

## De facto language policy in legislation defining adult basic education in the United States<sup>1</sup>

### Abstract

This paper investigates the impact of differing interpretation of federal education policy in three different states. The policy, the Workforce Investment Act Title II, has defined the services provided for adult English language learners (ELLs) enrolled in Adult Basic Education programs in the United States since it was passed in 1998. At the time the Act was legislated, ELL success in school and work did not depend on their capacity to use online technology; consequently, WIA II addressed neither limitations nor support for digital literacy instruction. This paper describes how over time this created a lack of fit between the policy and an increasingly technological reality. This misalignment resulted in de facto language policy that limited learner access to English language instruction differently in each of the states, at times negatively impacting ELL ability to prepare for full participation in civic and economic life in the US. The paper includes a discussion about key changes evident in new legislation, the Workforce Innovation and Opportunities Act passed in 2014, which supplants WIA II, and how it may mitigate the issue of inadequate digital literacy support for English language learners.

### Introduction

The rapid pace of change in Information Communication Technology (ICT) has placed demands on adult English language learners (ELLs) that have outpaced policy and programmatic models supporting their English language study and academic skill development in the US (McCain 2009, p. 7). For full participation in civic and economic life in the US, one needs to possess digital literacy skills: the basic ability to control a computer and navigate websites and the possession of higher-level skills encompassed by information literacy. Traditionally, an adult learner in the US might look to Adult Basic Education (ABE) programs for such learning. ABE programs served 2,012,1635 learners during program year (PY) 2010–11 (Adult Education and Family Literacy Act of 1998: Annual report to congress program year 2010–2011 2013), offering basic literacy and numeracy classes, secondary education classes, vocational training, English language, and citizenship classes. However, inadequate resources and anachronistic policy have limited the ability of such programming to adequately support the digital literacy development of learners, including adult ELLs (Warschauer and Liaw 2010; Wei and Hindman 2011; Stites 2004). This study of three states shows that the federal legislation responsible for shaping ABE from 1998 until 2014, the Workforce Investment Act, Title II (WIA II), as reflected in state policy and state policy implementation, created de facto

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<sup>1</sup> This paper was started in a doctoral seminar on language policy at the University of Minnesota.

language policy because it has limited the potential for ELLs' English language development and full participation in economic and civic life. Further, legislation that supersedes WIA II, the Workforce Innovation and Opportunities Act (WIOA), was passed in 2014. WIOA is clear about supporting the integration of digital literacy into programming for learners; however, because full implementation of WIOA is years away and funding for ABE remains in short supply, the benefit of the new law may be constrained by both the inertia of local policy established under the old law and by complicated implementation requirements of the new law, resulting in continued de facto language policy.

## **Literature review**

### **Adult basic education and English language learners**

Most ELLs in the US receive English language and literacy instruction through federally and state funded ABE programs. This practice evolved over the course of the twentieth century. The first English language support for immigrants and refugees occurred under the Americanization and Settlement movements in the early 1900s. Support for adult education at that time and up through the mid-1960s was a blend of very limited and uncoordinated federal, state and local government funding and more generous private foundation funding from organizations such as the Ford Foundation's Fund for Adult Education in 1950. A more consolidated effort to support ABE occurred when Adult Basic Education Act of 1966 situated ABE policy making and funding allocation within the US Department of Education (Stubblefield and Keane 1994). This programming was primarily focused on vocational training and lifelong learning programs; however, the 1990s brought the arrival of more immigrants than any previous decade, putting pressure on ABE programs nationwide to meet the literacy needs of ELLs (Wrigley 2011). This reality was acknowledged in the language of WIA II, and to this day, nearly half of the nation's two million registered ABE learners are ELLs with limited English language proficiency (Adult Education and Family Literacy Act of 1998: Annual report to congress program year 2010–2011 2013, p. 3).

