

# Equity for Multilingual Learners in State COVID-19 Guidance

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## *Abstract*

*The COVID-19 pandemic presents unprecedented challenges to educational equity for multilingual learners (MLLs) and their families. Given that state education agencies play a prominent role in guiding and supporting schools and districts, they are well-positioned to ensure civil rights obligations for MLLs are upheld amidst the pandemic. This article reports findings from a policy analysis of over 150 state guidance documents related to the COVID-19 pandemic, collected across 50 states and the District of Columbia. Documents were reviewed to examine the extent to which states addressed key issues pertaining to MLL education, as well as how they characterized MLL students and families. Findings reveal substantial variation in the depth of states' guidance focused on six areas of MLL policy, which corresponded with whether characterizations of MLL students and families focused on their assets or perceived deficits. Gaps in guidance across states included partnering with MLL families to support student learning and supporting ongoing assessment practices. Implications for policy and research are presented that consider how state leaders can support schools and districts in attending to equity for MLLs amidst the pandemic.*

**Keywords:** *multilingual learners; equity; COVID-19; education policy; state education agencies*

## **Introduction**

**T**he COVID-19 pandemic presents unprecedented challenges to educational equity for multilingual learners (MLLs) and their families (Hough et al., 2020; Lowenhaupt et al., 2020; Sattin-Bajaj et al., 2020; Sugarman & Lazarin, 2020). In addition to navigating limited access to technology and opportunities for engagement with school staff in their home languages, many immigrant-origin MLL families are often confronted with exclusionary climates in their states and communities including increasing anti-immigrant sentiments, fear of deportation, and surveillance (National Education Policy Center, 2020). As districts and schools shifted to remote instruction in spring 2020, some high-incidence school districts such as Chicago and Los Angeles estimated that only about half of their MLLs logged on to online learning platforms or participated in distance learning (Sugarman & Lazarin, 2020). Relatedly, Hough and colleagues (2020) found that in California, “English learners and students of color were far less likely to have the opportunity to interact directly with teachers” during distance instruction (p. 2). In light of these disparities, the purpose of this paper is to examine state guidance provided to districts and schools related to serving MLLs during the COVID-19 pandemic, and to assess the extent to which such guidance supported educational equity for MLL students and families.

Since the passage of the Every Student Succeeds Act (ESSA), state education agencies (SEAs) play an increasingly prominent role in setting educational policy and providing guidance to local education agencies related to instruction, assessment, and professional development (Brown et al., 2011). SEAs are thus in a position to offer support to districts and schools amidst the disruptions and transitions stemming from the COVID-19 pandemic. For MLLs, SEAs are also responsible for supporting districts and schools with upholding their civil rights obligations, which require that MLLs are provided opportunities to meaningfully participate in educational programs (*Lau v. Nichols*, 1974). Given the barriers described above related to accessing technology and engaging with staff in their home languages, opportunities for MLLs to meaningfully participate in educational programs may be more limited during the COVID-19 pandemic. Although SEAs are well-positioned to guide districts and schools in the delivery of high-quality MLL instruction and family engagement during the COVID-19 pandemic, a March 2020 analysis of SEAs' initial remote learning guidance showed that few states explicitly attended to MLLs (Reich et al., 2020). Building on this early analysis, we collected a corpus of over 150 state COVID-19 guidance documents published through July 2020, spanning 50 states and the District of Columbia. We included documents pertaining to remote learning and school reopening, as well as any MLL-specific documents, and examined their attention to equity across several dimensions of MLL education policy.

Given that how populations are constructed in policy shapes the kinds of support they are afforded (Schneider & Ingram, 1993), we also consider how MLL students and families are characterized in states' COVID-19 guidance. Policy designs often reflect social constructions of people and/or problems, separating populations into "deserving" and "undeserving" groups (Schneider & Ingram, 1997). Groups that are deemed deserving often receive the most policy benefits or opportunities, while those deemed undeserving receive fewer benefits or face punitive policies (Ingram & Schneider, 2005). For example, state leaders might characterize "language diversity as an asset in U.S. schools" (Umansky & Porter, 2020, p. 4), and their state policy may be more likely to encourage the integration of MLLs' home languages in instruction. We thus examine the extent to which states use asset-based characterizations of MLL students and families in their guidance, and consider whether these characterizations correspond to states' attention to equity.

Our study addresses the following three research questions: (1) To what extent did states attend to equity for MLL students and families in their COVID-19 guidance? (2) How were MLL students and families characterized in state COVID-19 guidance? and (3) How were characterizations of MLL students and families related to the depth of COVID-related guidance for this population?

## **Theoretical Framework**

This study is grounded in literature examining dimensions of MLL policy (Umansky & Porter, 2020), and draws on literature focused on the social construction of target populations (Schneider & Ingram, 1997).

### **Dimensions of MLL Education Policy**

Recent scholarship outlines three core dimensions of MLL education policy at the state level: understanding student assets and needs, ensuring access to high-quality instruction, and creating equitable system conditions (Umansky & Porter, 2020). These dimensions generally align

with federal guidance that outlines the conditions that are necessary for upholding the civil rights of MLL students and families, including guidance issued by the US Department of Education in mid-May 2020 during the COVID-19 pandemic. In our study, we used six areas of federal guidance that align with the core dimensions of MLL education policy to frame our examination of states' COVID-related guidance.

