, following insights by Honig (2006), a person with a longer tenure in the educational system is expected to adopt a more traditional role as the impact of organizational acculturation accrues over the years. We expect a higher number of years in the education system to lead to a lower RRA. The variable is operationalized as the actual number of years (as an integer) that the respondent reports. We gather this data with the following question on the survey – “How many years have you worked in the field of education (whether as a teacher, staff or administrator)?”

Number of minorities working in same office. Conceptually, following Selden, the number of minorities working in a person's office may sensitize the individual more to the needs of underrepresented groups, including LEP students and parents, and create greater accountability for serving those groups. We expect a higher number of minorities working in the same office to lead to a higher RRA. The variable is operationalized as the actual number of

persons who identify as a minority that the respondent reports. We gather this data with the following question on the survey – “How many of the persons who work in the same office location as you identify as a minority (non-Caucasian or Hispanic)?”

Number of years the supervisor spent as an ESL classroom teacher. Conceptually, someone who spent significant years as a front-line worker in an ESL role is likely to have a stronger identification with LEP clients and with front-line colleagues as a stakeholder group and in turn to have a higher RRA. The variable is operationalized as the actual number of years recorded as an integer – likely to be 0 to 30 – reported by the respondent. We gather this data with the following question on the survey – “How many years, if any, have you worked as an ESL classroom teacher?”

Perceived role expectations. In addition to personal and organizational socialization factors, Selden (1997) argues that role acceptance by bureaucrats is likely to be shaped by the expectations they perceive that other stakeholder groups have of their role. For this research we are specifically interested in whether other stakeholders reinforce to ESL supervisors that their role is representational (focused on increasing LEP access to school system services), traditional (focused on following establish procedures), a mixture of both, or neither. Mapping the pull of the perceived role expectation from different stakeholder groups provides insight into research question 3 and allows quantitative analysis to include this pull into understandings of what factors make an active representational role more likely among ESL supervisors.

Following Selden, this research identifies a range of relevant stakeholder groups and for each group asks respondents to choose one of the four options below. The number of stakeholder groups signaling each option is then counted to form an additional 3 indices: an advocacy focused role expectation; a traditional focused role expectation and a balanced role expectation.

The question asks respondents to consider each stakeholder group in turn and to choose whether each stakeholder group:

- Expects me to advocate in favor of the delivery of programs and services in a manner which may increase LEP student and parent access.
- Expects me to implement programs and services consistent with established departmental procedures and past practices.
- Expects me to both continue existing program and service delivery practices and to seek procedures for increasing access for LEP students and parents.
- Holds no expectations either way regarding my involvement in program implementation and service delivery.

The index for each of the first three stakeholder expectations is based on the sum total of the following groups that the respondent identified as holding that expectation – School board members; District leadership; state education officials; federal education officials; general public; immigrant community; ESL professional associations; ESL-focused colleagues; non-ESL colleagues.²⁴ The resulting index for each of the three ranges from 0 to 9.

Traditional role acceptance. Conceptually, traditional role acceptance measures the degree to which bureaucrats see their role as focusing on efficiency and economy in implementing goals set by others (often higher) in the organization. In contrast to an LEP specific representative role, a traditional role acceptance is expected to moderate the degree to which a bureaucrat takes an active representational role. As Selden (1997) points out, a traditional role acceptance is not mutually exclusive of an active representational one, but the two are in tension with each other – a strong traditional role acceptance moderates how active a person may be in advocating for a particular underrepresented group. To operationalize this

²⁴ Selden used eight stakeholder categories: district and state management; general public, minority community, non-minority colleagues, minority colleagues, minority employee organizations, professional associations, local political officials.

traditional role acceptance, we originally followed Selden's lead and utilized an index with a range from 3 to 15 (formed by summing three separate 5-point Likert scale responses where 1=Completely Disagree; 5= Completely Agree.)

- Regarding program implementation, I should limit my concern to the efficient carrying out of my own departmental programs and duties.
- I should limit my concern with "how" school system programs and services are implemented and in particular to the efficient execution of my own departmental duties.
- I should actively advocate in favor of hiring and promotion of individuals with a focus on equal opportunity and merit.

However, once data was collected, the third component of this index appeared to produce significantly different responses than the other two. Analysis using a Chronbach's Alpha returns a value of .544 for the three item index with correlations between the first and third of only .03 and between the second and third of only .02. The correlation between first and second, however, is .72. Based on this, a principle component analysis was run with all elements intended for use in the Representative Role Acceptance (RRA) Index, the Traditional Role Acceptance (TRA) Index and the Public Service Motivation index. On a first run, a fourth element appeared, loading the third TRA factor with two items in the RRA battery that also deal with hiring/recruitment. Because we've already shown that trad_merit (the responses from the third TRA item) is not inter-reliable with other TRA elements we drop it from a second principle component analysis (which is summarized in Table 7 - see next page). This confirmed three distinct elements. Based on this, the Traditional Role Acceptance index was constructed using only the first two components and this new variable (TRA2) was used throughout relevant regression analyses with a possible value ranging from 2-10.

Other coordinator factors. While some contextual or structural factors that are likely to influence district responsiveness to the Dear Colleague letter (e.g. district size) can be gathered via existing secondary data sources, a few were gathered directly from the survey.

Table 7: Principle Component Analysis of Indexes (RRA, TRA, PSM)

Rotated Component Matrix^a			
	Component		
	1	2	3
RRA2-I should recommend or actively advocate in favor of policies which address the needs and concerns of LEP students and parents	.840	.369	
RRA1-I should seek to provide information to policy makers to assist them in making decisions concerning LEP community needs and perspectives.	.825		
RRA3-I should be supportive of procedures which may result in greater and more equitable access for LEP students and parents to school system programs and services.	.804	.430	
RRA8-I should actively advocate in favor of hiring and promotional practices which may result in greater representation of persons who learned English as a subsequent language in school system personnel.	.800		
RRA5-I should be supportive of or encourage change within the school system when necessary to insure the representation of LEP students and parents in school system affairs.	.796	.384	
RRA7-I should specifically encourage and recruit qualified persons who learned English as a subsequent language for professional and administrative employment within the school system.	.755		
RRA6-I should recommend and or actively advocate in favor of institutional changes which may result in a greater school system responsiveness to LEP students and parents.	.743	.530	
RRA4-I should actively advocate in favor of a more equitable distribution of program services to LEP students and parents including recommending procedural service delivery alternatives when necessary.	.724	.411	
I am often reminded by daily events about how dependent we are on one another.		.860	
Meaningful public service is very important to me	.337	.853	
I am not afraid to go to bat for the rights of others, even if it means I will be ridiculed.		.828	
Making a difference in society means more to me than personal achievements.	.332	.768	
I am prepared to make sacrifices for the good of society.	.414	.749	
TRA2-I should limit my concern with how school system programs and services are implemented and in particular to the efficient execution of my own departmental duties			.920
TRA1-Regarding program implementation, I should limit my concern to the efficient carrying out of my own departmental programs and duties.			.920
a. Rotation converged in 5 iterations.			

Title III only focus. One of these factors is whether the Title III supervisor focuses exclusively on ESL programming or has a split focus. Larger systems, or systems with significant LEP populations, are more likely to have one staff person who focuses exclusively on Title III/English Learner efforts. In smaller systems, one person may cover Title III as well as a number of other responsibilities. A supervisor with a unified focus is potentially able to develop a much deeper knowledge about ESL programming best practices and nuances of relevant policy.

This may lend itself to both a greater sense of being an advocate for LEP students and parents and potentially greater effectiveness in shaping policy to serve LEP students and parents.

Conversely, a supervisor with awareness of multiple program areas and funding streams may be able to realize synergies between programs that allow for more responsiveness from districts. One question is asked to determine whether focus is exclusive or split:

- Is your role focused exclusively on Title III matters or do you have split responsibilities where you coordinate both Title III programs and others types of programs? (Split = 0; Exclusive = 1).

Superintendent access. A second factor is what type of access the ESL supervisor has to the superintendent of the district. This can be conceptualized in two different ways - as proximity within the official organizational chart (i.e. number of levels between the supervisor and the superintendent) and frequency of interaction. A supervisor with better access to top decision-makers is more likely to be able to shape district responsiveness than one that needs to push their policy recommendations through several levels of supervision. Because of the dual forms of potential access, two questions were asked and results were summed to form an index ranging from 0-8:

- How many levels of supervision are between you and the Superintendent of your district? [Direct report to Superintendent = 3; 1 supervisor between = 2; 2 levels between = 1; 3 or more levels = 0].
- Under regular circumstances, which comes closest to representing how often you have a chance to meet/talk with your superintendent, whether formally or informally? [Less than once a year = 0, one to three times per year = 1, once a month = 3, once a week or more = 5.]

School Board Involvement. A third factor is whether the discussion of how to respond to the letter reached the level of elected officials (in Virginia most school boards are directly elected). This is important to consider because previous research on local responsiveness to immigration (Marrow, 2009a; Ramakrishnan & Wong, 2010) highlights the impact of

partisanship on ordinances passed by local elected officials and the greater degree to which elected officials take their cues from public opinion and national debates. Likewise, the issue being processed with elected officials would limit the bureaucratic discretion present in shaping policy. To understand this factor, one question is asked:

- As your system considered potential policy responses to the Dear Colleague letter, was the issue taken up or discussed during a meeting of the School Board? [0=No; 1=Yes]

ESL Supervisor Isolation. Finally, beyond top-executive access, some supervisors may be more integrated into a central office staff, affording them support from colleagues for developing potential policy solutions while others may be more isolated. To gauge this level of integration, one question is asked:

- As your system considered potential policy responses to the Dear Colleague letter, how supported or isolated did you feel as the Title III supervisor? [1=Very isolated; 2= somewhat isolated; 3=somewhat supported; 4=Very supported.]

County/City Factors. Unless otherwise noted, these control variables are drawn from U.S. Census data available through the American Factfinder website.

Percent growth in foreign-born population from 2000 to 2015. Localities with significant growth may be more responsive, or may be attempting to deflect further immigration because of local backlash. No expectation is stated.

Percent of total population foreign born. Localities where immigrants make up a larger proportion of the population are more likely to have created mature advocacy networks, increasing the likelihood of school system response.

School District Factors. Unless otherwise noted, these control variables are drawn from the Virginia Department of Education website.

School system size. A school system with a larger number of total students is more likely to be able to repurpose funds and other resources for an emerging need. We operationalize this

variable (following the VDOE's definition) as the Average Daily Membership (ADM or total population) reported in Fall 2015 to the Virginia DOE. Because of non-normal distribution of the data (Skewness 3.425, Kurtosis 12.497), in regression analysis the natural log of ADM is utilized.

Per pupil spending. Conceptually a school system that spends more per pupil would likely be able to undertake more robust responses. We operationalize this variable as the total instructional spending by the school system divided by the Average Daily Membership (total population) reported in Fall 2015 to the Virginia DOE.

OCR agreement. As mentioned above school systems that have already been subject to oversight from the state (Title III improvement) or federal government (Office of Civil Rights (OCR) agreement) are likely to already have taken significant action around issues raised in the Dear Colleague letter. This expectation is based both on logic and comments by a respondent from a system under an OCR agreement that the Dear Colleague letter represented guidance that was hashed out, in part, during their school system's efforts to comply with an OCR agreement. This variable is operationalized as a dummy variable with a value of 1 if the school system has a known OCR agreement. This designation is made via a triangulation of publicly available agreements from the OCR, inquiry to a Title III expert from the Virginia Department of Education and, in two cases, mention by an interview respondent of an OCR agreement being in place within the time period of the study.

This factor is used as a replacement for the originally planned variable of being designated a Title III improvement district in the system's last, every-three-years audit by the Virginia Department of Education. A school system that was reviewed and designated a Title III improvement district is likely more motivated to expand program efforts for LEP students and

parents but also may have implemented some or many of the policies outlined in the Dear Colleague letter. The list of Title III improvement districts was previously available from VDOE. However, when ESSA was passed in December 2015, it freed states from the requirement to report the results of these audits – as a result, school divisions were not placed in Title III improvement by VDOE for the 2014-2015 and 2015-2016 school years. (personal communication, 2-27-17)

Dummy for last Title III audit taking place in 2013-2014. This means the system would not be preparing for an audit in 2015-2016 or coming off an audit in 2014-15, making the district less likely to be responsive as potential sanction or embarrassment is further in the future. The schedule of Title III audits is publicly available from the Virginia Department of Education and the published cycle was extrapolated backwards to encompass the desired dummy for a Title III audit being conducted in 2013-14 (Virginia Dept. of Education, 2017b).

Quantitative Comparisons and Regressions

While specific analyses may be implicit in the research questions and variables outlined above and in the data gathered, below is a listing of major analyses reported in Chapter 4.

Quantitative comparisons of cross-sectional variation between school systems. Data gathered as part of the survey of ESL supervisors on the types of school system responses to the Dear Colleague letter are compared. These comparisons provide insights that are easily communicated to lay audiences and policy-makers without establishing detailed correlation or causation. However they provide a way to become familiar with the outlines of the data and to tweak correlational and regression analyses to account for observed patterns.

Quantitative comparisons between general population, foreign born population and ESL supervisors on passive characteristics and policy preferences. In order to provide

insight into research question 2, data gathered as part of the survey of ESL supervisors and comparable data gathered via the Commonwealth Education Poll (public opinion on policy toward LEP students and families) and via Census profiles of the Commonwealth of Virginia are compared to understand the degree to which ESL supervisors are representative of each group, both passively along such dimensions as race/ethnicity and gender and in terms of LEP-related policy preferences.²⁵ Calculated means for each of the three groups alongside each other formed the core of this analysis.

Potentially significant differences among these groups was expected, but what form the differences take provides interesting insights. For example, Virginia, like many states, has seen a relatively rapid diversification of its population along racial/ethnic lines. On one hand, because of the assumed cosmopolitan nature of ESL as a profession and the advantage that second generation immigrants may have in such roles, we might expect ESL supervisors to mirror or even outpace this shift in the general population. On the other, since policy experts often are mid-career professionals, ESL supervisors may lag the diversity of the population across the state. Our formalized expectations were contained in three hypotheses – 5a, 5b and 5c. The quantitative comparisons outlined above sought definitive answers to these questions.

Regression analyses. Implicit in the research questions above are the following three questions:

- 1) What qualities of a school system's context (e.g. per pupil spending) influenced their responsiveness to the Dear Colleague letter? (Research Question 5)

²⁵ Worth noting is the time lag between these points of comparison for public policy preferences and the possibility that some of the difference may reflect the impact of events in the intervening months. Specifically, the Commonwealth Education Poll was fielded December 15-20, 2015 while the survey of Title III coordinators gathered data from May 2016 to early January, 2017. Given the tenor of the 2016 presidential primaries and general election in regards to immigration, some differential impact may be a concern for inter-survey comparisons. However, this concern is mitigated by the length of the presidential campaign in modern time - the primary campaigns were in full swing throughout much of 2015 and the most bombastic candidate on immigration (Trump) announced his candidacy on June 16, 2015.

- 2) What factors about an ESL supervisor's personal background (identities and experiences), organizational context and received role expectations affect their acceptance of an active LEP representative role? (Research Question 3)
- 3) At the intersection of these two questions, while controlling for the context factors tested above, what impact, if any, do the representative qualities (e.g. LEP representative role acceptance) of the ESL supervisor have on their own actions and the overall responsiveness of school system? (Research Questions 4 and 5)

These questions form the core of the study's contribution to the academic literature on local immigration responsiveness, bureaucratic discretion and representative bureaucracy. As noted previously, the conceptual model underlying these regressions is mapped out in Figure 7. The specific dependent and independent variables are listed for each regression in Table 6 as well as the instrument used to gather them, the expected relationship (if any) and the literature source that recommends the variable's inclusion. Analysis of basic correlations between factors was undertaken as a precursor of the regression analysis and is reported where significant.

For each of the regressions outlined below, multivariate Ordinary Least Squares (OLS) analysis using robust standard errors (RSE) was used for indexes. In the case the dichotomous supervisor and system response measures, logistic regression with RSE is utilized. This method of analysis is appropriate when the following conditions are met:

- random sampling of a population is used,
- no covariance exists between regressors and the error term,
- no exact linear relationships between regressors.

In this case the whole population is used, eliminating sampling bias as a possibility, assuming no consistent bias in response rates.

Because our design develops models that combine data about individual ESL supervisors with data about the larger school system and locality context, it is important to discuss whether different observations are correlated with each other as this would violate the assumption of the

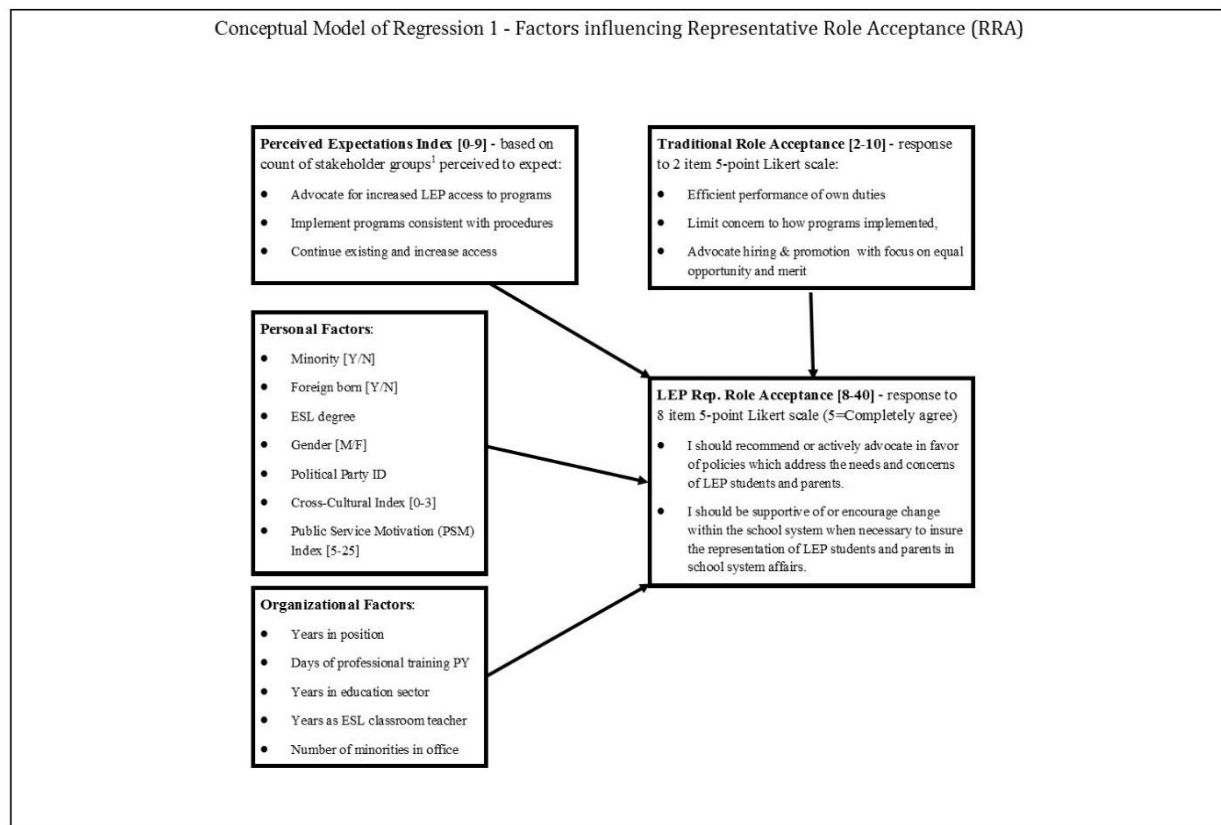
independence of observations. The test performance of students in the same classroom, for example, is often correlated to each other given a shared environment for their learning. Combining their test performance data with those of students from other classes in a regression without accounting for the shared effect would be inaccurate (Norusis, 2005). In these situations, a linear mixed model would be preferred.

In this case, however, there is only one ESL supervisor surveyed in each school system and each school system maps directly onto a specific locality (either city or county). This means there is no case in which multiple observations are nested within the same school system. Therefore there is no theoretical reason to expect some observations to be correlated with each other but not with others. Moreover, linear mixed models utilize a significant number of degrees of freedom in order to provide estimates of fixed effects and differential slope terms. Given the limited number of observations (N=56), pursuing a linear mixed model without a clear theoretical or statistical indicator of non-independence of observations is not preferred.

Finally, because the n-size of the final data set increases the risk of skewed results due to any heteroscedasticity of error terms in variables, robust standard errors are employed in all regression analyses. This follows standard best practice that has emerged in econometrics over the last several decades. (Hayes & Cai, 2007)

Regression 1: Factors influencing representative role acceptance (RRA). As noted above, we follow Selden in testing the impact of traditional role acceptance, perceived expectations, and a set of personal factors (e.g. minority) on an index that measures the ESL Supervisors LEP Representative Role Acceptance (RRA). However, education is dropped as a

variable due to a lack of variation among respondents (all but one have a master’s degree). In its place, as discussed above, ESL degree is included. In addition to those factors included by Selden, we also include foreign-born, a cross-cultural index and a public service motivation index among the personal factors. Figure 9 maps the relationship conceptually, with expectations from various stakeholders, personal factors, organizational factors and traditional role acceptance all expected to influence representative role acceptance.



1 - Stakeholder groups consist of following - School board members; district leadership; state education officials; federal education officials; general public; immigrant community; ESL professional associations; ESL-focused colleagues; non-ESL focused colleagues.

Figure 9: Conceptual Model Regression 1

We formally write the model for Regression 1 as follows:

$$\text{RRA Index} = \beta_0 + \beta_1 \text{Gender} + \beta_2 \text{Age} + \beta_3 \text{Minority} + \beta_4 \text{ESLdegree} + \beta_5 \text{Political Party ID} + \beta_6 \text{Cross-Cultural Index} + \beta_7 \text{Public Service Motivation Index} + \beta_8 \text{Foreign Born} + \beta_9 \text{Perceived Expectations Increase LEP access} + \beta_{10} \text{Perceived Expectations Follow Procedure Traditional} + \beta_{11} \text{Perceived Expectations – Both} + \beta_{12} \text{Traditional Role Acceptance Index} + \beta_{13} \text{Years in Position} + \beta_{14} \text{Days Professional Training} + \beta_{15} \text{Years in Education Sector} + \beta_{16} \text{Years as ESL classroom teacher} + \beta_{17} \text{Number of minorities in office}.$$

The directional expectation for each variable is summarized in Table 6. However in this particular regression we specifically look for evidence for the following hypotheses:

H3a – Minority ESL supervisors will have a higher acceptance of a representative role.

H3b – Foreign-born ESL supervisors will have a higher acceptance of a representative role.

H3c – ESL supervisors with a higher measured level of cross-cultural experience will have a higher acceptance of a representative role.

H3d - ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.

Regression 2: Factors influencing Supervisor Responsiveness. As noted above, we follow Selden’s concept in testing the impact of traditional role acceptance, Representative Role Acceptance (RRA), a set of school district factors (e.g. percentage of LEP students in the system) and several other factors representative of the place of the Supervisor in the school system on the Supervisor Response Index (SRI). Additionally, in order to provide greater comparability between factors influencing supervisors and those influencing system responsiveness, we also include factors representative of the locality (e.g. Republican Partisan balance). These relationships are mapped in Figure 10.

We formally write the model for Regression 2 as follows:

$$\text{SRI} = \beta_0 + \beta_1 \text{Title III focus dummy} + \beta_2 \text{Superintendent Access Index} + \beta_3 \text{Minority} + \beta_4 \text{RRA} + \beta_5 \% \text{LEP} + \beta_6 \text{LN Total Students (ADM)} + \beta_7 \text{Per Pupil Spending} + \beta_8 \text{OCR agreement dummy} + \beta_9 \text{Title III audit 2013-2014 dummy} + \beta_{10} \text{Traditional Role Acceptance Index} + \beta_{11} \% \text{Population Foreign Born} + \beta_{12} \text{Growth rate of FB} + \beta_{13} \text{Conservative Partisan Balance} + \beta_{14} \text{School Board Involvement dummy} + \beta_{15} \text{LN Number of Home Languages}$$

The directional expectation for each variable is summarized in Table 6. However in this particular regression we specifically look for evidence for the following hypotheses:

H4a – ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.

H4a.2 – ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

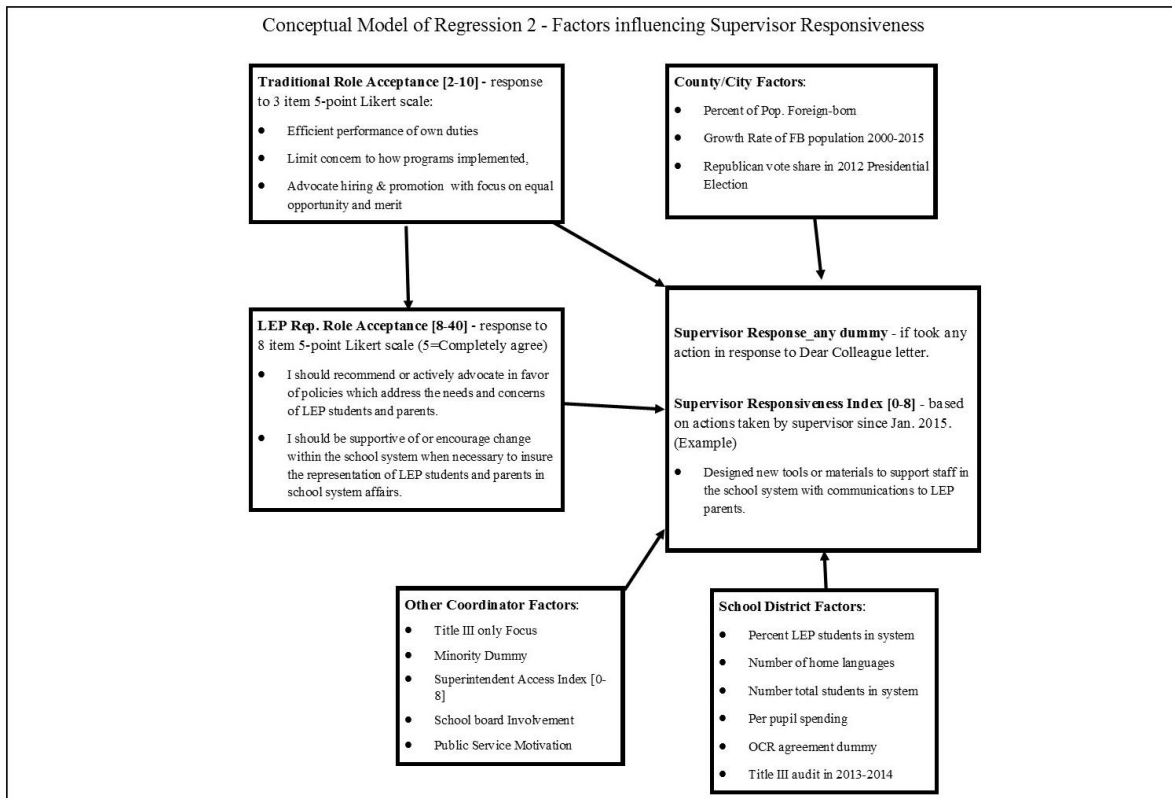


Figure 10: Conceptual Model - Regression 2

Regression 3: Factors influencing School System Responsiveness. As noted above, we follow Selden’s concept in testing the impact of traditional role acceptance, Representative Role Acceptance (RRA), a set of school district factors (e.g. percentage of LEP students in the system) a set of locality context factors (e.g. Conservative Partisan balance) and several other factors representative of the place of the Supervisor in the school system on the School System Response Index (SSRI). These relationships are mapped in Figure 11.

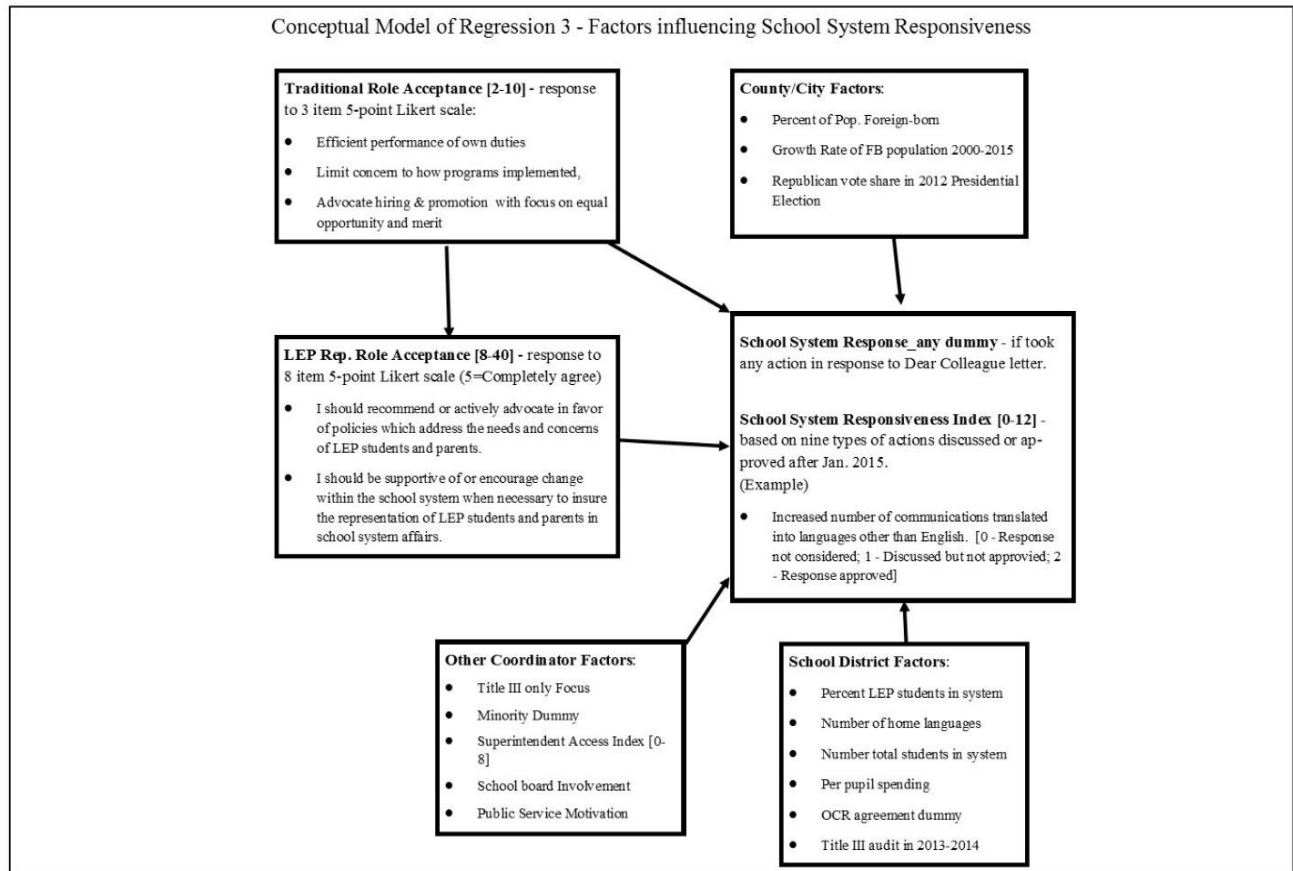


Figure 11: Conceptual Model Regression 3

We formally write the model for Regression 3 as follows:

$$\begin{aligned}
 \text{SSRI} = & \beta_0 + \beta_1 \text{Title III focus dummy} + \beta_2 \text{Superintendent Access Index} + \beta_3 \text{Minority} + \beta_4 \text{RRA} \\
 & + \beta_5 \% \text{LEP} + \beta_6 \text{LN Total Students (ADM)} + \beta_7 \text{Per Pupil Spending} + \beta_8 \text{OCR agreement} \\
 & \text{dummy} + \beta_9 \text{Title III audit 2013-2014 dummy} + \beta_{10} \text{Traditional Role Acceptance Index} + \beta_{11} \% \\
 & \text{Population Foreign Born} + \beta_{12} \text{Growth rate of FB} + \beta_{13} \text{Conservative Partisan Balance} + \beta_{14} \\
 & \text{School Board Involvement dummy} + \beta_{15} \text{LN Number of Home Languages}
 \end{aligned}$$

The directional expectation for each variable is summarized in Table 6.

However in this particular regression we specifically look for evidence for the following hypotheses:

H5a: School systems with a higher % of LEP students will have a higher value on the system responsiveness index.

H5a.2 – School systems with a higher % of LEP students will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

H5b: School systems in localities with a more conservative partisan balance will have a lower value on the system responsiveness index.

H5b.2 – School systems in localities with a more conservative partisan balance will have a lower probability of reporting an action taken in response to the Dear Colleague letter.

H5c: School systems whose ESL coordinator has a higher representative role acceptance score will have a higher value on the system responsiveness index.

H5c.2 – School systems whose ESL coordinator has a higher representative role acceptance score will have a higher probability of reporting an action taken in response to the Dear Colleague letter.

Information of a qualitative nature gathered in the survey. In order to get a general picture of the impact of the Dear Colleague letter on school systems across the entire state, the following questions would be included in the survey of ESL supervisors. Responses to these questions are not included in regression analysis because they largely gather a sense of the ESL supervisors' perception, rather than more tangible actions or policies. To gain a general narrative sense of the impact of the letter and changes that it produced, the following thermometer response questions are asked:

- What impact would you say the Dear Colleague letter from the federal DOE/DOJ had on how your school system approached communicating with LEP parents? [99-Not Sure; Scale from 0 to 10 with markers above the following values: 0-None; 3-Minor, 6-Significant, 9-Major]
- To what extent did your school system have a conscious focus on communicating with LEP parents in the 2013-14 school year? [99-Not Sure; Scale from 0 to 10 with markers above the following values: 0-None; 3-Minor, 6-Significant, 9-Major]
- To what extent did your school system have a conscious focus on communicating with LEP parents in the 2015-16 school year? [99-Not Sure; Scale from 0 to 10 with markers above the following values: 0-None; 3-Minor, 6-Significant, 9-Major]

We envision utilizing tabulations of these responses as part of the research narrative.

Threats to validity. Creswell (2009) outlines four basic types of validity (and threats to them) – internal (derived from procedures), external (derived from overextending generalizations), statistical (derived from violating assumptions underlying statistical analysis)

and construct (derived from inaccurate definitions or measures of variables) – and argues for declaring anticipatable threats and identifying strategies for minimizing those threats. We briefly discuss the threats present within the current quantitative research design.

Internal Validity Threats. One potential threat is a limited number of ESL supervisors (2) who were both surveyed and interviewed, but were interviewed before completing the survey, potentially biasing her or his response relative to those who took the survey first. This eventuality proved unavoidable due to the extension of the survey collection period, the difficulty in many cases of finding times to interview ESL supervisors and the lack of any significant leverage on our part other than repeated invitations.²⁶ In balancing the potential benefits of obtaining a range of nuanced data from an interview and the potential risk to validity, we concluded that conducting the interview as scheduled was the best course of action.

A second internal validity threat is turnover among ESL supervisors. Since the fiscal year for schools ends in June, if a supervisor in ended their contract and took a new job, their replacement would be hard-pressed to provide either quantitative responses or the narrative window into the school systems response that is one of the main benefits of the case study format. This proved to be an even greater challenge than expected. Despite multiple e-mail follow-ups prior to the end of the fiscal year, potential respondents were lost to job transitions or

²⁶ One concrete example illuminates the challenges – one of the officers of VESA who was very supportive of the research verbally and in assisting with gaining opportunities to speak about the research at VESA meetings was provided a physical copy of the survey in May 2016 but voiced a preference for completing the survey online. The digital survey was sent via RedCAP on 5-19 with automatic reminders on 5-26, 6-2, 6-15, 6-21 and 6-28. After extending the original deadline for responses, invitations were sent via RedCAP on 7-14, 7-19, 7-26, and 8-2. In late July, the research began both following up with phone calls to potential survey respondents and also contacted potential interview participants from sampled MSA’s regarding the opportunity to conduct interviews at the state’s annual Coordinators’ Academy. This particular respondent was willing to be interviewed and expressed a commitment to complete the survey prior to the 8-4 interview. However, that did not proved possible and he verbally committed to completing the survey as soon after the interview as possible. Follow-up reminders or calls were sent on 9-20, 9-30, 10-6, 10-21 (in person at VESA meeting), 10-31, 12-15 and 12-28. The respondent completed the survey on 1-3-17. While this was one of the more extreme cases, the level of follow-up necessary to gather responses from supportive individuals is illustrative of the time pressures respondents faced.

assignment of a new person to the role. Analysis of the Title III coordinator list published by the state in May compared to the one accessed on July 28th showed 20 transitions. By early September, the number grew to 29, or about 22% of the target population. In cases where we became aware of impending transitions, efforts were made to follow-up with the potential respondent, even after they stepped outside of the role. In two cases, interviews were conducted with persons who responded to the survey before they moved to a new position but the interview was scheduled after departure. We were incredibly grateful to these individuals for being available even after leaving the job. However, the surprising number of transitions resulted in a much lower number of survey respondents than expected at the outset of data collection.

External Validity Threats. A couple threats existed. First, utilizing a purposeful sample of MSAs for a multi-site case study, even ones with significant internal diversity, means that generalization of the results to other geographies should be made with some caution. Second, as mentioned in the design, generalization of the survey results, given the single state coverage, should not be made to other states.

Statistical Validity Threats. As mentioned in discussing the regression analyses used, a significant statistical validity test would exist if observations were not independent due to a shared influence. To mitigate this threat (and other potentially unseen ones) we had an experienced quantitative methods scholar review the plan for regression analysis both before finalizing the research design, after cleaning the data and after results were obtained from running the analyses. Independent sample tests were conducted comparing both early and late responders, as well as comparing those systems who participated in the survey and those who did not along available secondary data categories (e.g. student population and percent of students

who are LEP). In both cases, no statistically significant differences in mean values at a 95% confidence interval were found for any relevant variables.

Construct Validity threats. As mentioned in the operationalization of several variables, construct validity threats are increased when creating measurements that have not been previously validated. In this study several variables are measured using such new constructs (e.g. Supervisor and School System Response Indexes). To mitigate the threat to validity, the instruments are rooted in existing literature and underlying assumptions were reviewed by a former Virginia ESL supervisor and a test of the instruments was carried out with an assistant ESL supervisor who was not part of the sampling frame. In the course of reviews and testing, no concerns about construct validity were raised.

Case Study Methodology

As mentioned previously in a concurrent triangulation mixed methodology design, both elements of the methodology exist side by side, providing a basis for confirmatory or contradictory triangulation to emerge. Having outlined the survey and regression analysis of the one side of the research design, we now turn to the case study portion. Because case study methodology is inherently interpretive (Creswell, 2009), we first provide a brief statement of the our personal background and identity that may shape interpretation. Second, we refer back to those hypotheses that are geared toward the case study portion of the research and highlight expected themes for coding (while recognizing that open coding of unexpected themes also took place). Finally, we outline the process of analysis for the case study.

Statement of Personal Background and Identity

My identity includes identification as a white middle-aged heterosexual male with a long-standing interest in international relations, social justice and immigration. I am foreign born, in

the sense that I was born to U.S. citizen parents in Nairobi, Kenya. Four years of my childhood were spent in East Africa and this experience provided an appreciation for the gifts and challenges of transitioning from one culture to another. A year of my professional career was spent as an immigration paralegal in South Texas; another two years were spent in peace and justice advocacy work for a Christian (Mennonite) non-profit, including advocacy on immigration issues. My spouse is Estonian-American whose parents both immigrated to the United States as children following World War II. My father served 30 years as a public school teacher in several different Virginia counties. Due to these factors, I have a deep respect for educators and those advocating for and assisting recent immigrants. While all possible effort was made to control the impact of personal bias on the process of interpretation and analysis, the potential for bias nonetheless exists.

Additionally, some of these background factors are assets within the current design. On one hand, personal relationships with long-time educators increased the likelihood of being able to build rapport during interviews. In another direction, being a white male means other Caucasians (a majority of the interviewees) may have felt more relaxed in talking about charged areas like immigration and ethnicity.

Interview Instrument Design

As mentioned previously, this overall research methodology was designed to investigate five research questions, listed below for reference:

- 1) How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language/LEP students and is there evidence to consider the directive a “policy shock”?
- 2) To what extent are ESL supervisors passively representative of the general population and the foreign born population?
- 3) What factors influence whether ESL Supervisors accept an active representative role?

- 4) What was the self-perceived role and impact of ESL supervisors within the school system in responding to the Dear Colleague letter?
- 5) What factors best explain the variation in School System Response?

The interview instrument used for the case study portion of the methodology (see Appendix II for the full instrument) is designed to provide insight to the first four of the five research questions (passive representation is analyzed statistically and so research question 2 is not conducive to qualitative inquiry.) The relationship of questions to areas of inquiry is represented visually in Figure 7. Conceptually, we approached the construction of the interview as an opportunity to gain insight on three interconnected areas:

- 1) Understanding the general role of the ESL supervisor in their own words, including how they got to the role, who they listen to in it and how they get information regarding LEP students and parents. This area corresponds to research question 3 and data was gathered via the following questions:
 - First, can you tell me your official title and how long you've been in this role?
 - I'm interested in understanding more about both your work and the people you serve. How would you describe your role as an ESL supervisor?
 - Who are the people that you serve in your role?
 - I imagine in a position like this, there are a lot of stakeholders in any decision. How do you decide which stakeholders you personally need to listen to the most?
 - Could you tell me some of your personal story? How did you come to be in this role?
 - How do your personal experiences and skills feed into your work and shape what you do?
 - How, if at all, do you receive information that helps you develop a clear sense of the needs of LEP parents and students?
- 2) Understanding how and why the school systems responded to the Dear Colleague letter, including the process used. This includes tracing the narrative of the supervisor and the

system from awareness of the letter, through considering options to decisions taken. This area corresponds to research questions 1 and 5 and data was gathered via the following questions:

- I'm also interested in understanding how school systems have responded to the guidance the federal DOE and DOJ put out in a letter in January 2015 highlighting schools system responsibilities for supporting the educational opportunities of LEP students. I know many supervisors were part of a conference call in March 2015 with the state Dept. of Education. How did you first become aware of the Dear Colleague letter?
- If you think back to those first impressions, what do you remember thinking about the Dear colleague letter's implications for your school system?
- How did your school system go about deciding what type of response or changes, if any, you needed as a result of the letter?
- I imagine with something this complex, there were a number of stakeholders to consider. Who would you say were the main stakeholders within your system in deciding a response to the federal DOE guidance? Which would you say had the most impact on the decision process and why?
- What responses, if any, did your system end up implementing?
- Why did those response end up being the ones implemented?
- Which, if any, of those responses or ways of working through the decision process would you highlight as best practices, worth replicating in other school systems?

3) Understanding the role of the ESL Supervisor in shaping responses to the Dear Colleague letter. This includes understanding what they thought their role would be at the outset, what shape it actually took and what factors supported or restrained them. This area corresponds to research question 4 and data was gathered via the following questions:

- When you first started processing those implications for the school system what did you envision would be your role in figuring out how to respond?
- How, if at all, did the letter change what you do in your role or how you go about it?

- I'm also interested in the experience of supervisors like yourself in shaping these types of responses. Looking back, what role would you say you played in the process (of shaping a response)?
- How much do you feel you had a voice in shaping the strategies that were implemented?
- What factors strengthened your voice in that process? What factors, if any, made it harder to play a role in developing solutions?
- What past experiences or personal characteristics made your role in deciding on responses to take easier or harder?

Finally, two questions were included in the instrument as a tool for maximizing reliability. Because the focus is on understanding the perspective of the respondent and there is a possibility that our structuring of the questions unintentionally excludes certain relevant information, we included a final open question that gives the respondent an opportunity to surface something they see as important – “Is there anything else you'd like to say?”

Also, because our subsequent analysis depends on the accuracy of the transcript, as a way of maximizing accuracy we ask – “Would you be willing to review a transcript for accuracy?” Those willing were sent the transcript of the interview as an opportunity for them to correct it – either because of actual errors in transcription, or because after reading the words they realize the phrasing may have conveyed a meaning they did not intend. Transcripts provided to respondents surfaced only very limited edits for clarity in two cases.

Several choices on how to sequence the question are worth noting. First, because building a level of comfort and rapport with an interviewee is an important part of data gathering in a case study (Bogdan & Biklen, 1998), the questions that ask supervisors about their role in general are asked first. Second, because some of the questions seek to trace the narrative of how the system and supervisor responded to the letter, several of the questions focused on the role of the supervisor in shaping responses to the letter are interspersed with questions about how the

system responded. The assumption is that while we are interested in distinguishing between system and supervisor, this distinction may be less meaningful as an organizing mechanism to the respondent than the historical timeline they are being asked to recall.

Specifying Expected Themes for Case Study

Bogdan and Biklen (1998) list several types of codes they often hope to see in a qualitative database:

- Setting and context codes
- Perspectives held by subjects
- Process codes
- Activity codes
- Strategy codes
- Relationship or structural codes
- Preassigned coding schemes

These categories served as guides for us in developing codes once data is gathered, but our hypotheses assumed certain preassigned codes and we outline these below. The hypotheses developed based on the literature and geared toward case study inquiry are recalled below.

Following each, a short articulation of expected themes is made while acknowledging that in each case, open coding also take place, allowing analysis to capture both the expected and the unexpected themes that emerge from interviews and supplementary document analysis.

H1: Variation in response to the Dear Colleague letter is expected to be found along dimensions of process (how systems decided what to do), stakeholders (who had a voice in deciding what to do) and policies (what school systems did.)

This hypothesis emerges out of theoretical understandings of the policy process that highlight the discretion of bureaucrats as well as the uneven distribution of power within a system. By analyzing patterns related to the interconnection of process, stakeholders and eventual policies, the research develops a picture of how decisions got made in determining

responses to the Dear Colleague letter. Process, stakeholders and actions taken are all codes utilized in analyzing interview transcripts.

H5: Factors surfaced as influencing what policies are implemented are expected to reflect political (meeting expectations of local elected officials; state or federal administrators), organizational (following procedure or meeting expectations of senior local administrators) and professional value considerations (doing what is right for LEP students.)

Based on the insights of the literature on local responsiveness to immigration, particularly the findings in Marrow's research, political, organizational and professional value factors were expected to influence the generation and selection of responses. These terms are all codes used in analysis.

H4: The role of ESL supervisors in shaping policy responses will be described as both utilizing significant assets (expertise, personal motivation) and barriers to success (isolation from key decision makers, lack of sufficient resources).

Selden's research found different factors to be significant in affecting representative role acceptance. To delve further into this expected relationship between personal and organizational characteristics, the interview protocol (Appendix II) included questions meant to surface what experiences, skills and assets ESL supervisors draw on in their work, as well as the challenges or barriers to meeting their own goals they encounter. These factors were expected to provide insight into how supervisors approach and engage in policy development. While not listed explicitly in this hypothesis, we also looked for mentions of sub-roles such as data manager or training provider that surfaced, as these roles could serve to triangulate with the index developed based on the categories noted by Burch and Spillane.

H3 – ESL supervisors will articulate a strong sense of serving the interests of LEP students and parents in their role and will point to both personal experiences (cross cultural experiences) and broad general values (importance of equality of access) as motivations for this service.

This expectation is rooted in the our pre-existing understanding of the charge of ESL coordinators, which seems geared toward an advocacy type role. Confirming or rejecting this

assumption and understanding the deeper motivations expressed by supervisors allowed triangulation with statistical analysis of factors that enhance representative role acceptance. Likewise, this hypothesis is geared towards understanding whether and how ESL supervisors stay in touch with the needs of LEP students and parents.

As mentioned previously, this is not an exhaustive list of possible themes. Rather than attempting to list all possible themes, the case study was designed to utilize broad enough questions that both the expected and the unexpected could emerge from the views and opinions of the respondents (Creswell, 2009).

Case Study Analysis

Yin (2013) notes that qualitative validity and reliability are enhanced by planning for and documenting the processes and procedures used in collecting and handling data. To enhance validity, we outline our procedures below.

Reliability of the data collected was enhanced by checking transcripts for obvious errors and, when possible, having the respondent review the transcript to insure the transcript reflects their intended meaning. After transcripts were prepared by a transcription service, they were sent to the respondents for any necessary edits. Limited edits were received in two cases. Additionally, we listened to the same audio of the interviews that was used to develop the transcript and based on written notes from the interview and greater familiarity with the content area, made edits where the transcription was incorrect. This also assisted us in becoming increasingly familiar with the details of the interviews.

Analysis of the qualitative data began with codes developed from theoretical categories (e.g. perceived role expectations) and which were conceptually implicit in the research questions outlined above. (See codebook developed prior to the start of coding in appendix V). Analysis

also generated additional codes and sub-codes deemed to be present within the interviews that were not previously specified. Both expected codes and newly generated codes were collected and are provided along with example quotations in appendix VI). Also, attention was given to each interviewer's detailed narrative of how their school system responded to the Dear Colleague letter, providing a set of cases that were analyzed for the common themes developed prior to coding and for emergent themes. This analysis utilized the Dedoose software program.

After original coding, interviews were again reviewed to guard against "drift" in coding decisions (Creswell, 2009). Some codes were merged as redundant and others developed to place codes into thematic groupings. Patterns across interviews and documents were identified and juxtaposed with the conclusions of the quantitative regression analysis, either confirming or challenging them. Representative quotations and the narrative sensibility of the collected case studies narratives were then used to add depth of insight to the quantitative findings.

Narrative case study. Each of the interview transcripts, alongside limited publicly available documents from the equivalent school systems, provide a window into the story of how a particular school system researched, processed and responded to the policy shock of the Dear Colleague letter. Each interview provided a bare bones historical narrative for each unit of analysis and the overall picture provided by these individual narratives provided one mechanism for analyzing similarities and differences between school systems. Though this analysis emerged from a semi-structured interview and a clear set of research questions, the case studies are primarily and intentionally inductive in order to triangulate understandings of the research gained from quantitative and necessarily numeric approaches – an opportunity to hear the story as told by the ESL supervisor and allow the human being at the center of the story to emerge (Bogdan & Biklen, 1998). Audio memos recorded immediately before or after interviews provided added

dimensions of direct observation to the interview transcripts. Modified analytic induction was utilized, developing working theories around the stated research questions as interviews added more data and it was possible to identify patterns and potential causes to be held up alongside the results of quantitative analysis (Bogdan & Biklen, 1998).