### **The old law**

WIA II, first passed in 1998, defined the requirements of and provided funding for ABE programs. The law emphasized implementation in coordination with state agencies. A key phrase "partnership among the Federal Government, States, and localities" (Workforce Investment Act Title II 1998, Section 202) acknowledged the distributed nature of ABE administration. Very simply put, through this partnership structure, the federal government provided funding, via Adult Education and Family Literacy Act (AEFLA) grants to states, which have then re-granted the funding to local organizations that deliver ABE services, including English language instruction. The basis for the partnership has always been funding from the federal government and demonstration of sound use of that funding by the states.

The law required ABE service providers to offer programming to "Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-

sufficiency” (Workforce Investment Act 1998, Section 202), defining literacy as “an individual’s ability to read, write, and speak in English, compute [mathematically], and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society” (Section 203). These tasks, arguably, require some level of digital literacy given the predominance of ICT evident in daily life in the US; consequently, state ABE programs have felt some tension to provide their ELLs the tools needed to successfully communicate using ICT and the definition of their services required to be in compliance with WIA II, which did not articulate that digital reality. This tension has created a grey-area still felt today, leaving room for states to interpret WIA II differently with respect to how they provide access to digital literacy skill development.

The three states studied here, Minnesota, Texas, and New York, have all provided access to digital literacy training to some degree under the WIA II legislation; however, the ways in which they differ has impacted ELL access to digital literacy skills development. This paper argues that the varied access to digital literacy skills development, by extension, has impacted language instruction because of the ubiquity of technology used in education, including language learning through popular free tools like USA Learns ([www.usalearns.org](http://www.usalearns.org)). Therefore, WIA II has developed into unintended de facto language policy in terms articulated by Shohamy (2006) as “the variety of devices that are used to perpetuate language practices, often in covert and implicit ways” (p. 45). The imperative for ABE programs to support the digital literacy development of their learners created by heightened expectations for use of ICT in daily life and schooling, the lingering impact of WIA II on current implementation despite the changes in the federal policy reflected in WIOA, and the very real influence of limited funding for ABE programming have made this a critical issue in the field of adult education today.

### **The new law**

The Workforce Innovation and Opportunities Act (WIOA) is a significant piece of legislation with the potential to greatly reshape provision of ABE in the US. Most significantly, the new law requires close coordination of services amongst various agencies involved in workforce development at the federal, state, and local levels, requiring states to prepare a single unified plan for core programs delivered by labor, education, and human services agencies. The impact of this unified plan on ABE providers will be closer affiliation with labor and workforce agencies at the state and local levels, providing greater emphasis on workforce preparation as the “core purpose of adult education” (The Workforce Innovation and Opportunity Act overview of Title II: Adult education and literacy 2014, p. 2).

Given the ubiquity of technology in the workplace, one result of this shift is increased clarity on the importance of digital literacy in the new law. WIOA specifically makes a connection between literacy and technology, including language throughout regarding the role of technology in ABE and other related legislated programs. At the federal level, national leadership activities regarding the use of technology to support language learning is articulated in the law as follows:

(B) ... promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners; (C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults (Workforce Innovation and Opportunity Act 2014, p. 198).

This emphasis is also evident in both the required and permissible activities at the state and local levels (Workforce Innovation and Opportunity Act 2014). The law allows for “the development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology (p. 191). Additionally, states must include in their consideration criteria for local program funding, “whether the eligible provider’s activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance” (p. 195). WIOA thus represents policy that meets the current reality and prepares ELLs to meet expectations for technology use in society.

### **Language policy**

This article focuses on previous research situating language policy as implementation that occurs differently in different contexts. This layered approach to policy analysis is represented in abundant research that illuminates the different layers of interpretation found between federal policy and language education practitioners (Hornberger and Cassels Johnson 2007; Menken 2008; Ricento and Hornberger 1996). For this paper, the focus is federal and state policy and interpretations of both by state-level ABE staff members and local ABE program administrators. The outer layer and primary policy focus is WIA II. This is the broad policy depicted in the writing of Ricento and Hornberger (1996), who described the ways in which language teachers craft or enact policy in their practice as follows:

[Broad policy objectives] interpreted and implemented in institutional settings, which are composed of diverse, situated contexts (e.g., schools, businesses, government offices); in each of these contexts, individuals from diverse backgrounds, experiences, and communities interact. At each layer...characteristic patterns of discourse, reflecting goals, values, and institutional or personalities identities, obtain (p. 409).