With respect to understanding student needs, the US Department of Education (2020) addresses *identification procedures*, outlining that local education agencies (LEAs) should continue to screen newly enrolled students to determine eligibility for MLL services “to the greatest extent possible” (p. 2), and addresses temporary entrance procedures that can be implemented for provisional identification of students during remote learning. Further, the federal guidance attends to MLL *assessment*, encouraging LEAs to “use formative assessments and/or EL specialists and teacher input to help inform instruction and placement decisions” in the absence of English language proficiency data (p. 2). However, LEAs may not exit students from MLL status “unless the student has demonstrated proficiency on a valid and reliable assessment that includes the four domains of listening, speaking, reading, and writing” (p. 8).

With respect to access to high-quality instruction, the federal guidance states that LEAs must ensure *continuity of language services* for MLLs amidst the COVID-19 pandemic, including supports to promote English language development (ELD), although delivery of these services remotely may be different than the approaches used during onsite instruction. Relatedly, LEAs have a responsibility to “provide language accommodations for MLLs for content classes,” (p. 4) ensuring MLL's *access to content* regardless of the learning environment (e.g. remote, hybrid, and in-person).

Finally, in terms of attending to system conditions, the US Department of Education (2020) articulates that LEAs must communicate with families in a language they understand. For the purpose of this analysis, we refer to such communication as *communication in home language*. The federal guidance also states, “SEAs and LEAs should consider all possible methods in order to ensure meaningful communication with LEP [limited English proficient] parents of all students” (p. 9). We refer to this meaningful communication as *engagement with MLL families*. Drawing on these six areas of federal guidance related to serving MLL students and families during the COVID-19 pandemic, we assessed the depth of state guidance related to each area to gauge states' overall attention to equity for MLLs.

## **Social Construction of Target Populations**

To explore how MLL students and families were characterized in states' COVID-related guidance, we drew on literature examining the social construction of target populations (Schneider & Ingram, 1993, 1997). Political scientists describe how the “social construction of deservedness” informs and legitimizes public policy (Ingram & Schneider, 2005) by categorizing groups as either deserving or undeserving and designating benefits accordingly. Social constructions resulting from distinct values and meanings stigmatize some target populations and praise others, which shapes the kinds of policies designed to attend to their needs. These dynamics affect material conditions and circumstances, and can potentially exacerbate inequities across race, ethnicity, gender, and class (Schneider & Ingram, 1997). For example, when policymakers construct Latinx students as criminals, exclusionary and punitive discipline policies are more likely to be put in place (Brezicha & Hopkins, 2016). On the other hand, when diversity is constructed as beneficial to all students,

race-conscious policies that ensure equitable access are more likely to be implemented (Frankenberg et al., 2015).

Applying the theory of social construction to MLL students and their families in state guidance, we consider two types of constructions. The first frames MLL students and their families as *assets* who benefit U.S. schools and society with their linguistic, cultural, and intellectual skills and knowledge. This asset-oriented framing aligns with the concept of additive schooling, in which diversity is seen as the norm and a positive force to build upon (de Jong, 2013). In this perspective, promoting students' linguistic and cultural diversity in schools is framed as necessary to support student learning (Valenzuela & Rubio, 2018).

The second and opposing construction focuses on perceived *deficits* of MLL students and families. Deficit-oriented frames highlight the need for MLL students to let go of their “cultures, languages, and community-based identities” (p. 2) to assimilate to culture in the U.S. (Valenzuela & Rubio, 2018). Deficit characterizations of MLLs align with the goals, rationales, and assumptions conveyed by policies supporting subtractive schooling. In subtractive schooling, the goal is to limit linguistic and cultural diversity, and monolingualism is positioned as the norm (de Jong, 2013). Drawing on this literature, we examined state guidance to assess whether MLL students and families were described using asset or deficit-oriented characterizations.

## Methods

This study came out of a partnership between university-based researchers and state education agency leaders whose work focuses on MLL education. The purpose of the project was to develop evidence-based resources for SEAs and LEAs in serving MLL students and families during the COVID-19 pandemic. To guide resource development, the partners sought to understand the extent to which SEAs had addressed MLLs in their existing COVID-related guidance. We collected and analyzed over 150 guidance documents that were publicly available on 51 state education agency websites.<sup>1</sup> These guidance documents were published between March and July 2020 and included remote learning and school reopening guidance, as well as guidance specific to MLLs (e.g., FAQs related to supporting MLLs, toolkits focused on MLL family engagement, etc.).

We reviewed the state guidance documents and collected any information pertaining specifically to MLLs, focusing on six areas of MLL policy included in federal guidance: *continuity of language services*, *access to content*, *identification*, *assessment*, *communication in home language*, and *family engagement*. Relevant information from state guidance was added to a spreadsheet containing excerpts for each state across each area.<sup>2</sup> Examples of these excerpts are presented for two states in Appendix A. Excerpts were used to examine the depth of guidance related to each area, as well as to analyze how MLL students and families were characterized.

## Depth of Guidance

To determine the depth of states' COVID-19 related guidance pertaining to each of the six areas of MLL policy, we used a rubric to assign scores ranging from 0-4 (see Appendix B). A score of 0 was assigned if the guidance did not address the topic. States received a 1 if the guidance addressed the topic in one sentence or less. A score of 2 was assigned if the guidance addressed the importance of a topic in more than one sentence, but did not provide clear or relevant strategies.