Purposeful comparisons that mirror purposeful sampling. As noted in the rationale for the sampling of the Oak City MSA, within the metropolitan areas selected there are both larger and smaller school systems and variation in responsiveness is expected between school systems. Once transcripts and other documents were coded for pre-determined and emergent themes, comparisons along the dimensions of variation (size of system, level of responsiveness) were conducted to see if consistent patterns emerged in regards to the stated research questions (e.g. process used within the system, perceived voice of supervisors). Other dimensions beyond the ones noted above were also highlighted and added if indicated by the emerging patterns. In reporting these comparisons, representative quotations highlighting the similarities and differences for each particular dimension are utilized.

Holistic Analysis of Total Results

As evidenced by the multiple regressions envisioned, a number of expected interconnections between different elements of the study exist. When all is said and done, the totality of what has been learned needs to be examined and distilled into conclusions along the following dimensions:

- Understanding what happened as school systems determined what level of response they would make to the Dear Colleague letter, why they made the choices they did and why it matters to practitioners and policy-makers.
- Understanding the context, role and potential of ESL supervisors as advocates or traditional bureaucrats, and by extension, mid-level “brokers” in similarly constructed systems.

- Identifying contributions to theoretical understandings of local immigration responsiveness, educational accountability and representative bureaucracy.

Considering these multiple dimensions requires stepping back from any one mode of analysis and identifying what is surfaced by triangulating conclusions among the different research methods. Intentional and iterative engagement with the whole of the data was undertaken in the process of writing the final conclusions of the research (chapter 5) and preparing presentations of the data to interested groups (since good analysis is only useful if it has an audience).

Timeline for Study

Table 8 below provides a timeline for each element of the study. Time constraints of the study included several windows of opportunity that were determined by the school year schedule as well as that of ESL supervisors:

- Spring VESA meeting – May 2016 – opportunity to have survey respondents complete the survey at the meeting.
- Summer 2016 – often a calmer period for 12-month school system employees like ESL supervisors. The early August Coordinator’s conference proved crucial in conducting interviews – five interviews occurred in 3 days. However, the interview period was extend through fall to allow for individual availability of the respondents. The last interview occurred in November and the final survey was received in early January.
- Fall VESA meeting – October 2016 – originally thought of as a time to share aggregate results, the fall meeting proved a key opportunity to personally reiterate invitations to ESL supervisors to participate in the survey. An opportunity to share aggregate results of the survey with the partner organization took place in May 2017.

Table 8: Timeline of Study

Time Period	Stage	Tasks
2016 January	Preliminary – Instrument testing	Reviewed survey and interview protocol with a former ESL supervisor.
	Preliminary – Build relationships with VESA	Attended annual VESA conference January 28-29, Williamsburg
	VESA partnership	Obtained cooperation of VESA leadership
2016 February 8	Proposal Defense	Obtained Approval of Research Plan
2016 February-April	Stage 1 preparation	Built infrastructure for hard copy and online survey
	Preliminary – IRB approval	IRB approval received April 19, 2016 – see letter of approval, Appendix VI
2016 May – 2017 January	Stage 1 – Survey of ESL supervisors	Opportunity provided to complete survey at May VESA supervisors meeting. Follow up with those not attending to complete online as needed to reach 50+ responses.
2016 July - November	Stage 2 – Semi-structured Interviews	Conducted fifteen (15) in-person semi-structured interviews with ESL supervisors in selected metro areas
2017 January - April	Data analysis	Organize, clean and begin analysis of survey data; Compile themes and representative quotations from interviews, construct tables, conduct regression analyses from quantitative data.
2017 April	Write Conclusions	
2017 May	Maintain relationship with VESA	Present appropriate level of results to VESA May supervisors meeting
2017 June 15	Dissertation Defense	

Storage of Data

All identifiable data compiled and received was stored on a password protected Google Drive cloud storage that automatically synchs between our laptop and work desktop. Additionally, a secondary back-up of all data was kept on a password protected VCU server. Paper files (print outs of interviews and hard copies of surveys) were stored in a locked filing cabinet of our campus office (part of the Commonwealth Educational Policy Institute space).

Managing Data

Aggregated quantitative data from the CEPI survey (e.g. percentage of respondents who supported greater funding for outreach to LEP parents in their native language) were combined with existing demographic information drawn from the U.S. Census on the general and foreign born population in the Commonwealth of Virginia to develop a descriptive profile of the public.

This profile was then used as a reference point against which to judge the passive representativeness of the ESL supervisor population surveyed in stage 1. The demographic Census data was downloaded from the American Factfinder website and compiled in Excel spreadsheets before being imported into SPSS for statistical analysis. Data from the CEPI survey was accessed from the Institute in SPSS format.

The raw data collected in the stage 1 survey of ESL supervisors was imported into SPSS from REDCap, individual identifying data anonymized (a unique coded system identification number remained in order to match it to pre-existing system level data). The full data set was then cleaned for missing responses and analyzed. SPSS was used to compile the indexes outlined above (e.g. system response index, role acceptance index) from the component responses. Categorical and ordinal personal factors (e.g. minority) were converted into appropriate sets of dummy variables to be used in the comparative or regression analyses outlined above.

The semi-structured interviews conducted in Stage 2, with participant permission, were audio-recorded to insure accuracy. The recordings were transcribed by a professional transcription service recommended by a qualitative research expert in the VCU School of Education. All interviews received permission from the participant to audio record the interview. In most cases, supplemental memos on context and non-verbal cues observed during the interview were also completed as soon as possible after the interview concluded.

The resulting transcripts were entered into the qualitative analysis software tool Dedoose, as well as interviewer memos on the context and non-verbal elements of the interview and observational memos about the school system and locality in which the interviewed ESL supervisor works.

Risks and Limitations Associated with Study

We address risks in three areas: reliability, validity and feasibility. The risks associated with the study, in terms of feasibility, fell into two broad areas – access and resources. The survey in Stage 1 was partially dependent on increased access via a partnership with VESA. A survey recommended by a known professional organization was thought likely to garner a higher rate of participation than one received from an unknown researcher. VESA’s partnership was likely helpful, though it did not eliminate the need for significant follow-up calls and e-mails.

Likewise, agreement to participate in the survey in stage 1, or be interviewed in stage 2 was conditional in some cases on obtaining permission from the multiple school systems as well as the individuals. Worries about systems being unwilling to approve access to system staff for research about an area where not all might see themselves as in compliance with requirements for appropriate language communication with LEP parents seemed to be less of an issue than expected. However, the simple but no less difficult challenges of standing policies against participation in research where some information is identifiable, or the task of jumping through all the necessary hoops to get permission for a respondent to complete a survey were more difficult in some cases. Agreements to use pseudonyms may have mitigated this concern to some extent but such access risks resulted in several lost potential respondents. This raised a potential concern about selection bias with regard to those who participated in the survey. To examine this risk, two analyses were run. Prior to detailed analysis, data was reviewed using an independent samples T-test analysis to assess whether response rates were significantly skewed along important dimensions such as school system size, political context and portion of the student population that is LEP (none were – see Table 9 below).

Table 9: Independent T Test for Bias in Survey Participation

		T-test for Equality of Means		
		N	Mean	Sig. (2-tailed) - <.05 shows significant bias (Equal variance not assumed)
%change 2000 to 2014	Not a participant	59	322.15%	
	Participant	46	422.31%	.325
#Languages in System	Not a participant	72	16.91	
	Participant	54	16.22	.872
Calculated LEP Student Count	Not a participant	72	858.47	
	Participant	54	656.55	.720
2015-16 ADM	Not a participant	77	9615.34	
	Participant	55	9874.78	.941
Per-Pupil Expenditure	Not a participant	77	10752.53	
	Participant	55	10901.09	.685
2015 % For Born	Not a participant	77	5.32%	
	Participant	55	4.58%	.466
% Change in FB pop 2000-2015	Not a participant	76	141.36%	
	Participant	54	106.27%	.506
PerStudLEP	Not a participant	72	.0423	
	Participant	54	.0342	.450
Portion top lang	Not a participant	72	.9114	
	Participant	54	.8867	.899
Romney Margin	Not a participant	76	.0803	
	Participant	54	.0876	.873
Monitoring by VDOE in 2013-14	Not a participant	76	.36	
	Participant	55	.27	.316

While we cannot run a similar test for data on individual supervisors, this analysis of publicly available census and voting data provides confidence that the profile of participating systems is not significantly different from those who did not. Another concern is that early responders differ significantly from late responders, suggesting that non-responses might also differ significantly from those who did. To test for such bias, we again ran an independent samples T-test analysis to see if the means on early responses (the first third of the sample, which roughly equates to the end of the budget year) are different from those late responders (the last third, after early October). Again, none tested significant at a 95% confidence interval (see Table 10).

Table 10: Independent T-test for early vs. late response bias

T-test for Equality of Means				
		N	Mean	Sig. (2-tailed) - <.05 shows significant bias (Equal variance not assumed)
Impact of Dear Colleague letter on your school system?	Before 07/04/16	17	5.12	
	After 10/08/16	18	5.39	.735
Change in reported level of focus from 2013-14 to 2015-16	Before 07/04/16	19	.95	
	After 10/08/16	18	1.11	.808
Sum of action types reported taken by supervisor	Before 07/04/16	19	4.37	
	After 10/08/16	18	5.44	.104
Sum of action types reported discussed or taken by system	Before 07/04/16	18	8.56	
	After 10/08/16	18	10.06	.217
d_Democrat	Before 07/04/16	14	.57	
	After 10/08/16	14	.50	.717
What is your age?	Before 07/04/16	14	46.00	
	After 10/08/16	17	52.41	.095
dummy Race/Ethnicity	Before 07/04/16	18	.17	
	After 10/08/16	18	.11	.642
Sum of Public Service Motivation	Before 07/04/16	18	21.67	
	After 10/08/16	18	20.89	.628
Cross Cultural Index (0-3)	Before 07/04/16	19	1.32	
	After 10/08/16	18	1.06	.531
Traditional Role Acceptance (2 item)	Before 07/04/16	19	4.95	
	After 10/08/16	17	4.41	.448
Representative Role Acceptance Index	Before 07/04/16	17	33.29	
	After 10/08/16	18	34.39	.632
2015 % For Born	Before 07/04/16	19	4.47%	
	After 10/08/16	18	6.02%	.398
% Change in FB pop 2000-2015	Before 07/04/16	18	100.42%	
	After 10/08/16	18	107.62%	.812
2015-16 ADM	Before 07/04/16	19	5834.68	
	After 10/08/16	18	16894.11	.089
Per-Pupil Expenditure	Before 07/04/16	19	10896.53	
	After 10/08/16	18	10754.04	.762

In addition to access, there is also the question of resources. Onsite opportunities to complete surveys at VESA meetings with online follow-up opportunity for surveys were conducted with minimal costs. Travel to conduct interviews, costs of transcription and other associated costs were manageable but not insignificant factors, especially once site selection was expanded to multiple MSA's in order to surpass the saturation threshold of twelve. We applied for grant funding in order cover the costs of travel to conduct interviews and transcription but were unsuccessful in securing a grant. Additional funds earned by teaching a course in the fall were dedicated to covering costs of the research.

The limitations of the study follow normal patterns for a methodology that includes interviews and surveys. Specifically with regard to the survey, generalization beyond the state of Virginia may not be warranted if the state context is not similar along key dimensions. Further, as with any case study, while all efforts were made to analyze the data methodically and professionally, our own experiences necessarily shaped our perspective (see disclosure above.) Likewise, the surveys and interviews are based on the Title III coordinator's viewpoint, introducing potential bias in the responses and raising issues of reliability. Also, because the Title III coordinator reports both on their own role and the actions taken by the school system, some possibility of common method bias exists. However, the review of websites for school systems interviewed showed no major discrepancies with the narrative provided by the coordinators and provides a support to the reliability of self-reported perspectives. Finally, as noted above when discussing proposed comparisons between the primary data collected from this research and secondary data from the 2015-16 Commonwealth Education Poll, the time lag between the fielding of the two surveys means comparison of the two results should preserve awareness that measurement did not take place at the same time. Over all, as noted above, the study methodology provides insights that have significant potential to contribute to the existing literature on local responsiveness to immigration, bureaucratic politics and representative bureaucracy.

Restatement of Study's Contributions

Before turning to results, a restatement of the potential learning originally expected from this research is worthwhile. This research opportunity provided significant opportunities for improved academic inquiry in several directions. Focusing on this slice of education policy provides a unique opportunity for filling an existing gap in the literature on local responsiveness

to immigration – the role of bureaucrats, and especially mid-level bureaucrats, in setting policy toward recent immigrants. It also provided a chance to see if this slice of bureaucrats are passively representative of Virginia’s rapidly shifting population and actively represent the LEP students and families their work impacts. Moreover, the research adds more nuanced insight to how passive and active representation are related, what personal and organizational factors increase active representation and whether active representation impacts outcomes in favor of represented groups.

While these are important contributions to the academic literature, other broader contributions also exist in the area of public policy. From a practitioner perspective, mapping the varied responses across school systems and identifying factors that led to more robust responses provide important guideposts on the way to developing best practices. Understanding how school systems across an entire state responded to a letter from the federal level provides insight for policy-makers into the potential efficacy of similar letters. At the same time this research highlights how active representation may enhance the efficacy of a mid-level bureaucrat and shows the limits ESL supervisors work with as part of their unique roles. Understanding this connection between the potential for an advocacy role and the institutional limits of the system in which a mid-level supervisor is embedded not only provide insight into how “brokers” in accountability systems navigate within the system but also how their efficacy can be improved. This could be helpful to professional organizations and state or federal policy experts in shaping trainings, resources and the dissemination of information.

Finally, at the broadest level, this research provides a window into how local governments are responding to LEP persons, which are among the most vulnerable of recent immigrants. In doing so, the research provides insight into how the United States in the 21st

century is learning and evolving as a nation of immigrants. Moreover, the study provides a window into the impact (or lack thereof) one person can have in shaping policy within the ongoing drama, showing whether local partisan and demographic context is destiny, or whether the work of local individuals in a key role can make a difference.

Chapter 4: Analysis of Results

Recall that this research undertaking set out to discover answers to five broad research questions by using insights from the literatures of three areas – education policy toward English Language Learners, representative bureaucracy, and local government responsiveness to immigrants. The five research questions are as follows:

- 1) How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language/LEP students and is there evidence to consider the directive a “policy shock”?
- 2) To what extent are ESL supervisors passively representative of the general population and the foreign born population?
- 3) What factors influence whether ESL Supervisors accept an active representative role?
- 4) What was the self-perceived role and impact of ESL supervisors within the school system in responding to the Dear Colleague letter?
- 5) What factors best explain the variation in School System Response?

In order to do this, the research compiled secondary community demographic data from the Census (2015 ACS 5-year estimates) and school system data from Virginia Department of Education. Likewise, secondary data from a representative education poll of the adult population in Virginia is included to provide a reference point on two public policy questions. However the heart of the research is found in two collections of primary data that were developed and analyzed concurrently. The first of these collections are survey responses from 56 of a possible 130 ESL Supervisors (Title III coordinators) who serve geographically defined school systems in the Commonwealth of Virginia. The second of these collections are interviews with 15 Title III

coordinators (13 of the 15 also took the survey) from four Metropolitan Statistical Areas that were purposefully sampled based on:

- being politically contested,
- diverse in community density (urban/suburban/rural) and
- experiencing a significant increase in the percentage of the population that is foreign-born and a 100% or greater increase in the LEP population in local schools.

In this chapter, we bring these different streams of data together in an effort to shed light on the five research questions. In presenting and discussing the results of our analysis, we follow the ordering of our main research questions. This allows us to make use of the narrative tension that accompanies the Dear Colleague letter – what happened when Title III coordinators and the school systems they represent received the letter? Starting with this narrative element allows us to address the subsequent questions within the set of stories that inherently exist within answering our first question of “How did school systems and Title III coordinators respond to the Dear Colleague letter?”

This starting point maps these responses across the Title III coordinator’s first impressions, the process followed by the school system in figuring out how to respond, a first look at the range of actions taken (or not) and a discussion of what coordinator’s felt were best practices that emerged. From there, our analysis steps back to examining who Title III coordinators are, both in terms of demographic categories such as race and gender, but also in their own words, which provide far more nuanced depth. This allows us, in blending qualitative and demographic data, to assess whether the Title III coordinator population at the time of this

study is passively representative of the foreign born population in Virginia (which accounts for most, but not all, of the English Language Learner student population.)

From the question of passive representation, our analysis turns to the concept of advocacy, or Representative Role Acceptance as Selden (1997) termed it. In answering research question three, we look at the variation in whether Title III coordinators see advocating for English Language Learners as an important part of their role and what factors influence this representative role acceptance. Next, we turn to the question of whether a perceived advocacy role makes a difference – both in terms of the actions Title III coordinators take within their role, and in the actions discussed or approved by the school system as a whole.

At the tail end of each of these five sections, we pause to consider potential conclusions that we can draw regarding each research question as well as the sub-questions and hypotheses that are nested beneath each broad question (see Table 3 for a helpful compilation of these for the entire study). These summary conclusions are then revisited in an integrated matter in Chapter 5 and this broader consideration bridges into a discussion of implications, both for practitioners at various points in the ELL policy system and for academics seeking to improve our understanding of local responsiveness to immigrants, representative bureaucracy and education policy surrounding English Language Learners.

4.1 - What Happened as a Result of the Dear Colleague Letter?

As noted in the introduction, attending a Virginia ESL Supervisors Association meeting in May 2015 where the Dear Colleague Letter was a key topic of concern planted the seeds for this research. To us, the letter seemed to have “shocked” the policy system that the ESL supervisors inhabited and the sometimes tense questions asked appeared to be a snapshot of

actors in a policy system working out where a new equilibrium might exist between the demands for ELL services implicit in the letter and their system's ability to supply those services (observation, May 8, 2015). As academics, the theoretically involved questions of what this federal policy directive can tell us about representative bureaucracy or the response of localities to recent immigrant are important, but we can run the risk of losing the story that unfolds around us. To provide important context for our later discussions, we start our analysis with the story that forms the focus of our first research question – “How did local school systems and ESL Supervisors respond to a federal guidance “shock” regarding policy toward English Language Learner/LEP students?” In unpacking this question, we align our examination with several of journalism's key questions – what happened; how did it happen; when did it happen and who was there when key events took place. As noted in chapter three, these foci of the journalistic trade weave through several sub-questions used to focus data collection and analysis:

- What responses are reported? (What)
- What process did the decision making process follow? (How, who and when)
- Are there any best practices that emerged from local experimentation? (what was exemplary)

In addition to the three questions above, an additional impression of that first meeting needs to be intentionally tested – beyond that one snapshot, did Title III coordinators surveyed and interviewed report actions that support seeing the Dear Colleague letter as a policy demand “shock” to local actors? In examining the responses, the process used and the stakeholders involved, do we see evidence of local systems reconsidering how they provide services to ELL's and moving to a new equilibrium from what existed before?

To examine these questions, we triangulate data gathered via both interviews and surveys. But it is worth noting that our inquiry into these questions of response are weighted toward a narrative exploration that prioritizes the expressed experiences of Title III coordinators. Quantitative data from the survey functions here as a supplemental insight. This division of labor between our data sources is implicit in our expressed hypothesis for research question 1 which aims to explore areas of commonality and variation:

- *Qual.-H1: Variation in response to the Dear Colleague letter is expected to be found along dimensions of process (how systems decided what to do), stakeholders (who had a voice in deciding what to do) and policies (what school systems did.)*

To explore these areas, what interviewees articulated as their first impressions of the implications for their system (see question 9 in the interview instrument) is reviewed first. Second, we'll look at the general themes about the process the Title III coordinators followed to identify and implement solutions. Third, we'll look at descriptive statistics reported from the survey rating the impact of the letter and the amount that the system's reported focus on communicating with LEP parents shifted from the 2013-14 school year (before the letter) to the 2015-16 school year (the full school year after). In looking at these general measures of impact, we'll also examine potential correlations between the impact and locality factors such as the percent of students who are English Language Learners and the growth of the foreign-born population. Finally, we'll review the types of actions school systems reported taking since January 2015 to provide to LEP parents equal access to school communications and draw on the interviews collected to illustrate some of these.

Before following this plan, we first pause to note the results of a basic reliability check. As noted in the Chapter 3, being completely dependent on the perspective of Title III coordinators introduces the possibility of intentional or unintentional bias into the narratives collected. As a basic reliability check, the websites of all 15 school systems represented by the

interviews were reviewed. In no case were any major discrepancies discovered between the narrative of the Title III coordinator and the representation of ESL programs and efforts on school system websites. In several cases, there was very little information presented, though this was generally consistent with the reality narrated by the coordinators as these were small systems with small numbers of ELLs. In two cases, both systems with between 25 and 50 ELLs in small, mostly rural systems, less was found on the website than we expected from the interview, but nothing on the website controverted any part of the narrative. In general this could represent a lack of capacity in small systems to invest large amounts of time in a website structure. In the case of large systems, details were located in a number of cases that corroborated the coordinator's narrative. For example, Sugar Maple County's coordinator spoke of starting a dual language immersion program and a blog post from the ESL program site included a write up about the start of the program, confirming both the overall narrative and the timeline provided by the coordinator (personal communication, Sugar Maple County, September 30, 2016). Based on this discussion of the website reliability check, as well as the general openness of coordinators during the interviews, we feel confident in the reliability of coordinator narratives.

First impressions of implications. Recall that in asking whether the Dear Colleague letter qualifies as a "shock" to local education policy systems, we defined a shock as an event that causes actors to re-examine and make some changes to their choices. In order to develop a sense of what impact the Dear Colleague letter initially had, and whether it cause coordinators to reconsider what they were currently doing, the research protocol asked them to reflect on their first impressions of what the letter would mean for their school system. In coding the interviews, three themes emerged. First, a sense of initial shock did come through from the interviewees. Second, that initial reaction was tempered, in many cases, as a deeper examination of the

guidance provided clarity or even validated initiatives they had already begun or were hoping to implement. Third, in some cases, the letter provided additional leverage to the coordinators as they advocated within the system for changes they already believed to be necessary.

A qualified shock to some systems. One theme that comes through in the interviews conducted is that for school systems with more complex ELL programs (higher percentage of students, larger numbers, and larger number of languages spoken) the letter produced a re-examination of current processes. In multiple interviews, the first reaction noted often was one of shock, followed by a process of examination. This exchange with the coordinator from Chestnut Oak Schools²⁷, who cited the letter as “the second biggest holy crap moment” in her more than 15 years in the position (after the passage of No Child Left Behind) encapsulates the pattern:

Interviewer (I): So when you first started processing those implications for the school system, what did you envision would be your role in figuring out how to respond?

Participant (P): Retiring. [Deadpan. Pause, then laughs] Don’t put that. Sorry. And now it’s there for posterity. Say it again though.

I: (laughs) What did you envision would be your role in figuring out how the school system that you’re a part of would respond?

P: My first steps were to talk to my direct supervisor and to sift through what I perceived were the things where I think we can do better based on what they were saying. Most of what was in that letter I felt very confident that we could demonstrate that we were doing a great job. (Chestnut Oak County, personal communication, July 25, 2016)

The coordinator in Silver Maple County, which has between 20 and 50 ELLs in a rural county, recalled a similar mental process when asked about first impressions of the implications:

²⁷ Recall that pseudonyms are utilized to maintain confidentiality, as well as ranges for such descriptive details such as the number of English Language Learners. In order to allow ourselves and the reader to maintain a sense of which systems are located in the same MSA, pseudonyms utilize a different family of trees for each MSA (e.g. Oak, Maple, Conifers, Hickory). Because each system is represented by only one informant/interviewee, citations simply reference the school systems pseudonym, rather than creating a structure of individual first name pseudonyms.

(laughs) Well, my first reaction was ‘how am I going to find time to make all this happen. Then once I realized that it’s just what you have to do, then I started thinking what are we already doing, what do we already have in place and what pieces of this can I go ahead and start working on and add to it. (Silver Maple County, personal communication, November 17, 2016)

For some coordinators the letter produced a more daunting calculation about what complying completely with the literal mandate of the letter would cost. Hickory City, which as several dozen home languages spoken in the school system and a percentage of LEPs above 7%, noted the following about their initial reaction when the letter was released:

The problem for us was more in the depth of some of the guidance. Like “you will send a translation in every single language that is spoken in your division.” That was one of those things. We were like wow, that’s expensive. And then wow! That’s impossible. And then dare I say, hmmm, how are we going to get around that. So there was some troubleshooting in that manner, to think, okay, so I can’t be in compliance with this. I can’t afford . . . I can’t afford for this division to hold against this group of [ELL] students the fact that we can’t offer violin and fine arts and STEM because all of our money goes to translating classroom forms in a language . . . in 17 less common languages. That for me was a really big thing where I went - the community can’t handle that. What are we going to do? How are we going to make this work? (Hickory City, personal communication, August 3, 2016)

A validation and nudge to continue work already begun. For other school systems, there was a less of a perception of immediate shock. Two reasons were often noted for seeing the letter as not too much a concern. First, several systems noted that recent initiatives, either motivated by their own identification of services to ELLs as a priority, or by an audit by the state or federal level, had aligned their practice with policies encapsulated in the dear colleague letter. “I remember thinking that most of the things we already did. But this spells it out even more so,” noted the coordinator from Oak City (personal communication, November 9, 2016). The coordinator from Sugar Maple County echoed this:

Fortunately, by the time the letter came out, we didn’t have to make any changes. Everything that was in the letter we were already doing or in the process of implementing. So that was nice. If that letter had come out my first year in this position, it would have created a lot of stress for me, because we did not have

those systems in place. But I spent like, the first two years putting those things in place, so by the time the letter came out, it was kind of just on top of what we were already doing. (Sugar Maple County, personal communication, September 30, 2016)

An opportunity as well as challenge. Interviews also surfaced the theme that the letter, while daunting, also provided an opportunity to reinforce points they had been making to colleagues already. For example, several coordinators recalled the letter as being a valuable resource for them in advocating for specific increased services.

But this helped [emphasis by speaker] the argument greatly when you have the stamp of the DOJ and the stamp of USED Office of Civil Rights big and bold and it talks about, you know, second language services cannot be provided by untrained or unlicensed staff. End of story. (laughs) The letter in and of itself was the, I guess the definitive answer. You know, it was kind of like it wasn't just me waxing poetic. This was now oh, Office of Civil Rights. And so this really was kind of the defining piece that really helped solidify and validate my argument. (Overcup Oak County, personal communication, August 1, 2016)

The coordinator from Sugar Maple County, who previously noted that letter didn't produce much change because initiatives were already underway, also pointed to the letter as helpful leverage as a budget initiative that failed the prior year was reconsidered.

It was really perfect timing. I'd already put in a budget initiative to go in front of the school board, to add 25,000 dollars for interpretation and translation services at the school, and when the letter came out, we were in the midst of that. When I went in front of the school board and they were asking questions, I could say, this is DOJ and DOE guidance, it's a mandate from the federal government. And I already had all of the moral arguments of why we should do it, to support our kids, but to be able to add that on top of it . . . I don't know, it probably would have passed anyway, but it's always hard to know politically about those things. But certainly it didn't hurt, having that. (laughs) (Sugar Maple County, personal communication, September 30, 2016)

Taken together, these themes show the letter producing a sense of reconsideration and recalibration in some districts, on one hand as a concern about the possible costs of complying and on the other as an opportunity and leverage to be utilized in advocating for desired changes. This sense of recalibration, however, needs to be tempered by evidence from some systems that

the letter was received as largely codifying a number of best practices that were already understood and either implemented or in the works. Triangulating these interview insights with survey results presented in a later portion of this section is important for reaching a final conclusion on whether or not the letter should be viewed as a shock to the policy equilibrium in general.

Patterns in the process followed. Another research question derived from asking generally “what happened” is the question of how coordinators went about deciding whether any changes needed to be made within their system. Before delving into the intra-system processes surfaced from interviews, it is important to also note variations discovered in when coordinators first became aware of the letter.

First awareness varied significantly in time dimension. In interviews, coordinators reported becoming aware of the letter anywhere from minutes after it was released by the federal department of education (via Twitter) to May 2016 when we invited participation in the survey asking questions about the Dear Colleague letter. What emerges is a pattern of awareness that appears to pivot on how small school systems are and how split the responsibilities of the Title III coordinator are. (See Figure 12)

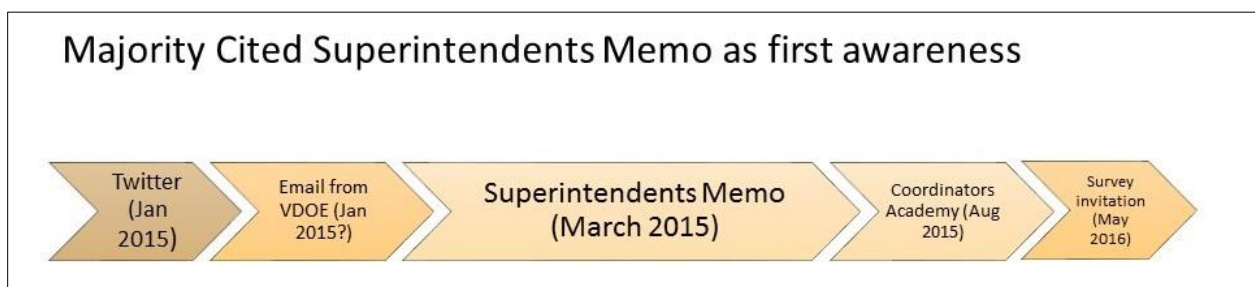


Figure 12: First awareness of Letter

The earliest reported awareness of the letter in the interviews conducted was Overcup Oak County.

Honestly, [I became aware of it on] Twitter. (laughs) I follow USED and some other types of other organizations like that and I saw “dear colleague letter for enhancement of ELL services” and I was like, oh, what’s this? And so I clicked on the link and then it opens the dear colleague letter. So initially, truthfully I saw it on Twitter. But within hours an email from the state came. (Overcup Oak County, personal communication, August 1, 2016)

Twitter, however, seems to be an outlier in this regard. Most coordinators with significant LEP populations (over 50) reported getting notice of the letter from the state department of education, either through a direct e-mail or a superintendent’s memo²⁸ (dated March 13, 2015). This was also true of some coordinators in systems with smaller numbers of ELL students and several mentioned the arrangement their central office has for making sure new communications from the state are pushed out to the appropriate people.

Right. It was winter. It was snow because I remember I caught up on a lot of email when we were out of school. (laughs). . . Our superintendent’s office, one of the administrative assistants in that office, one of her primary tasks is pushing out anything that is born out of Richmond. (laughs) I maybe go on DOE and read everything and check it . . . maybe once every two or three weeks. But for things like that, that is pushed down to me from my superintendent. (Laurel Oak Town, personal communication, August 4, 2016)

But several coordinators, all from small school systems and wearing more than 4 “hats,” also placed their first awareness at a later point, ranging from the summer of 2015 to the spring of 2016. This group included the coordinator of Silver Maple County: “Probably my first awareness came from a conference. The conference we attended in the summer. We go to the Coordinators’ Academy for federal program supervisors. So that was probably the first that we started talking about it and heard about it” (personal communication, November 17, 2016).

²⁸Available at http://www.doe.virginia.gov/administrators/superintendents_memos/2015/056-15.shtml. Superintendent’s memos are a regular form of communication from the state DOE (headed by the state superintendent of instruction) to local school systems. Memos are bundled in a weekly posting/notification that is issued on Fridays. A review of the 2015 memos shows a weekly volume of between 3-9 memos.

The coordinator in Swamp Oak Town likewise cited “through the state conference” as her first awareness, though it’s unclear whether this referred to the summer conference or a conference that takes place earlier in the year (personal communication, August 2, 2016). Red Maple County’s coordinator, who oversees services for less than 25 ELLs, also cited “at meetings” as the first awareness, but also conveyed a sense of depending more on the verbal explanations given than the letter itself. “I think I didn’t pay a lot of attention to the letter because, like you said, it was so long. But went to meetings and had different parts of it explained to me, and we just went right along with what we were doing, because I felt like we were already kind of in compliance with a lot of what it was saying” (personal communication, August 31, 2016).

Finally, in one interview, the respondent mentioned off hand that the first time they actually looked at the letter was when we contacted them about it.

Interviewer (I): I know many supervisors were part of different meetings so I’m interested in how did you first become aware of the dear colleague letter?

Participant (P): I wasn’t part of any meetings. Wasn’t really up on it honestly. Just explained not only did I in that role supervise ESL or ELL services but also school counselors, nurses, librarians, testing, special education, school social workers, school psychologists, all related services and on and on and on [slight defensiveness in tone]. And so honestly I wasn’t really up on it. Yeah. Not at all. (laughs) but it sounds like a lot of what we were doing addresses that so I’m happy to know that but we can always improve and expand.

I: Sure.

P: Yeah.

I: So now that you’ve kind of -- was the first time that you kind of were aware of the letter when I contacted you about it?

P: Yes. [*Researcher note – this would make it May (survey first sent) or June 2016 (date of survey completion)*]. (Shingle Oak County, personal communication, August 22, 2016)

The variation displayed here in terms of first awareness of the letter, from hours after the letter’s release via Twitter, to sixteen months later, is striking. While the bulk of respondents would have known about the letter within 2 months of its release (the date of the state Superintendent’s memo) the variation provides an interesting window into the timing, channels and limitations of the dissemination of these types of guidance documents. Those coordinators most focused on Title III work appear to have known about the letter before the state-level structure formally issued notification. Those less focused appear to have depended somewhat more on others within their system to flag it for them as relevant, or depended on annual training cycles to highlight key issues. In the case of a coordinator being responsible for multiple federal programs, even decisions about what sessions to attend at trainings (e.g. a Title I vs. a Title III session both scheduled for the same time) may determine whether the key person in a school system is informed about guidance changes or not. Thinking through these implications as training cycles are developed and sessions are scheduled may be relevant insight for state level bureaucrats who play a key, and from the interviews, a much appreciated role, in keeping school systems informed.²⁹

Internal work was essential part of successful process. Another theme that emerged from asking coordinators about their first impressions of the letter and the process they followed within the system was a recurring mention among systems with significant numbers of ELLs of

²⁹ This finding provides the sense that the letter may never have come to the attention of this small rural school system if not for our “interference” with the normal flow of events. This outcome is possible, but not guaranteed. The full functional time frame for dissemination of this sort of guidance may extend beyond the window of this research. Despite the fact that the conversation took place more than 18 months after the letter’s release, trainings on the topic have continued as part of state-wide gatherings. A state Title III expert during the May 2017 VESA noted that the letter had been a major focus for a session at the Title III consortium training in January of 2017 – a gathering that is exclusively school systems with very small numbers of ELLs. This insight suggests that the responsiveness found in evidence by this study should not be seen as a complete picture of the letter’s impact, though our sense is that the timeframe was appropriate for catching a vast majority of the impact.

the coordinator needing time to sift through a guidance document as dense as the Dear Colleague letter.

Well, initially I just knew, I mean there was a lot of information in the letter and I knew that I needed time, states needed time, other divisions needed time to process. And it was a lot of information. And I knew that we would have action steps. . . and again I'll review what I said before, not knowing if what the next decision that is made is going to actually achieve what we want to achieve, so time, we have to give time [taps table for emphasis] and a lot of thought to these decisions. (Conifer City, personal communication, August 4, 2016)

This sense of a need for time to work through the potential implications of the letter and how to move forward under its guidance was echoed by several coordinators including the respondent from Chestnut Oak County:

I think that when you get anything like this -- part of my job too and I didn't really say this -- is I'm the face of ESL. So you don't want a fear factor. You don't want an, oh, "woe are we factor." It's being the face of that and articulating your needs and any guidance that comes down in a way that doesn't turn people off . . . you know, I might in here say 'How in the heck am I going to do this?' But when I go speak to my director, I have to be beyond that and say this is the guidance. Here's where we are and here is what I perceive as next steps. So I think as far as best practice is, first scream and yell, jump up and down. Curse, whatever. Then go back and read it again and say where are the parts where I perceive we could be better. (Chestnut Oak County, personal communication, July 25, 2016)

Relational work was key to success. A key theme of how systems processed the letter was the degree of consultation necessary, both upwards to supervisors, horizontally to other district level leadership or building administrators and downward to ESL teachers. The response of Cedar County's coordinator highlights these themes as important to the role of supervisors like themselves:

I think it gets back to the role of the supervisor. . . ultimately, I think if they're doing their job properly, they should solicit a lot of advice and talk to a lot of people before making any rash decisions. I even like to bring my ESOL teachers in and say, okay, this is something we're doing, you know, this is what my thought is, what do you think? Principals, I like to send it out to the principals and get their feedback, as well. You know, hey, what do you think about this? Because I don't think any one person should make those decisions without – with blinders on. (Cedar County Schools, personal communication, August 4, 2016)

The coordinator in Laurel Oak Town similarly noted that following consultation with ESL teachers and leadership teams at the system and building level to formulate any changes, a second part of the process was blending her expertise in setting expectations and in building relationships to develop a clear monitoring and training system.

I have to be both the messenger and the trainer. So my familiarity with the requirements affords me some credibility in my school system. And my tenure in this role exceeds any of the tenures of any of our existing principals. (laughs) So we have a lot of new principals. With that said, my role is to be the messenger of ‘this is the expectation’. This is how I will monitor your building’s participation in and compliance of, and with that said, now when can I come in and work with your teachers and provide the training? (Laurel Oak Town, personal communication, August 4, 2016)

Within this common emphasis across school systems on relationships as a key to success, there was a divergence between smaller and larger systems. Smaller systems tended to recount a process of what we began referring to in post interview memos as the “brute relational force strategy,” characterized by getting all the relevant stakeholders in a room to figure out changes as needed. The response on process from Chiquiquin County exemplified this.

Well, again, it – it's so – we work in a very intimate environment, and – yeah, and the sense that, you know, if you're sitting around the table and discussing things with your colleagues on a division level – and we also get input from administrators in the building, and they share information from teachers, as well. And so pretty much it's just a conversation, and we create and make those changes where it's necessary, for pretty much any program. (Chiquiquin Oak County, personal communication, September 15, 2016)

The coordinator of Swamp Oak Town noted a conversational quality to their process: “Well, I consulted with our assistant superintendent and she and I had discussions about it and then went down with the teachers and had them kind of help me think through, you know, what have we been doing? Do we need to do anything different?” (personal communication, August 2, 2016)

In contrast, coordinators from larger systems often described a process that included conversations with various stakeholders, but also began developing a plan or structured work list that could serve as a road map.

And what we started with, I'm not sure if it leads into another question, was locally internally just I shared with my leadership around the building just to make sure folks were aware. We also started building sort of a template to be able to kind of evaluate ourselves and ensure that we know where we stand versus . . . how we interpret what the dear colleague letter is saying, what we believe we're doing now and what we can do to better serve our students based on that guidance. (Conifer City, personal communication, August 4, 2016)

I went through the letter with a fine toothed comb. I went through each one. And I kind of just developed my own little ratings system. You know, like a one to five. One, this is most work. Five is like we are nailing this every time, 100 percent. And so I went through each of those points and kind of pulled documentation and explanation of what we do and why we do it and why this needs work and that is good to go. And so I took that and I made an appointment with our superintendent, our assistant sup for instruction, my boss, the director of instruction. And the four of us sat down and I went point by point with them . . . and so because they have faith in me that I know our policies that are changing or at least try to stay on top of our policies that are changing, and our content, our needs, our stakeholders, they really listened. (Overcup Oak County, personal communication, August 1, 2016)

Having provided some level of insight into the ways coordinators became aware of the Dear Colleague letter and how they processed the letter internally and with colleagues, we can now turn to a review of what sort of impact emerged from these processes.

Reported impact of letter on how system communicates with LEP parents. In addition to the interview insights provided above, the survey conducted also provides a window on the impact that the Dear Colleague letter had on school systems. The survey asked respondents to pick a point on a 10-point scale in response to the following question: *From January 2015 until now, what impact would you say the Dear Colleague letter from the federal DOE/DOJ had on how your school system approached communicating with LEP parents?*

The histogram in Figure 13 show that the average impact across all respondents was 5.08 with 95% confidence that the true value for the total population lies between 4.41 and 5.75. The mean value corresponds with the lower end of the “significant” range marked on the ten point scale (see Appendix I, question 2). Only 3.9% of respondents reported that the letter had no impact on how they approached communicating with LEP parents. Just over 9% rated the impact as a 9 on the scale of 10.

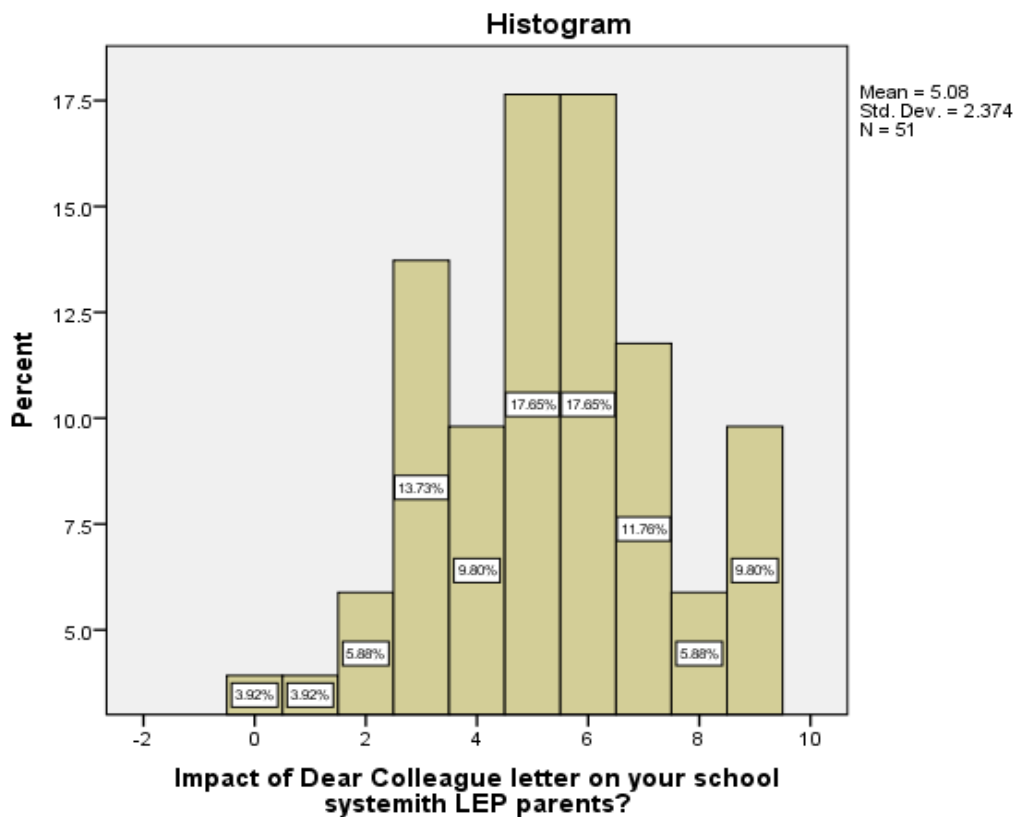


Figure 13: Histogram - reported Dear Colleague Letter impact

This reported impact supports an argument that the letter had some level of impact in almost all systems, though it varied fairly widely in significance. At first glance, there seems to be modest support for the letter being a “shock” to the existing equilibrium, but also an indication that the shock might not be universal. Figuring out what factors might affect the differential impact on responsiveness by Title III coordinators and school systems will be a focus

of discussion in sections 4.4 and 4.5, but it's worth noting here that the reported impact is not significantly correlated with any of the locality variables identified based on existing literature and included in Table 14: Percent of students who are LEP (2015); number of home language (other than English) present within the school system; percent change in the foreign born population from 2000 to 2015; the percent of the overall population that are foreign born, per pupil expenditure, total student membership (ADM) or the political lean of the locality as measured by Romney's 2012 margin of victory or defeat. This may indicate internal organizational and individual factors as being important.

Additionally, the only factor correlated with reported impact is the reported level of focus by the school system on communicating with LEP parents in the 2015-16 school year. This correlation leads us to look at whether school systems reported a significant increase in their focus on communication with LEP parents from the school year before the issuance of the Dear Colleague letter (2013-14) to the full school year after the letter (2015-16).

Analysis of shift in focus. In addition to the question explicitly asking respondents to report the impact of the Dear Colleague letter on communications with LEP parents, the survey asked two questions with the intent of having some sense of whether school systems increased their focus on this area from the year preceding the letter to the year following. A measure of this shift is calculated by subtracting the reported emphasis (again a 10 point scale) of the system's focus in 2013-14 from the same value asked in relation to 2015-16. The histogram and descriptive statistics in Figure 14 and Table 11 (next page) show that the average shift was only about +.96 with an upper and lower bound at a 95% confidence interval of 0.42 and 1.51 respectively. Strikingly, 58.8% of respondents reported no change in their focus level. Juxtaposed with the modestly significant average report of impact just mentioned, this lack of a

pronounced shift mitigates our first impression that the letter was a strong shock to systems' equilibrium, at least in relation to communication with LEP parents.

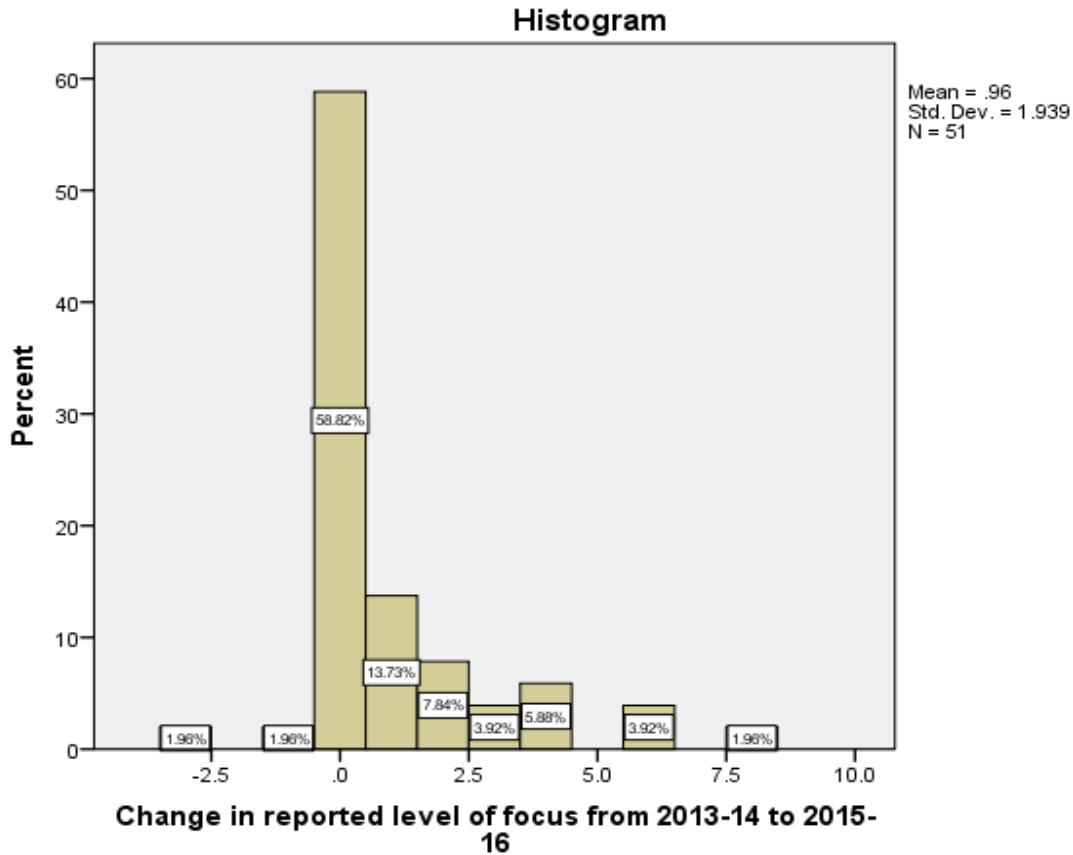


Figure 14: Reported shift in focus

Table 11: Descriptive measures of letter's impact

			Statistic	Std. Error
Impact of Dear Colleague letter on how your school system approached communicating with LEP parents?	Mean		5.08	.332
	95% Confidence Interval for Mean	Lower Bound	4.41	
		Upper Bound	5.75	
	Median		5.00	
	Variance		5.634	
	Std. Deviation		2.374	
Change in reported level of conscious focus on communicating with LEP parents in 2013-14 vs. 2015-16 school years.	Mean		.96	.271
	95% Confidence Interval for Mean	Lower Bound	.42	
		Upper Bound	1.51	
	5% Trimmed Mean		.78	
	Median		.00	
	Variance		3.758	
Std. Deviation		1.939		

This slight conundrum may be explained in part by many systems reporting a fairly high conscious focus in 2013-14 already – the mean for the sample was 6.16 for the 2013-14 value and moved up to 7.22 for the 2015-16 value. Keeping that in mind, examining the statistically significant correlations presented in Table 12 provides added insight.

Table 12: Correlations between impact of Dear Colleague Letter and Locality Factors

		Impact of Dear Colleague letter	Change from 2013-14 to 2015-16	Conscious focus in the 2013-14 school year?	Conscious focus in the 2015-16 school year?
Impact of Dear Colleague letter on your school system with LEP parents?	Pearson Correlation	1	.153	.033	.315*
	Sig. (2-tailed)		.284	.819	.023
	N	52	51	51	52
Change in reported level of focus from 2013-14 to 2015-16	Pearson Correlation	.153	1	-.723**	.075
	Sig. (2-tailed)	.284		.000	.587
	N	51	55	55	55
Conscious focus on communicating with LEP parents in the 2013-14 school year?	Pearson Correlation	.033	-.723**	1	.634**
	Sig. (2-tailed)	.819	.000		.000
	N	51	55	55	55
Conscious focus on communicating with LEP parents in the 2015-16 school year?	Pearson Correlation	.315*	.075	.634**	1
	Sig. (2-tailed)	.023	.587	.000	
	N	52	55	55	56
Percent of Students who are LEP	Pearson Correlation	.022	-.083	.224	.235
	Sig. (2-tailed)	.875	.545	.100	.082
	N	52	55	55	56
Number of Home Languages in System (OTE)	Pearson Correlation	.148	.022	.122	.190
	Sig. (2-tailed)	.297	.875	.374	.162
	N	52	55	55	56
% Change in FB pop 2000-2015	Pearson Correlation	.183	.433**	-.396**	.015
	Sig. (2-tailed)	.199	.001	.003	.912
	N	51	54	54	55
2015 % For Born	Pearson Correlation	.117	.000	.179	.276*
	Sig. (2-tailed)	.409	1.000	.192	.040
	N	52	55	55	56
Per-Pupil Expenditure for Operation Regular Day School	Pearson Correlation	-.132	.046	-.277*	-.247
	Sig. (2-tailed)	.349	.738	.040	.066
	N	52	55	55	56
2015-16 ADM	Pearson Correlation	.121	.029	.127	.203
	Sig. (2-tailed)	.393	.834	.355	.133
	N	52	55	55	56
Romney Margin	Pearson Correlation	-.192	-.029	.031	-.128
	Sig. (2-tailed)	.178	.833	.821	.351
	N	51	54	54	55

*Correlation is significant at the 0.05 level (2-tailed); **Correlation is significant at the 0.01 level (2-tailed).