In part, what shapes policy at each layer is the way guidelines are communicated from top to bottom through what Mortimer (2013) calls communicative event chains. Mortimer uses the term to operationalize previous work on intertextuality and interdiscursivity by Agha (2005) and Wortham (2005), who use the term “speech chains” to describe a “series of events across which a sign moves” and “by describing mechanisms through which events can be linked” (Wortham 2005, p. 97). In Mortimer’s work, the process by which policy takes shape lies in the way it is communicated, appearing in different forms

depending on context: “an official text drafted in governmental chambers may be discussed in teachers’ professional development and instantiated in some classroom practice, and people draw upon elements of each new context to make meaning of policy” (Mortimer 2013, p. 66).

Also informing this work are studies that have elucidated how education policy acts as language policy when it impacts language learning in formal schooling (Menken 2008; Ramanathan et al. 2007; Shohamy 2006). For example, Kate Menken’s research on No Child Left Behind and the impact of assessments on English language instruction showed how attempts to rush the pace of language learning to prepare students for high stakes testing in New York state correlated with increased drop-out rates for ELLs (Menken 2008). Only by unearthing these factors can one examine their transformation into implicit language policy.

Hence, WIA II was written as explicit education policy that has resulted in implicit de facto language policy because of the way it has been interpreted and implemented with respect to digital literacy. A narrow interpretation of WIA II has restricted digital literacy instruction, which has had the potential to deepen the digital divide and inhibit adequate access to efficient language learning opportunities, impacting adult ELLs both in and out of the classroom. Though the law has changed, the impact of implementation decisions made under WIA II are still evident during this period of transition from old law to new; hence, the risk of de facto policy remains.

### **The issue**

The digital divide is no longer a concept used to describe access to the Internet. The US National Telecommunications and Information Administration reports that residential use of broadband Internet is rapidly rising, including for minorities (Connected Nation: Residential broadband adoption survey 2012). Internationally, though access is lagging in economically developing nations, the trend is similar

(Mutonyi and Norton 2007; OECD 2013). However, there is still a huge divide between those who know how to use the Internet to access information and those who do not. Many of those in the latter category are members of immigrant and refugee communities living in lower socioeconomic status in wealthy countries. This is the new digital divide, defined by Wei and Hindman (2011) as the gap between those who can effectively use new information tools and those who cannot. Additionally, the Organization for Economic Cooperation and Development’s Programme for the International Assessment of Adult Competencies (PIAAC) survey results showed that adults with language and literacy development needs also lacked the skills to use ICT for accessing information and resources (OECD 2013, p. 23).

Current affordances of technology and the type and quantity of information on the Internet are changing the way technology is used for learning and perhaps even the way we learn (Wei and Hindman 2011). Because well-educated adults use the Internet to access information as informal or formal learners and to accomplish daily tasks, they are

well poised to develop their ICT skills as required by future changes in technology (Kop et al. 2011). Most ELLs are not on this same developmental path; therefore, further ICT evolution is likely to deepen the digital divide. This is problematic because of raised expectations for use of technology for access to resources and to accomplish tasks at work and in daily life (Jacobson 2012; McCain 2009; OECD 2013, p. 46). As ICT continues to evolve adult ELLs with limited digital literacy skills will be left further behind.

### **Preparing for future opportunity**

WIA II's requirement (also evident in WIOA) that ABE programs prepare learners for employment and self-sufficiency has taken on new meaning in the twenty-first century, when self-sufficiency now includes digital literacy. In a report on technology and adult learning, McCain (2009) writes, "According to Bureau of Labor Statistics projections, more than 70 % of all jobs in the United States will require some level of ICT skills by 2016" (p. 3). Additionally, as of January 2014, the General Education Development (GED) exam, the primary means by which adults earn the secondary education credential equivalent required by postsecondary institutions and employers, is only offered via computers (Programs and services: FAQ 2013). Further, an instructional alignment survey of community college and ABE teachers in Minnesota found that "nearly 70 % of [college faculty] respondents report using hybrid courses" (Marchwick et al. 2008, p. 4). Without early exposure ICT use in learning, these learners will not be ready for future opportunities.