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1. Includes DC

2. An anonymized version of the full data set can be shared upon request.

A score of 3 was assigned if the state guidance provided clear and relevant guidance related to the topic, but did not address implementation. The highest score, 4, was assigned if the state provided clear and relevant strategies related to a topic, and also addressed implementation of those strategies. Implementation included examples of how the strategies might be employed in practice, or information about when particular strategies might be most effective. Because states received a score of 0-4 for each of the six areas of MLL policy, each state had a possible total score ranging from 0-24 (see Table 1).

**Table 1: Example Scoring for Depth of Guidance**

|                | <b>Continuity of language services</b> | <b>Access to content</b> | <b>Identification</b> | <b>Assessment</b> | <b>Communication in home language</b> | <b>Family engagement</b> | <b>Total Score</b> |
|----------------|----------------------------------------|--------------------------|-----------------------|-------------------|---------------------------------------|--------------------------|--------------------|
| <b>State A</b> | 4                                      | 4                        | 4                     | 4                 | 4                                     | 4                        | <b>24</b>          |
| <b>State B</b> | 3                                      | 3                        | 0                     | 0                 | 4                                     | 4                        | <b>14</b>          |

### **Characterizations of MLL Students and Families**

In addition to analyzing the degree to which each area of federal guidance was addressed, we analyzed the state documents to examine whether MLLs and their families were characterized using asset or deficit/inattentive frames. The literature on additive and subtractive schooling (de Jong, 2013; Valenzuela, 2002; Valenzuela & Rubio, 2018; Stritikus, 2006), parental engagement (Carreón et al., 2005), funds of knowledge (Moll et al., 1992), and social construction of parents of color (Bertrand et al., 2018) informed the creation of four categories used to analyze characterizations of MLL students and families: *terminology*, *linguistic diversity*, *cultural diversity*, and *families* (see Appendix C). For each category, we assigned each state a score of 0 (*guidance refers to deficits of MLLs and families or is inattentive*) or 1 (*guidance refers to assets of MLLs and families*). Although rare, some states used conflicting language about a category, reflecting aspects of both deficit and asset-oriented characterizations. In these instances, we assigned a score that aligned with the majority of the language used related to that category.

The first category, *terminology*, assessed whether the terms used to describe MLL students referred to perceived deficits (e.g., “vulnerable students”, “students-at-risk,” “struggling students”) or emphasized their assets. An example of asset-based terminology is: “embrace English learners as the assets they are while also providing them with the support they need to succeed.” The second category, *linguistic diversity*, assessed whether linguistic diversity was treated as a characteristic that must be minimized or ignored (deficit characterization) as opposed to something that should be built upon and integrated into program models, instruction, and assessment (asset characterization). The third category, *cultural diversity*, considered whether state guidance addressed integrating home culture into teaching practices. In this category, asset-based characterizations framed cultural practices and funds of knowledge as strengths educators should build upon and integrate into their teaching. Finally, in the category *families*, we assessed whether MLL families were characterized as sources of expertise and partners in their students' education (asset characterization) or framed as passive recipients of information (deficit/inattentive characterization).

## ***Analytical Approach***

The rubrics for depth of guidance and characterizations were developed jointly through discussions about foundational literature and initial scoring test-runs to ensure relevance to state guidance. After finalizing the rubric categories, the first author analyzed and scored COVID-related guidance excerpts to examine depth of guidance related to the six areas of MLL policy (see Appendix B). The second author then coded the same guidance excerpts to explore how MLL students and their families were characterized (see Appendix C). To promote inter-rater reliability (Merriam & Tisdell, 2016), we developed procedures for inter-coder agreement checks (Creswell & Poth, 2016). We engaged in three rounds of independent scoring followed by collective discussion to refine the rubric categories and resolve any questions arising during independent analysis. During these discussions, the coder for each rubric shared their rationale for coding decisions, solicited input, and adjusted scores as needed. As a result of this iterative process, the group came to agreement on all final scores assigned.

After analyzing states' COVID-19 related guidance excerpts to independently examine depth of guidance and characterizations of MLLs, we created a scatter plot including states' cumulative depth scores (x-axis) and cumulative characterization scores (y-axis). We then calculated a best-fit line to depict the relationship between depth of guidance pertaining to issues of MLL policy and the characterization of MLL students and families. Finally, we used the scatter plot to select two states (States A and B) for a deeper analysis of guidance language. In the final section of the findings, we compare both states' guidance on family engagement to illustrate differences in depth. These state-specific examples also further illustrate the relationship between guidance depth and characterizations of MLLs.

While the analysis described above enabled a deep exploration of the extent to which states' COVID-related guidance promoted equity for MLLs, there are two primary limitations of this study. First, the topics included in the analysis are not comprehensive. Although our analysis includes six key areas of MLL education policy, other topics such as social-emotional learning or funding may also be important considerations. The second limitation is that the data set includes only information publicly available on state websites between March-July 2020. Thus, the analysis does not capture guidance that may have been shared via other venues (e.g., email, webinars, phone calls) or guidance developed and shared after July 2020.

## **Findings**

Findings for this study demonstrate correspondence between high-depth guidance and asset-oriented characterizations, both of which were used relatively infrequently across the state policy documents analyzed. In the subsections below, we present findings pertaining to the depth of state guidance related to six aspects of MLL education, the characterizations of MLL students and families, and the relationship between guidance depth and characterizations.