First, as would be expected given a minor average shift, there is a strong positive correlation (.634) between the focus reported from 2013-14 to 2015-16. But there is also a strong negative correlation (-.723) between the amount of shift reported and the reported focus in

2013-14. Intuitively, and perhaps unsurprisingly, this indicates that systems reporting a large shift were those who started further down on the scale. More interesting is the modest negative correlation (-.396) between the 2013-14 focus and the rate of change in the foreign born population for that locality from 2000 to 2015. Additionally, the change in focus measure is positively correlated (.433) with the rate of change in the foreign born population and the 2015-16 focus is positively correlated with the percent of the population that is foreign born. Taken together, this picture of correlations suggests that those systems with rapid growth (potentially from a small base) of the foreign born population were the systems that reported the greatest change in focus. This provides a *prima facie* case for demographic forces as drivers of policy change. Why this might be the case, and whether it holds when other factors are controlled, is a topic for further exploration in later sections. Moreover, these reports of impact are necessarily reductionist, asking respondents to sum up a totality of impressions, process and actions into several responses on a scale. A more detailed picture can emerge from exploring other data gathered from the survey and interviews about what types of actions were taken to provide equal access for LEP parents. We now turn to these areas.

Actions taken. Reviewed here are the different dimensions of action that coordinators reported that their systems took.

Overview of types of actions reported discussed or approved in survey. Recall that the survey instrument asked Title III coordinators the following – “*What types of responses, if any, did your school system take since January 2015 to provide equal access for LEP parents to school communications to parents?*” The survey provided eight closed response types (e.g. increased training for current staff/teachers in best practices for services to LEP population) and asked respondents to designate whether that type was not discussed, discussed, or approved. It

also provided an open “other” category to allow identification of responses that didn’t fit within the closed response typology. Together, this battery is used to develop the School System Response index outlined as a key dependent variable in Chapter 3 and examined in more detail in Chapter 4.5. However, examining the simple breakdown of which responses were most frequent is illustrated here in order to provide a descriptive view of the actions taken.

The responses reported by school systems are summarized in Table 13. Several patterns are worth highlighting. First, increasing training for existing staff (69.8% approved, 13.2% discussed) and increasing the number of communications translated (67.3% approved, 17.3% discussed) are the most frequently utilized response types and (at least potentially) share the distinction of responses that could likely be done by reapportioning existing staff time without necessarily requiring additional budget or staff hires.

Table 13: Types of responses discussed and approved by school systems

What types of responses, if any, did your school system take since January 2015 to provide equal access for LEP parents to school communications to parents?						
	Not Discussed		Discussed		Approved	
	Row %	Count	Row %	Count	Row %	Count
Increased training for current staff/teachers in best practices for services to LEP population	17.0%	9	13.2%	7	69.8%	37
Increased number of communications translated into languages other than English	15.4%	8	17.3%	9	67.3%	35
Increased use of volunteers to assist with interpretation or translation	46.3%	25	7.4%	4	46.3%	25
Increased funding for contracted translation and/or interpretation services	37.7%	20	18.9%	10	43.4%	23
Increased use of free public software (e.g. Google Translate) to assist with interpretation or translation	30.9%	17	29.1%	16	40.0%	22
Increased number of ESL certified staff/teachers in schools system	30.9%	17	30.9%	17	38.2%	21
Added data categories or capacity to student information databases already used by the school system to drive communications with parents	52.0%	26	16.0%	8	32.0%	16
Increased number of staff in school system who speak a language other than English	57.7%	30	25.0%	13	17.3%	9
Other	88.5%	46	1.9%	1	9.6%	5

By contrast, increasing the number of ESL certified staff/teachers (at 38.2% approved) and increasing the number of staff who speak a language other than English (at 17.3% approved) were among the least frequently reported response strategies. Increased funding for contracted translation/interpretation (approved by 43.4%) fell in a middle ground.

The responses of interviewed coordinators generally tracks with this range and breakdown. Respondents in all four MSAs and large and small school systems mentioned initiatives to increase translation of documents in both a systematic and on an as needed basis. One example that ties into both increased translation and contract services came from Cedar County:

So when that came out – and actually, we were already in the process of doing this, anyway, so it really wasn't a big deal. I had been working with a local company who does translation services that's based out of Conifer City, and I've been using some Title Three and some local funds to translate all of our forms over to Spanish, because again, that's 95 percent of our population, if not higher. So for example, for division paperwork, things like that, registration paperwork, home language survey, you name it, division forms, I'm tapping into some local funds to get that done. (Cedar County Schools, personal communication, August 4, 2016)

As noted by the Cedar County respondent, some of this increased focus predated the Dear Colleague letter itself. For most systems, the actions taken were seen as an extension of what they were already doing, rather than a sharp break from previous inaction. “For us we’re lucky that it wasn’t like a, ‘Oh my gosh, we have to do this thing that’s different!’” said the respondent from Hickory City (personal communication, August 3, 2016). “It was just [moving to a calming tone of voice] ‘hey, just make sure, please be mindful, please be mindful. Please be mindful.’ So for us it really wasn’t that different.”

While initiatives to increase communication were almost universal, coordinators from larger systems tended to make reference to efforts to refine the procedures used by staff across the system to request translation or interpretation and to also provide oversight and some control

over how much would get spent. “At the time we did not have regular contracted telephone interpretation services. And that was kind of pointed out in the letter as something -- maybe not specifically that -- but it was kind of implied in that letter. So we’ve done that and that’s a potential greater expense but I think if we manage it correctly it’ll be fine” (Conifer City, personal communication, August 4, 2016).

A majority of systems interviewed also talked about training initiatives and other ways that the Dear Colleague letter sparked an increased involvement with non-ESL staff and teachers. One example of this emerged from Laurel Oak Town:

The Title I parent resource coordinators have begun to partner with us more and when I say us I’m talking about my ESL teachers and me, the guidance counselors, the building teams. So we have been able to partner with them more. And that’s been really nice. And it’s interesting that when you talk about dynamics it has allowed, because those Title I parent resource coordinators are in those classrooms so much in the buildings. They’re not just there for parents. They’re in those classrooms. And it has given more credibility to the efforts the ESL teams are making because the Title I parent coordinators are saying, oh, this is awesome. Look, this is what we’re trying to do for ESL. (Laurel Oak Town, personal communication, August 4, 2016)

Another response noted the letter as a partial impetus to move on expanding outreach and training to a broader number of teachers within the school system. “And so we put those resources into the hands of teachers. That was done just in spring of last year. So we feel that that’s a necessary thing to kind of – to help classroom teachers become a part of this ESL process” (Spruce County, personal communication, August 30, 2016).

Fewer systems in the interviews talked specifically about an increase in certified ESL staff, though some did – Oak City, Overcup County, and Hickory City - and tied their ability to get that increase directly to the issuance of the Dear Colleague letter.

The second piece that really helped . . . the Department of Justice letter helped kick start . . . was staffing. We have added three full-time positions in the past two years. So two were added new last year and then another new one was added to begin this fall, this August. And so everybody’s been hired and so now I have

eight full-time ESL teachers, and that's K-12. Not a lot. But it's significantly more than what it was just a few years ago. And like I said this helped solidify and validate the argument that we needed more people. (Overcup Oak County, personal communication, August 1, 2016)

The picture that emerges here is one of making changes, but also a preference and tendency to make the next incremental change that seems feasible given existing resources. This impulse, it should be noted, can also have negative effects in terms of compliance if systems did not develop a detailed awareness of the letter's guidance.

Practices in potential tension with letter's guidance. Also falling in a middle ground in terms of reported usage are two responses to which, as researchers, we thought school systems might be likely to turn, but which also are potentially fraught from the perspective of complying with the Dear Colleague letter. Because of this conditionality about whether taking this type of action would be a positive step in terms of complying with the guidance, we provided a separate discussion of these two categories here. Based on this following exploration of the results, only unambiguously compliant actions are included in our construction of the School System Response Index which is analyzed in greater detail in section 4.5.

So what are these ambiguous response types? First, using volunteers to assist with translation and interpretation is one way of increasing services without expanding budgets (46.3% of responding systems reported approving this strategy). However, the letter noted that “some bilingual staff and community volunteers may be able to communicate directly . . . but not be competent to interpret (e.g. consecutive or simultaneous interpreting)” and also that the Office on Civil Rights had previously found compliance issues when school systems “rely on students, siblings, friends or untrained school staff to translate or interpret for parents” (Office of Civil Rights, 2015). Knowledge of this requirement was present in multiple interviews and the

following exchange with a coordinator who rose from being a classroom ESL teacher provides one example:

Participant (P): [Serving ESL students and families] certainly has changed from what we used to do to what we do now.

Interviewer (I): How so?

P: I can remember, just if we had a new student, and not knowing what the student was saying, just getting someone who spoke the language to interpret. And now we know we can't do that. I often think back to being in a hospital and they would say, does anyone speak Spanish, please come, you know. And so it was pretty much like that. And we can't do that anymore. That's just not what we do so we actually have an interpretation/translation department so to speak. (Oak City, personal communication, November 9, 2016)

It is completely possible that school systems who reported using the strategy did so with volunteers who were professionally trained and competent to the degree specified by the letter. But it's also possible that in attempting to comply with the overall message of the letter (increase communication with LEP parents) school systems may choose strategies that are out of compliance with the detailed qualifications outlined in the letter. Though mentioned not as a change produced by the letter but as part of the past context, the following quote from a coordinator in a small, rural county with less than 25 LEP students served illustrates how awareness of the requirement for qualified translation may not have trickled down:

Yeah. And you know what we have had to happen – when we've had parents in here, they would tell us we're bringing our own interpreter, and so we sit – you know, okay, that's fine. And then even the interpreter would call us and say I'm their interpreter, I'll be coming with them. And that's – that's worked for us. (Red Maple County Schools, personal communication, August 31, 2016)

The second category for which this is the case is “the increased use of free public software (e.g. Google Translate) to assist with interpretation or translation.” Forty percent of respondents identified this as an approved response to improve access to communication for LEP parents. As with use of volunteers, use of web-based software to assist in translation is a practice

the letter cautioned against unless translations were first checked by a qualified individual before use. Certainly the majority of systems interviewed were conscious of this. For example, the coordinator in Turkey Oak County, a system that is mostly rural but has between 25 and 100 ELLs, noted the procedure they have in place to make sure that robocalls to homes announcing school closures due to weather are reviewed by their translator and re-recorded if the message is not completely accurate (personal communication, September 15, 2016). And the coordinator in Chestnut County noted the letter was important leverage in efforts to educate teachers and staff not to use Google translate:

The biggest thing it helped me with, this sounds minute -- you might be surprised --was getting them to stop using Google Translate. I've been saying it. I've been all but standing on tables jumping up and down. But to have language because there's actually clear language that basically says thou shalt not, that gave me a lot of leverage to say it's not an appropriate tool. Here's the alternative. So I think that teachers were using Google Translate. Their intentions were good. I understand that. But here's a more effective tool. (Chestnut Oak County, personal communication, 2016)

But in two interviews out of the 15, both in small rural systems with less than 25 ELLs, coordinators noted a use of automatic translation tools in their work without any indication that they knew it was possibly in tension with guidance in the letter. "I've been known to use translators, online translators to kind of help me. There is a Google translator that I've been known to use. So I just try to basically use technology to help bridge the gap" (personal communication, Shingle Oak County, August 22, 2016). Another coordinator identified the use of a more refined translator on an iPad as a best practice to recommend to other systems – after the interview when the research noted the footnote in the letter that spoke to this, the coordinator clarified that they periodically have language teachers within the system test the program for accuracy because they'd had prior issues with Google Translate. (observation, Red Maple County Schools, August 31, 2016)

Identified best practices. Before venturing conclusions on overall patterns in what actions schools systems took, one final area is worth examining. As noted in passing, those interviewed were asked if any of the actions they'd taken, whether in terms of process or final policy, were things they would suggest as best practices to other systems. The range of practices was quite varied with only one or two being common across different systems. Several themes emerged from this exploration.

First, the variation in identified best practices seemed to be somewhat dependent on the size of the school system. Smaller systems, like Red Maple County above, seemed more likely to talk about technology for translation and relatively simple resources such as handbooks and spreadsheets. In discussing the challenge of tracking the progress of individual students, Silver Maple County several times returned to the usefulness of a spreadsheet they developed to track the 25-100 ELLs in their system and suggested it as a best practice:

I would certainly recommend [the spreadsheet], simply because number one, the spreadsheet allows you to have everything that you need right there in place. I'll give you an example. For our schools, the ESL teacher can actually look at the spreadsheet and it's broken down by schools. And they can actually say to the school, at the school level, secretary or whoever, media specialist or whoever, these are the parents that need their newsletters sent in Spanish. (Silver Maple County, personal communication, November 17, 2016)

In contrast, larger school systems with more than 500 ELLs often spoke about innovations in systems for requesting and arranging for translation and interpretation or even in contracting for translations services. This insight from Sugar Maple County points to an importance at a larger scale of having the protocol for access to translation services be a decentralized process:

Mhm. I think we have a really good interpretation and translation system that works really well, that's not centrally managed. It's centrally created, but then schools – it puts the supply of interpretation and translation as close as possible to the source of demand, so that teachers can call directly to get an interpreter, or use the phone interpretation system, so they don't have to get permission at three

different levels prior to doing that. (Sugar Maple County, personal communication, September 30, 2016)

Similarly focused on a systemic perspective for best practices, one coordinator spoke of reaching outside school circles and leveraging a collective of local governments for procuring telephone translation services:

Well, definitely the telephone interpreting service [is a best practice]. That's pretty much a no brainer. But the way we went about it was really -- I think it was important. . . What we did was we went to who is negotiating, because this is not just a school system issue. . .civil rights of English learning folks and specifically related to interpreting - city governments are impacted and so the city of Chicago I believe was the lead partner in awarding the U.S. communities contract, which all school systems and city governments, anyone who's a part of the U.S. communities group, can kind of tie into that and be assured that a rigorous request for proposals [was conducted], so your rates are going to be better. You're not just going to be paying what the going rate is. You're actually going to have companies competing for this new challenge. So that was something that it wasn't easy necessarily to know how to go about that. But in the end finding out who is leading - what city is really having all kinds of interpreting - and how can we tie into that [was important]. So even small school systems I would talk to them and say consider looking at this and following the way we did. (Conifer City, personal communication, August 4, 2016)

Second, dedicated staff, an emphasis on relationships and a positive stance and attitude by the coordinator were threads that ran across school systems as best practices, regardless of size. The dedicated staff theme is captured in this quote from Swamp Oak Town, a smaller urban school system:

I mean, I think probably most ESL teachers are like this but our teachers are very dedicated to their students and go above and beyond doing things for them socially I feel like. I think about our high school teacher in particular. You know, they have her telephone number. They text her all the time. They ask her advice all the time. She picks them up and carries them places when they don't have a ride. She has a night where she takes them all to the movies. She just really embraces her students, you know, and I feel like they've got that connection and they feel safe with her and they reach out to her. And I just feel like if that's the kind of teacher that you can have that they -- I just think that's a great practice. (laughs) (Swamp Oak Town, personal communication, August 2, 2016)

The theme of relationships also underlies this excerpt, which starts out by citing extra staffing as a best practice in one case, not just for added teachers, but for its impact on how teachers could shift the way they went about their work toward strategies that were more relationship focused.

Well, I don't know if you'd call increase of staffing an instructional practice. But that's been our biggest exhale because now we have the resources to spend the needed and appropriate amount of time with face to face instruction with our students. So that's kind of the beginning of how it dominoes down into instructional practices. Now my teachers have time to not only sit with the students and teach English as another language but also work with grade levels and content classroom teachers to better understand the cultural aspects of the unique needs of our learners. (Overcup Oak County, personal communication, August 1, 2016)

Finally, the importance of a positive stance was emphasized by several coordinators, including the respondent from Chestnut Oak County quoted on page 176, who noted a need to do any venting or despairing in private before identifying steps forward and taking them to colleagues.

Summary conclusions to the question of impact. In this section, we've reviewed several different facets of what happened as a result of the Dear Colleague letter. From reviewing first impressions, we noted that there was an initial sense of shock for a number of coordinators, but that this often resolved into a sense of both things to work on and a validation of work already done. For those systems that had already invested significant time in improving services to ELLs, the letter was received as a good reminder of areas where improvements could still be made and, in some cases, created leverage and opportunity to shift the system toward already articulated goals such as increased staff. Broadly speaking, the immediate shock settled into the identification of incremental changes for which bureaucrats are known. Part of this was due to coordinators seeing affirmation for existing practices, as well as a mandate for change, in the letter.

From reviewing the patterns of the process that coordinators followed, a key role of consultation and relationships was highlighted as well as the fact that the process involved both internal work for the coordinator and a range of external work to develop a shared response across a network. These areas will be further examined as we look at factors influencing supervisor responsiveness in section 4.4, but worth noting is how this validates previous findings on mid-level brokers – both in their role as interpreters of outside policy directives and their use of networks and relationships to discern and implement needed shifts to bring the system in line with the outside directive.

Finally, from reviewing examples of actions and survey measures of reported impact, a picture of significant impact of the letter emerged, but an impact that only modestly increased the focus of school systems. Insights from the interviews suggest that particularly small school systems may be isolated from the dissemination of information. Correlation analysis suggested that the instances of increased focus may be concentrated among those systems with more rapidly growing foreign born population. This should be kept in mind when we examine factors influencing school system responsiveness in section 4.5.

Before moving on, some summary conclusion regarding whether the Dear Colleague letter can be considered a shock to local school systems is in order. Based on the reported impact numbers from the survey and some of the first impressions related by coordinators, it is clear that the letter was a jolt that caused most coordinators to take stock of what they were doing and how it matched up with the guidance – one even ranked it second among the federal directives of the last 15 years. Certainly this reexamination in a number of school systems led to greater focus on translation and

interpretation services, both internally and externally. In limited cases, this extended to increases in personnel.

Mitigating this sense of significant impact, however, are various conversations that also tied these reported shifts to work already begun prior to the release of the letter. Most systems reported making adjustments at the margins of their work, rather than making wholesale changes. Similarly, the limits observed in how far the guidance traveled and sunk in (one coordinator not being aware of it, another mentioning practices at variance with the letter) nuance the picture that emerges of this “shock”. On balance, if discussion of a policy “shock” first conjured up a paralyzing jolt that brought everything to a halt and then started things off in a new direction, that understanding is not what appears to have happened with the Dear Colleague letter. However, if local policy-makers are understood to be receiving a range of impulses of varying strength from time to time and the question, based on use of the economic concept of a shock, is whether this one produces a re-examination of current procedures, the letter appears to have done this. In short, speaking of the directive as a shock is supported when shock is defined according to economic understandings of the concept.

4.2 - Are ESL Supervisors Passively Representative?

In order to provide insight into research question 2, data gathered on policy perspectives and demographics as part of the survey of ESL supervisors and comparable data gathered via the Commonwealth Education Poll (public opinion on policy) and Census profiles of the Commonwealth of Virginia (demographics) are compared to understand the degree to which ESL supervisors are representative of each group both passively along such dimensions as race/ethnicity and gender and in terms of LEP-related policy preferences.

Potentially significant differences among these groups are expected. For example, Virginia, like many states, has seen a relatively rapid diversification of its population along racial/ethnic lines. On one hand, because of the cosmopolitan nature of ESL as a profession and the advantage that second generation immigrants may have in such roles, we might expect ESL supervisors to mirror or even outpace this shift in the general population. On the other, since policy experts often are mid-career professionals, ESL supervisors may lag the diversity of the population across the state. Our formalized expectations were contained in three hypotheses – 2a, 2b and 2c. The quantitative comparisons outlined allow definitive answers to these questions.

H2a – The demographic make-up of ESL supervisors in Virginia on factors of race/ethnicity [% minority] and gender [female] will be closer to that of the total population than to that of the foreign born population.

H2b – A larger percent of ESL supervisors than the general public will support providing instruction in the students' native language (vs. first needing to learn English or parent's paying)

H2c – A larger percent of ESL supervisors than the general public will favor more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand.

Who are the Title III coordinators in Virginia? Before tackling the detailed research questions, however, this analysis first provides a more detailed portrait of the Title III coordinators that are the key informants in this research. This is done partly based on the our experience of having certain preconceived notions about who Title III coordinators were likely to be and what sorts of experiences they were likely to bring to their work. These preconceived notions are surfaced as a measure to protect against unconscious researcher bias and as such are an important step in qualitative work. For this next section, it makes more sense to speak in the first person.

One of the background influences in my own life, as noted briefly in Chapter 3, are parents who both have worked as teachers and who took the leap of cross-cultural service both during college and immediately afterwards through church institutions. Part of my father's identity as a teacher was taking a three day break from normal chemistry or biology content and instead showing slides from their time in East Africa. For students in rural Virginia, this storytelling is still often the most remarked upon memory when I make it home for high school reunions and classmates ask about my father.

My father never became an administrator, but one of the assumptions that conducting this research uncovered was that I unconsciously assumed that someone in a position that coordinated English Language Learner programs would probably have some sort of box of slides in a closet somewhere, rich with cross-cultural stories that led them to be passionate about people from other cultures finding their way into the school system where they now served.

Certainly, in interviewing 15 Title III coordinators there were a couple whose lives fit within this preconceived notion. Take the coordinator from Hickory City speaking about her path to her current role:

[In college] I wanted to leave the country . . . and then discovered the joy of sociolinguistics. And was just like oh my gosh, this is what I . . . this is my bliss. So from there I was accepted into the Peace Corps but they wanted to send me to Vietnam. That was not my place of interest. So instead I went with the Soros Foundation to -- I was supposed to go to Lithuania. Two weeks before I was leaving for Lithuania they decided they wanted me to go to Ukraine. So I went to Ukraine. After Ukraine I went to Poland. While I was in Ukraine and Poland I did a lot of traveling in that part of the world. And then moved into the Middle East. Found myself fascinated with [the] Middle East. I had re-met somebody. We ended up hanging out. We decided to go to Alaska. We went to Alaska. I met a lot of migrant workers from Mexico. [Went to] Yakima valley to pick apples. Picked with Mexican migrant workers. Ended up in Hickory because he wanted to go to school [here] and this . . . I was like 'what am I doin'?' And I was depressed and didn't want to stay in Hickory until I realized that there were people speaking Russian at Walmart and I followed them around and I was so very excited. And then I was like wait, I could work here. And so, just got a job as an ESL teacher

provisionally. There were 24 my first year. I started in November and that year I worked with 24 Kurdish and Russian refugees. And then we stayed.” (Hickory City, personal communication, August 3, 2016)

But for the most part, this research shows the demographic nature and backgrounds of Title III coordinators to be more varied than my starting notion. This included the fact that, unlike the coordinator quoted above, when most were asked how they arrived in their current role, their first inclination was to start within the teaching profession, rather than to reference experiences earlier than that unless it was to note being a native of the locality in which they teach. So before asking whether Title III coordinators are representative of the general population, it may first be helpful to provide a composite picture of Title III coordinators based on survey responses.

Table 14 provides the breakdown of the binary demographic variables – sex, highest degree in ESL, whether role is solely Title III or split, foreign born, whether the respondent lived in a different culture for at least 3 months and whether they are proficient in a language other than English.

Table 14: Binary Demographic Values

Descriptive Statistics			
	N	Mean	Std. Deviation
What is your gender?	55	.78	.417
Proficient in a language other than English?	55	.25	.440
Have you lived in another country for more than 3 consecutive months?	55	.20	.404
Did your highest degree earned focus on ESL/ELL policy or pedagogy?	55	.15	.356
Were you born in a country other than the United States?	56	.11	.312
Role focused exclusively on Title III or split?	56	.05	.227
Valid N (listwise)	53		

Likewise, Figure 15 visualizes the distribution of the demographic variables of age, ethnicity, political party affiliation, years in current position, years in education as a whole and years as a classroom teacher.

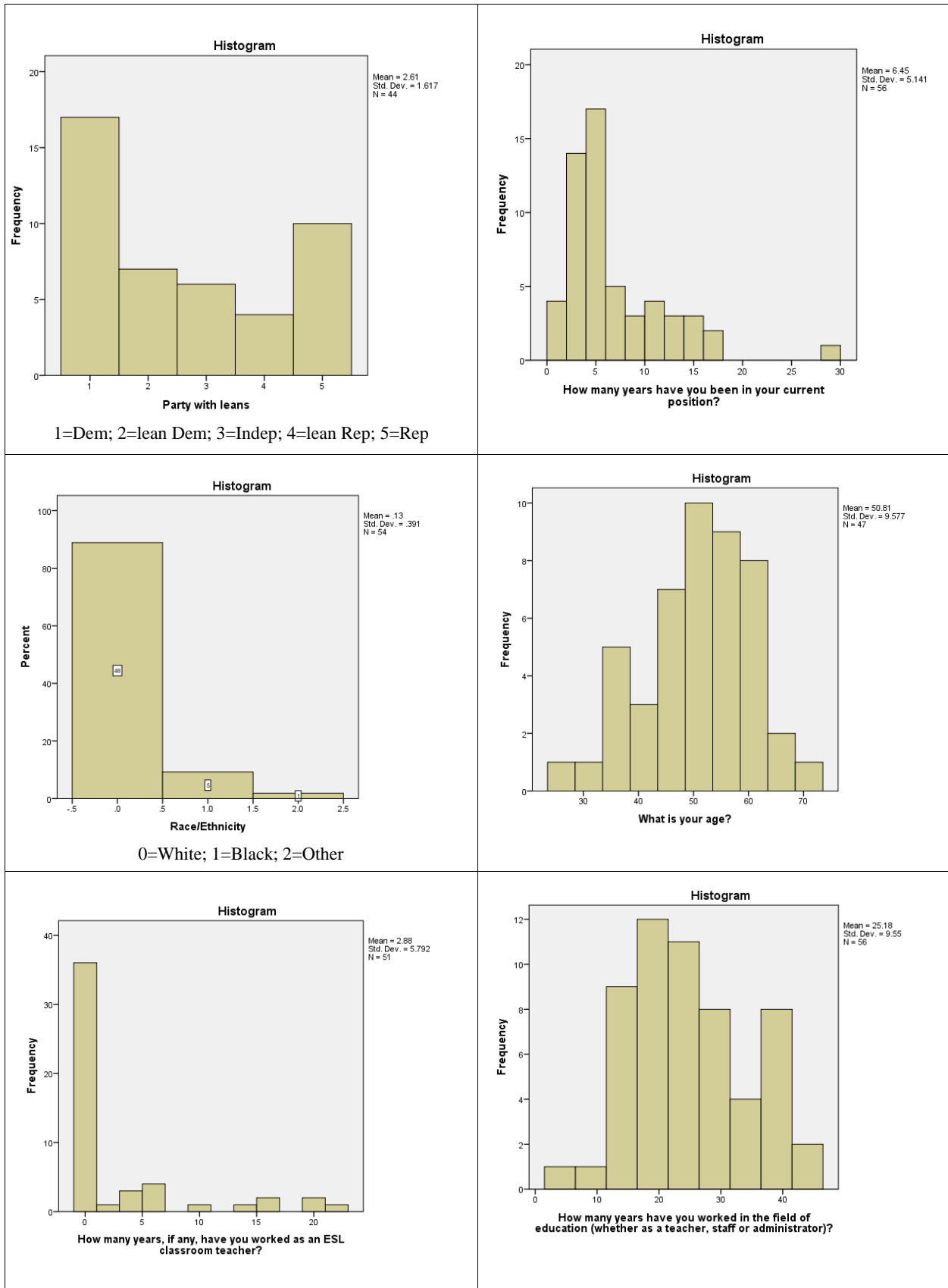


Figure 15: Distribution of multiple response demographics for Title III coordinators

In looking at this composite sketch, several elements require highlighting in the context of this study. First, only 24.5% (or 15 of 56) survey respondents reported being proficient (i.e. able to satisfy routine social demands and limited work requirements) in a language other than English. As noted in section 4.4, this dependence on translators sometimes is viewed as a barrier to being more effective in the role, especially in communication with parents. Second, as might be expected of a mid-level administrator, Title III coordinators as a group are very highly educated with only one respondent reporting a bachelor's degree as their educational level. The other 54 respondents who answered the question listed a graduate degree (histogram not shown.) Linked to this, as noted in Table 14, only 8 respondents (15%) reported earning their highest degree with a focus on ESL policy or pedagogy. Finally, only 3 (or 5.4%) of 56 Title III coordinators reported being exclusively Title III focused in their role (and one of those three, based on discussion within the interview, splits time between overseeing program across the system and functioning as a lead ESL coach with the system's high school.)

As noted in Figure 15, while there are more coordinators that identify or lean towards the Democratic party, there are also a number who lean or identify as Republican. The average number of years spent by the respondents in their current positions is 6.45, though this is somewhat skewed by one outlier with almost 30 years in the same position – most respondents have five years or less of experience. As is discussed in more detail below, the vast majority of respondents identify as white and average age of respondents is just over 50 years old. Strikingly, the figure also shows that a large number of respondents (more than 30) have no ESL classroom experience, but the large majority of respondents have more than 10 years worked in the field of education.

director, the career and technical education director here at the high school. So I am responsible for the Perkins funding and budget. And then I'm the director of adult education. So there's federal programs, CT&E and adult ed. (Silver Maple County, personal communication, November 17, 2016)

Another coordinator from Shingle Oak County, partly in explanation of why she was not more knowledgeable about the details for the Dear Colleague letter, gave the following rundown of responsibilities – “not only did I, in that role, supervise ESL or ELL services but also school counselors, nurses, librarians, testing, special education, school social workers, school psychologists, all related services and on and on and on . . .” (personal communication, August 22, 2016). Another small system coordinator said “when I think about it, I think about juggling. I mean, it really is – that oftentimes I'm juggling between Title One and Title Three and my other job responsibilities” [which included foreign languages, fine arts like band and chorus, and remedial summer school for non-credit bearing classes] (personal communication, August 4, 2016). In general, the degree of focus on Title III within a role was loosely proportional to a combination of the size of the system and the size of the ELL population. As might be expected, larger systems and systems with more ELL students had someone who dedicated time to that program in a more focused way.

In addition to having very different distributions of roles and responsibilities, those Title III coordinators who were interviewed also came from a range of tracks within the education

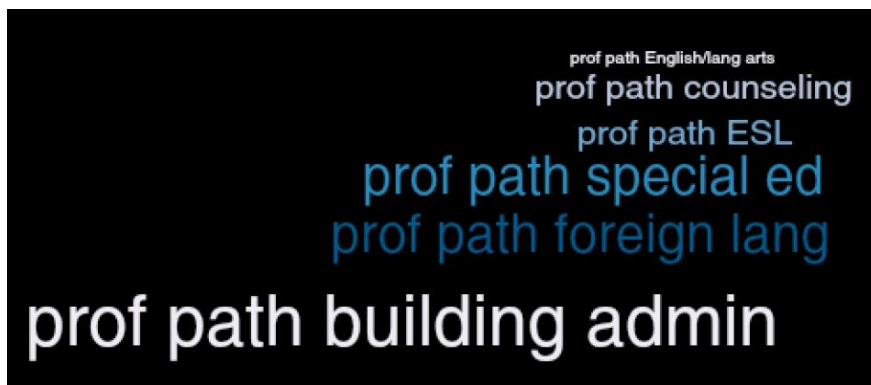


Figure 17: Word cloud representing path to role

field. As illustrated by the word cloud in Figure 17, and consistent with the observation above that relatively few of those surveyed had gotten their highest degree with a focus in ELL policy or pedagogy, the number of interviewed coordinators who came up through ESL classrooms were relatively few. Serving as a building administrator was a frequent path while special education and foreign languages were also well represented.

The scatterplot below (Figure 18) also provides insight into the length of time respondents have had in their current position, as well as the field of education. The mean for current position is 6.45 years, but the median is only 5 years. Moreover, while this snapshot may be close to representative of the actual population when the sampling frame was finalized on May 2, 2016, it is not likely representative now. One of the unexpected challenges encountered in this research was what appears to be a very high rate of turnover in the persons designated as Title III coordinator. As documented in a September research memo (update to committee)

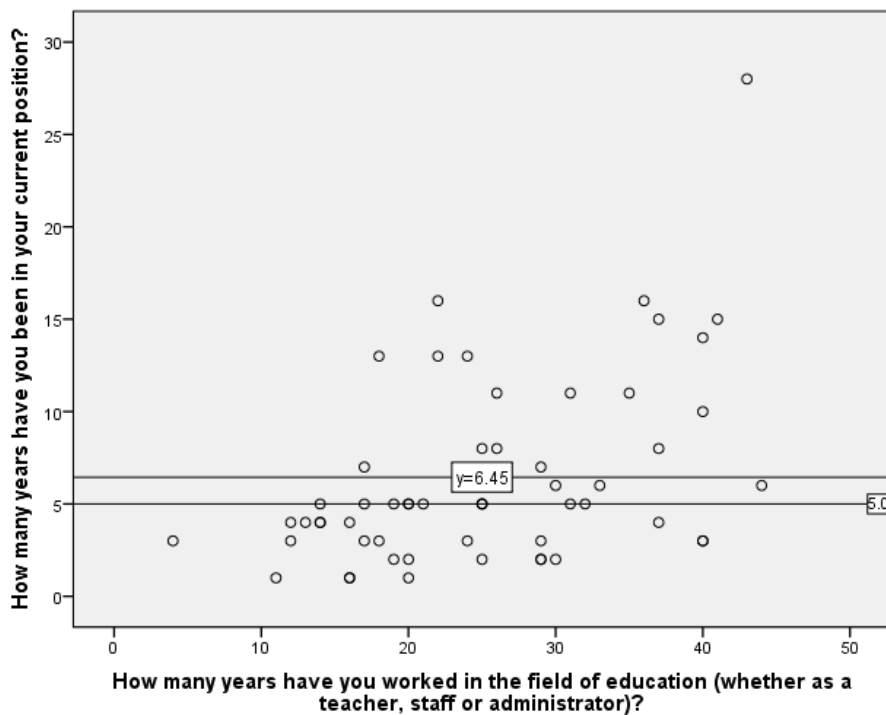


Figure 18: Scatterplot of years in current position and years in education total

comparing the official list of Title III coordinators as of May 2nd and the same as of early September, 29 of 130 Title III coordinators had changed. This represented about 22% of the total coordinators in the commonwealth. Because these new coordinators could not reflect on the receipt of the Dear Colleague letter, they are not included among the respondents to the survey.

One insight of this measured rate of turnover is the logical implication that if the portion of new coordinators taking on the role with relatively little prior ELL policy experience is similar to the 22% turnover rate found in the survey this would have serious implications for sustained knowledge about the directives of the Dear Colleague letter throughout the commonwealth. Moreover, anecdotal evidence from an interview with one outgoing coordinator and another interview with a coordinator who began the job shortly after the Dear Colleague letter was released, indicate that in both cases, the letter itself was not one of the key resources handed on to the new person taking on the coordinator responsibility.

As we examine the potential impact of these coordinators on policy toward ELL students and LEP parents, it will be important to keep in mind that a significant subset of persons receiving a guidance memo like the Dear Colleague letter are not professionally steeped in ELL policy and also are likely to have been in the position of coordinating ELL programs for less than 5 years. As such, expecting advocacy for ELLs to emerge from either specific ESL professionalization or from length of time being charged with the role of overseeing programs for ELLs does not seem likely. With this in mind, we now review whether Title III coordinators are closer, in passive representation terms, to the foreign born population in Virginia or the general population in Virginia.

As we make this pivot, recall that representativeness has theoretically been posited to emerge out of several possible similarities. First, a shared immutable characteristic such as

ethnicity or gender is argued to hold the potential for active representation or advocacy. Second, alignment of similar values, for example on policy issues, may be another source of active representation by bureaucrats. But this is expected, within the literature, to at times be mitigated by organizational expectations of the bureaucrat. Finally, this research posits a more general public service motivation as a potential source of advocacy. In the remainder of section 4.2, the passive and value alignment explanations are explored descriptively. In section 4.3, we begin exploring the relationship of possible sources of advocacy, including public service motivation, to representative role acceptance.

Title III coordinators are not passively representative. In Table 15 results of a demographic comparison between Title III coordinators, the general population of Virginia and the foreign born population are presented. From these results it is clear that the profile of Title III coordinators revealed by responses to the survey is not representative of both the general population and the foreign born population in several significant ways.

Gender representativeness. Education as a field is often noted as a female dominated profession at the front lines while male dominance has traditionally been the case at the level of superintendents – a recent survey by the School Superintendents Association (AASA) found a 4-1 ratio of males to females nationally (AASA, 2016). So it is interesting to find that nearly 80% of the Title III survey respondents were female, compared to 50.8% of the total population and 52% of the foreign born population. The career path patterns of Title III coordinators may be one reason for this heavily female profile if Title III coordinators tend to be recruited from the ranks of classroom teachers (which are often concentrated at the elementary level which in turn are often female dominated) or other specializations such as counseling and special education.

Table 15: Measures of Passive Representativeness

Factor	Virginia		
	Title III Coordinators (+/- 10%)	Total Population (+/- 0.1%)	Foreign born Population (+/- 1%)
Total population (estimated in case of ACS)	130	8,382,993	1,018,626
Responses (in case of Title III coordinators)	56		
Male	21.80%	49.2%	48.0%
Female	78.20%	50.8%	52.0%
AGE			
Under 5 years	0%	6.10%	0.8%
5 to 17 years	0%	16.2%	6.0%
18 to 24 years	0%	9.9%	7.4%
25 to 44 years	21.3%	27.1%	42.6%
45 to 54 years	42.6	14.0%	18.6%
55 to 64 years	31.9	12.6%	13.0%
65 to 74 years	4.2%	8.4%	7.5%
75 to 84 years	0%	4.0%	3.0%
85 years and over	0%	1.7%	1.1%
Median age (years)	50.81	37.8	41.9
RACE			
White	88.9%	68.2%	39.3%
Black or African American	9.3%	19.2%	11.2%
Asian	0%	6.3%	35.7%
Some other race	1.9%	2.8%	10.4%
HISPANIC ORIGIN			
Hispanic origin (of any race)	1.9%	9.0%	32.4%
White alone, not Hispanic	88.9%	62.5%	18.7%
EDUCATIONAL ATTAINMENT			
Less than high school graduate		11.1%	19.2%
High school graduate (includes equivalency)		24.6%	20.4%
Some college or associate's degree		27.3%	19.9%
Bachelor's degree	1.80%	21.3%	22.3%
Graduate or professional degree	98.20%	15.7%	18.2%
LANGUAGE SPOKEN			
English only	75.00%	84.1%	16.3%
Language other than English	25.00%	15.9%	83.7%
HOUSEHOLD INCOME¹			
\$35,000 or less	0.00%	26.80%	
\$35,001 to \$50,000	1.80%	12.20%	
\$50,001 to \$70,000	3.60%	17.30%	
\$70,001 to \$100,000	19.60%	12.80%	
\$100,001 to \$150,000	25.00%	15.70%	
\$150,001 or more	16.10%	15.20%	
1- Don't know/Refused (only applies to Title III sample) = 19 of 56 or 34%			

While the strong representation of women within the ranks of Title III coordinators is not closely representative of either the general population or the foreign-born population, the gender representation is closer to the foreign-born population (52%) than to the general population (50.8%), so we can reject our nominal hypothesis. It is worth noting that there is little separation between those two general populations on this dimension and so the functional significance of being slightly closer to the foreign-born ratio is negligible. However, the simple fact that women are a larger portion of the foreign born population in Virginia than in the general population runs counter to some stereotypes of immigrant populations as being heavily made up of young men who migrate for economic opportunity.

Racial/Ethnic representativeness. Here the results of the survey align with our expectation that the racial/ethnic make-up of Title III coordinators will be closer to that of the general population than to the foreign-born population. While the general population is 62.5% white/non-Hispanic and the foreign-born population is only 18.7% white/non-Hispanic, fully 88.9% of respondents to the survey were white/non-Hispanic. Surprisingly, given that 32.5% foreign born population and 9% of the total population is Hispanic in Virginia, only 1.9% of those surveyed identified as Hispanic. This can be seen as provisional support for the concept that the racial/ethnic make-up of Title III coordinators significantly lags the diversity of the general population.

Representativeness via non-English language proficiency. Perhaps surprisingly for a role that oversees programs that work daily with students seeking to obtain proficiency in another language, relatively few Title III coordinators (25.0% of respondents) report being proficient in a language other than English. This is higher than the portion of the general population that speaks a language other than English in their home environment (15.9%) but is

significantly lower than the portion of the foreign born population that do the same. While noting that this is not an apples-to-apples comparison (proficiency on one hand and language spoken at home on the other) it still provides some indication that a general expectation for Title III coordinators to be a consistently multi-lingual group is unfounded.

Other demographic categories. Though largely expected due to the relatively senior administrative position and the likely job requirements for holding such a position, the research also shows that Title III coordinators are not closely representative of the general or foreign-born population with regards to age, educational attainment and household income. The median age of Title III coordinators is almost 10 years higher than the median for the foreign born population and more than 12 years higher than that for the general population. The educational attainment for coordinators is significantly skewed – almost all have completed a graduate or professional degree (98.2%) while only 15.7% of the general population and 18.2% of the foreign-born population have done the same. Finally, the portion of Title III coordinators with household incomes above \$70,000 (60.7%) is significantly higher than the 43.7% of the general population that can report the same.

Policy Representativeness. In Table 16, the results are presented on the two policy issues questions, providing a comparison between Title III coordinators and the general population in Virginia.

Support for expanding funding for communication with LEP parents. The results of the survey support our hypothesis that a greater percentage of Title III coordinators would be supportive of increased funding for increasing communications with LEP parents in a language they can readily understand. Fully 85% of Title III coordinators were supportive while 5% opposed, compared to a favor/oppose finding of 61% to 37% for the general population. (Recall

that the sampling error for the general population is +/- 4.3%.) Ten percent of the Title III coordinators decided not to answer this question.

The takeaway from this result is that at least on one measure of policy preferences that logically would benefit immigrant populations, Title III coordinators are supportive advocates at the level of values.

Table 16: Policy Preference Comparison

Policy Issues	Title III Coordinators (N=56; +/- 10%)	Virginia Public (N=801; +/- 4.2%)
Support increased funds for communication with LEP parents		
Favor	85%	61%
Oppose	5%	37%
Refused/DK	10%	2%
Preferred Track for ELLs		
Separate English Class at parents' expense	8%	27%
Separate English Class at public expense	43%	51%
Native Language	18%	15%
(VOL) Other	8% ³⁰	3%
Don't Know/Refused	25%	4%

Support for native language instruction. As noted above, supporting instruction in a student’s native language is hypothesized to be more prevalent among Title III coordinators than among the general public. Unfortunately, due to a high refusal rate on this policy question, it is unclear whether any significant difference exists.³¹ While 18% of the respondents selected the native language option and another 8% selected both that and English classes at public expense, the general population support for instruction in the student’s native language was 15% and 3% volunteered another option from the three provided. These rates are close enough that any

³⁰ Respondents selected both Native and Separate English Classes at Public Expense

³¹ One potential explanation for the high refusal rate is found in the difference between coordinators and the public on the “English classes at parents’ expense” option. As noted above, this option is currently unconstitutional – coordinators knowing that this is not the “right” answer from a legal perspective but potentially personally favoring it, may have chosen to leave the question blank.

conclusion of a significant difference would be unwarranted. In this case, we find no definitive support for the hypothesis that Title III coordinators are unrepresentative of the public toward a preference for native language instruction. However, outside the exact wording of our formal hypothesis (which focused on preference for instruction in the student's native language), it is worth noting that Title III coordinators were less likely, at a statistically significant level, to support separate English classes at parents' expense (8% compared to 27%). It also must be noted that 8% support for the parents' expense option is surprising since that policy option is not a legal option under long-standing case law, a fact reiterated in the Dear Colleague letter.

Summary conclusions from exploring passive representativeness of Title III coordinators. One of the central questions of this research is how best to understand the potential for advocacy in the role of Title III coordinators as mid-level supervisors and brokers within their system. In short, to what degree are they advocates and does that shape policy? Based on the literature of representative bureaucracy, we've explored this potential advocacy first at the level of potential for passive representation and value alignment.

The analysis in section 4.2 shows two things. Title III coordinators are not representative in passive terms of the foreign-born population in terms of race/ethnicity and gender, as well as in their ability (or lack thereof) to speak a language other than English. If our analysis in remaining sections shows Title III coordinators to be advocates for English Language Learners, by and large the impulse to advocacy is likely coming from something other than shared ethnicity cross-cultural experience. Given that few Title III coordinators came up through the ranks as ESL teachers or completed ESL focused degrees, advocacy is unlikely to be driven by professionalization specific to ELL pedagogy.

At the same time, this analysis shows some indication of value alignment by Title III coordinators in their strong support for additional funding for increased communication with LEP parents. It should be noted, of course, that this support may be as much due to a general preference among educators for increased education funding as it is to an impulse to advocate for LEP parents and students.

With these findings in mind, we now turn to the central question of section 4.3 – to what degree do these mid-level brokers see themselves as advocates for, or as serving, English Language Learner students and Limited English Proficient parents? Do they show high levels of Representative Role Acceptance, despite their lack of passive representativeness? And if advocacy and representation of LEP's is understood to be part of their role, what factors drive how much that is the case?

4.3 – Factors Driving Advocacy Among ESL Supervisors

So far our analysis has shown modest reported impact of the Dear Colleague letter, and a range of actions reported taken since January 2015 by school systems to assist LEP parents in having equal access to communications. Likewise, our review of the demographic characteristics, cross-cultural life experience and opinion on two policy questions shows limited basis from which to expect strong advocacy from Title III coordinators or strong impact on the shape of policies. These have been the typical factors examined in the representative bureaucracy literature prior to Selden. Without drawing on her examination of other potential factors that might influence representative role acceptance, we might conclude that advocacy from Title III coordinators is unlikely, and this would influence our expectations of how much role bureaucrats are likely to play in shaping local policy towards immigrants. But, because we have drawn on Selden's conceptual model in designing our research, we can examine both the

level of Representative Role Acceptance among Title III coordinators and the factors that appear to be driving that level of acceptance for this group. Despite a lack of passive representativeness, do Title III coordinators see themselves as advocates for LEP students?

Recall that our stated set of research questions for examining this area are guided by the overarching question - *What factors influence whether ESL Supervisors accept an active representative role?* In light of our findings on passive representation, the research question seems potentially presumptuous, in that it is framed in such a way that a certain degree of active representation is presumed. This presumption was originally guided by our sense of Title III coordinators based on interactions at several meetings of the ESL Supervisors Association, but the results raise the prospect that this impression may have been erroneously formed from interactions with only a subset of coordinators who may not have been representative of all Title III coordinators.

To guard against this possibility, the research was also guided by several sub-questions, two of which draw from the interviews and lack a starting presumption of advocacy. Also worth noting is the fact that as long as there is observed variation in the level of representative role acceptance, examining what factors drive that variation is still possible using regression analysis. To refresh our memory, here are the research sub-questions:

- How do ESL supervisors articulate who they serve in their role, how they learn about the needs of the LEP community and how they decide who to listen to?
- How do ESL supervisors articulate what life experiences influence them in their work?
- What impact do personal and organizational factors, perceived role expectations and traditional role acceptance have on Representative Role Acceptance by ESL Supervisors?

Also recall that we formalized our starting expectations (again based on a presumption of advocacy that may or may not hold) in the following hypotheses (one qualitative and four quantitative):

Qual.-H3 – ESL supervisors will articulate a strong sense of serving the interests of LEP students and parents in their role and will point to both personal experiences (cross cultural experiences) and broad general values (importance of equality of access) as motivations for this service.

H3a – Minority ESL supervisors will have a higher acceptance of a representative role.

H3b – Foreign-born ESL supervisors will have a higher acceptance of a representative role.

H3c – ESL supervisors with a higher measured level of cross-cultural experience will have a higher acceptance of a representative role.

H3d - ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.

Given the discussion above, we begin our examination at the most basic level of these questions – how do coordinators articulate their role, especially who they serve or listen to? In answering this question, we draw primarily on the insights of the interview before turning to an examination of responses to the 8 items that are used to measure the level of representative role acceptance.

How do coordinators articulate their role? In designing the interview, several early questions were used to develop a picture of each Title III coordinators role and how they understood their purpose within it. As noted in section 4.2, almost all survey respondents reported a split role and significant variation was observed in the responsibilities combined with the Title III role. Here we report out themes from the interviews that emerged from asking the following questions:

- *How would you describe your role as an ESL supervisor?*
- *Who are the people that you serve in your role?*
- *How do you decide which stakeholders you personally need to listen to the most?*

- *How, if at all, do you receive information that helps you develop a clear sense of the needs of LEP parents and students?*

Because of our conceptual focus on the question of purpose within the role and ascertaining to what degree Title III coordinators see their role as including advocacy, we focus our analysis around responses to the second and third questions regarding who they serve and who they see as stakeholders in decisions within the role. However, because it's helpful to hear some of the range in how respondents first described their role, we start there.

Almost all of the respondents focus their first responses on the functional tasks that are performed within the role and in relation to the staff that they oversee, either in a direct supervisory relationship (e.g. ESL teachers in some divisions) or through training and monitoring. In most of the small divisions that have lower numbers of ELLs (less than 75), the sense provided of the role is one of supporting a small number of teachers who have more ESL pedagogical knowledge and in processing grants and serving as a conduit of information from the district to the state and vice versa.

As Title III coordinator, basically like I said, I do the Title III grant and I do the Title III budget. I work in the division with the ESL teacher and we do have one ESL teacher and about [25-100] ESL students. And those students range from of course [ACCESS test performance] levels one through six. In working with our county, our ESL teacher serves our four schools. (Silver Maple County, personal communication, November 17, 2016)

In larger systems and ones that have higher numbers of ELLs (above 200), the functional description takes on a much broader proactive administrative tone that includes organizing professional development, not just for ESL teachers, but also others throughout the system, as well as managing the interface of ELL programming with registration and testing systems.