### **Depth of Guidance Focused on MLLs**

Analyzing over 150 guidance documents across six areas of MLL policy revealed that while 49/51 states explicitly referenced MLLs in their guidance, most did not provide deep guidance across the six areas outlined by the US Department of Education (*continuity of language*

services, access to content, identification, assessment, communication in home language, and family engagement). More specifically, only one state provided highest-depth guidance that included clear and relevant strategies and addressed implementation for all six areas. Two additional states provided high-depth guidance for 5 of the 6 areas, and one state provided high-depth guidance for 4 of 6 areas. Conversely, two states did not provide any information about MLLs in their COVID-19 related guidance, and an additional state only referenced one of the six possible areas pertaining to MLL education.

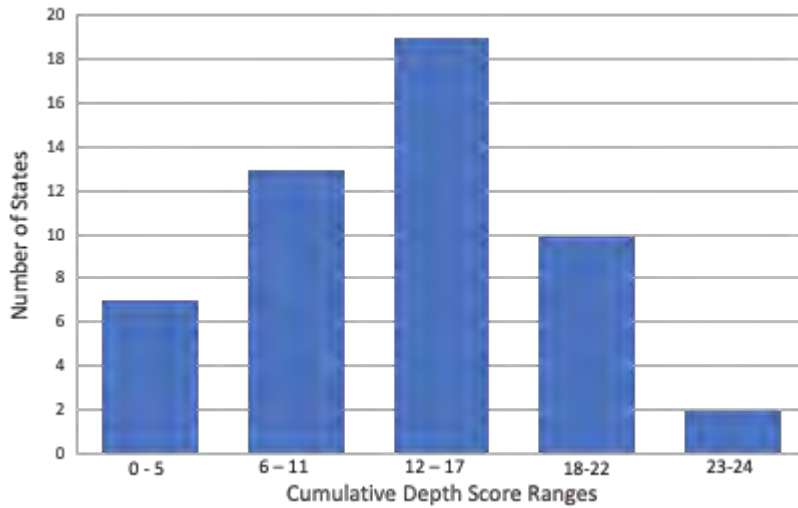
As illustrated in Table 2 below, the average depth scores for each topic ranged from 1.6 to 2.5 out of 4. On the rubric, a score of 1 indicates that the topic was addressed in one sentence or less. A score of 2 indicates that the guidance addressed the importance of the topic beyond one sentence, but did not include clear and relevant strategies (score of 3) or implementation (score of 4). The topic that received the highest average depth score was *identification* (2.5), while *assessment* received the lowest average depth score (1.6). Thus, states were less likely to provide MLL-specific guidance that included clear strategies and addressed implementation for assessment compared to the other five topics.

**Table 2: Average Scores for Depth of Guidance by Topic**

|                      | <b>Continuity of language services</b> | <b>Access to content</b> | <b>Identification</b> | <b>Assessment</b> | <b>Communication in home language</b> | <b>Engagement with MLL families</b> |
|----------------------|----------------------------------------|--------------------------|-----------------------|-------------------|---------------------------------------|-------------------------------------|
| <b>Average Score</b> | 2.1                                    | 2.3                      | 2.5                   | 1.6               | 2.1                                   | 1.9                                 |

After assigning scores based on depth of guidance for each of the six topics, we calculated each state’s cumulative depth score. The cumulative depth score ranged from 0 (no guidance provided on any of the six topics analyzed) to 24 (highest-depth guidance for each topic). The average cumulative depth score was 12.4, and the median cumulative score was 13. A histogram of cumulative depth scores is presented in Figure 1 (next page), which illustrates that about two-thirds of states received a cumulative score between 6 and 17. About one-quarter of states received a score of 18 or above. The remaining seven states received cumulative depth scores below 6. These cumulative scores align with the earlier finding that few states provided highest-depth guidance across more than three topics pertaining to MLLs.

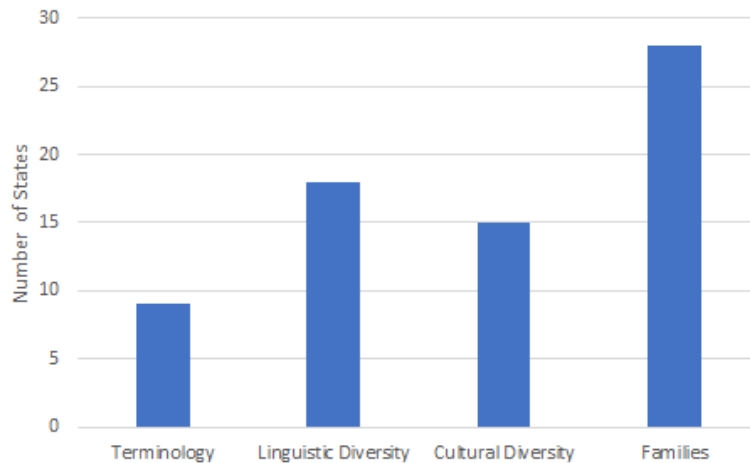
**Figure 1: Summary of Cumulative Depth Scores Across States**



### Characterizations of MLL Students and Families

In addition to analyzing the depth of guidance pertaining to six areas of MLL policy, we also examined how MLL students and families were characterized in state guidance documents. Findings from this analysis reveal that while more than half of states' COVID-related guidance used asset-oriented characterizations to describe MLL families, less than half used asset-oriented language to describe the remaining three categories. As reflected in Figure 2, 28 states (55%) received a score of 1 (indicating asset-oriented characterizations) for the category *families*. States receiving this score encouraged educators to partner with MLL families to support student learning, develop two-way communication with families, or build strong relationships. Guidance from 18 states (35%) highlighted the need to integrate and build upon *linguistic diversity* in instruction, program models, or assessment. Fifteen states (29%) used asset-based characterizations to describe MLLs' cultural practices or encouraged educators to engage in culturally responsive instruction (*cultural diversity*). Only nine states (18%) highlighted MLL students' strengths or characterized them as assets to schools (*terminology*).