The coordinator from Conifer City described several levels of responsibility:

First we go through the Title III compliance components, which some of that involves managing a grant and budgets related to that and also involved in that is

ensuring that we're carrying out the intent of the law, the Title III law and other similar Civil Rights Law, etcetera that is involved in educating English learners. And so from there it shifts to the actual students and the services we provide for them and the teachers' capacity to do so. So assigning tasks to teachers, providing training for them to complete those tasks. Following up with them, providing feedback. Providing additional training or materials or guidance to them, collaborating with folks within my own division but also folks around the state including members of the VESA organization. (Conifer City, personal communication, August 4, 2016)

Several of the respondents from systems with larger numbers of ELLs drew on metaphors that align significantly with the literature of mid-level brokers to describe their role and which we will examine in more detail in section 4.4:

So it really comes into a balance of what each side needs. [*Note – speaker had just referenced central office administration and ESL teachers.*] Almost [there are] times I feel like a mediator (laughs) to kind of bridge the two needs. You know, we need this. Well, we can't afford that. So okay, what kind of compromise can we come to, you know . . . but at the end of the day I've got to make sure that all of our ESL, our English language learners, that they're taken care of and that they have everything that they need to get their academics underfoot and become proficient in English. (Overcup Oak County, personal communication, August 1, 2016)

Notably, however, only two of the fifteen respondents within their first articulation of their role, brought up advocacy. “First and foremost I am an advocate for our students who are identified as language learners and their families,” noted the coordinator from Hickory City. “Secondly I consider myself to be support for teachers and school staff in providing appropriate instructional and wraparound services for those families” (personal communication, August 3, 2016). The coordinator from Sugar Maple, after listing a number of functional tasks such as assigning teachers to schools based on numbers of ELLs, looped back and said “that's another important role that I didn't mention, being an advocate for those kids, and bringing new initiatives up. So when we saw a need that wasn't being met to the extent that it could be met through funding, bringing [it] up” (personal communication, September 30, 2016).

Two elements of these limited citations of advocacy are important. First, both of those who brought up advocacy as an explicit part of their role share several characteristics that are expected to be positively related with increased advocacy – a large number of ELL students in the system (about 1,000); significant cross-cultural experience and a high score on the RRA index. Second, many of those who did not explicitly use advocacy language in articulating their role, later made deeply felt statements about serving ELLs. So the two who did cite advocacy as part of their role may potentially be seen as outliers, or simply as individuals who are more comfortable using advocacy language. This strengthens the importance of asking questions in several different ways, as can be seen in our next section which looks at who Title III coordinators see themselves as serving.

Consider that traditional bureaucrats are expected to serve the greater good, but this is often understood primarily through serving the organization in which they work. In contrast to this image, Title III coordinators articulated who they serve, first and foremost, in terms of the students. In coding responses to the question of who they serve, special attention was paid to which groups or people were listed first and second. In the vast majority of cases, students or children were listed first, often in emphatic tones.

Children. [Declarative tone then a long pause.] If I ever lose sight of that, I'm not doing my job. Yes, I serve at the discretion of the Chestnut Oak County School Board and I serve to make sure that we're in compliance. But I can't lose sight of that . . . or I couldn't live with myself if I ever lost sight of [them]. (Chestnut Oak County, personal communication, July 25, 2016)

Oh wow. First and foremost the students. I serve the students to ensure that our ESL Teachers are providing the correct levels of instruction. So first of all in my role I serve the students to ensure that they are showing progress. (Laurel Oak Town, personal communication, August 4, 2016)

One of the few exceptions to this definitive listing of students first was one coordinator who still named students, but pointed more directly to teachers and then stopped. Another listed

students after classroom teachers and ESL teachers, as well as parents in fourth position. In the first case, the respondent had the lowest score on the RRA index of those who were interviewed. The second had a high score on the same index, perhaps indicating that we should not read too much into the apparent connection between a lack of adamancy in naming students first and the RRA score.

After students, most respondents named either LEP parents or teachers as the second group that they serve. One example of bringing up parents is the coordinator from Oak City who lists them after students and then follows immediately with teachers – “Most importantly [I serve], the students. But for ESL a very important component are our families. So I serve the parents as well as the students. Of course the ESL teachers” (personal communication, November 9, 2016)

Notably, with the exception of the coordinator from Chestnut Oak County who names the school board only to highlight, by contrast to the boards hiring and firing power, how students still deserve to be first and foremost in her list, higher ups in the local systems are not mentioned. Perhaps for respondents, serving higher ups in the organization was simply too obvious to state, but the almost universal focus on students and families as well as teachers in who coordinators report serving is striking. It also gives a picture that includes a stronger sense of representation and advocacy than if we just looked at who used the exact wording of advocacy in their responses.

One final way of framing the question was to ask coordinators which stakeholders they listen to in their position. Here the range of answers given had much greater variation, and students faded slightly from view with parents, ESL teachers, school building administrators, test results, state Title III officials and central office administrators all getting mentions. More

importantly, perhaps, was a common theme across at least half of the responses, where the particular response was preceded by a declaration that it depended on the situation at hand. Coordinators from smaller systems often listed a smaller circle of stakeholders while those from larger systems and systems with very high percentages of ELLs included a broader list, including in some cases, mentions of organized community advisory groups or stakeholders. The response from Conifer City exemplifies this, as it maps one of the most expansive ranges of stakeholders reported:

Well, you know, if I'm listening to someone because I have to make a decision, I need to know how those decisions will impact certain people and who are those people - so definitely students and families. Definitely teachers of pretty much all disciplines and at all grade levels. Again, definitely building administrators, other administrators, whether at central office or at school level. And all the way up to the superintendent and there are also community support entities. We have [name of local nonprofit] as our refugee resettlement agency and I also serve on a refugee dialogue group and so stakeholders are also vested in that group as well. (Conifer City, personal communication, August 4, 2016)

In summary, only a small number of coordinators interviewed explicitly used advocacy language in articulating the functions and scope of their role. But almost every coordinator interviewed quickly pointed to ELL students as the primary focus of their service with parents and teachers following closely behind. This focus on the students, families and front-line staff moderated somewhat once respondents were asked to identify stakeholders in decisions. What this picture suggests, however, is that despite a lack of passive representative qualities, the concept of representing or serving ELLs and their families is obviously central to the sense of purpose that coordinators bring to their work. Will this translate into finding high levels of representative role acceptance in our survey? We turn to this question next.

What is the level of representative role acceptance among coordinators? Recall that our measurement of representative role acceptance (RRA) is based on Selden but substitutes “LEP students and parents” for “minority.” The eight item battery used has anchor values at

Strongly disagree (1) and Strongly agree (5) and the responses are summed to provide an index ranging from 8-40 with a higher number indicating higher RRA. The exact wording of the eight items and the response categories were detailed in chapter 3 and can also be viewed on the survey instrument in Appendix I. In addition to referencing these exact operational details, a brief discussion of the descriptive statistics for each item is provided before looking at the distribution of the overall battery. Given our discussion about a strong sense of service, but a relative lack of using advocacy language, examining the results to see whether question that explicitly use “advocate” in the wording may be insightful. One example for reference is the following:

- I should recommend or actively advocate in favor of policies which address the needs and concerns of LEP students and parents.

Table 17 provides the mean and 95% confidence interval range for the mean for each of the eight component items of the Representative Role Acceptance Index. Several observations are worth noting. First, the average agreement is above 4 for six of the eight items, indicating a fairly high agreement level across the board. Second, the two items that seem to meet with less strong agreement, on average, are the two items that deal with recruitment and hiring of persons who learned English as a subsequent language. This could be due to a lack of agreement with what might sound like “affirmative action” or it could be a concern about a need for strong English proficiency in English dominated professional settings. Either way, however, as a practical implication, this may feed into the demonstrated lack of passive representation on linguistic and foreign born categories of the Title III coordinators as a whole.

Table 17: Descriptive Statistics for Components of RRA Index

Descriptive Statistics for Components of RRA Index				
	Mean	Lower	Upper	Std. Dev.
RRA6-I should recommend and or actively advocate in favor of institutional changes which may result in a greater school system responsiveness to LEP students and parents.	4.26	4.01	4.51	.915
RRA4-I should actively advocate in favor of a more equitable distribution of program services to LEP students and parents including recommending procedural service delivery alternatives when necessary.	4.22	3.95	4.49	.984
RRA2-I should recommend or actively advocate in favor of policies which address the needs and concerns of LEP students and parents	4.28	3.99	4.57	1.071
RRA8-I should actively advocate in favor of hiring and promotional practices which may result in greater representation of persons who learned English as a subsequent language in school system personnel.	3.76	3.47	4.04	1.045
RRA1-I should seek to provide information to policy makers to assist them in making decisions concerning LEP community needs and perspectives.	4.04	3.74	4.34	1.098
RRA7-I should specifically encourage and recruit qualified persons who learned English as a subsequent language for professional and administrative employment within the school system.	3.83	3.56	4.10	.986
RRA5-I should be supportive of or encourage change within the school system when necessary to insure the representation of LEP students and parents in school system affairs.	4.37	4.10	4.64	.977
RRA3-I should be supportive of procedures which may result in greater and more equitable access for LEP students and parents to school system programs and services.	4.43	4.16	4.69	.964

The third lowest average item, which deals with providing implementation to policymakers, is also worth noting. While we don't know exactly what groups the respondents considered to be included in the term "policy-makers," this reluctance (relative to working for changes in procedures in their own system) to advocate with information to policy-makers is intriguing, especially given the role that local school boards and state legislatures may have in setting policy. One triangulated insight into this comes from an interview response by a coordinator with a long history in the role and significant involvement in VESA (because those qualities may make identification easier, we do not use the pseudonym of the school system here) that articulates a tension over not being able to advocate for changed policy outside the school system. The comment was a response to the standard ending question used in the interview protocol – along the lines of "Is there anything else you'd like to say":

I do think that one of the key pieces of how things like ESSA, NCLB or the dear colleague kind of get muddled around is our ESL supervisor's association,

VESA. You're familiar with VESA. And I think that that has been instrumental. Again I know it was. It's giving a voice to our Title III coordinators and an advocacy that sometimes when you're a division supervisor it's really not politically correct to be as much of an advocate from a . . . for trying to change policy. But when you're in an organization you have that ability. So that has been instrumental in all of these. And also in building resources in our VESA conference, providing workshops and things and bringing people together. So as a Title III coordinator I could never have done my job to the level I have without VESA. (Interview, Suppressed, 2016)

Recognizing these nuances, the biggest takeaway, however, is the high agreement rate with this battery of items. The histogram in Figure 19 makes the summative impact of this average agreement apparent, demonstrating that more than 10 of the 56 respondents to the survey strongly agreed with all eight statements, thereby having the maximum index value of 40.

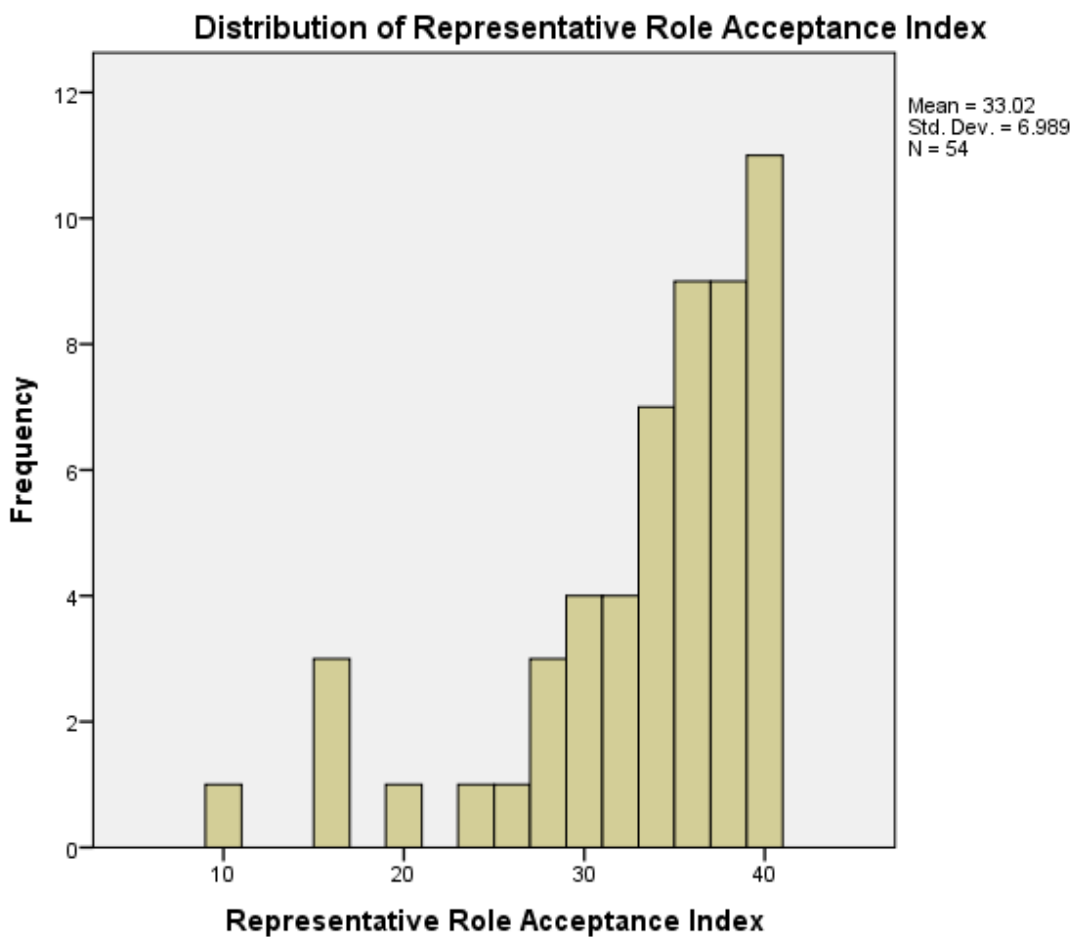


Figure 19: Distribution of Representative Role Acceptance

The average for coordinators as a whole was 33.02. Clearly, despite the lack of passive representation and ESL professionalization discussed in section 4.2, there is a strong acceptance of a representative role by Title III coordinators. Before turning to a regression analysis of the factors that influence variation in this score, we also want to pause and look at another of the indexes developed from Selden’s work – the Traditional Role Acceptance Index. As noted in the methodology section, one of the three items was dropped because principle component analysis showed it to be measuring a different concept than the other two. Figure 20 provides a picture of the distribution of responses. The leftward skew of the histogram shows that coordinators as a whole do not have a strong traditional role acceptance.

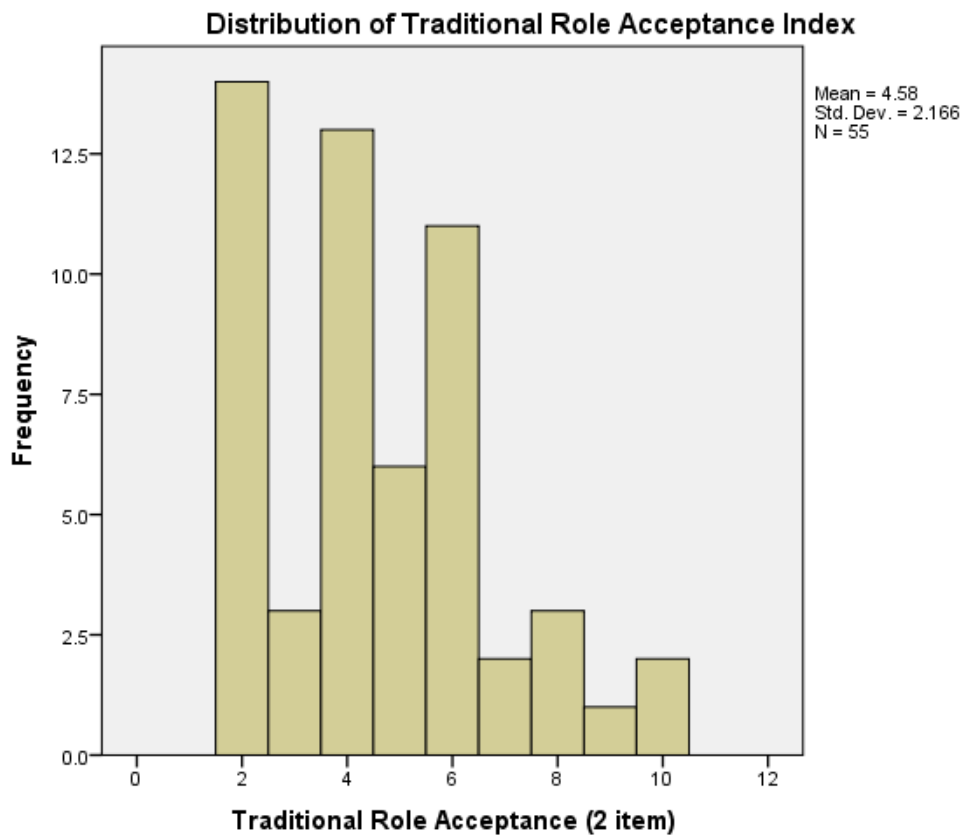


Figure 20: Distribution of Traditional Role Acceptance

Figure 21 provides information about the correlation between the RRA index and the TRA index via scatterplot. The downward slope of the best fit line suggests the expected

tension between RRA and TRA exists but the wide dispersion of the pattern does not indicate a strong correlation. While at least one respondent has the lowest possible score on TRA (2) and the highest on RRA (40), another respondent has the highest possible value on both.

Considering all three figures together, two things stand out. At first glance, the values of the TRA index are skewed in the opposite direction from the histogram of the RRA index. This suggests some inverse correlation may be at play. However, as noted above, despite showing a

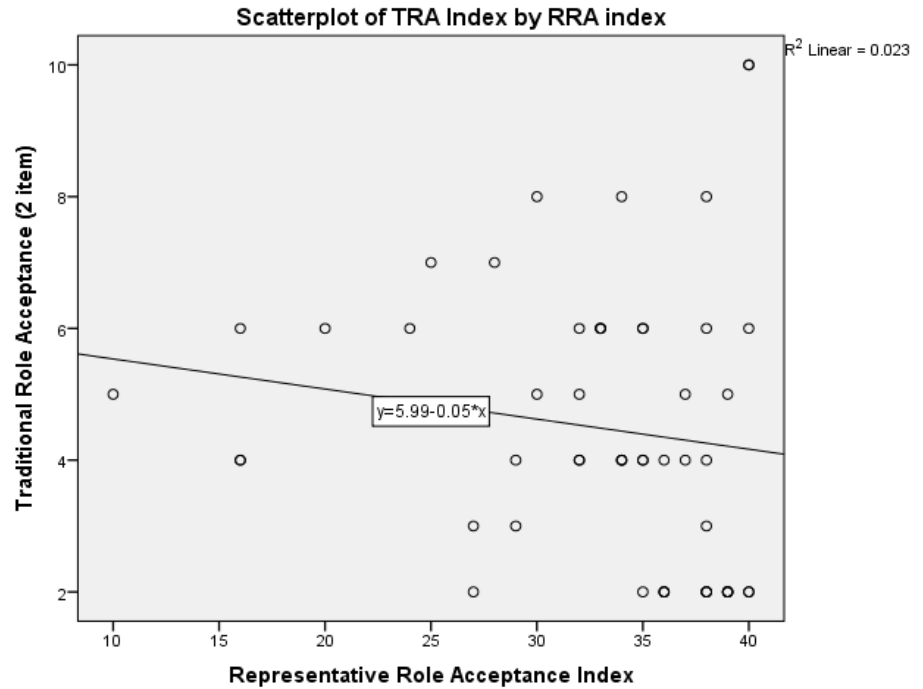


Figure 21: Correlation of TRA and RRA indexes

mild downward slope in the best fit line, a correlation analysis shows the relationship is not statistically significant (2-tailed significance is only .28). Some respondents, apparently, are able to strongly agree with both a set of advocacy statements and a set of traditional bureaucratic statements, without seeing any dissonance. This suggests that while TRA is important to include in the regression from a theoretical standpoint, it is unlikely to be a significant factor in driving observed variation in the RRA index. We can now turn to the question of what does appear to drive variation in the high rate of representative role acceptance.

What factors influence advocacy (RRA)? Before formally reviewing the “flattened” data elements used in the regression analysis, highlighting some of the factors that surfaced as

potentially connected to expressions of advocacy among Title III coordinators may give a richer picture to start with.

What life experiences did coordinators cite as impacting how they carry out their role?

While the primary analysis of what factors influence representative role acceptance is based in a regression analysis of the survey results, the interviews also presented an opportunity to explore what linkages coordinators would report as influencing how they carry out their role. To allow this, the interviews asked the following two questions:

- *Could you tell me some of your personal story? How did you come to be in this role?*
- *How do your personal experiences & skills feed into your work and shape what you do?*

Note that, in order not to unduly guide responses toward advocacy, coordinators were not asked what experiences motivated or assisted them in being advocates, but instead were asked more generically about influences that shaped their carrying out of the role.

Three themes emerged from these questions. First, despite the low average level of major cross-cultural experiences (proficiency in a non-English language, living abroad for 3 or more months) reported in the survey, cross-cultural experiences were cited by the interview respondents who had reported them on the survey. Additionally, some interview respondents cited cross-cultural experiences, but in cases where the experiences occurred in shorter time periods or within the U.S. Second, professional paths were referenced frequently as being personal experiences or skills that affected how the respondent approached the role, and in some cases facilitated advocacy or efforts to do work on behalf of ELLs. Finally, broad values were cited by a number of respondents as shaping their role and motivating their work with ELLs. We review examples of each briefly and in turn.

Mentions of cross cultural experience ranged from multi-year experiences to the increased diversity experienced during college. Already noted above in section 4.2 was the experiences of the coordinator from Hickory City who spent time in Poland, Ukraine and the Middle East. The coordinator from Sugar Maple also shared about seeking out additional cross-cultural experience after starting his career as an ESL teacher.

I started as a ESOL teacher at President [pseudonym] High School about 12 years ago, and really wanted to understand more about my kids' culture and their lives, and most of my students were Hispanic at that time, so I was learning Spanish. So I moved to El Salvador and lived there for two years, and taught there. Met my wife, came back – you know, we got married here shortly thereafter. . . . It was essentially traveling and having those intercultural experiences [that] shaped who I am and shaped, you know, what I want to do professionally, and why I've made the choices I do. And now, living in a bilingual family, my son is actually going to an immersion program that I helped set up (laughs). And, you know, my in-laws are living with us right now, and just immigrated, and their children – my wife's brother and sister, who are a lot younger than her, are still in El Salvador because of the visa situation. So, you know, a lot of my students are in that same situation. You know, they have multi-family homes and grandparents living with them, so I feel like that allows me to understand a little bit more what they're going through and what's going on in their lives, and it helps us connect in a way that wouldn't be impossible, but probably would be more difficult if I didn't have those experiences. (Sugar Maple County, personal communication, September 30, 2016)

The coordinator from Overcup Oak County also cited a study abroad experience as formative for her work:

You know, I lived in Spain for a time in college. You know, there were several times that I used the wrong turn of phrase in that setting . . . and always when you mispronounce it . . . it comes out inappropriate. And you know, I'd get laughed at by the family. But you learn from that. . . . And so I think because I've lived internationally in settings where I spoke the language and settings where I didn't speak the language that has also helped me understand what our English learners are going through. (Overcup Oak County, personal communication, August 1, 2016)

Additionally, some experiences that would not have been reported on the survey were still cited by interviewees as being significant.

Actually Shingle County is my home. Graduated from Shingle Central High School, which of course in that time we didn't have any ELLs in our division. Went on to William and Mary and there was just a whole different ethnic make-up, you know, there was a plethora of everyone there and that was awesome. So that gave me a chance to really see some other cultures. (Shingle Oak County, personal communication, August 22, 2016)

As is illustrated by the quote above, cross-cultural experiences gained earlier in a coordinators professional career were also cited as shaping them in their current role. Another coordinator, who worked as an ESL teacher before becoming Title III coordinator, shared the following in relation to their path to their current role:

When I first started working with English learners we did not even have Spanish speakers. So all the students were Vietnamese and Cambodian. It was a small number in Oak City. It was great, great experience. And every Saturday we would wake up and go and get the kids, you know, just take them out to restaurants and different places and to the park, just for that cultural experience. And it was so rewarding. It was very rewarding. Got to go to a lot of weddings. (laughs) You know, and cookouts because they really did include their teachers. I mean, teachers were someone that were even looked up to and so you just went. And so while they were learning our culture we certainly learned a lot about their culture. So loved it. So that's how I got started in ESL. And I've been in it ever since. (Oak City, personal communication, November 9, 2016)

Cross cultural experiences, however, were not the only professional learnings that coordinators drew on in now carrying out their Title III role on behalf of ELL students. In fact, to some extent, each coordinator seemed to draw on, and view their current role through the lens of their professional path, whether it was special education or building administration.

My role as a building administrator, certainly helped, excuse me, certainly helped me to be able to understand the principals' situation . . . as far as time and schedule and working with teachers. So I am able to, I think, better serve the principals by understanding what they have to go through and working through some of that for them . . . to make it easy for me to come in and do what I need to do for ELLs. And they appreciate and respect that. (Silver Maple County, personal communication, November 17, 2016)

Working with special education and alternative education, you just know that kids have different needs, and those different needs had to be met in different ways. And then you also know that there's – of course, the kids' needs are first, but then you also know that you have to follow the federal guidelines and state guidelines

regarding to that. So my background in special ed really pretty much prepared me for being able to do those kinds of things. (Chiniquin Oak County, personal communication, September 15, 2016)

Finally, coordinators cited what might be termed broad values as factors that shape how they approach the role. Rather than pointing to specific experiences, some spoke from passionate beliefs and others highlighted a sense of general empathy for ELL students which appear to align with the concepts of public service motivation outlined in the literature review.

I just am a strong believer that these kids deserve everything that we can give them, and – and we have to bend over backwards to help them learn the language and to help learn, find success in school. And never, ever question their heritage or history or how they got here – you know, if they're here in Spruce County, there's no obstacle that's going to be in place for them to be served. That's – that's what we do. (Spruce County, personal communication, August 30, 2016)

And I have tried to think about that, you know, put myself in their spot. I can't speak your language. I'm in a new school. Like I said, you're a teenager. That's kind of awkward anyway. If you were moving just from one high school to another within the United States that's hard enough as it is to get --so I think it makes me more empathetic, has made me more empathetic to the obstacles that they face. (Swamp Oak Town, personal communication, August 2, 2016)

From an analytic standpoint, these statements about cross cultural experiences, about professional paths and about broad values point to multiple potential inspirations for a sense of representative role acceptance. In our next section, regression analysis provides insight into which may be most influential for Title III coordinator's sense of role. But at a more practical level, another implication is worth mentioning for those charged with training new Title III coordinators. Given the fact that most are not from ESL backgrounds but have come through special education, building administration or foreign language training and seem to view the role through that lens, trainers both need to keep this in mind and be knowledgeable about what may translate well from one specialization to another and what assumptions of likeness may actually be a hindrance to effective Title III oversight.

From this qualitative exploration of what factors coordinators cited as shaping their sense of role and advocacy, we now pivot to a quantitative explanatory analysis, using OLS regression to weigh out which of the factors measured in the survey demonstrate the greatest impact in the variation observed in representative role acceptance among Title III coordinators.

What factors are linked with higher or lower levels of representative role acceptance?

Recall that we follow Selden in testing the impact of traditional role acceptance, perceived expectations, and a set of personal factors (e.g. minority) on an index that measures the ESL Supervisors LEP Representative Role Acceptance (RRA). However, as noted in chapter 3, education is dropped as a variable due to a lack of variation among respondents (all but one have a master's degree). In its place, possessing one's highest degree in ESL pedagogy or policy is included. In addition to those factors included by Selden, we also include foreign-born, a cross-cultural index and a public service motivation index among the personal factors. Figure 9, page 137, maps the relationship conceptually.

We formally write the model for Regression 1 as follows:

$$\text{RRA Index} = \beta_0 + \beta_1 \text{Gender} + \beta_2 \text{Age} + \beta_3 \text{Minority} + \beta_4 \text{ESLdegree} + \beta_5 \text{Political Party ID} + \beta_6 \text{Cross-Cultural Index} + \beta_7 \text{Public Service Motivation Index} + \beta_8 \text{Foreign Born} + \beta_9 \text{Perceived Expectations Increase LEP access} + \beta_{10} \text{Perceived Expectations Follow Procedure Traditional} + \beta_{11} \text{Perceived Expectations – Both} + \beta_{12} \text{Traditional Role Acceptance Index} + \beta_{13} \text{Years in Position} + \beta_{14} \text{Days Professional Training} + \beta_{15} \text{Years in Education Sector} + \beta_{16} \text{Years as ESL classroom teacher} + \beta_{17} \text{Number of minorities in office.}$$

The directional expectation for each variable is summarized in Table 6. However in this particular regression we specifically look for evidence for the following hypotheses:

H3a – Minority ESL supervisors will have a higher acceptance of a representative role.

H3b – Foreign-born ESL supervisors will have a higher acceptance of a representative role.

H3c – ESL supervisors with a higher measured level of cross-cultural experience will have a higher acceptance of a representative role.

H3d - ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.

Table 18: Descriptive Statistics for Variables in Regression 1

Descriptive Statistics (Valid N (listwise) – 34)					
	N	Minimum	Maximum	Mean	Std. Deviation
Representative Role Acceptance Index	54	10	40	33.02	6.989
Sum of Public Service Motivation	54	8	25	20.98	4.109
Cross Cultural Index (0-3)	56	0	3	.82	1.081
Traditional Role Acceptance (2 item)	55	2	10	4.58	2.166
What is your gender?	55	0	1	.78	.417
What is your age?	47	26	70	50.81	9.577
dummy Race/Ethnicity	54	0	1	.11	.317
Were you born in a country other than the United States?	56	0	1	.11	.312
d_IndependentOther	44	0	1	.14	.347
d_Republican	44	0	1	.32	.471
Perceived Expec. – Both LEP access and Established procedure	56	0	9	5.61	2.768
Perceived Expec. – Follow Established procedure	56	0	9	1.02	1.844
Perceived Expec. – Increase LEP access	56	0	7	1.05	1.930
How many of the persons who work in the same office location as you are minority (non-Caucasian or Hispanic)?	49	0	33	3.63	5.711
How many years have you been in your current position?	56	1	28	6.45	5.141
How many years have you worked in the field of education (whether as a teacher, staff or administrator)?	56	4	44	25.18	9.550
How many years, if any, have you worked as an ESL classroom teacher?	51	0	21	2.88	5.792
Did your highest degree earned focus on ESL/ELL policy or pedagogy?	55	0	1	.15	.356
In the past academic year, how many days of training or professional development have you attended as part of your work responsibilities?	53	1	50	12.13	9.317

Table 18 provides a run-down of the descriptive statistics for each element of the regression. Several items are worth noting. First, the Public Service Motivation measure shows

a high agreement rate on average. Second, several factors have higher non-response rates – specifically age, political affiliation and minority co-workers. In the first two cases, non-response may be due to sensitivity around these demographic categories. The third case may be due to sensitivity, but could also be the result of respondents who have no minority co-workers simply leaving the field blank. Because there is no way to know which of these was the case, all blanks were treated as missing. However, due to these non-responses, list-wise deletion leaves only 34 data lines for analysis where all needed factors have non-missing values.

The regression results in Table 19 show two models out of a total of six tested. With all models, the PROCESS macro developed by Andrew Hayes is used in order to calculate the model using robust standard errors (RSE) using model 4 among the programmed model options (Hayes & Cai, 2007). This mitigates the impact of potential heteroscedasticity in small N regression analysis and is largely standard practice in most econometric analysis today. Using RSE, however, also makes the adjusted R-square value that is often included in OLS regression analysis, statistically meaningless. For this reason only R-squared is reported.

Both reported models show overall significance, with ANOVA t-stats of .001 and .04 respectively. R-squared also drops from .808 in Model 1 to .631 in model 6. Taken together this indicates a better overall fit with model 1, potentially because of the loss of the explanatory power of the variables dropped between the two models. However, the dropped variables are not significant in the original model.

The only factor that shows statistical significance at either a 95% or a 90% confidence interval is public service motivation. The significance of public service motivation is robust across all six models tested. In the second model, because of non-response on the several factors mentioned above, these are dropped in order to see if the relationship remains robust

when more data points are available, which it does. Intuitively, a one point increase on the Public Service Motivation index results in a one point increase in representative role acceptance.

Table 19: Results of Regression 1 (Factors influencing RRA Index)

Model 1aRSE – Methodology as written (ESL degree for educ, TRA2)					Model 1fRSE – TRAindex2, ESLdegree included; age, min_coworker and political ID dropped due to non-response			
Useable N	34				45			
R-squared	0.808				0.631			
Model Signif. (ANOVA)	.001 (5.208)				.040 (2.134)			
	Coeff.	SE (HC)	t-Stat	Sig.	Coeff	SE(HC)	t-Stat	Sig.
constant	11.133	21.849	0.51	0.618	3.516	11.035	0.319	0.752
PSMindex	1.033	0.397	2.603	0.02**	1.128	0.374	3.014	0.005***
XCult_in	0.681	1.916	0.355	0.727	1.32	1.243	1.062	0.297
TRA_inde	-0.224	1.068	-0.21	0.837	-0.11	0.601	-0.182	0.856
sex	-1.115	3.172	-0.352	0.73	-0.965	2.988	-0.323	0.749
age	-0.206	0.383	-0.536	0.6				
d_Race_E	-4.208	6.606	-0.637	0.534	1.773	4.838	0.367	0.717
forborn	-1.463	16.273	-0.09	0.93	-3.867	8.12	-0.476	0.637
d_Ind	-5.514	7.019	-0.786	0.444				
d_Rep	-2.15	3.077	-0.699	0.495				
Expec_Bo	0.961	2.056	0.468	0.647	0.653	0.969	0.674	0.506
Expec_Es	0.598	2.167	0.276	0.786	0.31	1.241	0.25	0.804
Expec_In	0.86	2.091	0.411	0.687	1.017	1.098	0.926	0.362
min_cowo	0.402	0.444	0.904	0.38				
yrs_curr	-0.182	0.534	-0.34	0.738	-0.02	0.224	-0.091	0.928
yrs_edto	0.321	0.356	0.901	0.382	0.073	0.146	0.498	0.622
yrs_eslc	0.014	0.309	0.044	0.966	0.025	0.2	0.123	0.903
esldegre	-6.982	4.983	-1.401	0.182	-2.856	4.392	-0.65	0.52
training	-0.079	0.22	-0.361	0.723	-0.055	0.147	-0.374	0.711

*p<.1; **p<.05; ***p<.01

None of the other factors, including those that were found to be significant by Selden (minority, political ID) are significant. One explanation for this may be that the identity of being African-American (which accounts for all but one of the persons who identify as non-white in the sample) is less aligned with LEP identity than it was with the substantially African-American recipients of services in the agency that Selden studied. Another may simply be that too few data

points are available to identify weaker relationships that may still be present. This also points to the strength of the significance of public service motivation.

Likewise, it is worth noting that none of the three expectation indexes are significant in explaining the variation in RRA. This is important because one argument for a strong RRA index value in a field like education, which is known for being a “service” career, is that strong professional value expectations from administrators or colleagues might drive RRA, rather than something located within the individual’s sense of role. While this may still be a partial factor, it is not a statistically significant one.

In conclusion, for this regression analysis, only one of the four formal hypotheses are supported – H3d which predicted that higher Public Service Motivation would lead to higher representative role acceptance. Broader summary conclusions than those found just in the regression analysis are addressed next.

Summary conclusions on factors influencing representative role acceptance. As noted in our introduction to this section, the lack of passive representation among Title III coordinators would argue against an expectation of strong representative role acceptance. Yet in both the interviews with coordinators and in the survey results, strong representative role acceptance is clear. This begs the question of what else might be driving the acceptance of advocacy as part of the role. The regression results provide the answer of public service motivation, which is the only factor found to be significant, and also a factor not examined within Selden’s analysis (or to our knowledge, most, if not all research, examining representative bureaucracy).

While discussed further in Chapter 5, the implications of this finding deserve some discussion here. First, a reminder of the limitations of this study which looks at a distinct

profession (public school educators) in one state and their sense of representative role acceptance toward one group. Definitively generalizing these results to other professions and cultural contexts without confirming the relationship in those additional contexts should be done only in the most tentative terms. Doing so should also keep in mind that other factors, such as common race/ethnicity or political affiliation, may well show significance in a larger N study – all we can say here is that they don't show statistical significance while public service motivation does.

But keeping these caveats in mind, this finding is a powerful encouragement to continue exploring representative bureaucracy along the lines recommended by Selden – paying attention to not only passive representativeness but also to factors that cross such immutable lines of ethnicity and geographic origin, factors such as public service motivation which can be nurtured and fostered within individuals and groups.³² Doing so potentially provides an important additional conceptual building block in conversations within public administration and broader society about how organizations can improve social equity outcomes. In the context of a pattern of nervousness around social equity issues (Gooden, 2014), the link between public service motivation and advocacy may point towards a parallel framing for advocates of social equity to leverage in linking agents of change within organizations and broader society.

Moreover, the potential implications in practice are also substantial. For example, in organizations who take seriously the values of social equity, human resource managers could intentionally engage prospective candidates for street and mid-level bureaucratic positions in

³² In pointing out the significance of this finding to the representative bureaucracy literature, it is also worth stressing that we do not believe the finding can be interpreted as invalidating previous findings within the representative bureaucracy literature – for example that a greater representation of African-American or Hispanic teachers have a positive impact on student performance by students of similar backgrounds (Meier, 1993; Meier & Stewart, 1992). The potential for someone who does not share an ethnicity to have a strong representative role acceptance and potentially to make a positive difference on behalf of persons of a different ethnicity does not logically indicate that racial structures that have disadvantaged some students for generations do not need attention. It simply means that allies in the work of social equity can potentially be found across ethnic, or gender, or orientation lines.

conversation about how strong their public service motivation may be. Senior leaders looking for persons to mentor into roles that require advocacy on behalf of a group, especially underrepresented groups, may be able to draw on public service motivation as an indicator of likely fit.

While the role of public service motivation is the clear headline takeaway of this analysis, there is some qualitative evidence of the impact of cross-cultural experience as being relevant in helping Title III coordinators identify with, and hence advocate for, English Language Learners and LEP parents. The statistical analysis finds no significant impact of the cross-cultural index at any standard level of confidence (e.g. 90% or above), but it may be worth noting that the cross-cultural index is the factor that comes closest of all those that are not PSM. (The regression analysis in the second model presented would allow us to be 70% confident that cross-cultural experiences impact RRA.)

We now pivot from asking what drives variation in reported advocacy to asking whether a higher reported acceptance of a representative role makes a discernable impact on either the behavior of the supervisor, or the actions of the school system as a whole. In moving to these questions, it is worth remembering that wanting to help and effecting change are different things. Strong advocates could encounter counter-vailing forces, especially given the limits on formal power that Title III coordinators face as mid-level brokers. To examine whether RRA leads to action on behalf of ELLs we look first at measures of supervisor responsiveness (section 4.4) and school system responsiveness (section 4.5).

4.4 – What Was the Role and Impact of ESL supervisors in Responding to the DCL?

Throughout this study, our questions and search for results drew substantively from the three research areas covered in the literature review – representative bureaucracy, local government responsiveness in new immigration destinations and education policy towards ELLs. Different sections have been situated more in one area than another. For instance, the first and fifth research questions of how systems responded (section 4.1) and what factors drive that response (coming up in section 4.5) speak primarily to the local responsiveness literature. The second and third research questions of what factors impact role advocacy (section 4.3) and whether Title III coordinators are passively or value representative of different populations (section 4.2) speak most to the representative bureaucracy literature. Research question 4, which looks at the role and impact of coordinators in the context of the Dear Colleague letter itself and is treated in this section of results, speaks to the central intersection of all three and is potentially the most interesting for those examining the role of mid-level brokers within education settings.

As we embark on this section, recall that Spillane and colleagues argued for the inclusion of a cognitive perspective in educational accountability models which assumes that implementation involves some level of interpretation by administrators and staff, including mid-level administrators. This interpretive factor, they argued, helps explain variations among school system responses, not just in whether they respond, but how effective the responses are, even when all receive the same letter. Brokers, in this conceptualization, are expected to respond both to institutional and political signals and also to retain personal agency and some amount of influence over others through their own sense-making and actions in support of certain policy choices (Spillane *et al.*, 2002). The literature notes essential functional activities of these types of “broker” or “boundary spanner” roles as including information management or expertise (e.g. seeking out new relevant information, translating/summarizing it into useable forms and

recommendations) and political management (or creating practices to support viable work on a given agenda within structures characterized by dependency and conflict (e.g. representing interests of some stakeholder groups to high-level decision makers and vice-versa)) (Burch & Spillane, 2004; Honig, 2006; Spillane *et al.*, 2002). Further, recall that we borrowed four functional role categories from Burch and Spillane (2004) to develop our measure of supervisor responsiveness, looking at expanded and new uses of tools, data, training and network building (or partnerships).

Within this conceptual framework, we're interested, as with section 4.3, both in exploring how coordinators articulate their sense of role, power and approach to shaping policy. We describe these factors based on survey responses of what actions coordinators report taking, and by looking at statistically supported explanations of factors that influence the likelihood that a supervisor reported taking any action in response to the Dear Colleague Letter and factors that influenced the range of actions taken by coordinators since January 2015 to expand access to information for LEP parents. These focus questions are formalized the research sub-questions collected in Table 3 and our expectations are formalized in a set of three hypotheses, one primarily qualitative/exploratory and the other two statistically based and explanatory:

- *Qual.-H4: The role of ESL supervisors in shaping policy responses will be described as both utilizing significant assets (expertise, personal motivation) and barriers to success (isolation from key decision makers, lack of sufficient resources).*
- *H4a – ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.*
- *H4a.2 – ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting an action taken in response to the Dear Colleague letter.*

As with previous sections, we begin by providing some of the themes and insights gained from the interviews. As with other areas, respondents were asked in several different ways about

their role in processing the Dear Colleague letter – envisioned role, actual role and how much voice they felt they had. The relevant questions are listed here and can also be reviewed in sequence in the interview protocol in Appendix II.

- When you first started processing those implications for the school system what did you envision would be your role in figuring out how to respond?
- Looking back, what role would you say you played in the process (of shaping a response)?
- How much do you feel you had a voice in shaping the strategies that were implemented?

Respondents were also asked to reflect on how the letter impacted the role itself (as compared to policies).

- How, if at all, did the letter change what you do in your role or how you go about it?

Finally, two questions delved for factors that might be understood as barriers or assets within the process as well as background experiences or personal qualities that also might be helpful or unhelpful in playing a role in processing the letter.

- What factors strengthened your voice in that process? What factors, if any, made it harder to play a role in developing solutions?
- What past experiences or personal characteristics made your role in deciding on responses to take easier or harder?

In analyzing responses to these questions, the question of how much the approach of Title III coordinators aligns with the patterns of mid-level brokers found in other education research also informs our focus.

As we noted in concluding section 4.3, a desire to serve ELL students and LEP parents, or what Selden called representative role acceptance, is intuitively a potentially key ingredient of effective advocacy that creates policy shifts. But other factors may intervene, not least of which is whether persons in the Title III role feel they have the ability to propose and effect changes. Is their voice, expertise and ability respected within the system that ultimately co-produces and implements policy?

Several clear themes emerged from the 15 interviews with Title III coordinators. First, the coordinators generally see themselves as actors with significant agency as well as responsibility for mapping and managing the decision process in response to a new guidance document like the Dear Colleague letter. Second, the approaches articulated by coordinators were heavily consultative (rather than directive) and described navigating different levels of the school system in a mediational mode, both to arrive at change decisions and to insure effective implementation of the changes throughout the system. Finally, as expected, this sense of agency and power to effect change was both supported by significant assets (expertise, relationships, and the impetus of the letter itself) and existed within certain acknowledged limits (finite financial and time resources, systemic inertia and personal language limitations). We explore each of these themes in turn, then examine the impact of the Dear Colleague letter on supervisors' actions, measured both by articulated impacts from the interviews and based on the supervisor response items contained in the survey. Section 4.4 concludes with an examination of the factors that regression analysis show to be statistically significant drivers of responsiveness among Title III coordinators.

Role and Voice. In almost all cases, coordinators voiced a sense that the conversation over how to respond to the Dear Colleague letter was primarily theirs to manage and the

implementation of solutions theirs to figure out in collaboration with staff and teachers throughout the system. In short, their voice was perceived by colleagues as providing key expertise and playing a crucial role.

“I had as much voice as I wanted,” noted the coordinator from Chestnut Oak County (personal communication, July 25, 2016). “What role [did I play]?” said the coordinator Swamp Oak Town. “Wooo! Well, I mean I feel like I was the lead in it, you know. Good or bad. (laughs) I feel like I had a very strong voice” (personal communication, August 2, 2016).

Within the theme of being a key voice was also a profound sense of responsibility, including in some cases a need to make the case for changes. “I felt that I was the one that had to make, you know, everybody else realize the importance of this and why we were doing it and that it was a non-negotiable,” said the Oak City coordinator. “And that it was something that it didn’t come from me. It didn’t come from the school division. This is what by law we have to do” (personal communication, November 9, 2016).

Within this sense of responsibility and agency, there also were acknowledgements that changes were not theirs to decide or implement unilaterally and an immediate awareness of navigating both collaboratively and with awareness of other priorities that also require attention from the school system.

[I had a] Huge voice. Huge voice. I think it was a definitely consensus discussion among the group but I would say they were certainly open to my recommendations and actually looked to me to actually be the one to put the recommendation out there, or to talk about how we were going to meet these things. And then they helped me problem solve as to implementation or best ways to implement. (Silver Maple County, personal communication, November 17, 2016)

The voice. (laughs) The voice. [Emphasis by speaker]. But I say that with this caveat too. There is nothing that we go out and implement or do that we don’t run under our assistant superintendent’s review first. Absolutely. Absolutely. And for the mere purpose of well, [she may say] that’s not my focus for us this week. Can

you wait and attack that in two weeks? (Laurel Oak Town, personal communication, August 4, 2016)

In addition to acknowledging the limits of the ability to take any unilateral action, there was also an acknowledgement that while colleagues may see them as experts in the area, to do their job well, they also needed to keep that expertise honed.

Well, I think they see me as kind of the go-to expert on English language learners. [says “I don’t know why” sotto voce and laughs]. I appreciate that, but I also go to Department of Ed and check with the Title III folks down there and also my other supervisors around the state who have experienced different things. But what we do is [my colleagues within the system] ask me first - how many of this, what do we need for that? (Overcup Oak County, personal communication, August 1, 2016)

Though there was general consensus across the interviews that the Title III coordinator had a key responsibility and voice in processing how the letter was received and what changes were made, there also was some variation in the sense of whether this responsibility was something shouldered with support and collaboration from others in the system (see the quote from Silver Maple County above) or whether there is a sense of isolation that comes with the responsibility (for example, the tone of the comment from Oak City, which is a large system with a large (>1,500) number of ELL students, or the one from Swamp Oak Town, which is a small system with a modest number of ELLs (<100).)

This variation makes a brief detour into responses to one of the survey questions useful. The survey asked respondents how supported or isolated they felt as the Dear Colleague letter was processed. Figure 22 shows the distribution of responses as a histogram. Two insights emerge. First, more Title III coordinators felt somewhat or very supported than somewhat or very isolated. Second, a correlation analysis (not shown here) shows that the reported isolation was not significantly correlated with either of the measures of supervisor response examined

below (and hence the variable is not included in the regression analysis that concludes this section.)

Approach in Dear

Colleague letter response.

The quotes above begin to provide insight into the approach coordinators generally take to their role and we delve further into this topic here. Several themes emerged from analyzing the interviews. First,

coordinators as a rule articulated an approach to their role that was

inherently collaborative and involved building and working through relationships and training/coaching interactions to improve outcomes for ELLs. Second, the focus within this approach is apolitical – while coordinators acknowledge system and community level power and politics, the perspective expressed of interactions with other colleagues is based primarily in joint solution finding, rather than any mention of angling for greater power over others.

These qualities can be seen in numerous comments that accentuate a sense of role that uses terms like mediator, facilitator and stresses communication. When asked what role he played, the coordinator from Cedar County made the following reply: “[Pause while thinking] The facilitator? That's probably a good word to use” (personal communication, August 4, 2016). As noted in section 4.2 earlier, the coordinator in Laurel Oak Town said “I have to be both the

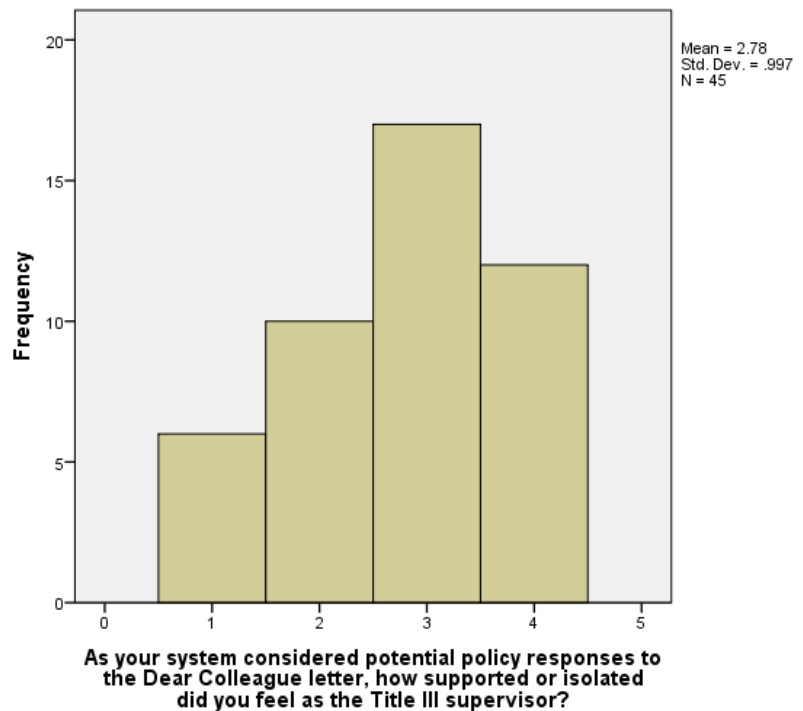


Figure 22: Felt isolation of Title III coordinators.