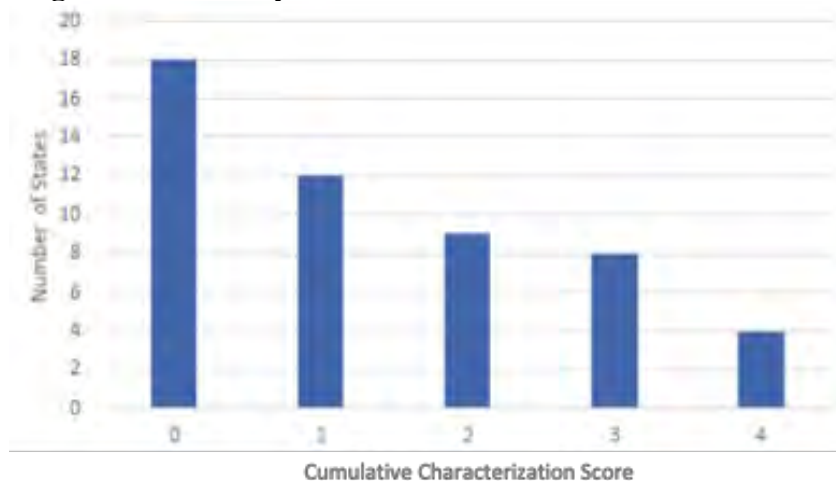
**Figure 2: Number of States with Asset-Oriented Characterizations by Category**





Building on this analysis of characterizations across categories, we assigned each state a cumulative characterization score. As demonstrated in Figure 3 below, the cumulative characterization scores ranged from 0 (guidance highlights deficits or does not attend to the category) to 4 (guidance highlights assets of MLL students and their families).

**Figure 3: Summary of Cumulative Characterization Scores**



The average cumulative characterization score was 1.4. Eighteen states (35%) had a cumulative score of 0, while 12 states (24%) had a cumulative score of 1. Nine states (18%) received a cumulative score of 2, while eight states (16%) received a 3. Four states (8%) received the maximum possible cumulative characterization score of 4.

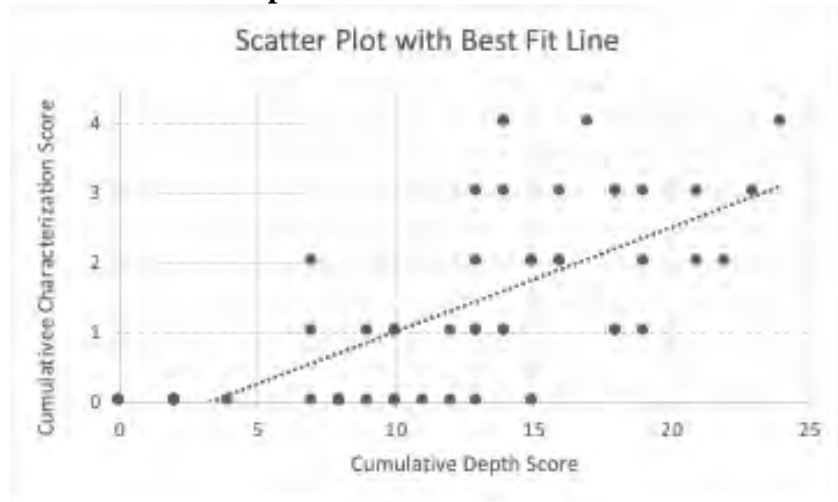
### **Relationship between Depth of Guidance and Characterizations**

To examine the relationship between the depth of states' COVID-related guidance pertaining to MLLs and characterizations of MLL students and families, we created a scatter plot depicting both sets of cumulative scores. This graph is presented in Figure 4 (next page), with each plotted point representing a state's scores.<sup>3</sup> Cumulative depth scores are reflected on the x-axis, and cumulative characterization scores are reflected on the y-axis. The best-fit line included in the scatter plot illustrates a positive relationship between depth of guidance and characterizations of MLL students and families.

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3. States receiving the same depth and characterization scores as one another are represented as one point on the scatter plot.

**Figure 4: Scatter Plot of Depth and Characterization Scores with Best Fit Line**



In general, states that provided higher-depth guidance across several topics pertaining to MLLs also tended to use asset-oriented characterizations to describe MLL students and families. However, several states serve as exceptions to this trend (as reflected by the points falling far above or below the best-fit line). For example, some states received higher cumulative depth scores but lower characterization scores (e.g. the state plotted at 19,1) while others received very high characterization scores and depth scores closer to the mid-range (e.g. the state plotted at 14, 4). Thus, while depth of guidance and characterizations of MLL students and families tended to move together, the number of outliers in our data suggest that they are distinct constructs.