Values - Very isolated (1), somewhat isolated (2), somewhat supported (3), very supported (4).

messenger and the trainer” (personal communication, August 4, 2016). Other coordinators when into more detailed explanations:

I think I mentioned this before. It’s just simple. It’s very simple. It’s a communicator. I do not make decisions. I communicate with folks and facilitate . . . I’m a facilitator there. Just help to, again, (laughs) back to what I initially talked to you about. Trying to reduce the friction. And always, always, always with students first in mind. So it can be frustrating. A giant letter coming out with all of these ominous changes or seemingly threats to what we believed we were doing well all along, you know, it’s a little intimidating up front. And so it’s my job to ensure everyone that yes, you’re right. You were doing what we thought was best at the time but we’re always evolving. And having this, let’s take this and use to help us not be combative against it. (Conifer City, personal communication, August 4, 2016)

In these comments we also see qualities highlighted by previous researchers. To use a biological metaphor, coordinators can be seen as a membrane that manages the osmosis of the directives from the political/policy system into the pedagogical system of the school and classroom.

I think it's really just managing both sides of things. That, you know, you're working with administration and you're working with your superintendent, and you're working with the state, you know, with the VDOE. You know, in this case, this guidance came from the federal government, so you have that side. But your job is then to facilitate and translate those things so that it can go into action. So that means that communication to the teachers and ESOL teachers and the principals and the data stewards, you're kind of in the middle of taking this in and making sure it goes here, so ultimately, it impacts the kids in a positive way. (Cedar County Schools, personal communication, August 4, 2016)

This translation or osmosis function appears to be operationalized by coordinators most often through trainings and repeated interactions (compared to a more bureaucratic technique of a primary dependence on directives and standard operating procedures, though these also receive some mention in larger systems around questions of registration and scheduling of translation services.)

So I guess I saw that as my role, as being the one to create a system in order to meet the needs of the kids, and then provide professional development to the – mostly administrators, but also teachers in the school division, to understand how

to use the system that we had created. (Sugar Maple County, personal communication, September 30, 2016)

In some cases, this emphasis on collaborative mentoring appears as not only a tactic used by the Title III coordinator, but a skill set the coordinator makes sure ESL teachers are equipped with as well.

Oh, I'd say [I had] a huge voice. You know to really be able to advocate [emphasis by speaker] and to help not just the ESL staff understand . . . we have to not only teach the kids but almost, in a coaching role, help the schools' faculty and admin. And that's kind of a new role, not just teacher but coach. And so I send my ESL staff for not just workshops on second language acquisition strategies but also coaching language. All about, you know building relationships with the school to which they are assigned. And so we have made great gains in that area. (Overcup Oak County, personal communication, August 1, 2016)

Barriers and Assets. Just as articulations of perceived roles bridged into indications of approach, the foregoing quotes also give some sense of both barriers and assets that set the limits and parameters of impact that Title III coordinator can have as an individual actor within the system. The themes that emerge in terms of assets that coordinators saw as strengthening their voice were the impetus or leverage afforded by the letter itself, their expertise and experience with ELL programming and their school system, and relationships in general, but especially with their immediate supervisor. Themes of barriers that emerged were the basic challenge of inertia, in some cases the personal lack of language skills and the limits of finite resources, in both the forms of money and time.

As previously noted in section 4.1 on the impact of the Dear Colleague letter, for those coordinators who had been advocating (or wanting to advocate) for changes prior to the letter, the letter itself was seen as asset in strengthening their voice within the system. The coordinator from Overcup Oak County articulates this:

[The letter] helps me solidify the narrative that this is just not [me] making things up. This is federal guidelines of how practices, under the Office of Civil Rights, should, must happen. And so that just adds the validity to my argument. And so,

you know, especially with translators with staffing, with parental outreach, you know, these types of things, it really has kind of helped. They're like okay, well now it's real. It's not just me waxing poetic about something. (Overcup Oak County, personal communication, August 1, 2016)

Another category of assets was expertise, experience and the ability to navigate the school system in which the coordinator works. In some cases, this included the asset of wearing multiple hats in a split role (and hence oversight of a number of different categories). This came through in this insight by Laurel Oak Town's coordinator:

I hate the old adage, but you kill two birds with one stone in a lot of cases. I can get a lot done because I can affect change in multiple departments. . . you've got to do that for language arts anyway and you've got to do it for science and you've got to come over here and you've got to work with guidance counselors and then you're in charge of all the librarians. So just get it all done with all those people. So you have far-reaching impact in a small division when you're the supervisor of a program. So I don't have to rely on a lot of other people. Either I get it done and ensure that building level gets it done. Or I have to explain to my instructional team where I dropped the ball. (Laurel Oak Town, personal communication, August 4, 2016)

A final category of assets was simply the importance of relationships, both across the system and, especially when the Title III coordinator had less direct access to the superintendent's top leadership, with a direct supervisor. A comment by the coordinator of Sugar Maple County points to the broad importance of relationships:

I think because I had already been in the division for two years, I had the relationships that I needed to cultivate with other people at the division level, and then also principals at schools that served a lot of ELLs, in order to build support around the changes that we were trying to make. Like, good relationships were really important to make that happen. (Sugar Maple County, personal communication, September 30, 2016)

The length and quality of the relationship with the immediate supervisor also showed up, as exemplified by this quote from the coordinator of the smaller Spruce County:

“Probably the fact that I worked with her for years [mattered], and I have been an administrator for years, so – and I have not been excessive in requests, so that when I do come forward with a perceived need, if there's a way to do it, she'll do it” (Spruce County, personal communication, August 30, 2016).

In addition to assets, coordinators also noted barriers, including limited resources. This theme, when mentioned, lacked any overtones of direct criticism for higher ups, instead seeming to emerge simply from the recognition that with limited resources, not everything that should happen to meet a schools responsibilities to students is possible. The comments of Cedar County, a smaller rural system, and Hickory City, a small urban system, show the commonality of this across types of school systems.

Hmm. What barriers would I face? [Pauses to think.] Well, I mean, whenever I think of barriers in education, the – the one thing that always pops in my mind is money. I mean, to me, it – and I don't think it's any different in this case. I mean, you know, Title Three is funded, but it's not a ton of money. (Cedar County Schools, personal communication, August 4, 2016)

I'm part of all [emphasis by speaker] the decisions. But I also don't control the purse strings. While I can talk about language learners all day and I can come to a table uncompromised to talk about language learners, there's a lot of other kids out there, a lot of other needs out there. And all I can do is fight the fight. But I'm not in charge of the money. (Hickory City, personal communication, August 3, 2016)

This recognition of the limits to what can be accomplished with existing resources available to the supervisor and the system as a whole also extends to the resource of time (and serves as a counterbalance to the view of a split role as an asset). “I think what made things challenging in terms of services to me,” said the coordinator from Shingle Oak County, “would be just the nature of everything that I did under that job title. So it was really hard to give 100 percent of myself to this one thing because of, you know, all the balls in the air” (personal communication, August 22, 2016).

The coordinator from Silver Maple noted this limit extended to what she felt she could expect of others within the system.

I think the challenge is always just time. I mean, it's a big endeavor, and people are very receptive to it, but everybody else is also busy, so it's hard to build coalitions of people who will not only support what you're doing, but – as far as,

you know, tacitly support, as like, yeah, that's a good idea – but also contribute to realizing a vision through work and, you know, allocation of not just financial resources, but human resources, in terms of time. That can be a challenge. (Silver Maple County, personal communication, November 17, 2016)

This also echoed, in some ways, an acknowledged additional barrier noted by Conifer City's coordinator of struggling to overcome the inertia of how things are currently done.

I don't feel as though there was any direct opposition. So when discussing a certain obstacle that we're trying to overcome, it's not the other individuals that I'm talking to that are the obstacle. It's the status quo that is the obstacle. And first of all determining, or coming to a sense of agreement as to why we need a change. (Conifer City, personal communication, August 4, 2016)

While the majority of barriers mentioned were what might be called systemic, at least three of the coordinators noted their own inability to speak the first language of most of their ELLs as a felt barrier. This was largely confined to smaller systems where Spanish represented the vast majority of home languages spoken. Turkey Oak County's coordinator had this to say about how language and relationship building are related:

I would say that relationship building is probably the hardest for me with our families of English learners because I do not speak Spanish. Having that translator or I guess interpreter present just somehow makes me feel not as connected to them. Even though I sometimes communicate with them more and spend more time with them because of the nature of the interpretation. It just like, I don't know what it is but there's that barrier there like almost like I feel like they're closer to the interpreter than they are to me, which for me being a people person is hard for me to deal with. (Turkey Oak County, personal communication, September 15, 2016)

Shifts in role created by Dear Colleague letter. We have examined how coordinators articulated their role in processing the Dear Colleague letter, as well as assets and barriers encountered, whether in that process or in the general role. These findings provide some indications of what may be key factors that impact supervisor responsiveness. But before turning to our regression analysis of what factors drive that responsiveness, we first need to

review what impact the letter had on the Title III role and examine the actions reported as taken by coordinators on the survey (which are used to calculate the supervisor response index.)

Though the letter was seen as an asset by some in carrying out their role and was cited as a reason for marginal changes to what activities received greater focus in their execution of the role, most coordinators did not see the letter as significantly changing the character or the broad strategies of how they went about the role. This was in part due to a sense that most of the guidance of the letter aligned with what they had already been implementing. “It just gave me clearer points of reference,” said the coordinator for Conifer City, “for observing general instruction, observing our relationship with parents, observing staffing from school to school” (personal communication, August 4, 2016).

This sense of added clarity and focusing efforts to tighten up process and procedure also ran through comments by systems as diverse as Silver Maple County (rural, 25-100 ELLs) and Chestnut Oak (large suburban, more than 1,500 ELLs). “I’m not sure that it changed what I do,” said the Silver Maple coordinator. “I think it changed more of the timeframe of what we were doing. I think it increased the accountability for what we had to do” (personal communication, November 17, 2016).

I think what it did . . . is it made me focus even more on interpreting to make sure that . . . I guess it was more structure and organization. that the process for requesting an interpreter, the process for collecting information when parents register, that whether or not they need something in a language other than English, it’s making sure that those processes were very clear, that we had access to interpreters and also to educate schools so that should they need an interpreter, there was a process and that they knew what it was. (Chestnut Oak County, personal communication, July 25, 2016)

Though not a common refrain, one comment from Hickory City’s coordinator also points to the potential that the guidance had corollary impacts that may not have been what the writers of the letter originally hoped for.

I spend a lot more time getting things translated or time . . . like when I see a form, calling people and saying, hey did you get this translated? This is, it's about access to a program. Let's get it translated. It needs to be translated. It needs to be translated. But we don't have [in house] translation services so we have contracted services. So then I spend a lot of time calling, hey, can you translate this for me? I need it in 18 hours. Oh, you can't, okay, I'll call the next person on my list. So in reality, it's taken my focus away from the important work of instructing students rigorously. (Hickory City, personal communication, August 3, 2016)

These unintended consequences certainly are important for federal and state level policy-makers to consider as they form future policy directives.

Impacts on supervisor actions. With these assets and barriers, as well as general role impacts in mind, we now turn to examining what supervisors reported doing in response to the Dear Colleague letter. Some of these aspects which emerged from the interviews have been noted above in section 4.1 or been alluded to in the discussion just conclude. Here we focus first on the descriptive results of the survey responses, pulling out a few key observations before illustrating a couple of the response types using examples surfaced by the interviews.

Recall that the survey first asked respondents a clear but not highly nuanced question was asked of the ESL Supervisor – Did you personally take any concrete actions in response to the Dear Colleague Letter? – to which respondents could select a check box for either [yes=1] and [no=0]. This simple entry question provided a baseline of whether the coordinator responded in any way with concrete action to the Dear Colleague Letter. Sixty-four percent (64%) of survey respondents indicated they took a concrete action due to the letter.

Second, the survey asked coordinators to indicate which, if any, of eight action types they took since January 2015 in order to expand access to communications for LEP parents. We borrowed four functional role categories from Burch and Spillane (2004) to develop our measure of supervisor responsiveness, looking at expanded and new uses of tools, data, training and

network building (or partnerships). Table 20 presents the average values for each of these eight categories.

Table 20: Descriptive statistics of eight supervisor response options

Descriptive Statistics					
	N	Min	Max	Mean	Std. Deviation
Designed new tools or materials to support staff in the school system with communications to LEP parents.	56	0	1	.63	.489
Disseminated existing tools or materials more widely or more frequently to staff in the school system to support with communications to LEP parents.	56	0	1	.79	.414
Collected new types of data to better measure school system communications to LEP parents.	56	0	1	.36	.483
Increased the use of existing types of data that better measure school system communications to LEP parents.	56	0	1	.55	.502
Revised or developed new trainings to equip staff in the school system for communications to LEP parents.	56	0	1	.48	.504
Conducted existing trainings with a greater sense of urgency or with greater number of staff in the school system to equip them for communications to LEP parents.	56	0	1	.59	.496
Built connections with new partners who had expertise on best practices in communicating with LEP parents.	56	0	1	.41	.496
Connected more frequently with existing partners who had expertise on best practices in communicating with LEP parents.	56	0	1	.50	.505
Valid N (listwise)	56				

Looking at the results, the dissemination of existing tools or materials to staff was by far the most frequently reported action – 79% - and this was followed by designing new tools or materials at 63%. Increased use of existing trainings and increased use of existing data were the next most frequent actions at 59% and 55%. Existing partners and revising or developing new trainings were at or just below 50%. The least utilized categories were new partnerships and collecting new types of data (41% and 36% respectively).

One observation from this is a consistent pattern where increased use of the existing options was reported more frequently than the use of a new tool, data category, training or

partnership. This aligns with the insights of the interviews that many coordinators saw the letter as shifting what they did at the margins, but not changing their role in vast terms.

An example of what providing new resources looked like in one system (Silver Maple County) illustrates one potential direction for facilitating similar exchanges between teachers and parents, despite language barriers.

We also ordered some books for our teachers and for our parents. The one for the parent, it talks about how to communicate with the school in English. It has the Spanish translation and then it has the English translation. And then vice versa we have the one that we give to the teachers that has the English and the Spanish. So if you want to write comments on your child's report card as an English teacher and you don't speak Spanish [you can use basic phrases]. (Silver Maple County, personal communication, November 17, 2016)

From this brief examination of the types of actions taken, we now turn to asking what factors appear to impact supervisor responsiveness.

What impact does RRA have when other factors are controlled? Noted in the conclusion of section 4.3 was a high representative role acceptance by coordinators and a question of whether this would translate into actions to expand access to communication for LEP parents (measured by our summed index of the eight categories analyzed just above) or into any action reported taken by the supervisor directly in response to the Dear Colleague letter. (Note that because parental communication was only one category in the letter, a supervisor may report taking action because of the letter, but not report actions for access to communication for LEP parents.)

The scatterplot in Figure 23 provides a visual representation of the uncontrolled relationship between representative role acceptance (RRA) and the sum of action types reported as taken by the supervisor. A bivariate correlational analysis of RRA and each of the two measures of supervisor responsiveness shows that RRA is significantly (95% confidence) correlated with the sum of action types taken (across the entire sample the number of response

types averaged 4.3), but not with whether the supervisor took any action (64% of coordinators reported taking action). However the correlation between RRA and the Supervisor Response Index (SRI) is fairly weak, returning only a .284 Pearson correlation value. Whether this relationship will remain significant once other factors are controlled for is our next, and key, question. Likewise, we are interested to observe whether any other factors have explanatory power in relation to the Supervisor Response_Any measurement.

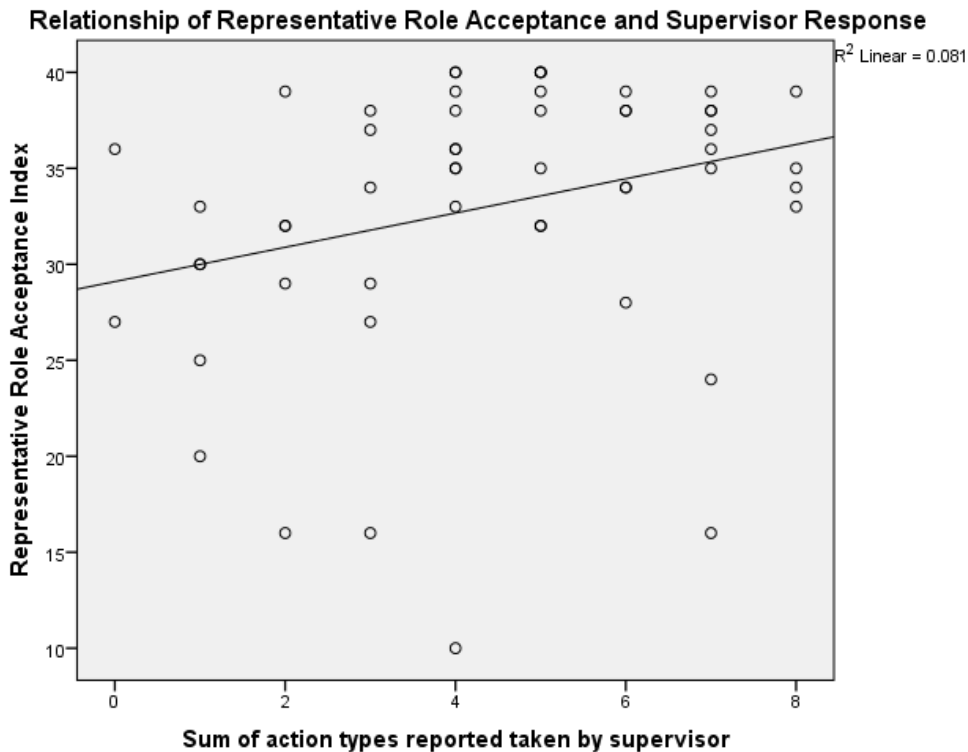


Figure 23: Relationship between RRA index and Supervisor Response

The factors chosen for inclusion in this model were formally developed in Chapter 3, but it may be helpful to recall that we use the same list of factors for both Regression 2 (looking at supervisor response) and Regression 3 (looking at school system response). This provides easier comparability, though we might expect some factors (for example partisan balance) to matter more for school system responses than they would for supervisor responses. (Given the

observed sense of agency within the system, supervisor’s actions may be insulated from the larger context while system responses, some of which would require additional budget, are less likely to be.) Also note that several variables (Average Daily Membership and the number of home languages other than English), summarized descriptively in Table 21, are loaded into the model after taking their natural log. This is done to minimize the potential impact of large variation as well as skewness and kurtosis that indicate significant departures of the distribution from a normal distribution. As with Regression 1, the PROCESS macro developed by Andrew Hayes is used in order to calculate the model using robust standard errors (RSE) using model 4 among the programmed model options (Hayes & Cai, 2007).

Table 21: Descriptive statistics for factors influencing supervisor response

Descriptive Statistics					
	N	Minimum	Maximum	Mean	Std. Deviation
Sum of action types reported taken by supervisor	56	0	8	4.30	2.264
Did you personally take any concrete actions in response to the Dear Colleague letter?	56	0	1	.64	.483
Representative Role Acceptance Index	54	10	40	33.02	6.989
Sum of Public Service Motivation	54	8	25	20.98	4.109
Traditional Role Acceptance (2 item)	55	2	10	4.58	2.166
dummy Race/Ethnicity	54	0	1	.11	.317
Is your role focused exclusively on Title III matters or do you have split responsibilities where you coordinate both Title III programs and others types of programs?	56	0	1	.05	.227
Superintendent Access Index	56	2	8	6.21	2.147
As your system considered potential policy responses to the Dear Colleague letter, was the issue taken up or discussed during a meeting of the School Board?	56	0	1	.07	.260
System subject to Title III Monitoring in 2013-14	56	0	1	.27	.447
Active OCR agreement in place	56	0	1	.05	.227
Percent of Students who are LEP	56	.0000	.3270	.0331	.0526
#Languages in System	56	.0	105.0	15.732	23.19
2015-16 ADM	56	207	87793	9720.64	16704.60
Per-Pupil Expenditure for Operation Regular Day School	56	8882.61	20308.18	10930.69	2135.64
2015 % For Born	56	0.34%	23.29%	4.54%	4.74%
% Change in FB pop 2000-2015	55	-71.19%	380.65%	104.47%	88.85%
Romney Margin	55	-.454	.575	.0876	.235303
Valid N (listwise)	49				

We formally write the model for Regression 2 (SRI) and 2a (SR_any) as follows, with the only change being the switch of the dependent variable:

$$\text{SRI} = \beta_0 + \beta_1 \text{Title III focus dummy} + \beta_2 \text{Superintendent Access Index} + \beta_3 \text{Minority} + \beta_4 \text{RRA} + \beta_5 \% \text{LEP} + \beta_6 \text{LN Total Students (ADM)} + \beta_7 \text{Per Pupil Spending} + \beta_8 \text{OCR agreement dummy} + \beta_9 \text{Title III audit 2013-2014 dummy} + \beta_{10} \text{Traditional Role Acceptance Index} + \beta_{11} \% \text{Population Foreign Born} + \beta_{12} \text{Growth rate of FB} + \beta_{13} \text{Conservative Partisan Balance} + \beta_{14} \text{School Board Involvement dummy} + \beta_{15} \text{LN Number of Home Languages}$$

The directional expectation for each variable is summarized in Table 6 and these remain the same across the two dependent variables. However in this particular regression we specifically look for evidence for the following hypotheses:

H4a – ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.

H4a.2 – ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting an action taken in response to the Dear Colleague letter.

Table 22 provides the results of the analysis of the Supervisor Response Index. No factors are significant at the 95% confidence interval, but representative role acceptance, with a significance measure of .085, is significant at a 90% confidence interval. As expected, the relationship is positive, showing that higher levels of representative role acceptance resulted in a broader range of actions taken.

A caveat here is that the overall model only returns an F-stat of 1.636, meaning that we are only 88% confident that the impact of the combined factors is different from zero. This implies that other factors beyond those represented here, would be needed to better represent what factors influence the breadth of supervisor action. However, we can conclude that there is limited support for representative role acceptance being a meaningful factor, supporting Hypothesis 3a.

Table 22: Regression results of factors influencing supervisor response index (SRI)

Model (SRI = dependent)		Model (SRI = dependent)		
R	0.646		R Square	0.418
Std. Error of the Estimate	3.681		df	48
F	1.636		Sig.	0.117
	Unstandard B	SE	t	Sig.
constant	-2.544	11.967	-0.213	0.833
RRAindex	0.136	0.077	1.779	0.085*
PSMindex	-0.166	0.129	-1.287	0.208
TRA_inde	-0.295	0.207	-1.424	0.164
d_Race_E	-1.875	1.58	-1.186	0.245
role	-0.354	3.167	-0.112	0.912
super_ac	-0.378	0.251	-1.503	0.143
school_b	-1.328	1.563	-0.849	0.402
TIII_Mon	0.412	1.127	0.366	0.717
OCRagree	2.265	2.707	0.837	0.409
Perc_Stu	-8.445	13.022	-0.649	0.521
LNNum_La	-0.854	0.775	-1.102	0.279
LN201516	0.853	1.175	0.726	0.473
PerPupil	0	0	1.004	0.323
Percent2	0.127	0.216	0.588	0.561
Changein	-0.004	0.006	-0.699	0.49
RomneyMa	-1.143	1.834	-0.623	0.538
*p<.1; **p<.05; ***p<.01				

Table 23 then reports the results of the logit regression on the dichotomous variable created based on whether the respondents said yes or no to whether they personally took any action as a result of the Dear Colleague letter. As noted in the methodology, actions taken since January 2015 (and included in the SRI) are not definitively taken as a result of the Dear Colleague letter – some interview respondents identified other factors such as an active OCR agreement as relevant reasons that they took similar actions to those outlined by the letter.

Here, the model as a whole again lacks significance at traditional levels of confidence – we can only be 76% confident that all factors combined have an impact distinct from zero. Therefore the individual factor relationships must be treated with caution. In this case, representative role acceptance is not significant. However, two factors show significance at a

90% confidence interval – school board involvement (*school_b*) and the percentage of students in the school system who are LEP (*ZPerc_St*). We examine each in turn.

Table 23: Regression results of factors influencing supervisor response any (*SR_any*)

Model 2LogPROC (SR_any = dependent)					
Nagelkerke R Square	0.436	N	48		
Model LL	17.813	Sig.	0.335		
	Unstandard B	Exp. Beta	SE	t	Sig.
constant	2.882		1.245	2.314	0.021**
ZRRAlnde	-0.442	0.6427	0.75	-0.589	0.556
ZPSMinde	1.102	3.0102	0.784	1.406	0.16
ZTRA_ind	-0.418	0.6584	0.585	-0.715	0.475
d_Race_E	-2.573	0.0763	1.603	-1.605	0.109
role	1.137	3.1174	7.305	0.156	0.876
Zsuper_a	0.115	1.1219	0.637	0.18	0.857
school_b	-5.15	0.0058	2.896	-1.778	0.075*
TIH_Mon	0.531	1.7006	1.257	0.422	0.673
OCRAgree	4.66	105.64	7.667	0.608	0.543
ZPerc_St	6.788	887.14	3.974	1.708	0.088*
ZLNNum_L	-0.867	0.4202	1.045	-0.829	0.407
ZLN20151	0.844	2.3257	1.2	0.703	0.482
ZPerPupi	0.489	1.6307	0.81	0.604	0.546
ZPercent	-0.667	0.5132	2.175	-0.307	0.759
ZChangei	-0.728	0.4829	0.532	-1.367	0.172
ZRomneyM	0.047	1.0481	0.502	0.093	0.926

*p<.1; **p<.05; ***p<.01

School board involvement (*school_b*). The involvement of the school board in decision processes, which was reported in only 7% of responses, had a negative impact on the supervisor reporting that they took action as a result of the letter. This indication is held cautiously for two reasons – first the number of systems indicating the letter was discussed by the school board is a small number – four to be exact – increasing the impact of any one response that varies from the others. Moreover, of these four, only one system reports not taking any action on the basis of the Dear Colleague letter and this system was among those interviewed. In the interview, the coordinator noted that the impact of the letter was minimal because they had shortly before gone through a state audit – the letter was seen largely as affirmation for the things they already had in

place, rather than an indication that they needed to change anything. In short, utilizing the triangulation afforded to us by the interviews, we argue against generalizing this finding.

Percentage of students in the school system who are LEP (ZPerc_St). The percent of students who are LEP has a positive relationship with supervisors taking action as a result of the Dear Colleague Letter. This squares with our expectation that coordinators in systems with larger proportion of their students

designated LEP would be more likely to take action. However, an additional visualization (see Figure 24) may help in examining how the impact of this factor plays out within the estimated regression model.

Note that the variable in question has been standardized, so it is measuring the distance in terms of

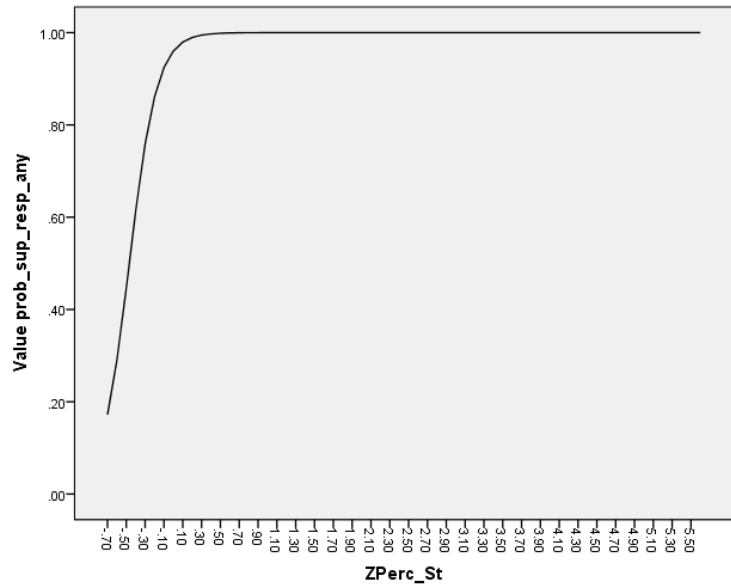


Figure 24: Impact of Percent Students LEP

standard deviation (SD) above and below the mean value of 3.31%. A standard deviation is 5.26% (see Table 21 on page 251 for descriptive statistics for all variables used in the regression.) This visualization shows the varied effect of the percentage of the student population that is limited English proficient from the minimum value of 0.0% (-0.63 SD from the mean) to the maximum value of 32.7% (5.59 SD above the mean) while holding all other factors at their mean value for survey respondents as a whole. What emerges from this visualization is that the increasing probability of a supervisor reporting any response to the Dear Colleague letter, holding other factors constant at their mean value, is found primarily in the range of values

below the mean (those under 3.31%). Above the mean, the regression indicates that taking action is almost a certainty, while the probability increases rapidly with each small increase in the portion of students who are LEP.

Additionally, representative role acceptance is not significant at any traditional confidence interval and so we do not find any support for Hypothesis H4a.2 which expected RRA to have a positive impact on the likelihood of taking action.

Keeping in mind the caveats expressed above, this regression analysis of two response measurements provides countervailing indications. In terms of the breadth of action taken since January 2015, a perceived role of representing LEP students and parents appears to significantly impact the number of types of actions taken by a supervisor to increase access. But if our measurement is a more conservative question of whether any response was taken by the coordinator to the dear colleague letter, here other factors appear more crucial, namely the percent of students in the division who are LEP. Before moving on to analyzing factors that influence school system responsiveness in section 4.5, we set these countervailing results alongside the insights developed from the interviews in making some tentative conclusions.

Summary conclusions. Based on the diverse data, both qualitative and quantitative in nature, what conclusions are warranted? First, interviews with Title III coordinators suggest they play a strong and key role in deciding how a school system responds to federal guidance like the Dear Colleague letter. The metaphor of the coordinator acting as a membrane through which directive policy guidance is collaboratively and consultatively translated into the internal school system structure in ways that are likely to be adopted is a key insight. These coordinators appear to draw consistently on relational capital in doing so, but also benefit from the added imprimatur of an official guidance document like the Dear Colleague letter. Based on the regression

analysis, the importance of seeing one's role as representing LEP students and parents appears to play a role, even controlling for personal and institutional assets, to increase the likelihood that a coordinator will find multiple ways to improve access for those represented. This picture provides support for the insights highlighted by Burch and Spillane regarding the methods used by persons in broker or spanner roles.

While this finding of agency and coordinator influence comes through strongly, also present are indications of limits – especially in terms of resources such as time and money. The question of money appears to be often mediated at a level higher than the Title III coordinator within the organizational chart and when money becomes a key part of an initiative, the strength of a coordinators relationship with their supervisor becomes especially relevant. This provides a logical explanation for why increasing the frequency of deploying existing resources, data, trainings and partnerships outstripped new initiatives in the same areas.

Alongside this overall picture is a slightly different question of the factors that influence non-action (the 36% who reported not taking any action in response to the Dear Colleague letter). Though our analysis looked for causes of greater likelihood of action, the inverse can be inferred from the results regarding the percentage of students designated LEP. The logit regression suggests that an increase in the percentage of students who are LEP results in an increased likelihood that action was taken by the supervisor in response to the letter. The inverse of this would be that a very small percentage of LEP's makes inaction more likely. Based on interview findings discussed in section 4.1, very small school systems with very small numbers of LEP students indicated finding out about the letter later in 2015 than did larger systems and those who had higher percentages of LEP designated students. This included one coordinator who noted they had never seen the letter until after we contacted them to ask them to complete

the survey. So the finding that inaction is related to a low percentage of students who are LEP could be partly a phenomenon of less demographic pressure, but also a result of communication systems for policy directives not permeating fully to the smallest systems. These findings are worth keeping in mind as we conclude our tour of results by considering the research question regarding what factors appear to influence school system responses as a whole.

4.5 – Factors Driving Responsiveness at the School System Level

We now turn to examining factors that appear to affect whether school systems are responsive to the Dear Colleague letter and to the needs of LEP students and families. As summarized in Table 3, two sub-questions guide our inquiry:

- What impact does Active Representation by ESL Supervisors have on School System Response?
- Which stakeholders do ESL Supervisors see as most important in shaping district response?

The first question is answered using a regression analysis similar to that used for the Supervisor Response Index and the Supervisor Response_any dichotomous variable covered in section 4.4. The second question is explored based on interviews with coordinators and the insights surfaced throughout, but especially in response to the following question from the interview protocol:

- Who would you say were the main stakeholders within your system in deciding a response to the federal DOE guidance? Which would you say had the most impact on the decision process and why?

In examining the guiding research questions, we operate from the following hypotheses.
Qual.-H5: Factors surfaced as influencing what policies are implemented are expected to reflect political (meeting expectations of local elected officials; state or federal administrators),

organizational (following procedure or meeting expectations of senior local administrators) and professional value considerations (doing what is right for LEP students.)

H5a: School systems with a higher % of LEP students will have a higher value on the system responsiveness index.

H5b: School systems in localities with a more conservative partisan balance will have a lower value on the system responsiveness index.

H5c: School systems whose ESL coordinator has a higher representative role acceptance score will have a higher value on the system responsiveness index.

As with Hypothesis H4a, each quantitatively oriented hypothesis above has a corollary equivalent (H5a.2, H5b.2, H5c.2) for the “System Response_any” variable developed from either “Yes=1” and “No=0” response options to the following question:

- *“Did your school system discuss or approve any concrete actions in response to the Dear Colleague letter?”*

Before turning to the distribution of responses to the system response index components and our regression analysis, we first look at themes present in who the interview respondents viewed as important stakeholders in the Dear Colleague letter process. (Stakeholders for the general role were examined in Section 4.3.)

Identified Stakeholders in the Dear Colleague letter process. As was the case in relation to general stakeholders, a range of collaborators were named by coordinators as being involved, though the follow-up question usually led to a focusing down of the key group. The explanation from the Cedar County coordinator provides one example of a movement from multiple stakeholders to identifying the most important – in this case the ESL teachers. The quote starts off with his response to the question of who were the stakeholders involved in deciding how to respond to the letter:

P: Myself as supervisor, there's other supervisors that work with me, my colleagues in the school board office. You know, they have a voice, and they are involved. The ESOL teachers, the principals. Ultimately, the classroom teachers,

because they work with the ESOL teachers, and I don't think we solicit feedback from them. Parents.

I: Mhm. Which would you say were the most important and central and why?

P: I trust my ESOL teachers a lot. And granted, I only have two and a half, but I think they're that linchpin, because they have that connection in the school buildings. They have the connection with the kids, they have the connection with the teachers, they have the connection with the principals. And then on this side, they have a connection with me as the supervisor. So to me, they're that pin that ties everything together.

I: Okay. Yeah.

P: And plus, they're professionals. They're the ones getting, you know, the professional development for how to provide that instruction to the kids, the standards that need to be met, what needs to happen in the class setting. (Cedar County Schools, personal communication, August 4, 2016)

While Cedar County named the ESL teachers as being the “linchpin” the most frequently coded role in analyzing answers to these questions was the Title III coordinator’s supervisor. In multiple systems, the most important stakeholders identified by the coordinator were themselves (consistent with their strong sense of voice and role discussed in section 4.4) and their immediate supervisor. The description from the coordinator of Sugar Maple County and Overcup Oak County are indicative of this key axis of decision-making:

Basically, it was my decision, and I brought it to my supervisor, who is Ms. X – she's the executive director of K-12 education – and basically told her, look – or discussed with her, you know, this is what we're already doing, this is what this letter says, you know, we're in a good place, and with what we're trying to push forward, and now it's my opinion that this requires us to make sure that it happens. And she – you know, she was in agreement with that, and very supportive. (Sugar Maple County, personal communication, September 30, 2016)

Probably my biggest advocate is our director of instruction, my boss. She was integral in continuing to carry the message and advocate for our learners with senior staff. . . .continue to advocate for staffing because as the spokesperson for our curriculum and instruction department, you know, she was able to, you know, put things in a language that they speak. (Overcup Oak County, personal communication, August 1, 2016)

In contrast, the superintendent was brought up much less often and usually in the context of having been kept informed but not identified as central to the process unless the identified actions involved budgetary impact. School boards, likewise, were infrequently mentioned, though they also were activated by initiatives that required additional line-item funds in the annual budget. This did not mean that every single action that required resources went before a school board – Chestnut Oak County’s coordinator, potentially due to being a larger county, notes that the direct supervisor was able to identify funds that could be redirected to translation/interpretation needs. Also mostly missing from this naming of stakeholders, (as well as assets or barriers) is the larger political debate. One exception to this is the following comment by the coordinator of Overcup Oak County, which Romney won by more than a 30 percentage point margin. The comment was made in response to a question about what factors made it harder to play a role in developing solutions to the Dear Colleague letter:

People who are learning English in this community . . . not just this community but the U.S. . . . that has become so politically charged. You know, that makes the fight, and I don’t say fight in a negative term, but that takes the advocacy to a new level. I hear what you’re saying on TV. I see what you’re reading in the paper. But at the end of the day, this is an eight year old who just wants to learn English and talk to his buddies at the lunch table and make his teacher proud and the parents just want them to have a better tomorrow than they do today. And I said, so political opinions aside, what can we do. And so just trying to have the patience to have that very calm (laughs) narrative. That’s the biggest obstacle . . . is just the politically charged nature of the climate in the U.S. right now anyway. But I will have to say, this community has been fantastic in wanting to learn and wanting to know about what to do. (Overcup Oak County, personal communication, August 1, 2016)

While one or two other coordinators made comments about the potential for ELL policy to be politically charged, these forces seemed to be seen as buffered, perhaps by higher ups, from impacting the work the Title III coordinators. This may make it less likely that our subsequent regression analysis finds partisan make-up playing a significant role in school system responsiveness.

A final observation also needs to be made in contrast to the responses highlighted in section 4.3 about who coordinators saw themselves serving. In contrast to students as the focus of those responses, students were only mentioned once across the 15 interviews in relation to being a stakeholder in the specific decision process surrounding the Dear Colleague letter. This suggests, perhaps unsurprisingly given the age of many of them, that students are served in concept and principle, but not involved directly in feedback loops at the policy decision level.

This brief analysis of stakeholders shows the clear importance of the role of a coordinator's direct supervisor to the process and to being able to advocate up the chain for suggested changes. This again caused us in our analysis to look at whether the report of how supported or isolated the coordinator reported feeling is correlated significantly with system response variables. As with the supervisor response variables, there was not significant correlation and so the supervisor isolation is not included in the regression analysis, to which we now turn. First, we review the items that make up the system response index and then we examine the results of our regression analysis for both the index and the report of any action discussed or approved.

Overview of types of actions reported discussed or approved in survey. Recall that the survey instrument also asked Title III coordinators the following – “What types of responses, if any, did your school system take since January 2015 to provide equal access for LEP parents to school communications to parents?” The survey provided eight closed response types (e.g. increased training for current staff/teachers in best practices for services to LEP population) and asked respondents to designate whether that type was not discussed, discussed, or approved. It also provided an open “other” category to allow identification of responses that didn't fit within the closed response typology. Together, this battery is used to develop the School System

Response index, with a discussed response type valued at 1 point within the index and an approved response type valued at 2 points. As discussed in section 4.1, very few systems utilized the open response category and so this was excluded from calculation of the index. Likewise, two of the actions provided are ambiguous from a best practices perspective (use of volunteers for translation and use of free software such as Google for the same) and so are also excluded from the calculated index. The summed valued of the index, then, runs from 0-12.

Descriptive statistics for both dependent variables are presented in Table 24 and correlations reported below are in Table 25.

Table 24: Descriptive statistics for SSRI and SSR_any

	Statistic	Std. Error	95% Confidence Interval	
			Lower	Upper
Did your school system discuss or approve any concrete actions in response to the Dear Colleague letter?	Mean	.61	.48	.74
	Median	1.00	.00	1.00
	Std. Deviation	.492	.442	.505
	Minimum	0		
	Maximum	1		
Sum of action types reported discussed or taken by system consistent with DCL	Mean	6.22	5.31	7.06
	Median	6.00	4.00	8.00
	Std. Deviation	3.214	2.737	3.598
	Minimum	0		
	Maximum	12		

A majority of districts (61%) reported taking an action in response to the Dear Colleague letter. This is quite similar to the 64% of supervisors that reported personally taking an action in response to the letter and the correlation of the two “_any” measurements is .601 and significant at the 99.9% confidence level. This means most (but not all) supervisors who reported taking an action personally also reported their school system discussing or taking an action. The average

index value for the School System Response Index (SSRI) is 6.22, almost the exact middle of the range. Recall that the responses reported by school systems are summarized in Table 11 and were also discussed in section 4.1. To refresh awareness, we repeat that text here. Several patterns are worth highlighting. First, increasing training for existing staff (69.8% approved, 13.2% discussed) and increasing the number of communications translated (67.3% approved, 17.3% discussed) are the most frequently utilized response types and (at least potentially) share the distinction of responses that could likely be done by reapportioning existing staff time without necessarily requiring additional budget or staff hires. By contrast, increasing the number of ESL certified staff/teachers (at 38.2% approved) and increasing the number of staff who speak a language other than English (at 17.3% approved) were among the least frequently reported response strategies. Increased funding for contracted translation/interpretation (approved by 43.4%) fell in a middle ground.

Table 25: Correlations for SSRI and SSR_any

Correlations					
	RRA Index	Sys_any	SSRI	Super_any	SRI
Representative Role Acceptance Index	Pearson Correlation	1	.291*	.190	.286*
	Sig. (2-tailed)		.035	.174	.038
	N	53	53	53	53
Did your school system discuss or approve any concrete actions in response to the Dear Colleague letter?	Pearson Correlation	.031	1	.601**	.231
	Sig. (2-tailed)	.826		.006	.096
	N	53	53	53	53
Sum of action types reported discussed or taken by system consistent with DCL	Pearson Correlation	.291*	.370**	1	.686**
	Sig. (2-tailed)	.035	.006		.002
	N	53	53	53	53
Did you personally take any concrete actions in response to the Dear Colleague letter?	Pearson Correlation	.190	.601**	.420**	1
	Sig. (2-tailed)	.174	.000	.002	
	N	53	53	53	53
Sum of action types reported taken by supervisor	Pearson Correlation	.286*	.231	.686**	.292*
	Sig. (2-tailed)	.038	.096	.000	.034
	N	53	53	53	53

*. Correlation is significant at the 0.05 level (2-tailed).
 **. Correlation is significant at the 0.01 level (2-tailed).

Likewise, recall that all independent variables used in Regression 3 are the same as those used in regression 2. Descriptive statistics for each is presented in Table 21.

What factors influence SSRI?

Table 26 provides the results of the analysis of the School System Response Index. No factors are significant at any traditional confidence interval. The overall model, however, is significant at a 90% confidence interval. As noted in the methodology, actions taken since

Table 26: Results from Regression 3 – Factors influencing School System Response Index

Model (SSRI _DCL= dependent) Uses PROCESS to generate HC3 robust errors					
R					0.7204
R Square					0.519
Std. Error of the Estimate					6.6325
df					48
F					1.728
Sig.					0.0937*
	Unstandard B	SE	t	Sig.	
constant	-8.983	12.0173	-0.7475	0.4604	
RRaindex	0.1403	0.1222	1.1488	0.2594	
PSMindex	-0.1755	0.1736	-1.0108	0.3199	
TRA_inde	-0.1886	0.3122	-0.6042	0.5501	
d_Race_E	-0.5452	1.8437	-0.2957	0.7694	
role	-4.7358	4.0152	-1.1794	0.2472	
super_ac	0.0012	0.3157	0.0037	0.9971	
school_b	-0.267	4.3154	-0.0619	0.9511	
THH_Mon	0.6361	1.417	0.4489	0.6566	
OCRagree	4.0009	2.892	1.3834	0.1764	
Perc_Stu	15.9681	15.8728	1.006	0.3222	
LNNum_La	0.0258	1.0017	0.0258	0.9796	
LN201516	1.4106	1.2466	1.1316	0.2665	
PerPupil	0.0003	0.0005	0.5368	0.5952	
Percent2	0.0509	0.2712	0.1876	0.8524	
Changein	-0.0035	0.0076	-0.459	0.6494	
RomneyMa	0.1446	2.7939	0.0518	0.9591	
*p<.1; **p<.05; ***p<.01					

January 2015 (and included in the SSRI) are not definitively taken as a result of the Dear Colleague letter – some interview respondents identified other factors, such as an active OCR

agreement as relevant reasons that their school systems took similar actions to those outlined by the Dear Colleague letter. (Interestingly, the factor closest to being significant in this regression is the dummy variable for a system having an OCR agreement in force and the direction of the sign indicates that if this impact is non-random, that OCR agreements increased the number of actions school systems took, other being elements equal.) However, the short conclusion of this regression is that we find no support for any of our functional hypotheses. Table 27 then reports

Table 27: Results from Regression 3 – Factors influencing School System Response_Any

Model 3LogPROC (SSR_any = dependent)					
Nagelkerke R Square	0.466				
N	47				
Model LL	19.313				
Sig.	0.253				
	Unstandard B	Exp. Beta	SE	t	Sig.
constant	2.359		1.02	2.313	0.021**
ZRRainde	-1.373	0.253	1.117	-1.229	0.219
ZPSMinde	0.867	2.380	0.917	0.946	0.344
ZTRA_ind	0.712	2.038	0.653	1.089	0.276
d_Race_E	1.031	2.804	1.966	0.525	0.6
role	-14.898	0.000	7.4	-2.013	0.044**
Zsuper_a	0.259	1.296	0.677	0.382	0.702
school_b	0.276	1.318	2.12	0.13	0.897
TIH_Mon	0.102	1.107	1.378	0.074	0.941
OCRAgree	-1.121	0.326	2.461	-0.455	0.649
ZPerc_St	1.894	6.646	1.923	0.985	0.325
ZLNNum_L	0.382	1.465	1.228	0.311	0.756
ZLN20151	-1.014	0.363	1.422	-0.713	0.476
ZPerPupi	-0.285	0.752	0.811	-0.352	0.725
ZPercent	4.027	56.092	2.405	1.675	0.094*
ZChangei	-0.875	0.417	0.576	-1.52	0.129
ZRomneyM	1.789	5.983	0.729	2.453	0.014**

*p<.1; **p<.05; ***p<.01

the results of the logit regression on the dichotomous variable created based on whether the respondents said yes or no to whether the school system discussed or approved any action as a

result of the Dear Colleague letter. Here the overall model is not significant, arguing for approaching individual impacts with caution.

However, three factors show significance at some level - the percent of the general population that is foreign born (*ZPercent*); the dummy variable (*role*) with a value of 1 if the coordinator's role has a sole Title III focus; and the margin of victory for Mitt Romney in 2012 (*ZRomneyM*). We discuss each of these briefly in turn.

Title III only (role). This factor is significant at a 95% confidence level, however the sign is the opposite of what would be expected. Being completely focused on Title III made it more likely no actions were discussed or approved. As with our results in section 4.4, some caution is in order regarding the finding on a solely Title III focused role. Only three respondents had this quality and only one of those three noted that their system neither discussed nor approved any action in response to the Dear Colleague letter. This also happens to be a system whose coordinator informally noted at a gathering of VESA that because they had been subject to an OCR agreement in the recent past, all of the content of the Dear Colleague letter was already included in the legally binding agreement they had already signed. Though this model controls for an OCR agreement being in place, the conversational triangulation allows us to place the generalization of this finding on hold.

Percent Foreign Born (ZPercent). This factor is significant at a 90% confidence level and shows an impact in the expected direction (the higher the foreign born population percentage, the more responsive a school system is). However, an additional visualization (see Figure 25) may help in examining how the impact of this factor plays out within the estimated regression model.

Note that the variable in question has been standardized, so it is measuring the distance in terms of standard deviation (SD) above and below the mean value of 4.54%. A standard deviation is 4.74% (see Table 21 on page 251 for descriptive statistics for all variables used in the regression.) This visualization shows the varied effect of the percentage of the population

that is foreign born from the minimum value of 0.34% (-0.88 SD from the mean) to the maximum value of 23.29% (3.95 SD above the mean) while holding all other factors at their mean value for survey respondents as a whole. What emerges from this visualization

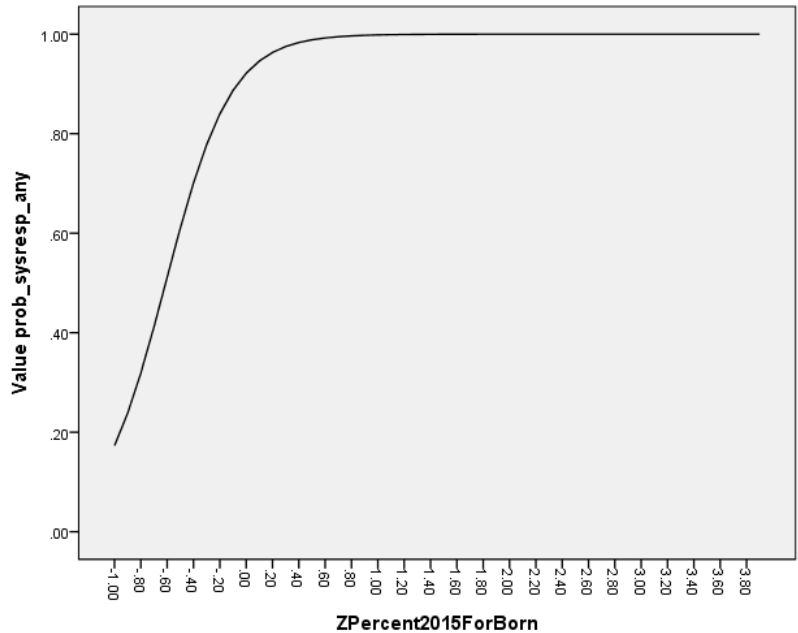


Figure 25: Impact of Percent of Population who are Foreign Born

is that the increasing probability of a school system discussing or

approving any response to the Dear Colleague letter, holding other factors constant at their mean value, is found almost entirely in the range of values below the mean (those under 4.54%).

Intuitively this makes some basic sense in that a large portion of all school systems within the state (approximately two thirds) fall below 4.54% foreign born population. But this also

indicates that if other values are close to the mean, any school system with a foreign born population above 4.5% has almost a 100% probability of response to the Dear Colleague letter.

Margin of victory for Mitt Romney in 2012 (ZRomneyM). This factor is significant at a 95% confidence level. As with the Title III role, the sign notes that the impact is moving in the

opposite direction of what we specified – the larger the Republican margin of victory, the more likely the school system was to discuss or approve an action to allow LEP parents to have equal access. There is, however, no mitigating knowledge from qualitative findings that definitively speaks to why the more conservative areas were more likely to discuss or approve action in response to the Dear Colleague letter. This countervailing evidence causes us to reject hypotheses H5b.2.

Though the basic regression results provide strong evidence to reject the expected hypothesis, an additional visualization (see Figure 26) may help in understanding how the impact of this factor plays out within the estimated regression model. Note that the variable in question has been standardized, so it is

measuring the distance in terms of standard deviation (SD) above and below the mean value of .0876. A standard deviation is .235% (see Table 21 on page 251 for descriptive statistics for all variables used in the regression.)

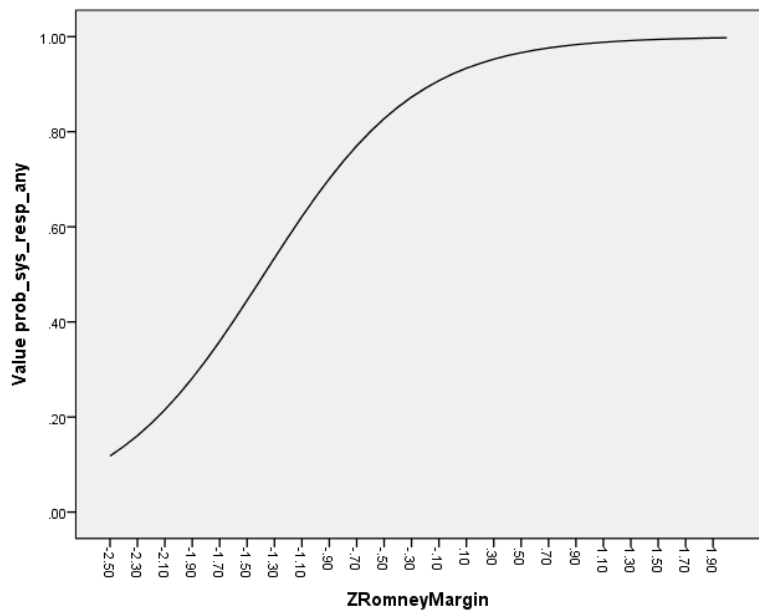


Figure 26: Impact of Romney Margin on System Response

This visualization shows the

varied effect of the percentage of

the population that is foreign born from the minimum value of -0.454% (-2.3 SD from the mean) to the maximum value of .575 (2.07 SD above the mean) while holding all other factors at their mean value for survey respondents as a whole. What emerges from this visualization is that the increasing probability of a school system discussing or approving any response to the Dear

Colleague letter, holding other factors constant at their mean value, is found to be more steeply decreasing in the Democratic localities (those below the mean). Again, based on the existing literature, this result is highly counter to expectation. We discuss what this might mean in the broader context of our results below.

Other variables of interest. Regarding our other variables of interest, no support is found for the percent of students who are LEP (H5a.2), though the sign is in the expected direction; likewise there is no support found for representative role acceptance (H5c.2) though here too, the sign moves opposite of that expected (potentially because Public Service Motivation is included and held steady in this model).

What can we make of these results? The unexpected finding regarding a sole Title III role may be explained by the very small number of respondents for whom that applies (making the impact highly dependent on variation in one data point). The partisan balance finding has no such mitigating information and creates a distinct puzzle. However the overall picture available to us from both qualitative and quantitative angles allows us to posit one potential narrative. A number of coordinators noted the added leverage created for them internally by having a guidance letter from the Department of Justice and Department of Education. Similarly, a number of systems, including several that trend blue politically, have noted that the letter largely encapsulated what they had already put in motion, either because of high percentages or numbers of LEP students, or in some cases because of monitoring incentives from state audits or federal enforcement via OCR agreements. Given this picture, it's possible that the impact of the Dear Colleague letter was crucial for getting discussion or action from, not the first movers on the policy issues spoken to by the letter, but those who may have had internal stakeholder aligned with the spirit of the letter (high representative role acceptance) but also constraints like a more

conservative political climate and school board. The letter, then, may have functioned as a particularly crucial spur for these areas that may have lagged in serving the growing needs of their LEP population but now had external impetus to move in that direction and internal stakeholders already in agreement. This is, however, only a possible narrative that would explain the findings. More focused research around these questions might provide increased understanding of the unexpected direction of partisan context on the likelihood of taking action.

Summary Conclusions. Within the context of this study, one of the working theoretical assumptions has been that the individual role acceptance of the Title III coordinator was less likely to impact how their entire school system responded than it was to impact what the coordinator themselves did in the role. While our analysis in section 4.3 shows coordinators exhibiting a strong average representative role acceptance and a very strong conception of serving ELL students within their role, our regression analysis in this section finds nothing that suggests this representative role acceptance passes through to either the likelihood of taking any action, or the number of types of actions taken. In the end, it appears that the larger contextual factors, like partisan make up and proportion of the population that are foreign born, are the ones showing impact on the likelihood of action (though in the case of partisan make-up not in the direction expected).

Part of our purpose in conducting this study was to examine whether the theoretical explanations of bureaucratic incorporation, on one hand, or political incorporation on the other, provided a better explanation of the variation observed. Though we will unpack this question in more comprehensive terms in Chapter 5, it is worth noting here that while our findings on representative role acceptance and supervisor responses lean towards supporting bureaucratic incorporation expectations, our findings in this section that larger contextual factors are the

significant drivers of system action or inaction suggests that demographic driven or political incorporation models also have insight (even if the findings on partisan make-up suggest that this is a more complicated picture than previous studies have been able to pin-point). Rather than definitively confirming one theoretical model or another, this counter-vailing evidence at different levels potentially points to the need for a model that encompasses an expectation of bureaucratic incorporation up to a certain institutional ceiling, at which point the advocacy of bureaucrats is balanced by, and eventually overwhelmed by broader political and demographic forces.

We explore this possibility further in Chapter 5 as we review the findings in total and consider implications of our findings, both for academic quandaries such as immigrant incorporation, and for practitioners.

Chapter 5 – Conclusions and Implications

The introduction to this study began by painting a picture – millions of recent immigrants spreading out to new destinations across the United States to build new lives, and those new lives being shaped by the work, attitude and decisions of thousands of local bureaucrats. We suggested that the future of these myriad communities, and American society as a whole, pivots, at least in part, on two questions – what role do bureaucrats play in shaping the lives of immigrants and to what extent do they represent the interests of their community’s newfound diversity?

We set out to explore these questions within the critical sector of education, seizing the opportunity presented by the Limited English Proficient (LEP) student and family focused Dear Colleague letter of January 7, 2015 to examine how school systems responded to the guidance and to explore the role in this process played by a key set of mid-level bureaucrats – the Title III coordinators who act as links between federal and state directives and each local school system around policy and funding for LEP focused programs. Studying the demographic and experiential makeup of these key actors, their responsiveness, and the responsiveness of the school systems in which they work, provided an opportunity to add insight, not only to an understanding of the impact of the Dear Colleague letter (what might be called policy dissemination), but also to the following gaps and debates within the academic literature:

- The nature, methods and impact within education settings of this understudied category of mid-level bureaucrats, which the literature refers to as “brokers” (Burch & Spillane, 2004) or “spanners” (Honig, 2006);
- The sources of representative role acceptance (RRA) and its impact, including a better understanding of which passive categories (such as shared ethnicity, common experiences, or policy views) or dispositions (such as public service motivation) affect levels of RRA.
- The drivers of local incorporation of immigrant communities including increased insight into whether demographic, political or bureaucratic factors are most important (and if evidence exists of more than one being important, added insight into how they relate).

Here we integrate the findings reported in Chapter 4, attempting to weave together the preliminary conclusions expressed so far into a cohesive whole. The implications of these results are then considered for each area of the literature in turn (i.e. policy dissemination, role of mid-level brokers, representative bureaucracy and local responsiveness) and for the range of practitioners that play a role in the dissemination of these types of guidance directives (e.g. federal and state bureaucrats, top local system leadership, Title III coordinators themselves.) After revisiting the limitations of this study, the analysis returns to the two broad categories of implications (academic and practitioner-focused) in order to point out areas where further research could continue to improve understanding in both arenas. Finally, stepping back from the useful, but ultimately artificial, delineations of field and role, this chapter concludes by offering some tentative but broad reflections on the potential meaning of this research for our understandings of who we are as a society.

Weaving Together the Sum of the Parts

As noted throughout, this research follows five broad research questions (see table 3). Two questions focus on the study's subject group – Title III coordinators – first examining their representativeness of the general and foreign born population (section 4.2) and then examining the degree to which they see their role as including an element of advocacy for LEP students and parents (measured by representative role acceptance) as well as which factors best explain the variation in that measure. The remaining three questions focus on the impact of the Dear Colleague letter, assessing that impact descriptively (section 4.1 of the previous chapter) and assessing the factors that drove supervisor and school system responsiveness in producing that impact (sections 4.4 and 4.5), including where RRA falls in the mix causal factors. As we weave together the results described in the previous chapter, we consider these two groups of questions in turn, recognizing that the first group links most directly to the representative bureaucracy literature and the second group links to both the mid-level broker literature and the local responsiveness literature.

Because weaving together a narrative on these questions is based in part on the support or lack of support for the quantitative hypotheses examined throughout chapter 4, before building an overall narrative, we first include a summation of those results in Table 28 for ease of reference. As noted in the last chapter, based on a comparison of means, ESL supervisors are unrepresentative in terms of race/ethnicity (where they are closer to, but far whiter than, the total population) and gender (where they are far more female than either state-wide population but closer to the foreign born, causing the rejection of the stated hypothesis). While the hypothesized greater support for additional funding is supported, the policy preference for instruction occurring in a student's native language is not.

Table 28: Summary of quantitative hypotheses and results

Number	Quantitative Hypothesis	Method	Supported?
H2a	<i>The demographic make-up of ESL supervisors in Virginia on factors of</i> <ul style="list-style-type: none"> • <i>race/ethnicity [percentage minority] and</i> • <i>gender [percentage female]</i> <i>will be closer to that of the total population than to that of the foreign born population.</i>	Comparison of Means	<ul style="list-style-type: none"> • Supported • Not Supported
H2b	<i>A larger percent of ESL supervisors than the general public will support providing instruction in the students' native language</i>	Comparison of Means	Not supported
H2c	<i>A larger percent of ESL supervisors than the general public will favor more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education</i>	Comparison of Means	Supported
H3a	<i>Minority ESL supervisors will have a higher acceptance of a representative role.</i>	OLS (RSE)	Not supported
H3b	<i>Foreign-born ESL supervisors will have a higher acceptance of a representative role.</i>	OLS (RSE)	Not supported
H3c	<i>ESL supervisors with a higher measured level of cross-cultural experience will have a higher acceptance of a representative role.</i>	OLS (RSE)	Not supported
H3d	<i>ESL supervisors with a higher level of public service motivation will have a higher acceptance of a representative role.</i>	OLS (RSE)	Supported
H4a	<i>ESL supervisors with a higher representative role acceptance score will report a higher score on the Supervisor Response Index.</i>	OLS (RSE)	Supported
H4a.2	<i>ESL supervisors with a higher representative role acceptance score will have a greater probability of reporting any action taken in response to the Dear Colleague letter.</i>	Logistic (RSE)	Not supported
H5a	<i>School systems with a higher percentage of LEP students will have a higher value on the system responsiveness index.</i>	OLS (RSE)	Not supported
H5a.2	<i>School systems with a higher percentage of LEP students will have a greater probability of reporting any action taken in response to the Dear Colleague letter.</i>	Logistic (RSE)	Not supported
H5b	<i>School systems in localities with a more conservative partisan balance will have a lower value on the system responsiveness index.</i>	OLS (RSE)	Not supported
H5b.2	<i>School systems in localities with a more conservative partisan balance will have a lower probability of reporting an action taken in response to the Dear Colleague letter.</i>	Logistic (RSE)	Not supported (correlation significant but opposite expectation).
H5c	<i>School systems whose ESL coordinator has a higher representative role acceptance score will have a higher value on the system responsiveness index.</i>	OLS (RSE)	Not supported
H5c.2	<i>School systems whose ESL coordinator has a higher representative role acceptance score will have a higher probability of reporting an action taken in response to the Dear Colleague letter.</i>	Logistic (RSE)	Not supported

Likewise, based on Ordinary Least Squares (OLS) regression analysis using robust standard errors (RSE), the hypothesized positive relationship between public service motivation and representative role acceptance (RRA) is supported, while other hypotheses related to RRA are not. These others included factors of identification as a minority (i.e. non-white), as foreign born, or as having higher measures of cross-cultural experience.

In turn, the hypothesized relationship (H4a) between representative role acceptance (RRA) and the range of actions taken by the Title III coordinator (supervisor response index) is supported, but there is not support in terms of the hypothesized positive relationship between RRA and any action being taken as a result of the letter (H4a.2), a relationship analyzed via logistic regression using RSE. Instead, the factor of the percentage of students who are LEP was found to be positively related with “any” action being taken – an outcome in line with the literature but not one formalized as a hypothesis.

Finally, no hypothesized relationships were supported by the findings in regards to the range of actions taken (school system responsiveness index) or in regards to any action being taken by the school system. However, in the case of the latter dependent variable, the relationship of the conservative partisan balance to any action being taken was significant, but in the opposite of the expected direction. Additionally, the percentage of the general population in the locality that is foreign born was significant in determining any action being taken - an outcome in line with the literature but not one formalized as a hypothesis. With these results in mind, discussion turns to answering the overarching research questions.

The Title III coordinator: inclined to be an advocate, or a traditional bureaucrat?

Analysis of results in section 4.2 led us to discount the likelihood of active representation among Title III coordinators based on the classically posited explanations within the representative

bureaucracy literature. As a group, Title III coordinators in Virginia are not passively representative of the foreign born population (used as an approximation of the LEP population) in terms of race/ethnicity and gender, nor in their ability to speak a language other than English. Likewise, the limited number of coordinators who reported significant cross-cultural experiences minimizes the passive experiential representation present among the coordinators as group. Moreover, a review of the limited percent of coordinators who have ESL focused training in their highest degree or ESL classroom teaching experience show that professionalization specific to ELL pedagogy is an unlikely mechanism for explaining representative role acceptance. In short, an isolated review of passive factors would lead us to question the likelihood of active representation, even though this conclusion would be in tension with anecdotal experience drawn on in designing the study.

In contrast to what is suggested by examining passive representation, active representation among Title III coordinators is robust, according to results provided in section 4.3. This result is buttressed by evidence both from the representative role acceptance index measure built from survey responses and from insights from the interviews. It suggests a factor not captured in passive representation measures is driving the acceptance of advocacy as part of the role. The regression results provided the answer of public service motivation, the only factor found to be significant, and also a factor not examined within Selden's 1997 analysis or included in many studies of representative bureaucracy (likely because many rely on secondary data that does not include measures of public service motivation). As we discuss further in our section on implications, this finding is important for improving our understanding of factors that drive advocacy and effective representation of historically under-represented groups within society.

Interviews provided some additional indications that cross-cultural experience, general empathy, and general values also factored into an advocacy stance for some individuals. Given the limited number of data points available for regression analysis, it is worth remembering that non-significance is simply lack of statistical confirmation of impact, rather than proof that these factors don't matter. A larger sample might find additional factors that are significant. However, given the robustness of the PSM impact on RRA, the key takeaway from these results is that public service motivation should be included as a potential factor whenever possible in future research examining the impact of representative bureaucracy.

At a broader level, as we prepare to consider the impact of the Dear Colleague letter on Title III coordinators and the school systems they serve, we can provide the following narrative about Title III coordinators. First, they are, on average, willing to see their role as one that includes advocacy for LEP students and parents. They see students as being the primary group that they serve within their role – supervisors and school boards are less a part of the narrative that coordinators related and this squared with generally lower scores of traditional role acceptance. In short, it is reasonable to expect that this group of coordinators will try to make a positive difference in the lives of the ELL students they serve as a standard part of their role, as well as in the context of recalibration that a directive like the Dear Colleague letter might produce. This leads us naturally into reviewing the results regarding the impact of the Dear Colleague letter and the factors that appeared to drive variation (including any role for coordinator advocacy). But first we review insights gained into the impact of the letter itself and posit some potential adjustments to the opening concept of the letter as a shock to the policy subsystem.

The Dear Colleague letter: shock or wave? An evaluation of the impact of the Dear Colleague letter shows that the federal directive had an impact that varied across different types of school systems. Many described it, either through the survey or interviews, as having enough of an impact to cause systems to review and evaluate their programs with refined focus and in many cases to make incremental changes, especially around the area of translating or interpreting communications with parents. Interviews surfaced the fact that in a limited number of small school systems, the large number of program responsibilities held by some coordinators, and serving a very small number of LEP students, may have isolated the coordinators from venues, trainings and communications where others learned about the letter. While small in the number of students potentially impacted, this fact still has implications for equal rights considerations in the context of a continued increase in LEP populations that are possible in coming years.

On balance, given that we first considered the observed policy “shock” at meetings in May 2015 to be a potentially paralyzing jolt that overwhelmed other factors and might shift policy in radically new directions, the understanding that emerges from this analysis is more muted. However, if local policy-makers are understood to be receiving a range of impulses of varying strength from time to time and the question, based on use of the economic concept of a shock, is whether this one produced a re-examination of current procedures, the letter appears to have done this.

As noted in the reporting of results, while the economic term of a shock may still be applicable, at the level of explanatory metaphor, an argument can be made that a different metaphor may be more appropriate. In its totality the letter from the federal Department of Education could be conceived to function less as a shock and more as a wake from a large passing ship might impact smaller boaters within an estuary. Larger boats in deeper water (large

school systems with a higher number of LEP students) have existing systems in place that create a degree of their own momentum – the crew steering the boat might observe the wake and make corrections to keep moving to their desired destination while absorbing the chop from the larger ships wake. Smaller boats in deep water would see greater impacts from the wake and the nature of that impact would largely be determined by which way they are pointed when the wake arrives. Those already pointed in the direction the wake is traveling get a boost to their momentum while those not already oriented in that direction would experience unsettling turbulence and need to quickly reorient themselves to gain control again. In contrast, smaller boats in more shallow water might experience less of an impact, either receiving a modest bonus in speed if already aligned, or experiencing a modest dislocation. Finally, small boats that are pulled up on shore might not even notice the wake, isolated as they are from the water. While, perhaps, slightly whimsical, when it comes to thinking about policy dissemination, the choice of metaphor can also be important in keeping in mind whether a policy directive is expected to have universal and consistent impact across all school systems, or be varied by particular factors. From a federal or state policy-makers perspective, the metaphor may help in considering whether one large wake (a major announcement with short warning) is most effective or whether a series of smaller wakes that both move boats and encourage them to be aligned for successive ones is the better course of action. And for those boats pulled up on shore, another technique altogether may be needed to move them in a desired direction.

From here, we turn to reviewing the insights gained from this research into the role and impact of the Title III coordinators, both in their own role and for the system as a whole

Coordinator advocacy and other explanations for variations in responsiveness. In considering the possible impact of coordinator’s advocacy, the results of this research highlighted

the key role of coordinators in receiving and reframing the letter for the internal audience both above and below them in the system's organizational structure. We compared this role, metaphorically, to a membrane through which directive policy guidance is collaboratively and consultatively translated into the internal school system structure in ways that increase the likelihood of adoption.

Within this transferal process, internal work by the coordinator was necessary to prepare themselves to have a positive perspective in consultation with supervisors and other colleagues, even if their initial reaction to the letter was critical or characterized by a sense of the mandate being overwhelming. As they moved into external collaboration with others in the system, consultation and leveraging of relationships that had been built and stewarded over time prior to the arrival of the letter were key modes of engagement and named as essential ingredients to making successful changes in response to the letter. As noted above, coordinators benefited from the added imprimatur of an official guidance document like the Dear Colleague letter in gaining buy-in from colleagues. For our academic conception of local responsiveness, this picture argues for the importance of looking inside the workings of local governments to understand responsiveness.

In terms of impact of coordinator advocacy on responsiveness, the research analyzed this at both the level of the coordinators own responsiveness, and that of the system. Based on the regression analyses utilized, seeing oneself as an advocate showed an important role in the likelihood that a coordinator found multiple ways to improve access for those represented. This impact, along with the insights about key relationships, provides support for the insights highlighted by Burch and Spillane (2004) regarding the methods used by persons in broker or spanner roles. It also provides modest support for a bureaucratic incorporation hypothesis.

This research also showed where coordinators encountered limits – especially in terms of resources such as time and money. The question of money appears to be often mediated at a level higher than the Title III coordinator within the organizational chart and when money becomes a key part of an initiative, the strength of a coordinator’s relationship with their supervisor becomes especially critical. The research also showed that the frequency of deploying existing resources, data, trainings and partnerships outstripped new initiatives in the same area and this is potentially explained by the resource limitations.

While the diversity of actions taken by the coordinators themselves was shown to be influenced by representative role acceptance, non-action by coordinators occurred when the percentage of LEP students was lower, modestly supporting previous findings in the literature that demographic factors drive responsiveness. However, this lack of responsiveness, based on the interview findings discussed in section 4.1, could be linked to dislocations in the communication and training systems that impact very small school systems in unique ways because the Title III coordinator wears a dizzying array of hats in such contexts.

Finally, at the level of school systems responsiveness, no factors in the regression analysis were statistically significant in relation to the breadth of system responses, but in relation to action or non-action, this research surfaced both expected and unexpected relationships. In the end, larger contextual factors, like partisan make up and proportion of the population that are foreign born were the factors that influenced the likelihood of action. Strikingly, though, the partisan make-up variable moved in the opposite direction from what was expected. In pondering this, we drew on conversations with Title III coordinators, as well as Williamson’s observation about the importance of a time dimension in conducting analysis, to posit the possibility that some systems that are likely to be responsive on the basis of

demographic and political factors may have already taken actions mandated by the Dear Colleague letter prior to its release, leading them to report less action in response to the letter itself. In contrast to this, systems that may have lagged in responding to their demographic shifts due to political factors may have now responded to the added weight of the letter, making more conservative contexts more responsive to the letter itself.

These complex and sometimes seemingly countervailing results provide no clear or clean answer to the question of whether the theoretical explanations of bureaucratic incorporation on one hand, or political incorporation on the other, provided a better explanation of the variation observed. The findings on representative role acceptance and supervisor responses lean towards supporting bureaucratic incorporation expectations but our findings on system responsiveness and the indication that involvement of superintendents and school boards were limited but activated in relation to budget items suggests that demographic driven or political incorporation models also have insight (even if the findings on partisan make-up suggest that this is a more complicated picture than previous studies have been able to pin-point). Though tentative, the results lead to considering a model where both theories of political and bureaucratic incorporation are operative, but the relative weight between them depends on a) the strength of advocacy by key bureaucrats and b) whether proposed changes require approval from elected officials (e.g. school board). At higher levels of required buy-in, the political context and the reality of finite resources will eventually swamp the effect of bureaucratic initiative unless a significant pressure factor is present from a higher level of the federal system. A visual representation of such a hybrid, multi-dimensional expansion of Rubaii-Barrett's spectrum (see Table 2) is presented in Figure 27 (next page).

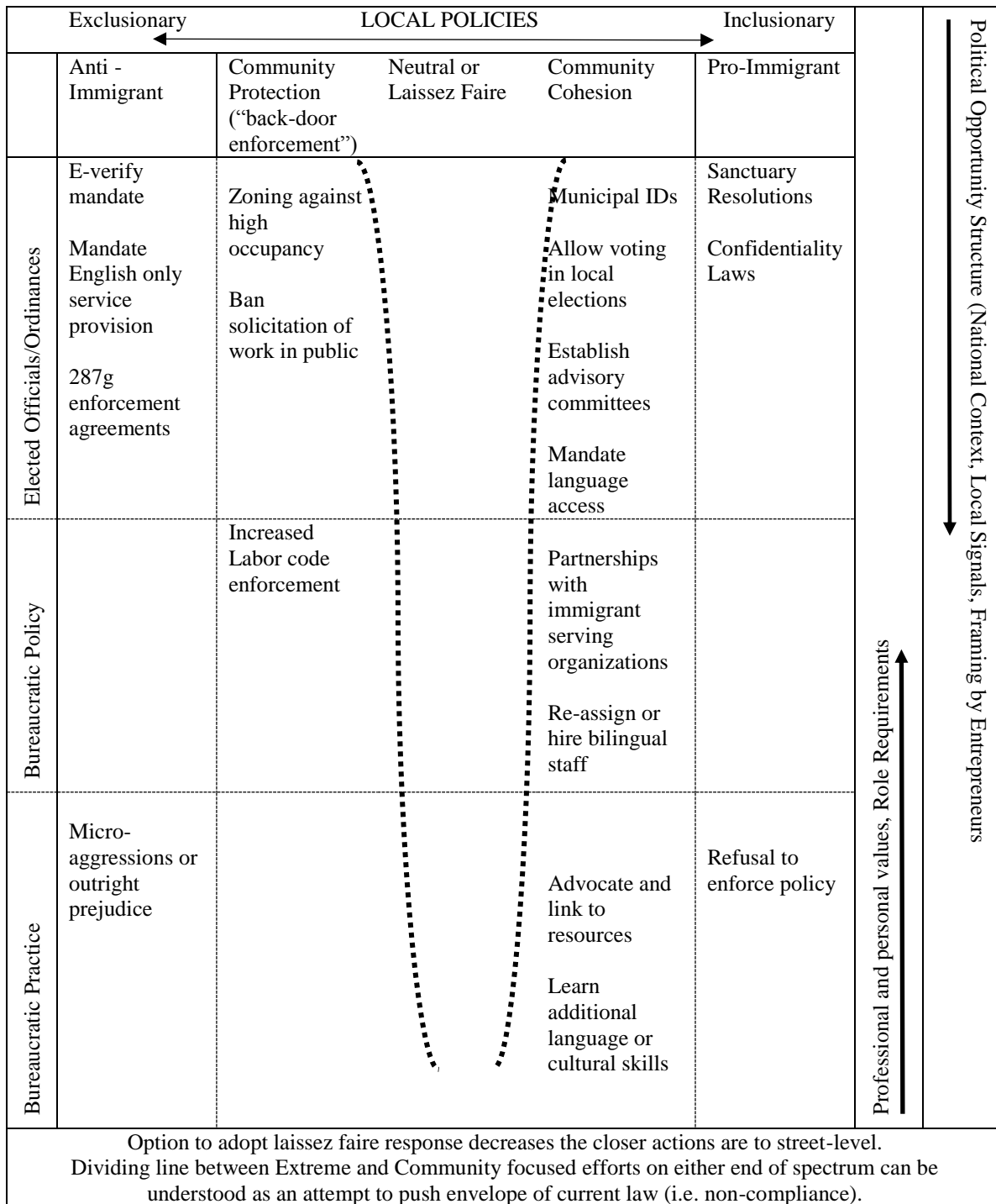


Figure 27: A multi-dimensional concept of local immigrant incorporation

In this model, a fifth category called “back-door enforcement” is added to Rubaii-Barrett’s original spectrum. Suggested by Varsanyi (2010a), this includes actions taken by local governments that on their face are not framed as being anti-immigrant, but have the effect of

excluding recent immigrants. One example is the maintenance of zoning regulations that prevent more than a certain number of people who are not members of the same family from living together – a regulation that may exclude recent immigrant workers living together in a house to reduce living expenses.

The addition of this category is unrelated to current research, but included for a measure of conceptual completeness given the concept of back-door enforcement in the literature. What interests us given the current study is how a multi-dimensional model supports a focus of attention on two factors.

First, the curved dotted lines in the center represent the shrinking option for a *laissez faire* response the closer a policy moves to the street level – when parents show up at a school to register their child, but are not proficient in English, not taking any action is not an option for the staff of the school. Either the child is included, perhaps imperfectly, or excluded by the response of the receptionist. For broader policy or budgetary questions (e.g. should the school board appropriate funding specifically to hire more ESL teachers), there may be a greater ability to adopt a wait and see approach.

The second insight of the multidimensional model is additional clarity on which influences will dominate local responsiveness at which levels. As symbolized by the arrows at the far right, at the street-level, professional and personal values (for example, representative role acceptance on behalf of immigrants), as well as how a bureaucrat's role is defined, have a greater chance of shaping the choices they make and the policies that are developed. At the level of ordinances and budgets, the political opportunity structure will dominate, formed from the interaction of local demographic shifts, the national political context and the role of political entrepreneurs (whether groups of stakeholders or individual elected officials). In between, at the

level of bureaucratic policy and the mid-level brokers studied here, the space for representative role acceptance to make an impact will expand the closer a decision or policy is to the street-level, and shrink the closer it comes to requiring approval from elected officials or the top leadership that are hired and fired by those officials. (In the case of education, superintendents.)

As noted above, the results of this research with ESL supervisors generally supports this conceptualization – strong public service motivation drives strong representative role acceptance, which in turn is linked to a greater range of actions taken by the Title III coordinators themselves. Yet at the level of the school system, demographic and political factors, rather than the advocacy role of the coordinators, appears to drive the likelihood of action being taken in response to a directive pushing local school systems toward the inclusionary end of the spectrum.

Given these results we now process potential implications for both academic and practitioner understanding.

What Are the Implications for Academic Understanding?

For our understanding of representative bureaucracy, the evidence for advocacy emerging from sources other than passive representation is a significant finding and supports Selden's argument that passive representation factors are not the only ones that matter. Given the finding that Public Service Motivation explains significant variation in representative role acceptance within this studied group, this strongly recommends that any future research into representative bureaucracy that includes primary data collection should include public service motivation as an independent variable. If PSM is found to consistently influence active representation, even in the absence of passive representation factors, this would provide an additional building block for those designing organizational change processes to enhance social equity. Likewise, researchers

would need to consider whether such a factor should be explicitly sought in hiring practices for roles that steward crucial access for historically underrepresented groups within U.S. society.

For our understanding of mid-level brokers in education this research largely supports the existing observations of Burch and Spillane (2004), as well as Honig (2006) – Title III coordinators appear to exhibit brokering behavior and depend on broad relational networks and provision of value added through training and tools (down the organizational chart) as well as policy expertise and solution generation (up and laterally within the organizational structure). Additionally, the relationship with the direct supervisor as a key ingredient of success, especially in larger systems, provides a new contribution to this literature. Likewise, other new contributions to the literature emerge. First, the research shows coordinators highlighting their process for reaching a positive stance from which to find solutions as a key element of building consensus and smoothing out the friction that comes from shifting a system out of its inertial channels. Second, insight into the internal work necessary for this pivot to a positive stance to happen provides an intriguing insight with implication for training – how might this be coached among Title III coordinators? While these additional contributions to the literature are the results of exploratory observations, they also suggest areas for further research on the role and power of brokers in educational systems.

For our understanding of local responsiveness, especially in policy areas where issues often are resolved below the elected officials, the contributions of this research include the first steps toward a potential hybrid model that blends both political and bureaucratic incorporation streams. The finding that the political context flows opposite of the expectation also points to the importance of Williamson's observations about the importance of considering temporal shifts when studying responsiveness. Are we observing a potential lag factor where a combination of

targeted federal directives and enforcement and previous inertial resistance produce a breaking loose of responsiveness in localities that were otherwise resistant? More research is necessary in this area.

At the supervisor level of responsiveness, this research more explicitly supports the bureaucratic incorporation model – however the design of the role is key as findings suggest that too great a spread of responsibilities for these key brokers can limit the ability to focus and to learn of the leverage available from the letter.

Finally, for our understanding of the impact of federal guidance, the findings presented here contribute to rethinking what metaphor best encompasses the various observed responses, including the possible usefulness of a wave conceptualization. This concept incorporates an important insight from the research – that such directives can be seen as an uncoordinated partnership with advocates embedded within local systems, partners that may be able to orient systems to take greater advantage of the impetus created by directives if the impetus is consistent and repeated.

With these implications for academic discourse highlighted, our discussion turns to the implications for practitioners.

What Are the Implications for Practitioners?

Given the discussion so far, it may be obvious that implications of this research likely vary based on where practitioners are located within the overall policy system. To account for this, we group implications around several roles: Title III coordinators, professional associations, top local leaders, state level policy-makers and federal policy-makers.

Implications for Title III Coordinators. Several implications emerge from this research for persons who are selected into Title III coordinator roles (or similar mid-level broker

positions.) First, this research points to the benefits of relational proactivity and a positive stance in carrying out these types of roles. Specifically, the description of coordinators working through an internal process that served to identify where the directives in the letter eventually aligned with the best interests of the students highlights a potentially key step in coordinators being able to then shape and champion needed changes in a way that aligns with their dominant sense of role – serving students. Second, the findings affirm the key role coordinators play in shaping policies towards ELLs within their system, even while recognizing the existence of potential barriers. Third, the importance of building and maintaining relationships is highlighted – brokers who reported success often identified relational networks that reached up, down and laterally within their school systems and that had been built intentionally. Persons in such roles appear more likely to be successful if they link with a variety of staff and pay attention to building a strong professional trust with their direct supervisor. None of these are earth-shattering insights, but are worth noting, especially for new coordinators coming into a Title III role.

Implications for professional associations. Just as there are implications of these findings for coordinators working within a single system, there are also implications for the professional bodies of coordinators. Because of the learning curve and the frequency of transitions highlighted by this research, coordinators with significant experience appear to be clear potential assets for persons just coming into a Title III position, often from non-ESL fields. Current efforts to provide training in policy and pedagogical content were cited as being valuable, but the fact that few coordinators saw these as the key factors in strengthening their voice argues for a potential additional focus for professional development on the processes described in the previous section (e.g. relationship building, internal organization processes).

Coaching arrangements across locality lines that focus on best practices in navigating relational networks, potentially facilitated or supported by VESA or the state department of education, may be a helpful additional training resource that would complement conferences that focus on delivering updates on policy shifts and best practices in pedagogy. Likewise, this research identified the key role of direct supervisors of Title III coordinators. If a structure for facilitating cross-locality mentoring were developed by a professional association, in addition to notifying incoming Title III coordinators of the opportunity, making Superintendents and Assistant Superintendents of Instruction who sign off on professional development aware of it as well could be a key factor in enabling participation by newly designated Title III coordinators.

Implications for top system leaders. A more limited set of implications for top school system leadership emerges. First, given the finding that dissemination of the letter failed to penetrate into smaller systems, protecting and supporting the ability of coordinators to receive existing training opportunities like the Coordinators' Academy, Title III consortium, and VESA conferences/meetings may be crucial to insuring that coordinators are in a position to provide expert advice on policy shifts like the Dear Colleague letter. Second, given the importance of public service motivation in adoption of an advocacy role, school system leadership may wish to prioritize hiring persons with strong public service motivation if they are serving a group that might otherwise slip from prominent view.

Implications for state level bureaucrats. For state level bureaucrats, several insights and implications need highlighting. First, individual staff working for VDOE and trainings organized by them and by VESA are seen as valuable partners and assets by Title III coordinators. Within interviews, there was both acknowledgement of how long it can take for the implications of guidance from the federal level to become clear and reports of frustration

with attending updates at repeated meetings where guidance from the state remained ambiguous. In addition to this communication insight, another implication of the research is that state-level bureaucrats may need to be especially conscious to which coordinators have highly split roles as these coordinators may miss a Coordinators' Academy or prioritize other sessions within an Academy they attend over those that focus on Title III.

Implications for federal policy-makers. For federal policy-makers, this research would encourage them to recognize the power of a letter like this, both to cause consternation and to provide leverage to brokers within local systems. Though coordinators with a strong sense of representative role acceptance are potential allies of federal policy makers seeking to guarantee equal access to LEP students and parents, this research turned up little direct communication between federal and local levels beyond the letter itself. State officials seemed to be the key channel of dissemination and choke point for guidance, which may or may not be helpful to federal policymakers. In light of this federal actors may benefit from recognizing the limitations highlighted by this research, including:

- That such guidance can also have (probably) unintended consequences (e.g. spend more time translating than on pedagogy)
- The directives don't reach everyone in the same manner or speed and the compilation may not have the longest shelf life through transitions.
- There may be space for increased supply of user-friendly guidance (in forms other than a 40 page letter) and utilizing other modes of dissemination to increase the likelihood that Title III coordinators receive the resources.

As noted at the beginning of this section the implications for practitioners vary based on where they work within the federal complexity of the educational system. Yet there are also

implications of this research for two additional groups who are the intended beneficiaries of the best practices outlined in the Dear Colleague letter – English Language Learners and limited English proficient parents. We conclude our review of implications by briefly exploring what this research may mean for these two groups.

What Are the Implications for ELL Students and LEP Parents?

While recognizing that there are obvious and meaningful distinctions between ELL students and LEP parents, some of the implications are common across the two groups. We briefly examine these joint implications before considering each individual group in turn. First, at the most basic level, for the individuals that make up both groups and who are navigating an unfamiliar culture, the commitment to advocating for them exhibited by Title III coordinators as a group may be heartening. Second, some of the comments that surfaced in interviews about how helpful and meaningful coordinators found learning about the cultures of their students and parents certainly also indicate that building relationships even at a general human level can help enable education officials to advocate for different groups with greater understanding and success. Finally, the uneven dissemination of the letter among education professionals means that LEP students and parents are likely to face significant variance across school systems in the provision of services they have every legal right to expect. For cultural community groups that often help to integrate newcomers in a community, raising awareness about the legal basis for these services, as well as highlighting the cultural expectation in the United States that parents are involved in their child's education, may be a significant service, as well as one where Title III coordinators may be willing partners.

Implications for ELL students. Thinking specifically about ELL students, it is first worth acknowledging that for many, being of a younger age with circumscribed rights and

responsibilities means that the implications discussed may be less action oriented. That said, this research contains echoes of the unique role that ELL students often play in being a bridge between the cultures of their home and their school. One of the implications of the Dear Colleague letter is that the burden of this role, often forced on students by their growing ability in both languages, is one they should not be asked to bear. The research shows school systems making changes to create systems of communication that don't require students to be the only bridge, potentially freeing them to simply be themselves and focus on learning.

Implications for LEP parents. Turning specifically to LEP parents, this research highlights how much Title III coordinators see parental involvement as a positive – one that they continue to experiment with as to how to best provide opportunities for engagement during the school year. At the same time, the research shows that a few, but not most, coordinators have formal or informal advisory groups that provide valuable feedback. While recognizing the language and cultural barriers that may make doing so difficult, the research indicates that proactive efforts by parents to give feedback, or even to help plan such events, would likely be welcomed by Title III coordinators who are often pulled in multiple directions. As with more familiar and longstanding institutions like Parent Teacher Associations, such partnerships may be able to leverage synergies on behalf of students that are not otherwise possible.

Alongside the openness of key education bureaucrats and the differences they can make in the lives of individual students and families, this research also indicates a dose of perhaps sobering reality for LEP parents. For budgetary and other larger scale changes, the impact that relationships with key bureaucrats can have is lessened. In these cases, organized advocacy by broad groups within the community to elected officials are likely needed to shift such larger

policy, something which other existing research shows is much easier done in areas with larger immigrant groups or more diverse communities.

From this discussion of implications, we now turn to a brief review of the limitations of this study.

Limitations of the Research

Several limitations of this study follow normal patterns for a methodology that includes interviews and surveys. Specifically with regard to the survey results and the regression analyses that are developed from them, generalization beyond the state of Virginia may not be warranted if the state context is not similar along key dimensions, including the political context and the demographic trends towards a greater foreign born and English Language Learner population. Likewise, because this study depends solely on an examination of the education sector, a profession generally acknowledged as drawing persons with a strong sense of public service motivation, the results of this study should not be generalized to all sectors without additional study or evaluation of whether the professional culture is similar in its emphasis on service to that of the teaching/education profession.

Some methodological concerns warrant attention. Though the independent t-test of means provides confidence that those who responded are representative of Virginia as a whole, caution is warranted with any small N study in interpreting the strength of results, especially when examining dichotomous variables that have very low proportions of selection among respondents (this is a concern for such categories as Title III only role designations where only 3 respondents reported this, more so than for variables such as the percentage of supervisors who reported taking any action in response to the Dear Colleague letter).

As noted in the methodology, though efforts were made to analyze the data methodically and professionally, our own experiences necessarily shape perspective (see disclosure in Methodology section.) In areas where we are aware of pre-existing expectations shaping our mindset as we approached data collection or analysis, these expectations have been highlighted.

Potential Areas for Further Research

Given the insights, findings and limitations of this current research, several areas of potential future research are indicated, both to improve understanding within the context of academic literatures and the context of practical policy. These opportunities are noted and discussed within these two broad categories.

Opportunities to improve understanding within the core academic literatures to which this study contributes include the following:

- **For all literature categories.** One of the recognized limitations of this study was its nature as a small N survey and an overall study that was confined to a single state. Future research could expand the sample of respondents on key quantitative questions to include coordinators in additional states. Care, of course, would need to be taken in overcoming the concerns that led this research to be limited to a single state (e.g. variation in response at the state level along vectors of political context, the structure of school systems and the actions of state education agencies).
- **Mid-level broker literature.** In order to increase the feasibility of this study, respondents were limited to interviewing the Title III coordinators themselves. Given the findings that relationships are a key element of the work of the coordinators, further research could expand both up (direct supervisors) and down (building administrators and ESL teachers are likely to be the most fruitful) the system's

organizational hierarchy to better understand how others perceive the role and effectiveness of a mid-level broker.

- **Impact of federal guidance literature.** What impact does the election of what many perceive as an anti-immigrant president have on continued implementation of these directives at the local level? The relationships built and the baseline picture established in conducting the current research provides a potential launching point for future research to understand the impact that Trump administration policies are having.
- **Representative bureaucracy literature.** Given the finding of a strong relationship between public service motivation and representative role acceptance, future research could identify specific contexts where passive representation was found to be a crucial element in past studies and replicate those studies with attention to including PSM among possible explanatory factors.

Opportunities to improve understanding for practical policy-making around systems that support English Language Learners and LEP parent include the following potential areas for further research:

- **Shared translation/interpretation services.** Some coordinators (often from larger systems) highlighted the systems they had in place for scheduling and securing translation and interpretation services in ways that balance service provision with available resources. Other coordinators (often from smaller systems) cited either a dependence on a small number of staff (often ESL or language teachers) or some concern about where they would find translation services if the need suddenly arose for additional languages. Further research could be conducted to assess likely needs

across different types of systems and propose possible mechanisms for shared services or a state-wide umbrella contract under which emerging needs could be met with costs distributed back to the local systems utilizing the services.

- **Transitions and training for new coordinators.** As noted in the implications section, this research encountered significant transitions among those listed as Title III coordinators and interviews highlighted the steep learning curve for new coordinators. Further research could be conducted with a focus on coordinators who recently transitioned into their position to develop a picture of gaps in training/information and propose mechanisms for filling those gaps.

Final Conclusions

As noted above, this research surfaces key insights for both academic inquiry and practitioner policy-making. Using mixed methods research that often allowed the qualification or provision of increased nuance to conclusions, the research advances our understanding of representative bureaucracy, illuminates the techniques of mid-level brokers and the barriers they encounter within complex local education systems and deepens our insight into the factors of bureaucratic and political incorporation that help determine the level of services provided to recent immigrants in local communities. While adding value to these areas of inquiry is the primary purpose of this research, it is also worth noting some potentially obvious, but nonetheless worthwhile reminders that exist at an even broader level than the areas of academic inquiry.

In an era where polarization and controversy over immigration policy are highlighted by the media, this research serves as a reminder that large numbers of individual professionals still come together every day and find workable solutions that help vulnerable limited English

proficient parents and students access the opportunities implicit in education. In an era when gridlock is often the assumed starting point of political discourse at the highest level, the ability of a 40 page letter to affect diverse school systems across an entire commonwealth is a reminder that policies and the efforts of policy-makers to frame them and communicate them do still have the potential to create change (though opinions may differ on whether this is for better or worse. In an era where government is often assumed to be ineffective, this research highlights the fact that individual actors within these larger systems do make a daily difference in the lives of recent immigrants, whether the lives of parents still learning a new language or that of the kid identified by the coordinator from Overcup Oak County as “*an eight year old who just wants to learn English and talk to his buddies at the lunch table and make his teacher proud*” (personal communication, August 1, 2016). If this research provides insight in numerous analytical ways, let us also recognize that not all insight must be analytical to have meaning – the reminder that ultimately this still comes back to eight year-olds, lunch table friendships and making a teacher proud is a worthwhile touchstone on which to conclude.

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Appendix I – ESL Supervisor Survey

RESEARCH SUBJECT INFORMATION AND CONSENT FORM – SURVEY

TITLE: Advocate or Traditional Bureaucrat?: Understanding the Role of ESL Supervisors in Shaping Local Education Policy Toward Immigrant Communities

VCU IRB NO.: HM20006922

If any information contained in this consent form is not clear, please ask the study staff to explain any information that you do not fully understand. You may take home an unsigned copy of this consent form to think about or discuss with family or friends before making your decision whether or not to participate.

PURPOSE OF THE STUDY

The purpose of this research study is to understand:

- the variation in how school systems in Virginia responded to the January 2015 Dear Colleague letter from the federal Dept. of Education and Dept. of Justice, specifically Section J on communication with parents who have limited English proficiency (LEP).
- the role of Title III coordinators/ESL Supervisors in shaping policy toward LEP students and families, including what strategies coordinators use to shape policy (e.g. policy expertise), what supports they draw on and what challenges they encounter.
- what factors (e.g. organizational factors, professional networks) may influence ESL Supervisors in how they understand their role in relation to LEP families.

You are being asked to participate in this study because you are identified by the Virginia Department of Education as being the Title III coordinator (ESL Supervisor) for your school system.

DESCRIPTION OF THE STUDY AND YOUR INVOLVEMENT

If you decide to be in this research study, you will be asked to sign this consent form after you have had all your questions answered and understand what will happen to you. In this study you will be asked to complete a written or online survey requiring approximately 20-30 minutes. In the survey you will be asked about how you and your school system responded to Dear Colleague letter, information about your ongoing role as an ESL supervisor (e.g. how many years you've been in the position) and biographic information such as your age, cross-cultural experience and educational background. Your name and the name of your school system are requested in order to match your responses during analysis with publicly available demographic information about your school system (e.g. number of students enrolled) and the locality it serves. All information provided on the survey will only be reported in aggregated form (e.g. combined with the responses of other survey participants.)

This study will also include interviews with a sample of survey respondents. Selection for who to invite to these interviews will be based on selecting from 1 to 4 metropolitan statistical areas (MSAs) and inviting participation from survey respondents in all the school systems that fall within the selected MSAs. This means that aside from completing the survey, no individual answers will affect whether or not you might be asked to be interviewed.

RISKS AND DISCOMFORTS

Several questions will ask about factors that may have shaped responses by you and your school system and the challenges or supports you encountered. We recognize some of the information requested may be personal in nature. You do not have to answer any questions you do not want to, and you may end the survey at any time.

BENEFITS TO YOU AND OTHERS

You may not get any direct benefit from this study, but, the information we learn from people in this study may help us understand common challenges encountered by school systems or persons in a role to yours as they make decisions about educational policy toward Limited English Proficient students and parents. This, in turn, may assist in developing improved policies at federal, state and local levels.

COSTS

There are no costs for participating in this study other than the time you will spend responding to the survey.

COMPENSATION

By participating in this study, your school system will be placed in a random drawing for a complimentary registration to the 2017 annual VESA conference. Funds will be sent directly to VESA for the registration fee and after the drawing is completed, both VESA and the Title III coordinator for the school system chosen will be informed of that system's selection. VESA will then apply the credit to registrations received from that school system.

CONFIDENTIALITY

Potentially identifiable information about you will consist of your name, the name of your school system, and the number of years you have been in a position. Data is being collected only for research purposes.

One received by the researcher, your responses and any secondary data about the school system you represent will be separated from your name and the name of the school system and instead be identified by an ID number unique to the study. The key that links your identity to the ID number will be stored separately from research data in a locked research area. All personal identifying information will be kept in password protected files and these files will be deleted five years after the completion of the study. Other records, including your anonymized survey responses will be kept in a locked file cabinet for five years after the study ends and will be destroyed at that time. Access to all individual level data will be limited to study personnel.

We will not tell anyone the answers you give us; however, information from the study and the consent form signed by you may be looked at or copied for research or legal purposes by Virginia Commonwealth University.

What we find from this study may be presented at meetings or published in papers, but your name will not ever be used in these presentations or papers. Information from this survey will only be reported in aggregated form (e.g. combined with the responses of other survey participants.)

VOLUNTARY PARTICIPATION AND WITHDRAWAL

Your participation in this study is voluntary. You may decide to not participate in this study. Your decision not to take part will involve no penalty or loss of benefits to which you are otherwise entitled. If you do participate, you may freely withdraw from the study at any time. Your decision to withdraw will involve no penalty or loss of benefits to which you are otherwise entitled.

QUESTIONS

If you have any questions, complaints, or concerns about your participation in this research, contact:

- **Grant Rissler, PhD Candidate**, L. Douglas Wilder School of Government and Public Affairs, VCU. E-mail: risslerge@vcu.edu; Phone: 540-435-2303
- **Dr. Saltanat Liebert, Dissertation Committee Chair** Associate Professor, L. Douglas Wilder School of Government & Public Affairs, VCU. E-mail: sliebert@vcu.edu; Phone: 804-828-1874

The researcher/study staff named above is the best person(s) to call for questions about your participation in this study.

If you have any general questions about your rights as a participant in this or any other research, you may contact:

Office of Research
Virginia Commonwealth University
800 East Leigh Street, Suite 3000
P.O. Box 980568
Richmond, VA 23298
Telephone: (804) 827-2157

Contact this number to ask general questions, to obtain information or offer input, and to express concerns or complaints about research. You may also call this number if you cannot reach the research team or if you wish to talk with someone else. General information about participation in research studies can also be found at <http://www.research.vcu.edu/irb/volunteers.htm>.

CONSENT

I have been given the chance to read this consent form. I understand the information about this study. Questions that I wanted to ask about the study have been answered. My signature says that I am willing to participate in this study. I will receive a copy of the consent form once I have agreed to participate.

Participant name printed	Participant signature	Date
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Name of Person Conducting Informed Consent
Discussion / Witness
(Printed)

Signature of Person Conducting Informed Consent Discussion / Witness	Date
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Principal Investigator Signature (if different from above)	Date
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Preliminary Information and acknowledgement of permission to use

Participation in this survey is completely voluntary. Before completing the survey, please read and sign the accompanying consent form. A copy of the consent form is also provided for you to keep.