To further understand the relationship between depth of guidance and characterizations, we examined the content of guidance for the state receiving the highest cumulative depth and characterization scores. In Figure 4, this state is represented by the point (24, 4). To illustrate how this state's guidance provided clear strategies addressing implementation (highest depth) and also promoted asset-oriented characterizations, we present an abridged excerpt from their remote learning guidance. The excerpt below focuses on MLL family engagement:

There are great funds of knowledge within multilingual families and communities that are often overlooked or undervalued as sources to inspire and support learning. We have the opportunity to highlight the skills and knowledge that already exist within students' homes—particularly the language practices and cultural understandings—as valuable and enriching to their education. With this in mind, educators can:

- Encourage and affirm parents/guardians in their roles as children's first and most important teacher, but without creating undue pressure. Families should recognize the intrinsic educational worth of their home experience but should not worry about trying to re-create a classroom experience or take on the role of a classroom teacher.
- Remind families that their language practices in the home are rich and worthy. All opportunities to use, make meaning through, and play with language—ANY language—are valuable to students' cognitive growth and language development.

- Encourage finding meaning in real life experiences in the home together with family, while integrating necessary tasks with learning opportunities. Teachers can prompt student inquiry, observation, and reflection around everyday activities (e.g., making meals, collaborating on chores, problem solving, fixing things together, reducing waste by reusing and recycling).

Exemplifying an asset-oriented characterization, this excerpt positions MLL families as partners in supporting student learning (“*encourage and affirm parents/guardians in their roles as children’s first and most important teachers*”). Further, linguistic diversity is celebrated and constructed as an asset (“*language practices in the home are rich and worthy*”). Beyond linguistic diversity, the guidance excerpt also recognizes MLL families’ broader “*funds of knowledge*” including “*cultural understandings*” reflecting an asset-based characterization of cultural diversity.

In addition to using explicitly asset-oriented language to describe MLL students and families, this excerpt also reflects high-depth guidance related to family engagement. The guidance includes clear and relevant strategies for educators to promote meaningful engagement with MLL families, and provides specific examples of what these strategies could look like in implementation [“*reflection around everyday activities (e.g., making meals, collaborating on chores, problem solving, fixing things together, reducing waste by reusing and recycling)*”]. As reflected in the state’s cumulative depth score of 24, guidance across the other six areas of MLL policy were similarly robust.

Providing a comparison to the high-depth and asset-oriented guidance above, the excerpt below is from a state that received the highest cumulative characterization score (i.e., reflecting asset-oriented characterizations across categories) but fell in the mid-range for depth. This state is represented by the point (14,4) on the scatter plot. Their remote learning guidance states:

Coordinate with the district to create a plan for family engagement of ELLs. Determine translation and interpretation needs as well as additional supports for onboarding, coping with changing requirements, and blended learning [...] Communicate a climate of inclusion and celebration of the linguistic and cultural assets of the school community. Assure families of the district’s commitment to partner with them on the education and language development of their youth.

As reflected in the excerpt above, this state’s guidance included asset-oriented characterizations but did not provide high-depth information related to family engagement. While the guidance emphasizes the importance of engaging with families (depth score of 2), clear strategies addressing implementation are not provided. However, the guidance frames MLL families as *partners* and also references *linguistic and cultural assets*, reflecting asset-based characterizations. Together, these sample excerpts help to illustrate the powerful role SEAs can play in shaping how schools and districts foster equity for MLL students amidst the pandemic both through the depth of guidance provided across topics as well as the ways in which MLLs are characterized.

### Conclusion

Through examining over 150 guidance documents released by state departments of education, this study sheds light on the extent to which COVID-related guidance attends to equity for

MLL students. Analysis of the depth of states' guidance across six key areas of MLL policy revealed that few states provided high-depth guidance across each topic. Complementing the depth analysis, an examination of how states characterized MLL students and families revealed that asset-oriented frames were less common than frames that highlighted deficits or did not attend to MLLs. Finally, an examination of the relationship between guidance depth and the characterizations of MLLs revealed that states with higher-depth guidance also tended to use asset-oriented language to describe MLL students and families. Findings from this study carry important implications for policy, practice, and future research related to fostering equity for MLLs as schools and districts navigate the impacts of the COVID-19 pandemic.

### **Implications for Policy and Practice**

In light of COVID-related inequities (Hough et al., 2020; Lowenhaupt et al., 2020; Reich et al., 2020; Sattin-Bajaj et al., 2020; Sugarman & Lazarin, 2020), it is critical that SEAs move toward a comprehensive approach to supporting MLLs that upholds civil rights obligations and builds upon students' and families' diverse strengths. Findings from this study suggest that state leaders may need to consider both the depth and breadth of their guidance. Notably, assessment received the lowest depth scores across the six topics analyzed. However, federal guidance positions ongoing assessment as a powerful tool to “help inform instruction and placement decisions” (US Department of Education, 2020, p. 8). To better attend to assessment, states can consider providing resources to schools and districts focused on strategies for engaging in the ongoing assessment of MLLs' learning in remote and hybrid contexts. Such strategies could include collaborative assessment practices between general education teachers and MLL/bilingual educators, student reflection and self-assessment, and the use of rubrics and multiple forms of assessment (Hopkins & Weddle, 2020).

Findings also indicate the need for clearer guidance related to implementation of strategies. Analysis of the depth of guidance revealed that only one state provided guidance addressing implementation for each of the six areas. Effectively instructing and supporting MLLs in remote and hybrid learning contexts likely requires educators to adjust their practices and address new challenges (Lowenhaupt et al., 2020), and thus there may be a need for support with implementing effective approaches. Recognizing that teacher preparation and skills are an essential feature of systems of support for MLLs (Umansky & Porter, 2020), state leaders may consider offering professional learning opportunities for school and district leaders. These professional learning opportunities could focus on issues of implementation such as utilizing digital tools to ensure MLLs' access to academic content amidst remote learning, fostering collaboration between MLL and general education teachers in virtual contexts, and gathering input from MLL students and families to inform instruction and supports.

In addition to attending to depth of guidance, findings from this study align with previous research illustrating the importance of considering how MLL students and families are characterized in policy documents. Prior scholars have pointed out how the framing of language as either a problem, a right, or a resource shapes MLL programming in important ways (Ruiz, 1984). Within our analysis of states' characterizations of MLLs, including how cultural and linguistic diversity are framed, we found that some guidance documents referenced assets and strengths, while others emphasized perceived deficits or challenges. Importantly, states that received higher scores reflecting asset-based characterizations of MLLs also tended to offer more comprehensive and specific guidance across the six areas of MLL policy. This relationship is illustrated in the excerpt

from State A, which reflects both high-depth guidance and asset characterizations. Given the relationship between depth of guidance and characterizations, foregrounding MLL students' and families' strengths may be important for promoting MLL equity as schools navigate the impacts of the COVID-19 pandemic.

## Implications for Research

While we cannot conclude from our analysis whether asset-oriented characterizations are *necessary* for states to develop high-depth guidance, data suggest the two constructs are related. Additional qualitative research such as in-depth interviews with SEA leaders could shed light on how characterizations of MLLs influence the depth of guidance produced. Such research could also address the unique contextual factors that may shape the development of COVID-related guidance in each state, such as MLL population size, linguistic diversity, and state language policies. Research attending to state context is needed to provide insights into the conditions supporting equity-centered approaches to MLL education policy. Further, it may be important to attend to topics not covered in this analysis such as state guidance pertaining to MLLs' social-emotional learning, COVID-related funding, and collaboration between general education and MLL-specific educators.

Additional research is also needed to explore the role of states' COVID-related guidance in shaping educators' and leaders' practices, as well as the impact of the COVID-19 pandemic and subsequent disruptions to schooling on MLL students and families. Researchers and state leaders should consider what data are needed to inform improvements to current practice, including data on MLLs' participation in remote learning and an examination of approaches used to deliver language and content instruction, and whether these approaches align with state guidance. While the pandemic presents new challenges, it also presents an opportunity to explore the role that states can play in supporting districts and schools in upholding their civil rights obligations for MLL students and families.

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## Appendix A

### Example of State Guidance Excerpts

| State A: Example Guidance ( <i>Significantly Abridged</i> ) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Continuity of language services</b>                      | "It is worth reiterating highlights of the clear guidelines previously issued from [dept] regarding EL instruction at this time: First, teachers need access to students' ACCESS or screener scores so that they can differentiate their instruction so teachers know what students can do at various levels of language development and can differentiate the English they are expecting students to consume and produce. Buildings with Transitional Bilingual Education programs need to ensure that students are receiving instruction from teachers who have bilingual endorsements. [...]"                                                    |
| <b>Access to content</b>                                    | "Many of our school schedules are compartmentalized around educator specialization. While learning remotely, our students might not be able to adhere to comparable schedules. Learning modules that integrate various kinds of content and learning can make organizing students' at home schedules more feasible, while aligning to strong pedagogy for English Learners. Keeping this in mind, educators can: Use thematic approaches to make connections across content. Multilingual Learners will benefit from learning that is integrated around a theme, rather than disparate topics [...]"                                                |
| <b>Identification</b>                                       | "Step 1: Administer the Home Language Survey (HLS) to all newly enrolling students. Step 2: Conduct an interview remotely with a parent/guardian (e.g., phone, Skype, Zoom, etc.) when the answer to any of the questions on the HLS is a language other than English. Step 3: If the student has an IEP or is suspected of having a disability (e.g., the parent states that the student has a disability), see Appendix A. Step 4: Conduct a review of the student's academic records from previous schooling, if available. Step 5: An EL/Bilingual endorsed teacher or administrator will conduct an interview remotely with the student [...]" |
| <b>Assessment</b>                                           | "Attention to growth and development of language and literacy in addition to content is essential. Praise effective communication of ideas. Guide students to new understandings about academic language without worrying about correcting all errors. Students' home and community language practices are a natural and essential part of how they make meaning and are thus an important vehicle to demonstrate learning. Use two different assessment tools for a single student work product – one to examine content and another to give feedback and support on language use. [...]"                                                          |
| <b>Communication in home language</b>                       | "Home Language Support<br><br>Paraprofessionals: Many schools have paraprofessionals or teacher aides who are skilled or fluent in the home language of the students. Educators can consider how support staff might be able to help students with remote learning activities and also act as a resource when communicating with families.<br><br>Tutors: There are college students and others who share our K-12 students' native languages, so this could be a time where native language tutoring could happen whether via phone, internet, or other means.. [...]"                                                                             |