Name: _____ School System: _____

(The above information is requested for tracking participation in the survey and connecting responses to demographic information about the school district gathered from the U.S. Census or Virginia Department of Education. Once received, your name and the school system will be decoupled from the data and all further analysis will be done with a unique identification number for the school system that is known only to the researcher. Reporting of the data from the survey and analysis results will only be done in aggregated form, not at the level of individual respondent or school system. For example, individuals will not be identified as male or female, but the percentage of participants in the survey who said they are male or female will be reported. All original survey responses will be kept secure by the researcher.)

Questions related to responding to the Dear Colleague letter of January 7, 2015

1. *Are you the person listed by the Virginia Department of Education as the Title III coordinator for your school system?*

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

2. *From January 2015 until now, what impact would you say the Dear Colleague letter from the federal DOE/DOJ had on how your school system approached communicating with LEP parents?*

Not Sure	None		Minor			Significant			Major		
<input type="checkbox"/>	0	1	2	3	4	5	6	7	8	9	10

3. *To what extent did your school system have a conscious focus on communicating with LEP parents in the 2013-14 school year?*

Not Sure	None		Minor			Significant			Major		
<input type="checkbox"/>	0	1	2	3	4	5	6	7	8	9	10

4. *To what extent did your school system have a conscious focus on communicating with LEP parents in the 2015-16 school year?*

Not Sure	None		Minor			Significant			Major		
<input type="checkbox"/>	0	1	2	3	4	5	6	7	8	9	10

5. *Did you personally take any concrete actions in response to the Dear Colleague letter?*

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

6. *What types of responses, if any, did you personally undertake in your role since January 2015 to provide equal access for LEP parents to school communications with parents?*

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Designed new tools or materials to support staff in the school system with communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Disseminated existing tools or materials more widely or more frequently to staff in the school system to support with communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Collected new types of data to better measure school system communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Increased the use of existing types of data that better measure school system communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Revised or developed new trainings to equip staff in the school system for communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Conducted existing trainings with a greater sense of urgency or with greater number of staff in the school system to equip them for communications to LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Built connections with new partners who had expertise on best practices in communicating with LEP parents.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Connected more frequently with existing partners who had expertise on best practices in communicating with LEP parents.

7. *Did your school system discuss or approve any concrete actions in response to the Dear Colleague letter?*

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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8. *What types of responses, if any, did your school system take since January 2015 to provide equal access for LEP parents to school communication to parents?*

Not Discussed	Discussed but not approved	Approved	Don't Know	RESPONSES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased number of communications translated into languages other than English
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased funding for contracted translation and/or interpretation services
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased use of volunteers to assist with interpretation or translation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased number of ESL certified staff/teachers in schools system
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased number of staff in school system who speak a language other than English
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased training for current staff/teachers in best practices for services to LEP population
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Increased use of free public software (e.g. Google Translate) to assist with interpretation or translation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Added data categories or capacity to student information databases already used by the school system to drive communications with parents.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other [please describe briefly]

9. *As your system considered potential policy responses to the Dear Colleague letter, was the issue taken up or discussed during a meeting of the School Board?*

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

10. *As your system considered potential policy responses to the Dear Colleague letter, how supported or isolated did you feel as the Title III supervisor?*

Very isolated	Somewhat isolated	Somewhat supported	Very supported
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Questions about your perspective

11. *Do you normally consider yourself a Democrat, a Republican or an independent?*

Democrat	Republican	Independent	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. *If you selected Independent or Other, do you think of yourself as closer to the Democratic party or to the Republican party?*

Democrat	Republican	Neither One
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. *Would you favor or oppose more state funds being used to ensure that public school parents who only understand limited English have access to information about their children's education in a language they fully understand?*

Favor	Oppose
<input type="checkbox"/>	<input type="checkbox"/>

14. *Many families who come from other countries have school-age children who understand little or no English. Which one of the following do you think is the BEST way for public schools to handle the education of non-English-speaking students, even if none of these is exactly right?*

Require students to learn English in special classes at the parents' expense before enrolling in regular classes	Require public schools to provide instruction in the students' native language	Require students to learn English in separate public school classes before enrolling in regular classes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. Please mark your level of agreement or disagreement with each of the following:

Strongly Disagree	Somewhat Disagree	Neither Agree or Disagree	Somewhat Agree	Strongly Agree	STATEMENT
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Meaningful public service is very important to me.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I am often reminded by daily events about how dependent we are on one another.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Making a difference in society means more to me than personal achievements.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I am prepared to make sacrifices for the good of society.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I am not afraid to go to bat for the rights of others, even if it means I will be ridiculed.</i>

Questions related to your experience and history

16. How many years have you worked in the field of education (whether as a teacher, staff or administrator)? _____

17. How many years, if any, have you worked as an ESL classroom teacher? _____

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Were you born in a country other than the United States?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Have you lived in another country for more than 3 consecutive months?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do you have close relatives, friends or co-workers who are foreign-born or immigrants?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are you able to satisfy routine social demands and limited work requirements in a language other than English?

Questions related to your role as ESL Supervisor

18. How many years have you been in your current position? _____

19. Is your role focused exclusively on Title III matters or do you have split responsibilities where you coordinate both Title III programs and others types of programs?

Split focus <input type="checkbox"/>	Exclusive Title III focus <input type="checkbox"/>
---	---

20. How many levels of supervision are between you and the Superintendent of your district?

Direct report to Superintendent <input type="checkbox"/>	One supervisor between <input type="checkbox"/>	Two levels between <input type="checkbox"/>	Three or more levels <input type="checkbox"/>
---	--	--	--

21. Under regular circumstances, which comes closest to representing how often you have a chance to meet/talk with your superintendent, whether formally or informally?

Once a week or more <input type="checkbox"/>	Once a month <input type="checkbox"/>	One to three times per year <input type="checkbox"/>	Less than once a year <input type="checkbox"/>
---	--	---	---

22. Thinking about the groups listed in the rows of the table below, please check the box that corresponds best to what expectation that group has for you in your role. (Check only one box per group.)

	1. Expects me to <i>advocate</i> in favor of the delivery of programs and services in a manner which may increase LEP student and parent access.	Expects Both 1 & 2	2. Expects me to implement programs and services <i>consistent with established departmental procedures</i> and past practices.	3. Holds no expectations either way regarding my involvement in program implementation and service delivery.
School board members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School District leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State education officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal education officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General public in my district	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Immigrant community in my district	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ESL professional associations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ESL-focused colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-ESL focused colleagues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. Thinking specifically about your current role, please mark your level of agreement or disagreement with each of the following statements as to whether it accurately describes part of the responsibilities of your role.

Strongly Disagree	Somewhat Disagree	Neither Agree or Disagree	Somewhat Agree	Strongly Agree	RESPONSES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Regarding program implementation, I should limit my concern to the efficient carrying out of my own departmental programs and duties.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should limit my concern with "how" school system programs and services are implemented and in particular to the efficient execution of my own departmental duties.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should actively advocate in favor of hiring and promotion of individuals with a focus on equal opportunity and merit.</i>

24. Thinking specifically about your current role, please mark your level of agreement or disagreement with each of the following statements as to whether it accurately describes part of the responsibilities of your role.

Strongly Disagree	Somewhat Disagree	Neither Agree or Disagree	Somewhat Agree	Strongly Agree	RESPONSES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should seek to provide information to policy makers to assist them in making decisions concerning LEP community needs and perspectives.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should recommend or actively advocate in favor of policies which address the needs and concerns of LEP students and parents.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should be supportive of procedures which may result in greater and more equitable access for LEP students and parents to school system programs and services.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should actively advocate in favor of a more equitable distribution of program services to LEP students and parents including recommending procedural service delivery alternatives when necessary.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should be supportive of or encourage change within the school system when necessary to insure the representation of LEP students and parents in school system affairs.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should recommend and or actively advocate in favor of institutional changes which may result in a greater school system responsiveness to LEP students and parents.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should specifically encourage and recruit qualified persons who learned English as a subsequent language for professional and administrative employment within the school system.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>I should actively advocate in favor of hiring and promotional practices which may result in greater representation of persons who learned English as a subsequent language in school system personnel.</i>

25. How many of the persons who work in the same office location as you are minority (non-Caucasian or Hispanic)? _____

26. In the past academic year, how many days of training or professional development have you attended as part of your work responsibilities? _____

Questions about yourself

27. What is your gender?

Female	Male	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. What is your age? _____

29. Are you of Hispanic or Spanish origin?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

30. What is your race? [Check any boxes that apply]

White	Black or African-American	Asian	Other or mixed race
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. What is the highest level of school you have completed or the highest degree you have received? [Check the box that applies]

- Two year associate degree from a college or university or less
- Four year college or university degree/Bachelor's degree (e.g., BS, BA, AB)
- Some postgraduate or professional schooling, no postgraduate degree
- Postgraduate or professional degree, including master's, doctorate, medical or law degree (e.g., MA, MS, PhD, MD, JD)

32. Did your highest degree earned focus on ESL/ELL policy or pedagogy?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

33. Last year – that is in 2015 – what was your total family income from all sources, before taxes? [Check the box that applies]

Less than \$20,000	\$20,001 to \$35,000	\$35,001 to \$50,000	\$50,001 to \$70,000	\$70,001 to \$100,000	\$100,001 to \$150,000	\$150,001 or more	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[SURVEY ENDS-THANK YOU FOR PARTICIPATING]

Appendix II - Interview Instrument

RESEARCH SUBJECT INFORMATION AND CONSENT FORM – INTERVIEW

TITLE: Advocate or Traditional Bureaucrat?: Understanding the Role of ESL Supervisors in Shaping Local Education Policy Toward Immigrant Communities

VCU IRB NO.: HM20006922

If any information contained in this consent form is not clear, please ask the study staff to explain any information that you do not fully understand. You may take home an unsigned copy of this consent form to think about or discuss with family or friends before making your decision whether or not to participate.

PURPOSE OF THE STUDY

I am conducting this study as part of my dissertation research at Virginia Commonwealth University. The purpose of this research study is to understand:

- the variation in how school systems in Virginia responded to the January 2015 Dear Colleague letter from the federal Dept. of Education and Dept. of Justice, specifically Section J on communication with parents who have limited English proficiency (LEP).
- the role of Title III coordinators/ESL Supervisors in shaping policy toward LEP students and families, including what strategies coordinators use to shape policy (e.g. policy expertise), what supports they draw on and what challenges they encounter.
- what factors (e.g. organizational factors, professional networks) may influence ESL Supervisors in how they understand their role in relation to LEP families.

You are being asked to participate in this study because you are identified by the Virginia Department of Education as being the Title III coordinator (ESL Supervisor) for your school system.

DESCRIPTION OF THE STUDY AND YOUR INVOLVEMENT

If you decide to be in this research study, you will be asked to sign this consent form after you have had all your questions answered and understand what will happen to you. In this study you will be asked to participate in a private and confidential interview lasting approximately 45-60 minutes at a location and time convenient to you. During the interview you will be asked to talk about how your school system responded to January 2015 DOE/DOJ Dear Colleague letter, your ongoing role as an ESL supervisor and role you played (if any) in your position in shaping your systems response and your own motivations within your role. The interview will be tape recorded so we are sure to get your responses transcribed correctly. All information shared in the interview will be de-identified, meaning that in any publication or presentation of non-aggregated results, pseudonyms will be used for both the individual and the locality. Any significant findings developed during the course of the research which may relate to any risks associated with your continued participation will be provided to you.

RISKS AND DISCOMFORTS

Several questions will ask about how processes played out in your school system and the challenges or supports you encountered. You do not have to talk about any subjects you do not want to talk about, and you may end the interview at any time.

BENEFITS TO YOU AND OTHERS

You may not get any direct benefit from this study, but, the information we learn from people in this study may help us understand common challenges encountered by school systems or persons in a role similar to yours as they make decisions about educational policy toward Limited English Proficient students and parents. This, in turn, may assist in developing improved policies at federal, state and local levels.

COSTS

There are no costs for participating in this study other than the time you will spend in the interview.

COMPENSATION

By participating in this study, your school system will be placed in a random drawing for a complimentary registration to the 2017 annual VESA conference. This entry is additional to any made for the school system for responding to the survey. Funds will be sent directly to VESA for the registration fee and after the drawing is completed, both VESA and the Title III coordinator for the school system chosen will be informed of that system's selection. VESA will then apply the credit to registrations received from that school system.

CONFIDENTIALITY

Potentially identifiable information about you will consist of interview notes and recordings. Data is being collected only for research purposes.

Your raw data will be identified by an ID number, not by name. The key that links your identity to the ID number will be stored separately from research data in a locked research area. All personal identifying information will be kept in password protected files and these files will be deleted five years after the completion of the study. Other records, including your ID number identified interview responses will be kept in a locked file cabinet for five years after the study ends and will be destroyed at that time. Access to all data will be limited to study personnel.

The interview session will be audio recorded, but no names will be recorded. At the beginning of the session, you will be asked to use initials or generic terms (for example, my school system) only so that no names are recorded. The digital audio and the notes will be stored in a locked cabinet. After the information from the digital audio is typed up, the digital audio will be destroyed.

We will not tell anyone the answers you give us without using a pseudonym for yourself and your school system; however, information from the study and the consent form signed by you

may be looked at or copied for research or legal purposes by Virginia Commonwealth University.

What we find from this study may be presented at meetings or published in papers, but your name will not ever be used in these presentations or papers.

VOLUNTARY PARTICIPATION AND WITHDRAWAL

Your participation in this study is voluntary. You may decide to not participate in this study. Your decision not to take part will involve no penalty or loss of benefits to which you are otherwise entitled. If you do participate, you may freely withdraw from the study at any time. Your decision to withdraw will involve no penalty or loss of benefits to which you are otherwise entitled.

QUESTIONS

If you have any questions, complaints, or concerns about your participation in this research, contact:

- **Grant Rissler, PhD Candidate**, L. Douglas Wilder School of Government and Public Affairs, VCU. E-mail: risslerge@vcu.edu; Phone: 540-435-2303
- **Dr. Saltanat Liebert, Dissertation Committee Chair**, Associate Professor, L. Douglas Wilder School of Government & Public Affairs, VCU. E-mail: sliebert@vcu.edu; Phone: 804-828-1874

The researcher/study staff named above is the best person(s) to call for questions about your participation in this study.

If you have any general questions about your rights as a participant in this or any other research, you may contact:

Office of Research
Virginia Commonwealth University
800 East Leigh Street, Suite 3000
P.O. Box 980568
Richmond, VA 23298
Telephone: (804) 827-2157

Contact this number to ask general questions, to obtain information or offer input, and to express concerns or complaints about research. You may also call this number if you cannot reach the research team or if you wish to talk with someone else. General information about participation in research studies can also be found at <http://www.research.vcu.edu/irb/volunteers.htm>.

CONSENT

I have been given the chance to read this consent form. I understand the information about this study. Questions that I wanted to ask about the study have been answered. My signature says that I am willing to participate in this study. I will receive a copy of the consent form once I have agreed to participate.

Participant name printed	Participant signature	Date
--------------------------	-----------------------	------

Name of Person Conducting Informed Consent
Discussion / Witness
(Printed)

Signature of Person Conducting Informed Consent Discussion / Witness	Date
---	------

Principal Investigator Signature (if different from above)	Date
--	------

Preliminary Items

1. Give consent form. Review of the study purposes and distribution of the overview document previously emailed. Interested in your perspective.
2. This study is part of dissertation research – all information shared during this interview will be kept confidential and in writing or presenting my research pseudonyms will be used for you and for the locality where you work.
3. Participation in this project is completely voluntary. You may choose to not answer individual questions. You can ask to pause or stop the interview at any time. Are you willing to proceed with the interview? . . . [If yes, have sign consent form.] Thank you.
4. With your permission I'd like to record the interview in order to insure the accuracy of what I incorporate into the project. Is that okay with you? (Turn on recording . . .)

Questions

1. First, can you tell me your official title and how long you've been in this role?
2. I'm interested in understanding more about both your work and the people you serve. How would you describe your role as an ESL supervisor?
3. Who are the people that you serve in your role?
4. I imagine in a position like this, there are a lot of stakeholders in any decision. How do you decide which stakeholders you personally need to listen to the most?
5. Could you tell me some of your personal story? How did you come to be in this role?
6. How do your personal experiences and skills feed into your work and shape what you do?
7. How, if at all, do you receive information that helps you develop a clear sense of the needs of LEP parents and students?
8. I'm also interested in understanding how school systems have responded to the guidance the federal DOE and DOJ put out in a letter in January 2015 highlighting schools system responsibilities for supporting the educational opportunities of LEP students. I know many supervisors were part of a conference call in March 2015 with the state Dept. of Education. How did you first become aware of the Dear Colleague letter?
9. If you think back to those first impressions, what do you remember thinking about the Dear colleague letter's implications for your school system?
10. When you first started processing those implications for the school system what did you envision would be your role in figuring out how to respond?
11. How did your school system go about deciding what type of response or changes, if any, you needed as a result of the letter?
12. How, if at all, did the letter change what you do in your role or how you go about it?

13. I imagine with something this complex, there were a number of stakeholders to consider. Who would you say were the main stakeholders within your system in deciding a response to the federal DOE guidance? Which would you say had the most impact on the decision process and why? [Potential follow-up: How, if at all, was the superintendent involved in deciding how to respond to the dear colleague letter?"]
14. What responses, if any, did your system end up implementing?
15. Why did those response end up being the ones implemented?
16. Which, if any, of those responses or ways of working through the decision process would you highlight as best practices, worth replicating in other school systems?
17. I'm also interested in the experience of supervisors like yourself in shaping these types of responses. Looking back, what role would you say you played in the process (of shaping a response)?
18. How much do you feel you had a voice in shaping the strategies that were implemented?
19. What factors strengthened your voice in that process? What factors, if any, made it harder to play a role in developing solutions?
20. What past experiences or personal characteristics made your role in deciding on responses to take easier or harder?
21. Is there anything else you'd like to say?
22. Would you be willing to review a transcript for accuracy?



Appendix III – Dear Colleague Letter (Opening and Section J)

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education

Office for Civil



January 7, 2015

Dear Colleague:

Forty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services.¹ That same year, Congress enacted the Equal Educational Opportunities Act (EEOA), which confirmed that public schools and State educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs.²

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students, who are now more commonly referred to as English Learner (EL) students or English Language Learner students, is as important today as it was then. EL students are now enrolled in nearly three out of every four public schools in the nation, they constitute nine percent of all public school students, and their numbers are steadily increasing.³

It is crucial to the future of our nation that these students, and all students, have equal access to a high-quality education and the opportunity to achieve their full academic potential. We applaud those working to ensure equal educational opportunities for EL students, as well as the many schools and communities creating programs that recognize the heritage languages of EL students as valuable assets to preserve.

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the EEOA. (In the enclosed guidance, Title VI and the EEOA will be referred to as “the civil rights laws.”) In addition, ED administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (Title III).⁴ Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

¹ *Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d to d-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

² Pub. L. No. 93-380, § 204(f), 88 Stat. 484, 515 (1974) (codified at 20 U.S.C. § 1703(f)).

³ U.S. Department of Education, National Center for Education Statistics, NCES 2013-312, *Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011-12 Schools and Staffing Survey*, at 9 (Table 2) (Aug. 2013); U.S. Department of Education, National Center for Education Statistics, NCES 2014-083, *The Condition of Education 2014*, at 52 (Indicator 12) (May 2014).

⁴ 20 U.S.C. §§ 6801-6871.

education of EL students so that they learn English and meet challenging State academic content and achievement standards.⁵

The Departments are issuing the enclosed joint guidance to assist SEAs, school districts, and all public schools in meeting their legal obligations to ensure that EL students can participate meaningfully and equally in educational programs and services.⁶ This guidance provides an outline of the legal obligations of SEAs and school districts to EL students under the civil rights laws.⁷ Additionally, the guidance discusses compliance issues that frequently arise in OCR and DOJ investigations under Title VI and the EEOA and offers approaches that SEAs and school districts may use to meet their Federal obligations to EL students. The guidance also includes discussion of how SEAs and school districts can implement their Title III grants and subgrants in a manner consistent with these civil rights obligations. Finally, the guidance discusses the Federal obligation to ensure that LEP parents and guardians have meaningful access to district- and school-related information. We hope that you will find this integrated guidance useful as you strive to provide EL students and LEP parents equal access to your instructional programs.

As we celebrate the fortieth anniversaries of *Lau* and the EEOA and the fiftieth anniversary of Title VI, we are reminded of how much progress has been achieved since these milestones and how much work remains to be done. We look forward to continuing this progress with you.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/

Vanita Gupta
Acting Assistant Attorney General for Civil Rights
U.S. Department of Justice

⁵ 20 U.S.C. §§ 6821(a), 6825(a); *see also* 34 C.F.R. § 200.1(b), (c) (explaining distinction between content standards and achievement standards).

⁶ The terms “program,” “programs,” “programs and services,” and “programs and activities” are used in a colloquial sense and are not meant to invoke the meaning of the terms “program” or “program or activity” as defined by the Civil Rights Restoration Act of 1987 (CRRA). Under the CRRA, which amended Title VI, Title IX of the Education Amendments of 1972 (Title IX), and Section 504 of the Rehabilitation Act of 1973 (Section 504), the term “program or activity” and the term “program,” in the context of a school district, mean all of the operations of a school district. 42 U.S.C. § 2000d-4a(2)(B); 20 U.S.C. § 1687(2)(B); 29 U.S.C. § 794(b)(2)(B).

⁷ As applied to Title VI, this guidance is consistent with and clarifies previous Title VI guidance in this area including: U.S. Department of Health, Education, and Welfare, Office for Civil Rights, *Identification of Discrimination and Denial of Services on the Basis of National Origin* (May 25, 1970), reprinted in 35 Fed. Reg. 11,595 (July 18, 1970) (*1970 OCR Guidance*) (the great majority of programs and functions assigned to ED at its creation in 1980 were transferred from HEW); OCR, *The Office for Civil Rights’ Title VI Language Minority Compliance Procedures* (December 1985) (*1985 OCR Guidance*); and OCR, *Policy Update on Schools’ Obligations Toward National-Origin Minority Students with Limited-English Proficiency* (September 1991) (*1991 OCR Guidance*). These guidance documents are available at <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>. This guidance clarifies these documents and does so consistent with legal developments since 1991. When evaluating compliance under the EEOA, DOJ applies EEOA case law as well as the standards and procedures identified in this guidance, which are similar to those identified in OCR’s previous Title VI guidance.

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents

TABLE OF CONTENTS⁸

I. State Educational Agency and School District Obligations to EL Students5

II. Common Civil Rights Issues8

 A. Identifying and Assessing All Potential EL Students10

 B. Providing EL Students with a Language Assistance Program.....12

 C. Staffing and Supporting an EL Program.....14

 D. Providing Meaningful Access to All Curricular and Extracurricular Programs17

 1. Core Curriculum18

 2. Specialized and Advanced Courses and Programs21

 E. Avoiding Unnecessary Segregation of EL Students22

 F. Evaluating EL Students for Special Education Services and Providing Special
 Education and English Language Services24

 1. Individuals with Disabilities Education Act (IDEA).....25

 2. Section 504 of the Rehabilitation Act (Section 504)27

 G. Meeting the Needs of EL Students Who Opt Out of EL Programs or Particular EL
 Services 29

 H. Monitoring and Exiting EL Students from EL Programs and Services32

 I. Evaluating the Effectiveness of a District’s EL Program35

 J. Ensuring Meaningful Communication with Limited English Proficient Parents37

Conclusion 40

⁸ The Departments have determined that this document is a “significant guidance document” under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. This and other policy guidance is issued to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that the Departments enforce. The Departments’ legal authority is based on those laws and regulations. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov and education@usdoj.gov, or write to the following addresses: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202, and the Educational Opportunities Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, PHB, Washington, D.C. 20530.

State Educational Agency and School District Obligations to EL Students

SEAs and school districts share an obligation to ensure that their EL programs and activities comply with the civil rights laws and applicable grant requirements.⁹ Title VI prohibits recipients of Federal financial assistance, including SEAs and school districts, from discriminating on the basis of race, color, or national origin.¹⁰ Title VI's prohibition on national origin discrimination requires SEAs and school districts to take "affirmative steps" to address language barriers so that EL students may participate meaningfully in schools' educational programs.¹¹

The EEOA requires SEAs and school districts to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs."¹²

In determining whether a school district's programs for EL students comply with the civil rights laws,¹³ the Departments apply the standards established by the United States Court of Appeals

⁹ See Department of Education Title VI regulations: 34 C.F.R. § 100.4(b) (every application by a State or State agency for continuing Federal financial assistance "shall . . . provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Departmental official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this [Title VI] regulation"); *id.* § 80.40(a) ("[g]rantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved."); *id.* §§ 76.500, 76.770 (requiring SEAs to have procedures "necessary to ensure compliance with applicable statutes and regulations," including non-discrimination provisions of Title VI). See also Department of Justice Title VI regulations: 28 C.F.R. § 42.105(a)(1) ("[e]very application for Federal financial assistance [to carry out a program] to which this subpart applies, and every application for Federal financial assistance to provide a facility shall . . . contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart."); *id.* § 42.410 ("[e]ach state agency administering a continuing program which receives Federal financial assistance shall be required to establish a Title VI compliance program for itself and other recipients which obtain Federal assistance through it. The Federal agencies shall require that such state compliance programs provide for the assignment of Title VI responsibilities to designated state personnel and comply with the minimum standards established in this subpart for Federal agencies, including the maintenance of records necessary to permit Federal officials to determine the Title VI compliance of the state agencies and the sub-recipient.").

¹⁰ Any Federal agency, such as the Department of Education or Justice, that provides Federal funds to an SEA or school district may initiate a compliance review to ensure compliance with, or investigate a complaint alleging a violation of, Title VI and its implementing regulations. DOJ also may initiate a Title VI suit if, after notice of a violation from a Federal funding agency, a recipient of Federal funds fails to resolve noncompliance with Title VI voluntarily and the agency refers the case to DOJ. Furthermore, DOJ coordinates enforcement of Title VI across Federal agencies and can participate in private litigation involving Title VI.

¹¹ *Lau*, 414 U.S. at 566-67 (affirming 1970 OCR Guidance and stating that where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, Title VI requires that the district take affirmative steps to rectify the language deficiency to open its instructional program to these students); 34 C.F.R. §100.3(b)(1), (2).

¹² 20 U.S.C. § 1703(f) ("No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs"). After providing notice of an EEOA violation, DOJ may institute a civil action if an SEA or school district has not taken "appropriate remedial action" within a reasonable time. *Id.* §§ 1706, 1710. DOJ also has the authority to intervene in private EEOA cases. *Id.* § 1709.

for the Fifth Circuit more than 30 years ago in *Castañeda v. Pickard*.¹⁴ Specifically, the Departments consider whether:

- (1) The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy;
- (2) The program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and
- (3) The program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.

The Departments also apply *Castañeda*'s standards when evaluating an SEA's compliance with the civil rights laws. Even if an SEA does not provide educational services directly to EL students, SEAs have a responsibility under the civil rights laws to provide appropriate guidance, monitoring, and oversight to school districts to ensure that EL students receive appropriate EL services.¹⁵ For example, to the extent that SEAs select EL instructional program models that their school districts must implement or otherwise establish requirements or guidelines for such programs and related practices, these programs, requirements, or guidelines must also comply with the *Castañeda* requirements.

In addition, Title III requires SEAs and school districts that receive funding under Title III subgrants to provide high-quality professional development programs and implement high-quality language instruction education programs, both based on scientifically-based research, that will enable EL students to speak, listen, read, and write English and meet challenging State

¹³ Throughout this guidance, "school district" or "district" includes any local educational agency (LEA) that is a recipient of Federal financial assistance directly from ED or indirectly through an SEA or LEA, including public school districts, public charter schools, and public alternative schools. 42 U.S.C. § 2000d-4a (incorporating 20 U.S.C. § 7801(26)). "School district" and SEA also include, respectively, any LEA or SEA as defined by the EEOA. 20 U.S.C. § 1720(a), (b) (incorporating 20 U.S.C. § 7801(26), (41)). In some cases, an SEA and LEA may be the same entity. (Hawaii and Puerto Rico are two examples.)

¹⁴ 648 F.2d 989 (5th Cir. 1981); see *United States v. Texas*, 601 F.3d 354, 366 (5th Cir. 2010) (reaffirming and applying the *Castañeda* test); see *1991 OCR Guidance* ("In view of the similarity between the EEOA and the policy established in the 1970 OCR memorandum, in 1985 OCR adopted the *Castañeda* standard for determining whether recipients' programs for LEP students complied with the Title VI regulation.").

¹⁵ See, e.g., *Horne v. Flores*, 557 U.S. 433, 439 (2009) ("The question at issue in these cases is not whether [the State of] Arizona must take 'appropriate action' to overcome the language barriers that impede ELL students. Of course it must."); *Texas*, 601 F.3d at 364-65 (applying EEOA to SEA); *United States v. City of Yonkers*, 96 F.3d 600, 620 (2d Cir. 1996) ("The EEOA also imposes on states the obligation to enforce the equal-educational-opportunity obligations of local educational agencies [LEAs]."); *Gomez v. Illinois State Bd. of Educ.*, 811 F.2d 1030, 1042-43 (7th Cir. 1987) (holding that SEAs set "general guidelines in establishing and assuring the implementation of the state's [EL] programs" and that "§ 1703(f) requires that [SEAs], as well as [LEAs]. . . ensure that the needs of LEP children are met"); *Idaho Migrant Council v. Bd. of Educ.*, 647 F.2d 69, 71 (9th Cir. 1981) (holding that an SEA "has an obligation to supervise the local districts to ensure compliance" with the EEOA); see also *supra* note 9 (quoting regulations regarding SEAs' obligations as recipients of any Federal funds to oversee subgrantees).

standards.¹⁶ Not all school districts that enroll EL students receive such subgrants from their SEA under Title III, Part A. Some school districts have too small a population of EL students to meet the minimum subgrant requirement and are not members of a consortium of districts that is receiving a subgrant.¹⁷ Nonetheless, several key school district requirements for recipients under Title III that are discussed in this letter are also required by Title I of the ESEA, which has no such minimum subgrant requirement.¹⁸

Title III, Part A funds must be used to supplement other Federal, State, and local public funds that would have been expended absent such funds.¹⁹ Because the civil rights laws require SEAs and school districts to take appropriate action to overcome language barriers for EL students, Title III, Part A funds may not be used to fund the activities chosen to implement an SEA's or school district's civil rights obligations. Thus, SEAs and school districts can use these funds only for activities beyond those activities necessary to comply with Federal civil rights obligations. It is important to remember, however, that the legal obligations of an SEA and a school district under Title VI and the EEOA are independent of the amount or type of State or Federal funding received. Thus, for example, any change to State funding dedicated to EL programs and services, including State limitations on funding after a child has received EL services for a specified period of time, does not change an SEA's or school district's Federal civil rights obligations to EL students.

Title III also contains its own non-discrimination provision, which provides that a student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.²⁰ In addition, SEAs and school districts that receive funding under Title III are required to regularly determine the effectiveness of a school district's program in assisting EL students to attain English proficiency and meet challenging State

¹⁶ 20 U.S.C. §§ 6823(b)(2), 6825(c)(1),(2), 6826(d)(4). Currently, all SEAs receive Federal funds under Title III, Part A because they all have an approved plan. *See id.* §§ 6821, 6823. SEAs may reserve no more than 5 percent of the funds for certain State-level activities, and no more than 15 percent of the funds for subgrants to school districts that have experienced a significant increase in the number or percentage of immigrant children. *Id.* §§ 6821(b)(2), 6824(d)(1). When referring to Title III, Part A subgrants to school districts, this guidance is referring to the portion of Federal funds (which must be at least 80 percent of the total) that must be provided to school districts based on the population of EL students in each district. *Id.* § 6824(a). For more information on Title III grants, see <http://www2.ed.gov/programs/sfgp/index.html>.

¹⁷ 20 U.S.C. §§ 6824(b), 6871.

¹⁸ This includes the requirement that school districts annually assess EL students for English proficiency, *id.* §§ 6311(b)(7) (Title I), 6823(b)(3)(C) (Title III); the provision of specific written notices for parents of EL students, *id.* §§ 6312(g)(1)-(3) (Title I), 7012(a)-(d) (Title III); prohibitions on discrimination on the basis of surname and language-minority status, *id.* §§ 6312(g)(5)(Title I), 7012(f) (Title III); and provisions regarding adequate yearly progress, *id.* §§ 6311(b)(2)(C)(v)(II)(dd), 6311(b)(3)(C)(ix)(III) (Title I), 6842(a)(3)(A)(iii) (Title III).

¹⁹ 20 U.S.C. § 6825(g).

²⁰ *Id.* §§ 6312(g)(5) (Title I), 7012(f) (Title III).

academic content and student academic achievement standards.²¹ SEAs have a responsibility to assess whether and ensure that school districts receiving Title III subgrants comply with all Title III requirements.²²

Common Civil Rights Issues

Through OCR's and DOJ's enforcement work, the Departments have identified several areas that frequently result in noncompliance by school districts and that SEAs at times encounter while attempting to meet their Federal obligations to EL students. This letter offers guidance on these issues and explains how the Departments would evaluate whether SEAs and school districts met their shared obligations to:

- A. *Identify and assess EL students in need of language assistance in a timely, valid, and reliable manner;*
- B. *Provide EL students with a language assistance program that is educationally sound and proven successful;*
- C. *Sufficiently staff and support the language assistance programs for EL students;*
- D. *Ensure EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports, and clubs;*
- E. *Avoid unnecessary segregation of EL students;*
- F. *Ensure that EL students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services;*
- G. *Meet the needs of EL students who opt out of language assistance programs;*
- H. *Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;*

²¹ *Id.* § 6841(b)(2) (requiring every school district receiving Title III, Part A funds to engage in a self-evaluation every two years and provide it to the SEA to determine the effectiveness of and improve the LEA's programs and activities).

²² *Id.* §§ 6823(b)(3)(C) & (D), (b)(5), 6841(b)(3), 6842; *see also supra* note 9 (quoting regulations regarding SEA's obligations as recipient of any Federal funds to oversee subgrantees).

- I. *Evaluate the effectiveness of a school district’s language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time;*²³ and
- J. *Ensure meaningful communication with LEP parents.*

This guidance also provides a non-exhaustive set of approaches that school districts may take in order to meet their civil rights obligations to EL students. In most cases, however, there is more than one way to comply with the Federal obligations outlined in this guidance.

In addition to the common civil rights issues discussed in this guidance with respect to EL student programs, Federal law also prohibits all forms of race, color, national origin, sex, disability, and religious discrimination against EL students. For example, among other requirements, SEAs, school districts, and schools:

- Must enroll all students regardless of the students’ or their parents’ or guardians’ actual or perceived citizenship or immigration status;²⁴
- Must protect students from discriminatory harassment on the basis of race, color, national origin (including EL status), sex, disability, or religion;²⁵
- Must not prohibit national origin-minority group students from speaking in their primary language during the school day without an educational justification;²⁶ and
- Must not retaliate, intimidate, threaten, coerce, or in any way discriminate against any individual for bringing civil rights concerns to a school’s attention or for testifying or participating in any manner in a school, OCR, or DOJ investigation or proceeding.²⁷

²³ *Castañeda*, 648 F.2d at 1011; see discussion *infra* in Part II. I, “Evaluating the Effectiveness of a District’s EL Program.”

²⁴ More information about the applicable legal standards regarding student enrollment practices is included in the Department’s *Dear Colleague Letter: School Enrollment Procedures* (May 8, 2014), available at www.ed.gov/ocr/letters/colleague-201405.pdf.

²⁵ More information about the legal obligations to address discriminatory harassment under the Federal civil rights laws is available in OCR’s *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), available at www.ed.gov/ocr/letters/colleague-201010.pdf. DOJ shares enforcement authority with OCR for enforcing these laws and can also address harassment on the basis of religion under Title IV of the Civil Rights Act of 1964.

²⁶ See, e.g., *Rubio v. Turner Unified Sch. Dist. No. 402*, 453 F. Supp. 2d 1295 (D. Kan. 2006) (Title VI claim was stated by a school’s prohibition on speaking Spanish). EL students, like many others, often will feel most comfortable speaking in their primary language, especially during non-academic times or while in the cafeteria or hallways.

²⁷ More information about the legal obligations concerning the prohibition against retaliation under the Federal civil rights laws is available in the Department of Education’s *Dear Colleague Letter: Retaliation* (Apr. 24, 2013) available at www.ed.gov/ocr/letters/colleague-201304.html. See also 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. § 100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504

Although these issues are outside the primary focus of this guidance, the Departments strongly encourage SEAs and school districts to review these and other non-discrimination requirements to ensure that EL students, and all students, have access to equal educational opportunities.

[SECTIONS A-I DELETED FOR CONCISENESS OF APPENDIX]

Ensuring Meaningful Communication with Limited English Proficient Parents

Limited English Proficient (LEP) parents are parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing). School districts and SEAs have an obligation to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents. At the school and district levels, this essential information includes but is not limited to information regarding: language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options.¹⁰²

School districts must develop and implement a process for determining whether parents are LEP and what their language needs are. The process should be designed to identify all LEP parents, including parents or guardians of children who are proficient in English and parents and guardians whose primary language is not common in the district. For example, a school district may use a student registration form, such as a home language survey, to inquire whether a

¹⁰² In addition to the general requirement under the civil rights laws described in the text, LEP parents are also entitled to translation and interpretation of particular information under Titles I and III and the IDEA, as noted *supra* in Parts II. A, F.1, and G.

¹⁰³ Some school districts have used web-based automated translation to translate documents. Utilization of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. The Departments caution against the use of web-based automated translations; translations that are inaccurate are inconsistent with the school district's obligation to communicate effectively with LEP parents. Thus, to ensure that essential information has been accurately translated and conveys the meaning of the source document, the school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so. Additionally, the confidentiality of documents may be lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases. School districts using any web-based automated translation services for documents containing personally identifiable information from a student's education record must ensure that disclosure to the web-based service complies with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(b), and its implementing regulations at 34 C.F.R. Part 99. For more information on this issue, please review the "Protecting Student Privacy While Using Online Educational Services" guidance found at

parent or guardian requires oral and/or written communication in a language other than English. The school's initial inquiry should, of course, be translated into languages that are common in the school and surrounding community so that the inquiry is designed to reach parents in a language they are likely to understand. For LEP parents who speak languages that are less common at a particular school, the school may use a cover page explaining in those languages how a parent may receive oral interpretation of the form and should offer interpreters to ensure parents accurately report their language communication needs on the form. Schools may also use other processes reasonably calculated to identify LEP parents, and should identify the language needs of LEP parents whenever those needs become apparent. It is important for schools to take parents at their word about their communication needs if they request language assistance and to keep in mind that parents can be LEP even if their child is proficient in English.

SEAs and school districts must provide language assistance to LEP parents effectively with appropriate, competent staff – or appropriate and competent outside resources.¹⁰³ It is not sufficient for the staff merely to be bilingual. For example, some bilingual staff and community volunteers may be able to communicate directly with LEP parents in a different language, but not be competent to interpret in and out of English (*e.g.*, consecutive or simultaneous interpreting), or to translate documents. School districts should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue. In addition, school districts should ensure that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

- Example 22: A district captures parents' language needs on a home language survey and stores these data electronically in its student information system. The district analyzes the parent language data to identify the major languages, translates essential district-level documents into the major languages, assists schools with translating essential school-level documents into the major languages and other languages, and stores these translated documents in a database that all schools can access electronically. For less common languages, the district ensures that LEP parents are timely notified of the availability of free, qualified interpreters who can explain district- and school-related information that is communicated in writing to parents. The district also canvasses the language capabilities of its staff, creates a list of staff who are trained and qualified to provide interpreter and/or translation assistance, contracts out for qualified interpreter and translation assistance in languages that are not represented on this list, and trains all schools on how to access these services.

Some examples of when the Departments have found compliance issues regarding communication with LEP parents include when school districts: (1) rely on students, siblings,

friends, or untrained school staff to translate or interpret for parents; (2) fail to provide translation or an interpreter at IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings; (3) fail to provide information notifying LEP parents about a school's programs, services, and activities in a language the parents can understand; or (4) fail to identify LEP parents.

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs and school districts develop and implement a process for determining whether parents are LEP, and evaluate the language needs of these LEP parents;*
- ✓ *SEAs and school districts provide language assistance to parents or guardians who indicate they require such assistance;*
- ✓ *SEAs and school districts ensure that LEP parents have adequate notice of and meaningful access to information about all school district or SEA programs, services, and activities; and*
- ✓ *SEAs and school districts provide free qualified language assistance services to LEP parents.*

Conclusion

We look forward to working with SEAs and school districts to ensure their services for EL students provide those students with a firm foundation for success in their schools and careers. We also encourage SEAs and school districts to reevaluate policies and practices related to their EL programs in light of this guidance to ensure compliance and improve access to educational benefits, services, and activities for all students. Together, through our collaborative efforts, the Departments, SEAs, and school districts can help ensure that all EL students receive equal educational opportunities and that the diversity they bring to our nation's schools is valued.

Thank you for your efforts to meet the educational needs of EL students. If you need technical assistance, please contact the OCR office serving your State or territory by visiting www.ed.gov/OCR or by calling 1-800-421-3481. Please also visit the Departments' websites to learn more about our EL-related work, available at www.ed.gov/ocr/ellresources.html and www.justice.gov/crt/about/edu/documents/classlist.php#origin.

Appendix IV – Sampling Frame – List of Title III coordinators

Education Agency	Contact	Phone Number	Fax Number	E-Mail Address
Accomack County	Diane Gladstone PO Box 330 Accomac, VA 23301	757-824-3360	757-665-5283	diane.gladstone@accomack.k12.va.us
Albemarle County	Russell Carlock 401 McIntire Road Charlottesville, VA 22902-4596	434-296-6517	--	rcarlock@k12albemarle.org
Alexandria City	Bethany Nickerson 1340 Braddock Place Alexandria, VA 22314	703-619-8022	--	bethany.nickerson@acps.k12.va.us
Alleghany County	Mary Jane Mutispaugh P.O. Drawer 140 Low Moor, VA 24457	540-863-1809	540-863-1804	mmutispaugh@alleghany.k12.va.us
Amelia County	Anu Upadhyaya 8701 Otterburn Road, Suite 101 Amelia, VA 23002	804-561-2621	804-561-3057	upadhyaya@ameliaschools.com
Amherst County	Marymargaret Cardwell P. O. Box 1257 Amherst, VA 24521	434-946-9386	434-946-9346	mcardwell@amherst.k12.va.us
Appomattox County	Elizabeth R. Hought P.O. Box 548 Appomattox, VA 24522	434-352-8251	434-352-0883	brhaught@appomattox.k12.va.us
Arlington County	Faith Tabatabai 1426 N Quincy St Arlington, VA 22207	703-228-6095	703-228-6295	faith.tabatabai@apsva.us



T3contactlist-pdf - May 2 2016.pdf

Appendix V – Codebook Prior to Coding

Code	Subcode	Ques	Description	Hypothesis
Letter – first awareness		Q8	Description of how became aware (if at all) of Dear Colleague Letter (DCL)	
Letter – expected implications for system		Q9	Articulation of first perceptions of implications for their schools system	
	Letter – expected implications for system - other	Q9	Articulation of first perceptions of implications for their schools system that are not captured by the four areas outlined	
	Letter – expected Implications system - opportunity	Q9	Mentions of letter as positive, potentially an opening or opportunity to address issues or make changes in system	
	Letter – expected Implications system - fears	Q9	Mentions of letter as negative - highlighting added or new worries for the school system such as possible legal exposure	
	Letter – expected Implications system - scope	Q9	Mentions of letter and impact it had (was it a big deal or not)	
	Letter – expected Implications system - resources	Q9	Mentions of letter and awareness of resources system would need to respond to letter	
ESSA		Q21a	Mentions of ESSA passage impacting changes in policy toward LEP or interacting with changes made based on DCL	
	ESSA– impact	Q21a	Mentions of ESSA passage impacting changes in policy toward LEP	
	ESSA– interaction with DCL	Q21a	Mentions of ESSA passage interacting with changes made based on DCL	
TIII Role in processing DCL - envisioned		Q10	Description of expected role they would need to play in policy-making process as reviewed DCL	
TIII Role in processing DCL – actual		Q17, Q18	Description of retrospective role they played in policy-making process as reviewed DCL	
Impact of DCL - Changes to System policies		Q14	Mentions or descriptions of what school systems did in response to the Dear Colleague Letter.	H1
Impact of DCL – changes to TIII role			Description of impacts on their specific role made in response to DCL	
	TIII Role after DCL – changes to role – other	Q10, Q14, Q17	Description of impacts on their specific role made in response to DCL that fall outside of named codes	
	TIII Role after DCL – changes to role – tools	Q10, Q14, Q17	Description of impacts on their specific role made in response to DCL that mention tools or resources used	

Code	Subcode	Ques	Description	Hypothesis
	TIII Role after DCL – changes to role – data collected	Q10, Q14, Q17	Description of impacts on their specific role made in response to DCL that mention data collected or utilized in new or different ways.	
	TIII Role after DCL – changes to role – trainings	Q10, Q14, Q17	Description of impacts on their specific role made in response to DCL that mention new or different trainings conducted	
	TIII Role after DCL – changes to role – partners	Q10, Q14, Q17	Description of impacts on their specific role made in response to DCL that mention new or expanded cooperation with partners	
System decision - process		Q11	Descriptions of how systems decided what to do in response to the Dear Colleague Letter.	H1
System decision – stakeholders				H1
	System variation – stakeholders - other	Q13	Descriptions of others (not encompassed in other codes) who had a voice in deciding what to do in response to the Dear Colleague Letter.	H1
	System variation – stakeholders - ESL teachers	Q13	Mentions of ESL teachers having a voice in deciding what to do in response to the Dear Colleague Letter.	H1
	System variation – stakeholders - principals	Q13	Mentions of school principals having a voice in deciding what to do in response to the Dear Colleague Letter.	H1
	System variation – stakeholders - supervisor	Q13	Mentions of direct supervisors having a voice in deciding what to do in response to the Dear Colleague Letter.	H1
	System variation – stakeholders - superintendent	Q13	Mentions of the superintendent having a voice in deciding what to do in response to the Dear Colleague Letter.	H1
	System variation – stakeholders - school board	Q13	Mentions of the school board having a voice in deciding what to do in response to the Dear Colleague Letter.	H1
Impact of DCL - Changes to System policies		Q14	Mentions or descriptions of what school systems did in response to the Dear Colleague Letter.	H1
Best Practices		Q16	Elements of system’s response articulated as being worth sharing or replicating	
	Best Practices - tools	Q16	Tools (e.g. particular home language survey questions) used in the system’s response articulated as being worth sharing or replicating	
	Best Practices - process	Q16	Processes (e.g. meeting with building administrators) used in the system’s response articulated as being worth sharing or replicating	
	Best Practices - training	Q16	Training (e.g. session with receptionists on home language survey process) used in the system’s response articulated as being worth sharing or replicating	

Code	Subcode	Ques	Description	Hypothesis
Influence Factor - political		Q15	Mention of shaping action to meet expectations of local elected officials; state or federal administrators	H2
Influence Factor – organizational		Q15	Mention of shaping action by following procedure or meeting expectations of senior local administrators	H2
Influence Factor – Path to role		Q6	Mention of ways that path discussed shaped how they go about position/role	
Influence Factor – internalized values		Q15	Articulation of reasons or sources of “what is right” for LEP students	H2
	Influence Factor – internalized values - personal	Q15	Articulation of “doing what is right” for LEP students based on personal conviction or ethics	H2
	Influence Factor – internalized values - professional	Q15	Articulation of “doing what is right” for LEP students based on professional standards or ethics	H2
Path to Role - professional		Q5	Mention of prior professional training/experience (e.g. classroom ESL teacher)	
Path to Role - personal		Q5	Mention of prior experiences outside professional training/experience (e.g. living abroad as child)	
Title III role – length/time in		Q1	Description of time in current role, current system	
Title III role – scope			Description of the scope and functions of the respondent	
	Title III role – scope - other responsibilities	Q2, Q3, Q4	Descriptions other responsibilities carried out in addition to Title III role (e.g. World Languages coordinator).	
	Title III role – scope - TIII functions	Q2, Q3, Q4	Descriptions or specific mentions of what respondent does in title III role	
	Title III role – scope - who serve in role	Q2, Q3	Descriptions and mentions of who respondent sees themselves as serving in role (e.g. supervisor, students)	
	Title III role – scope -stakeholders listened to	Q2, Q4	Mentions of stakeholders the respondent gets information from or feels it important to listen to in their role.	
Title III role - actual – assets used		Q19, Q20	Description of what helped accomplish any changes made	H3
	Title III role – assets used - expertise in ESL policy	Q19, Q20	Mentions of specific expertise or knowledge about ESL best practices that helped in making changes	H3
	Title III role – assets used - relational connections built	Q19, Q20	Mention of relationships that helped in making changes	H3
	Title III role – assets used - personal motivation/drive	Q19, Q20	Mention of personal assets or motivation that helped in making changes	H3
	Title III role – assets used - other	Q19, Q20	Mention of factors not included in codes above	H3

Code	Subcode	Ques	Description	Hypothesis
Title III role – actual - barriers encountered		Q19, Q20	Description of what factors made it harder to accomplish changes deemed necessary by Title III coordinator	H3
	Title III role – barriers encountered - lack of resources	Q19, Q20	Mention of limited or lacking resources (financial or other) that was a barrier to changes desired	H3
	Title III role – barriers encountered - lack of access to key decision makers/isolation/buy-in from key decision maker	Q19, Q20	Mention of supervisor or higher ups as a barrier to changes desired	H3
	Title III role –barriers encountered - lack of buy-in from lateral positions	Q19, Q20	Mention of lateral colleagues (e.g. building administrators) as a barrier to changes desired	H3
	Title III role – barriers encountered - other	Q19, Q20	Mention of other factors not contained in above codes that were a barrier to changes desired	H3
Info Sources about LEP		Q7	Description of how subject hears about or discovers needs of LEP parents and students	
Representative/Advocacy efforts			Mention of intent or action to do things on behalf of LEP students/parents	H4
Advocacy motivation			Articulation of reason for taking actions on behalf of LEP students/parents	H4
	Advocacy motivation - personal experience		Linking or articulation of reason for taking actions on behalf of LEP students/parents to past personal experiences (e.g. travel or prior immigration oneself)	H4
	Advocacy motivation - public service motivation		Linking or articulation of reason for taking actions on behalf of LEP students/parents to general principles or values (e.g. importance of serving others)	H4
	Advocacy motivation - relational motivation		Linking or articulation of reason for taking actions on behalf of LEP students/parents to supporting specific LEP people (e.g. community stakeholders)	H4
	Advocacy motivation - other		Linking or articulation of reason for taking actions on behalf of LEP students/parents to something not contained within above codes	H4
Traditional bureaucratic efforts			Mention of intent or action to do things on behalf of school system/organization	H4
Traditional motivation			Articulation of reason for taking actions on behalf of school system/organization/colleagues	H4
	Traditional motivation - reduce liability		Mention of reason for actions taken as being to reduce legal exposure or insure compliance	H4

Code	Subcode	Ques	Description	Hypothesis
	Traditional motivation - supervisor approval		Mention of reason for actions taken as being due to supervisor directive (without any indication of personal role in shaping supervisor's policy choice)	H4
	Traditional motivation -lateral colleague approval		Mention of reason for actions taken as being due to approval from lateral colleagues (e.g. principals)	H4
	Traditional motivation- other		Mention of reason for actions taken as being due to something that doesn't fit in above codes.	H4
Other		Q21	Discussion of other important information (do not include irrelevant text such as "thank you for participating the interview")	
Quotes			Proposed quote for the written report/quotable excerpts	

Appendix VI – CodeBook with Example Quotes

CODE	DESCRIPTION	EXAMPLE QUOTE
locality character	Local color excerpts - often from pre and post memos by researcher	one of the shopping centers just down from the high school, note that there's a Tres Amigos restaurant and Iglesia Pentecostal within that shopping center.
Best Practices	Elements of system's response articulated as being worth sharing or replicating	I mean, I think probably most ESL teachers are like this but our teachers are very dedicated to their students and go above and beyond doing things for them socially I feel like. I think about our high school teacher in particular. You know, they have her telephone number. They text her all the time. They ask her advice all the time. She picks them up and carries them places when they don't have a ride. She has a night where she takes them all to the movies. She just really embraces her students, you know, and I feel like they've got that connection and they feel safe with her and they reach out to her. And I just feel like if that's the kind of teacher that you can have that they -- I just think that's a great practice. (laughs)
Bestprac-Additional ESL staff	Best practice mentions that included adding staff	P: Well, I don't know if you'd call increase of staffing an instructional practice. But that's been our biggest exhale because now we have the resources to spend the needed and appropriate amount of time with face to face instruction with our students. So that's kind of the beginning of how it dominoes down into instructional practices. Now my teachers have time to not only sit with the students and teach English as another language but also work with grade levels and content classroom teachers to better understand the cultural aspects of the unique needs of our learners.