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Family engagement</b> | “There are great funds of knowledge within multilingual families and communities that are often overlooked or undervalued as sources to inspire and support learning. We have the opportunity to highlight the skills and knowledge that already exist within students’ homes -- particularly the language practices and cultural understandings -- as valuable and enriching to their education. Educators can: Encourage and affirm parents/guardians in their roles as children’s first and most important teacher, but without creating undue pressure. [...]” |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| State B: Example Guidance ( <i>Abridged</i> ) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Continuity of language services</b>        | <p>“If a school provides hours of instruction through remote learning, the LEA must ensure that services for ELs are provided to the greatest extent possible. The LEA must also determine if the student needs additional support to access remote learning. If some services cannot be provided, the LEA must consider whether, and to what extent, compensatory services are required when the school reopens.”</p> <p>“Ensure the infrastructure, communication, staffing, and language supports are in place to hold virtual or phone-based ILP team meetings to the extent possible”</p> |
| <b>Access to content</b>                      | "Provide staff with digital instructional resources and tools to support standards-based learning in the language of instruction."                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Identification</b>                         | “Home Language Survey must be administered if schools are still enrolling students (but not if schools are not enrolling students). If the HLS is administered in a manner that indicates initial assessment is needed and there is no prior information about students’ English Language Proficiency, the school needs to administer an ELP screener within thirty days of the student’s enrollment in the district. Individual determinations may be made to delay administering the screener based on public health considerations for the students and staff”                              |
| <b>Assessment</b>                             | <p>"Do we need to reclassify students this spring, or can we wait until fall?</p> <p>Ideally reclassification will take place at the normal time, but we realize that this may not be possible. Reclassification decisions can be pushed to fall, but must be completed before the end of October, with students’ correct EL status and ELP codes reflected in WISE data at that time.” [...]</p> <p>"Develop a plan for assessing students’ language and literacy skills and needs when students return that includes progress toward individualized learning plan (ILP) goals if used.”</p>  |
| <b>Communication in home language</b>         | "Coordinate with the district to create a plan for family engagement of ELLs. Determine translation and interpretation needs as well as additional supports for onboarding, coping with changing requirements, and blended learning."                                                                                                                                                                                                                                                                                                                                                          |
| <b>Family engagement</b>                      | "Communicate a climate of inclusion and celebration of the linguistic and cultural assets of the school community. Assure families of the district’s commitment to partner with them on the education and language development of their youth."                                                                                                                                                                                                                                                                                                                                                |



## Appendix B

### Rubric for Depth of Guidance Related to Six Areas of MLL Policy

|                                        | <b>Not Ad-dressed<br/>(Score 0)</b> | <b>Topic Mini-mally Ad-dressed<br/>(Score 1)</b>   | <b>Addressed,<br/>without strat-egies<br/>(Score 2)</b>                                                                           | <b>Addressed,<br/>with refer-ences to/lists<br/>of strategies<br/>(Score 3)</b>                      | <b>Addressed,<br/>with strategies<br/>and imple-mentation<br/>guidance<br/>(Score 4)</b>              |
|----------------------------------------|-------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|                                        | <i>No reference to the topic</i>    | <i>Topic is ad-dressed in one sentence or less</i> | <i>Guidance out-lines the im-portance of the topic (more than one sen-tence) but does not offer clear and relevant strategies</i> | <i>Guidance pro-vides clear and relevant strate-gies, little or no discussion of implementa-tion</i> | <i>Guidance pro-vides clear and relevant strate-gies and ad-dresses imple-mentation of strategies</i> |
| <b>Continuity of language services</b> |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |
| <b>Access to content</b>               |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |
| <b>Identification</b>                  |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |
| <b>Assessment</b>                      |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |
| <b>Communication in home language</b>  |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |
| <b>Family Engagement</b>               |                                     |                                                    |                                                                                                                                   |                                                                                                      |                                                                                                       |

## Appendix C

### Rubric for Characterizations of MLL Students and Families

| Category             | Deficit framing or inattentive<br>(Score 0)                                                                                                                                                                                    | Asset framing<br>(Score 1)                                                                                                                                                                                                                                                                                               |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Terminology          | Terminology refers to perceived deficits (e.g., vulnerable students, students at risk, struggling students) or guidance is inattentive to MLL students' strengths                                                              | Terminology refers to MLLs' perceived strengths, skills, assets, or talents, or frames MLL students themselves as assets to the school community.                                                                                                                                                                        |
| Linguistic diversity | Treatment of linguistic diversity as a characteristic that should be minimized (in program models, instruction, assessment, etc.) or guidance does not attend to linguistic diversity.                                         | Treatment of linguistic diversity as something that should be built upon and/or integrated (in program models, instruction, assessment, etc.). Includes statements about linguistically responsive teaching, utilizing students' linguistic resources, and discussion of bilingual and dual language immersion programs. |
| Cultural diversity   | Guidance frames cultural diversity negatively or does not attend to students' home cultures and practices. No references to culturally responsive teaching, building upon students' experiences, valuing diverse culture, etc. | Recognition of MLLs' cultural practices and funds of knowledge. Treatment of cultural diversity as something that should be built upon, paid attention to, and/or integrated into instruction. Includes references to culturally responsive teaching and instruction that is relevant to students' experiences           |
| Families             | No mention of family engagement, or guidance frames families as passive recipients of information from schools/districts.                                                                                                      | Families are framed as active participants/partners in their children's education. Guidance frames relationships with families as reciprocal, referencing two-way communication or the importance of building strong relationships with families.                                                                        |