CODE	DESCRIPTION	EXAMPLE QUOTE
Bestprac-process	Processes (e.g. meeting with building administrators) used in the system's response articulated as being worth sharing or replicating	I think that when you get anything like this is not -- part of my job too and I didn't really say this, is I'm the face of ESL. So you don't want a fear factor. You don't want an, oh, woe are we factor. It's being the face of that and articulating your needs and any guidance that comes down in a way that doesn't turn people off or make them say, you know, I might in here say how in the heck am I going to do this. But when I go speak to my director, I have to be beyond that and say this is the guidance. Here's where we are and here what I perceive as next steps. So I think a far as best practice is first scream and yell, jump up and down. Curse, whatever. Then go back and read it again and say where are the parts where I perceive we could be better. And coming up with some ideas and then talking a lot with other colleagues, other Title III coordinators.
Bestprac-rejectconcept	Instances where respondent rejected suggestion their system was doing anything that could be defined as a best practice	I mean, I'm not going to tell you what I – that the things that we've done would qualify as best practices.
Bestprac-researcher opinion	Actions, policies or processes that researcher thought might be best practices, even if respondent did not ID as such	So the other thing she talked about some again was the coordination and the importance. One thing that she specifically mentioned as an example was the CTE education opportunities where for the ninth graders that she mentioned coming into the school without English capacity or much English capacity she noted that getting them into a technical class where they had skills and capabilities were very important steps in some cases so that they also had a technical certification when they graduate. Evidently that's one of the things that they require of all of their students. So just in terms of impressions that technical education opportunity seemed like an interesting hands on kind of pedagogy where content might even be easier for students to learn and grasp even with limited English starting out and improve their English through that process.

CODE	DESCRIPTION	EXAMPLE QUOTE
Bestprac-resources wished for	mentions of resources or best practices they are looking for but didn't find	I think in a lot of smaller systems, you don't find as many procedural guides in your books. I think a lot of it is institutional history, in that you get files and that kind of thing. But I do think it would be great to have something all in one place, where you can just flip pages and then look at it.
Bestprac-tools	Tools (e.g. particular home language survey questions) used in the system's response articulated as being worth sharing or replicating	P: Mhm. I think we have a really good interpretation and translation system that works really well, that's not centrally managed. It's centrally created, but then schools – it puts the supply of interpretation and translation as close as possible to the source of demand, so that teachers can call directly to get an interpreter, or use the phone interpretation system, so they don't have to get permission at three different levels prior to doing that. We have a simultaneous interpretation system that we can use. We actually have multiple – we have, you know, 50 receivers and three transmitters so that we can provide that service at the same time in different schools on a particular night. You know, we did a lot of support of parent engagement and participating in, you know, board of supervisors meetings and school board meetings, so that they could come and understand in their native language what's being decided, and then also participate and give testimony in support of different things. So that's something I think we've done well.
Bestprac-training	Training (e.g. session with receptionists on home language survey process) used in the system's response articulated as being worth sharing or replicating	If you teach in Harrisburg City schools, it's a required workshop on meeting the needs of English language learners. And it's mostly a sociocultural and legal, less about instruction. And then we offer free instructional training graduate classes for teachers.
ESSA	Mentions of ESSA passage	I think most of it – you know, when we went to the conference this summer, we talked about some of it. But a lot of it, they're saying, really won't be in place until the '17/'18 school year. It's – we're in transition right now, so we know that as the year progresses, we'll probably get more.

CODE	DESCRIPTION	EXAMPLE QUOTE
ESSA-impact	Mentions of ESSA passage impacting changes in policy toward LEP	I did not have a chance to really see the impact of that. I vaguely remember there being some discussion about how the test results I think of the students, how those would not negatively impact funding to divisions. There was some discussion about that because of course, with No Child Left Behind you had to meet these incremental benchmarks. Otherwise your funding could be reduced and that type of thing so I think there was some reworking of that.
ESSA-interaction with DCL	Mentions of ESSA passage interacting with changes made based on DCL	I am pleased that the feds are giving us time to get ready to implement rather than what they did with NCLB. You know, we've got this year to prepare. It's more like a get out of jail free card.[40:00]P: It was nice.
ESSA-Other	ESSA mentions not captured under existing codes	NA
Great Quotes	Memorable lines to use in write-up	[Who do you serve?] 'Children. [Declarative tone then a long pause.] If I ever lose sight of that, I'm not doing my job. Yes, I serve at the discretion of the Henrico County School Board and I serve to make sure that we're in compliance. But I can't lose sight of that or I couldn't live with myself
Impact of DCL	Description of impacts resulting from DCL in TIII coordinators role, system policy	P: Now, I know some of the heartburn that my colleagues across the state have felt, that when you have 25 different languages or more in your division, how do I make that happen? For us, it's a little easier because primarily it's Spanish. But the response from the state has been you don't necessarily have to have every single form translated in every single language, you just have to provide that knowledge. So for example, thinking outside the box a little bit, you know, maybe during the course of that initial meeting with that family, we have language line. So you get them on the phone, you use a translation service, so that they get that same information. Maybe it doesn't look exactly the same, because it's not paper, necessarily. So I think, from my perspective, that wasn't a huge deal, but I think it relieved some of the heartburn people across the state were having about specifically, you know, that communication piece.

CODE	DESCRIPTION	EXAMPLE QUOTE
ImpactDCL-Changes to System policies	Mentions or descriptions of what school systems did in response to the Dear Colleague Letter. Weighting indicates count on concrete policy changes the respondent names as being made.	P: Well, [pause] as I said, the review of the procedure for identification and screening and placing students that it was going to be – and then (pause) I'm trying to think if we – if anything, in terms of equal access to the instructional things happened. I – you know, like I say, there's – I felt like we've been trying to do this, so I can't tell you that there's been major, significant shifts in things to happen. There has – I have felt an ongoing need, and it was reinforced with that letter, to bring more classroom teachers – not only to a level of awareness, but to a level of – of acceptance of responsibilities that go with having ELLs in your classroom.
ImpactDCL-changes to TIII role	Description of impacts on their specific role made in response to DCL	I don't know that it's changed my role so much. Just making me more aware of maybe what areas of improvement that we need to focus on.
ImpactDCL-Lack of impact	Statements that indicate little impact of DCL	I think I didn't pay a lot of attention to the letter because, like you said, it was so long. But went to meetings and had different parts of it explained to me, and we just went right along with what we were doing, because I felt like we were already kind of in compliance with a lot of what it was saying.
ImpactDCL-OCR/prior agreement interaction	Mentions of having made policy changes prior to DCL due to an OCR agreement or other oversight mechanism.	Now I also need to tell you, Grant, that along with the dear colleague letter we were also working through an OCR review, which basically said the same kinds of things about communicating with all your stakeholders and making sure all students have access to your information. So we were kind of doing in conjunction those kinds of things.
ImpactDCL-T3rolechange-data collected	Description of impacts on their specific role made in response to DCL that mention data collected or utilized in new or different ways.	You know, one of those was identifying English language learners. Like I said, we originally had only the two questions and we expanded it to five. But nonetheless being able to identify them, we still had a non-biased way implemented that every parent fills out upon registration and so that was our flag.

CODE	DESCRIPTION	EXAMPLE QUOTE
ImpactDCL-T3rolechange-other	Description of impacts on their specific role made in response to DCL that fall outside of named codes	Yeah. I mean, I've thought about doing individual schools rather than doing one big night. You know, how would that work out? Would we get any better response, you know, but you know, it's a nice night when they come. A lot of families come and they bring the whole family. We invite everybody, you know. And we give them a book and backpack. I mean, we try to do things that will make them feel a part of the school and feel welcomed at the school. But they're not any different than any other parents though. You know, it's hard to get parents in general into the school building.
ImpactDCL-T3rolechange-partners	Description of impacts on their specific role made in response to DCL that mention new or expanded cooperation with partners	The community group that I talk to mostly was our partnership with the public library, kind of outside of the school system, but that conversation was because we decided to have ELL family engagement night at the library once again for those reasons of understanding that not all those parents, number one, feel comfortable coming to school. They're already going to have to come to the school for the orientation so we didn't want to have to make a double trip. And then we're also trying to get the ELL parents familiar with the services of our public library. And one of the things that we implemented in that partnership was that the library offers tutoring for ELL students and families or they offer internet. They have free internet that the ELLs can use, the parents can use. So we kind of made that a community partnership thing.
ImpactDCL-T3rolechange-tools	Description of impacts on their specific role made in response to DCL that mention tools or resources used	P: Oh, we spent a lot of money this past year – and I don't know if I captured it on there, but just family pamphlets – you know, like, a Spanish speaking family comes in, they're looking for help. They don't speak English, but they want help, you know, for their kid with their homework, or they need help with their kid in, you know, science. So I spent a lot of the Title Three money to get these guidance brochures and documents to give my ESOL teachers, so that when they do these parent nights, they can pass them out and disseminate them to the families. They are in Spanish, but with the thought that a lot of these families don't speak English. They're not – they're not intended for the kid, they're intended for mom and dad.

CODE	DESCRIPTION	EXAMPLE QUOTE
ImpactDCL-T3rolechange-trainings	Description of impacts on their specific role made in response to DCL that mention new or different trainings conducted	It's just making sure the communication is key, and communicating to the people who are actually doing these things – people on the front lines, basically. You know, if you're in a middle school or a high school, it's going to be the guidance office, the guidance clerks. It's going to be, you know, the secretaries and the principals in the elementary schools. It's going to be the data clerks, we have data stewards, making sure the information is recorded correctly in our database at our school.
InflFactor-internalized values	Articulation of reasons or sources of “what is right” for LEP students	N/A
InflFactor-internal-personal	Articulation of “doing what is right” for LEP students based on personal conviction or ethics	I think for me, personally, how I look at things is always with a – tries to always be (laughs) with a positive slant, and how it – how we can be, as a division, proactive with it, and you know, looking positively of how to handle something. And I know I answered another question in a similar way, but I think that's – that gets back to more who I am, how I was as a principal, how I was as an assistant principal, how I ran my school. Those are just kind of personal traits that I – that I have. So I think any time I see something, or if it comes across my desk, it's a rare occasion that I look at it as – in a negative way. I mean, I can't say I never have. I'm sure I have. Positive I have. But I always typically will look at it and try to look at it in a positive way. How can we handle that? How can we meet this need? How can we do this?
InflFactor-internal-professional	Articulation of “doing what is right” for LEP students based on professional standards or ethics	My personal experiences and skills. I don't know. I mean, I'm very stereotypically a school psychologist. Data means a lot to me. I've, like, always stressed evidence based strategies across any of the departments that I supervise. I'm also very much like a people person and I'm big into communication and relationship building so I feel like that's kind of helped me along the way.

CODE	DESCRIPTION	EXAMPLE QUOTE
InflFactor-legal requirement	mentions of legal or OCR requirements as driving policy changes	I: Okay. Great. Why would you say those responses were the ones that ended up being implemented?P: We had to do them. (laughs)I: Required?P: Yeah. It was required. But, you know, looking back, it is best for parents. I understand why. And sometimes it takes that for you to say oh, yeah, that should be like that. It was required and I'm glad we did.
InflFactor-organizational	Mention of shaping action by following procedure or meeting expectations of senior local administrators	Factors that strengthen it was our division's new focus on urgency and deeper learning. And we are truly, truly committed to deeper learning. And that is coming straight from our superintendent and her vision is all inclusive as one would expect a superintendent's vision to be. But the message of deeper learning is driving all of our professional development. It's driving our conversations. It starts our agendas. It's being modeled in our adult meetings. So that has strengthened what I need to do with English learners.
InflFactor-Path to role	Mention of ways that path to role discussed shaped how they go about position/role	Well, I think also, in the positions that I've had, I've had to work closely with parents – [10:00] P: And I think that that has made this transition a bit easier, in the sense that, you know, you do have parents who, definitely are very concerned about their kids, and then they have another piece that – they're in a lot – most of the kids that we work with here are primarily, you know, the higher level, as far as Title Three is concerned. Most of them are very proficient in English, but we have a few who are proficient, but their parents aren't at all. And so the fact that I can interact well with parents, despite a language barrier – you know, and I have someone there with me who will translate – I think that skill set has also helped me out quite a bit, in working with the family.

CODE	DESCRIPTION	EXAMPLE QUOTE
InfFactor-political	Mention of shaping action to meet expectations of local elected officials; state or federal administrators	P: It was perfect timing, because I had already started this work to – a budget initiative. It was really perfect timing. I'd already put in a budget initiative to go in front of the school board, to add 25,000 dollars for interpretation and translation services at the school, and when the letter came out, we were in the midst of that. And so then, when they asked – when I went in front of the school board and they were asking questions, I could say like, this is – this is DOJ and DOE guidance, it's a mandate from the federal government, you know, that we have to do this. And I already had all of the moral arguments of why we should do it, to support our kids, but to be able to add that on top of it, I felt like – I don't know, it probably would have passed anyway, but it's always hard to know politically about those things. But certainly it didn't hurt, having that. (laughs)
InfFactor-Team input/spirit	Mentions of a collaborative accountability as an influence/motivation in getting changes made	But like I said, you work on building a great team and people around you, they will respond to that. And so like I said, I've just been so proud of my boss and her support, so thankful for that and, you know, our teachers, ESL teachers, really echoing those sentiments.
Influence Factor	Mention of shaping action to meet expectations or interests of someone or something	Why did those responses end up being the ones that were implemented in your estimation?P: Some of them simply because they were easy to implement procedurally. And again, because philosophically we were not . . . nothing was new for us. So we didn't have to do some crazy "let's change the way we think about our student population." All we had to do, and all we still have to do, is continue to be sure that we're monitoring appropriately and that we are making sure we translate.
Info Sources about LEP	Description of how subject hears about or discovers needs of LEP parents and students	We don't do enough though, asking our parents what they want. We do . . . I frequently have meetings where I'll call together . . . like okay, I'll call refugee resettlement and my Arabic speaking friends and I'll say I need you guys to get the Arabic families together because it's time for us to hear what they have to say.

CODE	DESCRIPTION	EXAMPLE QUOTE
LearnDCL-Expected implications	Articulation of first perceptions of implications of DCL for their school system	P: I thought we were in not bad shape. You know, the two pieces that I'd already laid some groundwork for that now I kind of had the fuel to articulate that message to senior staff that, you know, can give me some more positions and can give me some more money as far as whatever. So now I had the fuel that I needed to make that case further. Particularly the two areas were parental outreach, and by parental outreach that also includes interpretation and translation services as well as properly identifying, you know, because a lot of times registrars would say, well, you know, their English sounded okay to me. Then I was like, and that's fantastic, but we can't make judgments based on what you thought sounded okay. You know, we have a very clear process. And so those two pieces helped. The letter helped me sit down and kind of go these two pieces we're doing it, but we just need to do better.
LearnDCL-ExpImpl-First awareness	Description of how became aware (if at all) of Dear Colleague Letter (DCL)	Through the state conference. And they sent out information, you know, as they got it. And I come to this every summer and try to get as much out of it as I can.
LearnDCL-ExpImplic-fears	Mentions of letter as negative - highlighting added or new worries for the school system such as possible legal exposure	The whole thing is just kind of scary to me, the legal parts of all of it, you know. I: How so? P: I don't know. I just feel like I mean, when it came out I was looking at what we did and how we operated and I felt like we were doing a decent job of providing our students with the opportunity to, you know, learn the language and get their education. I mean, I know there's things we can do better. There always are. The communication with the parents in their language, that's kind of a scary one. I don't know how you pull that off. And I guess, you know, there's really no resources for any of that. You know, they didn't provide us with any resources. Like they put all these extra demands on you and they gave you nothing to financially or a central place you can go to try to -- I mean, I know of some places where you can get your stuff translated and stuff but there's nothing really local to us. We have to reach out somewhere in Oak City or -- that part of it I think is a challenge.

CODE	DESCRIPTION	EXAMPLE QUOTE
LearnDCL-ExpImpl- most challenging at first glance	Items mentioned as most challenging component of DCL for their system	The most challenging is how to get the classroom teacher to take responsibility. Not responsibility but to partner with you and to take ownership of teaching the WIDA standards in the classroom. That's huge. But that's what --[20:00]P: You're expected to do, to have the classroom teacher actually come on board and help you to teach those WIDA standards. And as you know, the teacher response is I have an SOL content class and I have a test end of the year and I'm responsible for these objectives and I don't see how I can match that in . . .
LearnDCL-ExpImpl- opportunity	Mentions of letter as positive, potentially an opening or opportunity to address issues or make changes in system	You know, the two pieces that I'd already laid some groundwork for that now I kind of had the fuel to articulate that message to senior staff that, you know, can give me some more positions and can give me some more money as far as whatever. So now I had the fuel that I needed to make that case further.
LearnDCL-ExpImpl- other	Articulation of first perceptions of implications for their schools system that are not captured by the four areas outlined	I felt like it was a reminder of the priorities of legal access to kids, and I felt like we were doing that. I felt like we're on track.
LearnDCL-ExpImpl- resources	Mentions of letter and awareness of resources system would need to respond to letter	So how do you provide service while providing access to the core with a qualified teacher, with a budget, with the Virginia standards of quality showing that you can have one teacher per 63 or one to 57 and really based on this I would need, um . . . 75 new ESL teachers?
LearnDCL-ExpImpl- scope	Mentions of letter and impact it had (was it a big deal or not)	I knew that I needed time, states needed time, other divisions needed time to process. And it was a lot of information. And I knew that we would have action steps. Initially there was some uncertainty as to how soon we needed to respond, if we needed to respond and in what ways.

CODE	DESCRIPTION	EXAMPLE QUOTE
LearnDCL-opinions about DCL	normative statements about the DCL in terms of being good policy, realistic, etc.	Well, sometimes I look at the Dear Colleague letters, and some of our peers do, as well – I mean, I think that sometimes they're not on the ground, you know, working directly with families and with children, and we've all been trained, and we have to do what's appropriate. And it sounds a little – you know, you do what's right, you do what's appropriate, but sometimes it feels like just a request to go above and beyond, but you do what you have to do.
Loc-charac-rural	Local color excerpts that point to rural quality - often from pre and post memos by researcher	Though this locality is considered part of the core of the metro area for this large central metro area, it obviously still has rural connections or agriculture. Just passed a cornfield on the left with three tractors parked at the edge. And a farm produce stand.
loc-charac-suburban	Local color excerpts that point to suburban quality - often from pre and post memos by researcher	Near the intersection of the two main roads that make up the town, or crossroads, are a spate of fast food restaurants and a Dollar Tree, Sleep Center, Walgreens, Sheets, Cookout, those types of businesses. Up the hill is a Peebles and a Kroger, a Quiznos. All of these businesses are built in – that's new construction. It's not a major or historic downtown in its feel at all.
loc-charac-urban large	Local color excerpts that point to a large urban quality - often from pre and post memos by researcher	N/A (All interviews with large urban settings were conducted at meetings)
loc-charac-urban small	Local color excerpts that point to small urban quality - often from pre and post memos by researcher	N/A (All interviews with small urban settings were conducted at meetings)

CODE	DESCRIPTION	EXAMPLE QUOTE
Path to role	Mentions of how the TIII coordinator came to be in current position	So went off to college simply to get away from my parents and fooled around in some topics of study that I really had no real interest in doing. But I was convinced that I was going to travel the world and I was going to join the Peace Corps and be gone for my whole life. And the Berlin Wall fell while I was in college. This was like whoo hoo.
Path2role-personal	Mention of prior experiences outside professional training/experience (e.g. living abroad as child)	'I would say that relationship building is probably the hardest for me with our families of English learners because I do not speak Spanish. I wasted my time taking five years of French. Hasn't worked out for me at all [tone indicates meant ironically].
Path2role-prof-English/lang arts	professional path included English teaching/instructional supervision	Then worked as an English teacher, so I was on both sides.
Path2role-prof-building admin	prior professional work included or was primarily being a principal or other building administrator	I then returned to my former position as a school administrator. So I was a principal for the next 15 years or so, and – until I retired two years ago
Path2role-prof-counseling	counseling named as part of professional path to current role	Prior to being in that position I was the director of a guidance office at our high school.
Path2role-prof-ESL	prior professional work included or was primarily focused around ESL classroom experience or oversight	So I really drove into that career path and taught in the high school ESL program. And then from there went into administration.

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Path2role-professional	Mention of prior professional training/experience (e.g. classroom ESL teacher)	I came to work as the supervisor of special ed when I came back here. I had worked in Chestnut County, as well as in juvenile corrections with special ed, and I'd also worked in a therapeutic day school for special education. And I came here, again, like I said, as supervisor for special ed, and then I served in that position and capacity for about 20 some odd years. And then we got a new superintendent, and we had to look at the position then, and he created new positions, so the position I have with Title Three is encompassed in that family.
Path2role-profforeign lang	prior professional work included or was primarily language or foreign language	Well, I was a high school Spanish teacher for 17 years. I taught at [Another] High School and then at Overcup High School when they opened in 2004. And, you know, that was fantastic. I loved being with my kids. I loved being with the classroom. And then I went back to graduate school. I got my master's in curriculum and instruction. Around the same time I became department chair at the high school. I taught the upper levels, IB
Path2role-prof-special ed	prior professional work included or was primarily special ed focus	Well, I think it helps me to be aware of – just like when somebody has a learning disability, sometimes they don't understand everything you're telling them to do, and you know you have to break things down for them, just like you have to do with somebody with another language. And the main thing is to teach them the English skill before you can teach them other things, and it's like, okay, you feel like they're getting behind in one thing, but really, once you – you're teaching them the main thing that's going to help them with the others. So I think that's just it, you know you've got to have the prerequisites before you can go on to teaching the other things, just like in special ed, you've got to teach them certain things before they can grasp what everybody else naturally grasps.
Practitioner questions for researcher		I would be really actually just more interested in knowing how it impacted other people because I don't feel like it impacted me that much. So then I'm like wow, am I missing something?

CODE	DESCRIPTION	EXAMPLE QUOTE
SysDecisDCL-Most important stakeholders	Responses to question asking for which stakeholders had the most impact	<p>P: I trust my ESOL teachers a lot. And granted, I only have two and a half, but I think they're that linchpin, because they have that connection in the school buildings. They have the connection with the kids, they have the connection with the teachers, they have the connection with the principals. And then on this side, they have a connection with me and the supervisor. So to me, they're that pin that ties everything together.</p> <p>I: Okay. Yeah.</p> <p>P: And plus, they're professionals. They're the ones getting, you know, the professional development for how to provide that instruction to the kids, the standards that need to be met, what needs to happen in the class setting.</p>
SysDecisDCL-process	Descriptions of how systems decided what to do in response to the Dear Colleague Letter.	Well, I consulted with our assistant superintendent and she and I had discussions about it and then went down with the teachers and had them kind of help me think through, you know, what have we been doing. Do we need to do anything different? You know, getting things translated. We hadn't really -- you know, we had Spanish stuff but you haven't really specifically asked about our division but we have about 80 students across five schools, three elementary, one middle and one high school, and it's very diverse. We don't have a concentration of . . . we're . . . [not] eighty percent Spanish - No. [Note – only 42% are Spanish speakers].
SysDecisDCL-Stakeholders	Descriptions of who had a voice in deciding what to do in response to the Dear Colleague Letter.	It was the instructional team at central office. And truly the ESL teachers because it's the team on which I serve and those teachers to whom the principals look to for guidance when it comes to ELLs because I don't have any principals who have any Title III experience.
SysDecisDCL-Stakeholders-Central office leaders (not direct or superintendent)	Mentions of other system level leadership that are not the respondents immediate supervisor or the superintendent	there's other supervisors that work with me, my colleagues in the school board office. You know, they have a voice, and they are involved.

CODE	DESCRIPTION	EXAMPLE QUOTE
SysDecisDCL-Stakeholders-ESL teachers	Mentions of ESL teachers having a voice in deciding what to do in response to the Dear Colleague Letter.	Well, who really helped me form the narrative kind of like a -- you've got a whole bunch of information, you know, that I would collect from -- more anecdotal -- from my ESL teachers and kind of what happens day to day in the school, more anecdotal evidence from classroom teachers and from that I would condense it to what my boss and I believe would best help articulate the message for support
SysDecisDCL-Stakeholders-other	Descriptions of others (not encompassed in other codes) who had a voice in response to the Dear Colleague Letter.	And so we also had our school board attorney, our attorney involved with this as well because we needed to make sure that what we were sending to -- she's the one who's communicating with OCR and their attorneys. So she was a part of it as well.
SysDecisDCL-Stakeholders-principals	Mentions of school principals having a voice - Dear Colleague Letter.	There is also leadership team. There is a leadership team at each building.
SysDecisDCL-Stakeholders-school board	Mentions of the school board having a voice in response to the Dear Colleague Letter.	Was -- was there anything that went up, or a conversation at a school board level? P: No. Nuh-uh. There wasn't a need to.
SysDecisDCL-Stakeholders-Students	Mentions of students as being a stakeholder in DCL process	P: Well, every time you mention stakeholders I'm going to say, you know, students. We didn't necessarily bring them in to talk to them directly about the letter. We're always talking to our students.
SysDecisDCL-Stakeholders-superintendent	Mentions of the superintendent in response to the Dear Colleague Letter.	So the letter was shared I guess with superintendents so I just made sure that our superintendent was aware, which she was already.

CODE	DESCRIPTION	EXAMPLE QUOTE
SysDecisDCL-Stakeholders-supervisor	Mentions of direct supervisors having a voice in deciding what to do in response to the Dear Colleague Letter.	There is nothing that we go out and implement or do that we don't run under our assistant superintendent's review first. Absolutely. Absolutely. And for the mere purpose of well, that's not my focus for us this week. Can you wait and attack that in two weeks?
T3Role-Nature	Description of role	P: And I don't think, you know, the more people you talk to – that's not uncommon. I think it's probably uncommon to see the Title Three person that is solely – that's what they do. Now, you come across a Fairfax or a Norfolk or some of the larger divisions, even maybe Harrisonburg, because I know they have a large population of ELL students. You might find that's their sole responsibility, but I think more often not that across the state of Virginia, they're doing multiple things.
T3Role-Nature-Assets in general role	skills or experiences ID'd that make person more effective in T3 role	However, I was first generation college student and so that kind of helped me identify with some of the challenges of our ELL populations and our particular district at that time.
T3Role-Nature-Barriers in general role	skills or experiences ID'd that make person more effective in T3 role	But I THINK WHAT MADE things challenging in terms of services to me would be just the nature of everything that I did under that job title. So it was really hard to give 100 percent of myself to this one thing because of, you know, all the balls in the air but it was still great because I was able to get exposure. And then I was able to see how this program linked to this program and how WITH the two together, it can actually help our students and their families.
T3Role-Nature-evidAdvoc	Mention of intent or action to do things on behalf of LEP students/parents	what we're trying to do, our mission is to bring students along so they are academically competitive and have the same opportunities. And sometimes I would just -- my selfish part would say I'd like to have them get my students get even further ahead, you know. Let's get to the level playing field but then let's push it a little bit farther.

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-Nature-evidAdvoc-Action	Mention action to do things on behalf of LEP students/parents	And I encouraged them, like VESA that's coming up, we are having a site class, SIOP training for -- this is really great. So we're having SIOP training for the whole school, the entire school. and so I said okay, let me try to have it for two other schools. So when the assistant superintendent heard about it she's like we should have that for every other school. Okay. You're going to pay? She said yep, we're going to do it. I'll buy you the trainer. (laughs)
T3Role-Nature-evidAdvoc-Motivation	Articulation of reason for taking actions on behalf of LEP students/parents	Well, as a teacher and as an administrator, whether at – in a school setting or here, in the ESL assignment, it has always been my belief that our job is to do all we can to lift kids up. That's our job. And in every situation you have with a child, whether it's working with an academic assignment, whether it's working with a parent in a home situation, or whether it's meeting them in the hall, every situation you have, there's an opportunity to recognize them and make them feel good about themselves, make them feel like things are going to happen good that day or not, you know? And that's our job, is to always – to always lift kids up. That's it.
T3Role-Nature-evidAdvoc-Motiv-personal experience	Linking or articulation of reason for taking actions on behalf of LEP students/parents to past personal experiences (e.g. travel or prior immigration oneself)	P: As a classroom teacher I think I always -- what I loved about teaching was kids and the impact you have on a child's life. And I taught for 13 years in schools that were more at risk and had a less affluent population. And I just, I saw what they needed and not to take away from students that come from more affluent situations, because they have needs too, but it was something that tore at my heartstrings so to speak. And I think just on a personal level it was never really about the fact that I taught French. It was that French was the vehicle to connect with children. And I think that that carried over into ESL and some of the connections. But I also always kept in mind you can love a kid to failure too because the stories, whether it's a child who's living in dire straits in Richmond community or someone that comes as a refugee, those stories can bring you down to the point where you don't challenge them because you have this perceived helplessness that they can't do. So it's making sure that you challenge them --[10:00]P: Too while you help lift them up.

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-Nature-evidAdvoc-Motiv-PSM	Linking or articulation of reason for taking actions on behalf of LEP students/parents to general principles or values (e.g. importance of serving others)	I feel there's just an obligation to always do all that we can to help these parents,
T3Role-Nature-evidAdvoc-Motiv-relational	Linking or articulation of reason for taking actions on behalf of LEP students/parents to supporting specific LEP people (e.g. community stakeholders)	Interesting. And do you see that kind of day to day coming through even when you're talking with, you know the department of ed or --P: I try to. I really do. I have remained in close contact with my students, former students. Of course I haven't been in the classroom since 2000 so they're all grown up and have children. I really try to and like I said before, I think the point where I don't feel that anymore is the time when you know you need to do something different.
T3Role-Nature-evidTradBureaucratic	Mention of intent or action to do things on behalf of school system/organization	Well, with any federal program, you are going to follow those guidelines, and you're going to do it as close to the letter of the law as you can, and that's what we continue to do.
T3Role-Nature-evidTradBureaucratic-Action	action done on behalf of school system/organization tradition or established procedures	So at first we go through the Title III compliance components, which some of that involves managing a grant and budgets related to that and also involved in that is ensuring that we're carrying out the intent of the law, the Title III law and other similar Civil Rights Law, etcetera that is involved in educating English learners.
T3Role-Nature-evidTradBureaucratic-Motiv-reduce liability	Mention of reason for actions taken as being to reduce legal exposure or insure compliance	N/A

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-Nature-evidTradBureaucratic-Motiv-supervisor approval	Mention of reason for actions taken as being due to supervisor directive	I never make any decision without the assistant superintendent's knowledge and frequently I converse with the superintendent.
T3Role-Nature-length/time in	Description of time in current role, current system	And I've been in this role for -- this is my going into my fourth year.
T3Role-Nature-scope	Description of the scope and functions of the respondent	In my school system, there are not [emphasis by speaker] a lot of children who are served. However, we do exceed the state requirement of \$10,000 or more. So we independently write our grant and hence use those funds to serve those children. It is a very small geographical area so in my role I get to see my students and their families at the parks, ballgames, at the grocery store, in the doctors' offices. So I am able to call many of my ELLs by name.
T3Role-Nature-scope-functions	descriptions or specific mentions of what respondent does in T3 role	So continuing with the Title III hat, I also work with our testing, director of assessment in testing - and together we carry out the requirements of the ELL testing. The WIDA testing and that whole testing side of it. In working with the principals as part of our leadership team and for our leadership team meetings, I make them aware of the ESL needs. And then the other component that I work in and this is directly related to the dear colleague letter, we've always been working with our ELL parents but because of the letter and the focus on family engagement, we've had to implement some different things so I do work with the family and community piece of that also.
T3Role-Nature-scope-Official Title	Actual title of respondent within own school system	My official title is educational specialist for ESL and world languages
T3Role-Nature-scope-other responsibilities	Descriptions other responsibilities carried out in addition to Title III role (e.g. World Languages).	And as far as how it overlaps or how I do everything else, right, I oversee special education, Title One, discipline here in the school system, school health, family life – those are the main things I do, and then there are some other things that I do, as well.

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-Nature-scope-size ESL professionals	Mentions of number of ESL teachers or team worked with in Title III role	But we have 25 highly qualified ESL endorsed teachers who serve that role.
T3Role-Nature-scope-stakeholders listened to	Mentions of stakeholders the respondent gets information from or feels it important to listen to in their role.	My primary focus, population, is always students and parents. And then everybody just kind of follows behind that. But they definitely lead the charge. So that's just an easy focus for me.
T3Role-Nature-scope-stakeholders-community	references to persons or organizations in the community (outside school system to whom T3 listens	And I have a couple of parents that I communicate with and then the community stakeholders.
T3Role-Nature-scope-stakeholders-leadership	Naming of supervisors or range of system leadership listened to in relation to general Title III role	when we started realizing the language barriers of our parents and so the movement that was needed to get us a translator/interpreter and that was, you know, getting -- I mean, that's not really a decision. It had to be done but it was getting buy in from the school board, getting buy in from the principals,
T3Role-Nature-scope-who serve	Descriptions and mentions of who respondent sees themselves as serving in role-e.g. supervisor	First and foremost I am an advocate for our students who are identified as language learners and their families. Secondly I consider myself to be support for teachers and school staff in providing appropriate instructional and wraparound services for those families.

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-Nature-scope-who serve-Parent priority in list	Place (e.g. 1st) of parents of ELLs in list of who respondent see's themselves serving.	Certainly serving their parents. And that was pretty expansive in terms of making sure they understood the communications that we sent home, if it meant having them translated or translating myself and that was anywhere from new enrollment packets to letters going home and things of that nature. We also hosted a parental engagement workshop just for our ESL parents once a year and our dominant language was Spanish of actually all of our ESL families. And so I made sure that the entire presentation was both in English and Spanish [said with sense of pride]
T3Role-Nature-scope-who serve-Student priority in list	Identifies whether students are mentioned 1st, 2nd, 3rd etc.	Definitely the students because I am kind of a hands on as it relates to students
T3Role-Nature-scope-who serve-tension from serving students		So first and foremost for me -- and I think that my colleagues would wish that this were different -- so I tend to be very student focused first
T3Role-procDCL-actual	Description of retrospective role they played in policy-making process as reviewed DCL	I'm part of all [emphasis by speaker] the decisions. But I also don't control the purse strings. While I can talk about language learners all day and I can come to a table uncompromised to talk about language learners, there's a lot of other kids out there, a lot of other needs out there. And all I can do is fight the fight. But I'm not in charge of the money.
T3Role-procDCL-actual-assets used	Description of what helped accomplish any changes made	I think they see me as kind of the go-to expert on English language learners. [says "I don't know why" sotto voce and laughs) I appreciate that but I also go to department of ed and check with the Title III folks down there
T3Role-procDCL-actual-assets-expertise in ESL policy	Mentions of specific expertise about ESL best practices that helped in making changes	And so because they have faith in me that I know our policies that are changing or at least try to stay on top of our policies that are changing, and our content, our needs, our stakeholders, they really listened.
T3Role-procDCL-actual-assets-other	Mention of factors not included in codes above	I mean, I remember picking up the phone and talking to my colleague over in [nearby county] and saying, okay, so what are you guys doing, or you know, how are you handling this.

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-procDCL-actual-assets-personal motivation/drive	Mention of personal assets or motivation that helped in making changes	P: I think my mother always told me I was stubborn (laughs) was part of it. Yeah. And just because you are told no for one thing could mean that the narrative that you pitched, your sales pitch, just wasn't formed correctly. And so many times I don't take a no to a staff increase or to a budgetary increase or to a conference or a workshop as a definitive end. It just means that like any maze, there's another work around.
T3Role-procDCL-actual-assets-relational connections built	Mention of relationships that helped in making changes	And my impact otherwise would be that, yeah, I know all my teachers by name in the entire division. (laughs) So there's a personal relationship and that gives me great credibility and I do what I say I'm going to do so that's impactful. (laughs)
T3Role-procDCL-actual-assets-training	mentions of training or professional development as being an asset in DCL decision process	Well, one thing that the state does, which is <i>awesome</i> [italics signal emphasis by speaker], they have a meeting in July for new coordinators and for seasoned coordinators, as well. And this is my second year going there, and I have found those to be extremely helpful.
T3Role-procDCL-actual-barriers encountered	Description of what factors made it harder to accomplish changes deemed necessary by Title III coordinator	I think the challenge is always just time. I mean, it's a big endeavor, and people are very receptive to it, but everybody else is also busy, so it's hard to build coalitions of people who will not only support what you're doing, but – as far as, you know, tacitly support, as like, yeah, that's a good idea – but also contribute to realizing a vision through work and, you know, allocation of not just financial resources, but human resources, in terms of time. That can be a challenge.
T3Role-procDCL-actual-barriers-lack of access to key decision makers/isolation/buy-in from key decision maker	Mention of supervisor or higher ups as a barrier to changes desired	N/A

CODE	DESCRIPTION	EXAMPLE QUOTE
T3Role-procDCL-actual-barriers-lack of buy-in from lateral positions	Mention of lateral colleagues (e.g. building administrators) or non-direct reports (e.g. content teachers) as a barrier to changes desired	'And to say I really did have to have some conversations with people to help them to see why this is even needed, you know. I'm teaching social studies. Why do I need to worry about a standard of writing? And even to the point of, you know, I don't know Spanish. This is what we dealt with a lot.
T3Role-procDCL-actual-barriers-lack of resources	Mention of limited or lacking resources (financial or other) that was a barrier to changes desired	Well, I mean, whenever I think of barriers in education, the – the one thing that always pops in my mind is money. I mean, to me, it – and I don't think it's any different in this case. I mean, you know, Title Three is funded, but it's not a ton of money.
T3Role-procDCL-actual-barriers-other	Mention of other factors not contained in above codes that were a barrier to changes desired	The piece that's harder to manage is what's actually happening in the teacher's classroom. I can go in. I'm free to go in and visit any of the classrooms. But that's just a snapshot. Actually, and that's a challenge too, actually finding a way to show and to document this being implemented.
T3Role-procDCL-Envisioned/Expected	Description of expected role they would need to play in policy-making process as reviewed DCL	Well, I felt like it was my responsibility, you know, to see, to make sure that things got implemented or cover anything that we needed to cover. I still don't know that we, you know, like I said, I have angst about it.
transition in/out of position	Mentions of process used when leaving TIII position	Did you think oh, these are things I should leave for a successor or if I was still here I would do these things?P: I did not do that. What I did do --[20:00]P: However was to create a transition manual for the next person coming behind me and what I basically did was take every bullet of my job description and address things that had been done, things that the ELL teachers had been doing because again, my whole focus was just because I'm exiting I don't want services to students to be diminished.

Appendix VII – IRB approval letter



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TO: Saltanat Liebert
FROM: VCU IRB Panel D
RE: Saltanat Liebert ; IRB [HM20006922](#) Advocate or Traditional Bureaucrat?: Understanding the Role of ESL Supervisors in Shaping Local Education Policy Toward Immigrant Communities

On 4/14/2016 , the referenced research study was approved under **Expedited Categories 5 and 7**, by expedited review according to 45 CFR 46.110 by VCU IRB Panel D .

The information found in the electronic version of this study’s smart form and uploaded documents now represents the currently approved study, documents, informed consent process, and HIPAA pathway (if applicable). You may access this information by clicking the Study Number above.

This approval expires on 3/31/2017 . Federal Regulations/VCU Policy and Procedures require continuing review prior to continuation of approval past that date. Continuing Review notices will be sent to you prior to the scheduled review.

If you have any questions, please contact the Office of Research Subjects Protection (ORSP) or the IRB reviewer(s) assigned to this study.

The reviewer(s) assigned to your study will be listed in the History tab and on the study workspace. Click on their name to see their contact information.

Attachment – Conditions of Approval

Conditions of Approval:

In order to comply with federal regulations, industry standards, and the terms of this approval, the investigator must (as applicable):

1. Conduct the research as described in and required by the Protocol.
2. Obtain informed consent from all subjects without coercion or undue influence, and provide the potential subject sufficient opportunity to consider whether or not to participate (unless Waiver of Consent is specifically approved or research is exempt).
3. Document informed consent using only the most recently dated consent form bearing the VCU IRB “APPROVED” stamp (unless Waiver of Consent is specifically approved).
4. Provide non-English speaking patients with a translation of the approved Consent Form in the research participant's first language. The Panel must approve the translated version.

5. Obtain prior approval from VCU IRB before implementing any changes whatsoever in the approved protocol or consent form, unless such changes are necessary to protect the safety of human research participants (e.g., permanent/temporary change of PI, addition of performance/collaborative sites, request to include newly incarcerated participants or participants that are wards of the state, addition/deletion of participant groups, etc.). Any departure from these approved documents must be reported to the VCU IRB immediately as an Unanticipated Problem (see #7).
6. Monitor all problems (anticipated and unanticipated) associated with risk to research participants or others.
7. Report Unanticipated Problems (UPs), including protocol deviations, following the VCU IRB requirements and timelines detailed in [VCU IRB WPP VIII-7](#):
8. Obtain prior approval from the VCU IRB before use of any advertisement or other material for recruitment of research participants.
9. Promptly report and/or respond to all inquiries by the VCU IRB concerning the conduct of the approved research when so requested.
10. All protocols that administer acute medical treatment to human research participants must have an emergency preparedness plan. Please refer to VCU guidance on <http://www.research.vcu.edu/irb/guidance.htm>.
11. The VCU IRBs operate under the regulatory authorities as described within:
 - a. U.S. Department of Health and Human Services Title 45 CFR 46, Subparts A, B, C, and D (for all research, regardless of source of funding) and related guidance documents.
 - b. U.S. Food and Drug Administration Chapter I of Title 21 CFR 50 and 56 (for FDA regulated research only) and related guidance documents.
 - c. Commonwealth of Virginia Code of Virginia 32.1 Chapter 5.1 Human Research (for all research).

Activity Details (Continuing Review Approved) Indicates that a Continuing Review was approved for this item. This is automatically added by the Continuing Review sub process.

Author:	Elicia Preslan (Office of Research)	
Logged For (IRB Study):	Advocate or Traditional Bureaucrat?: Understanding the Role of ESL Supervisors in Shaping Local Education Policy Toward Immigrant Communities	
Activity Date:	3/31/2017 1:25 PM	
Property	Old Value	New Value
activityType		_Protocol_Continuing Review Approved
IRB Study		HM20006922
author		Elicia Preslan
name		Continuing Review Approved
Send Correspondence To Study Team: 8D473671B70CF63 (name)		Send Correspondence To Study Team
IRB Continuing Review: HM20006922_CR1 (status)	Correspondence Review	Approved
IRB Continuing Review: HM20006922_CR1 (dateEnteredState)	3/31/2017 12:49 PM	3/31/2017 1:25 PM
IRB_Notification_Properties: (Letter Review Pending)	yes	no

APPENDIX VIII - LESSONS LEARNED

Methodology Lessons Learned

Any dissertation is both a significant body of work, and invariably, as a first major research study, a learning experience. In this brief section, several identified lessons that tie to the methodology utilized are shared. No doubt some elements mentioned will be familiar to anyone who has completed a dissertation, but may be of use to others who are in their own dissertation process. The lessons fall loosely within two categories – the challenges of gaining participation and the benefits of using mixed methods. In Chapter 5, a reflection is also included on some unfulfilled potential that may have been possible by deepening the process of practitioner-engaged research.

As mentioned in the limitations section of Chapter 3, one of the feasibility risks confronted was gaining enough participation to have a viable data set for quantitative analysis. Challenges around the potentially controversial issue of English Language Learners and immigration as well as some concern for completing research application processes that might be necessary to gain permission in some systems were anticipated. These proved to be the lesser of the realm of challenges. Only two potential respondents specifically noted the politically charged nature of the topic as their reason for declining participation. Though two systems required a 40+ page application to conduct research and one of those failed to be approved, complex permission processes were less often a concern. Instead, I more frequently encountered simple blanket policies against participating in research, or an unwillingness from a potential respondent to ask for permission to participate. Though this was the case in only 5-10 cases, the experience made me ever more grateful to the 56 coordinators who did end up completing the survey.

More than even permission processes, what produced the greatest number of challenges in gaining participation were the factor of a high number of transitions (mentioned above) and the simple challenge of gaining attention amidst the myriad other concerns that respondents juggling multiple responsibilities must confront. Over the course of data collection, I came to understand that while my initial concern may have been about pestering potential respondents too much, instead my mistake was likely in not being more persistent (but always cheerful and appreciative) with follow-up phone calls to the e-mail invitations I was sending out. If my experience produces one piece of advice for other beginning researchers seeking participation from administrators it is to put yourself in front of them as a human being as early and as often as possible. Often the times I managed to speak with someone (instead of leaving a 3rd or 5th voicemail) were the most likely encounters to spur someone to participate. This is both logical and amazingly simple, but a lesson learned the hard way nonetheless.

Second, the process of conducting this study has increased my faith in the importance of mixed methods for strengthening research. As readers will sense in reviewing the results in Chapter 4, the process of analysis using both streams of knowledge (survey and interviews) produces a much richer understanding than I would otherwise have had and also increases that potential for the humanity of these issues to emerge. Simply from the perspective of being a reflective researcher (i.e. one who notices how one is shaped by the research as well as the process of shaping the research) the dual sources pushed me both toward a strong respect for the persons with whom I was exploring these questions and a stronger basis for asking critical questions necessary to evaluate the reliability of either stream.

Of course, the richness of mixed methods comes at a cost – what was already a complex research plan before I began data collection became all the more so as new elements emerged

from interviews that I wished I could go back and include in the survey (and vice versa). If I was building the methodology from scratch again, I would probably move to an exploratory mixed methodology, conducting at least a sub-set of interviews before finalizing the survey questions. This would have allowed the opportunity to ask all respondents when they first became aware of the letter, as well as potentially opening up ways to ask about the sources they drew on for information (e.g. which trainings) which may have both contributed to the insights regarding mid-level brokers and increased the usefulness of the research to practitioners.

These observations are not meant to detract from what is still a contribution to the literature and which has useful implications for practitioners. The next section refocuses our conversation on the contributions of the research as it occurred, even while the reflection on other paths the research could have taken will hopefully improve future research, whether others or my own.

Reflections on Lessons Learned as a Researcher

Mentioned above are two methodologically oriented lessons, including the observation that an exploratory mixed methods approach may have opened up the possibility of asking questions geared toward greater practitioner useability. This leads into another reflective observation about the challenge of community-engaged research. In retrospect, I hesitate to call this study “community-engaged” even though it was linked to, and benefitted from, the tacit support of VESA leadership. The methodology and the selection of questions were largely driven by the academic literature and functionally I approached VESA as a potential supporter of the research rather than a co-creator. While I am incredibly grateful for their support in allowing me time at their meetings to collect data (May and October 2016) and report on the results (May

2017), one of my learned lessons is the realization that approaching leadership earlier with an offer to shape the research in part around questions they would find most useful may have produced even more engaging knowledge for the purposes of the non-academic world.

Certainly, doing so would have increased some of the coordination challenges and, in a small N study, may have had a cost in sacrificed data points (since those involved in shaping the study would logically not be able to participate in the survey in the same way).

But part of my broad learning in conducting this research suggests the trade-off may have been worthwhile. One of the things I learned again about myself as a person was the difference in motivation that I have when I see my work as contributing in a direct way to helping others answer questions that are important to them. While acknowledging the potential for added time and coordination complexity, a deeper partnership in this research may have helped me as a Ph.D. candidate with the motivation doldrums that seem to exist for any project that takes this long. Having a sense of working on behalf of others, rather than simply for the completion of one's own project can be useful on those days when internal motivation is weak. For others in the early stages of formulating a dissertation research plan, reflecting on these types of trade-offs may well be fruitful in the long run, in addition to the more technical elements of assessing validity and reliability. Placed in methodological language, beginning doctoral researchers may want to include an assessment of their study's feasibility in terms of the supports the design provides to their motivation and sense of contribution in carrying it out as these are valuable resources on which to draw during the long slog of data collection, analysis and writing.