Preparing ELLs for this work requires direct support for digital literacy skill development. Petty and Johnston (2002) write that programs need to "provide training for those who need to improve their computer skills" when learners lack adequate "computer and Internet fluency" (p. 40). More current research suggests that, though some direct instruction on computer skills is necessary, programs should strive to integrate digital literacy skills into the instruction of core content (Jacobson 2012; Moriarty 2011; Stites 2004). How ABE programs interpret federal and state policy and shape priorities for this work is the focus of this study.

Though it is limited in its scope, the study begins to fill a gap in research on the impact of technology evolution on education policy defining ABE (WIA II and WIOA) and how local practice and policy crafted by agencies trying to cope with the resulting anachronism becomes de facto unintended language policy shaping the learning experience of their ELLs. The study also extends application of the previously described language policy theories of Menken (2008), Mortimer (2013), Ramanathan et al. (2007) and Shohamy (2006) to an important but overlooked context, adult English language instruction in the US and digital literacy.

### **Methodology**

Data for this research include analyzed transcripts of recorded speech and actual federal and state policy documents. The data obtained for each state was similar, including state

policy documents, transcripts of interviews from state-level ABE staff and ABE program directors, and reports of naturally occurring in-person and electronic conversations with experts in the field. The interviews included both preliminary semi-structured interviews that provided details about implementation and, where possible, follow-up interviews one year later. The semi-structured interview ensured that the same topics were covered with each interviewee but allowed the flexibility to rely on a conversational approach that encouraged relevant information and topics to emerge the interviewer, or “the opportunity for identifying new ways of seeing and understanding the topic at hand” (Cohen 2006).

Requests to interview anyone at the federal level went unanswered, so study participants represent two levels of policy implementation in each state: state-level administrative staff responsible for setting state policy and at least one local ABE program administrator. The state-level staff participants, first interviewed the spring of 2013, will not be named here due to the sensitive political environment in at least one of the states included. The interviewees represent a convenience sample, identified through previous work as administrators known to engage in projects impacted by the issue of digital literacy instruction. The three states explored by no means comprehensively represent the policy and implementation alternatives in ABE programming across the country. They do, however, represent three distinct approaches on a continuum of policy and implementation shaping learning opportunities with respect to digital literacy instruction for ELLs. The result is a qualitative study of policy, policy interpretation, and implementation in three separate states. Given the grey-area described previously, with respect to policy interpretation and localized nature of ABE implementation, a comparative approach across contexts allows for a clearer picture of the federal education policies, particularly WIA II, as de facto language policy.

### **Research questions**

The goal of this study is to better understand how interpretation of WIA II has impacted and, because development of implementation of WIOA is still in process, continues to impact the ability of ELLs to learn English and communicate using ICT. Ricento and Hornberger’s (1996) finding that studying different levels of implementation makes de facto language policy visible inspired the following research questions.

- How has WIA II policy been interpreted in state ABE policy with respect to digital literacy programming?
- How have state ABE staff and local program administrators interpreted and implemented state policy?
- When asked, what priorities did administrators responsible for shaping and implementing state-level digital literacy policy place on digital literacy development for ELLs in the US? What impact will new policies regarding digital literacy and shaped under revised WIOA legislation have on ELLs?

The answers to these questions potentially shed light on the impact of placing limits on digital literacy training for ELLs, to what extent such restrictions have indirectly limited

access to innovative English language programming and use of ICT for communication, and the potential of such restrictions to deepen the digital divide even under new WIOA guidelines.

## Findings

It is immediately evident from the interview data that all of the respondents claimed they provided programming to support learner success, so any limitations on that success were implicit and unintended. Additionally, though all states claimed to provide learners with some form of digital literacy instruction, their interpretations of WIA II with respect to digital literacy instruction varied, and it is these differences that have impacted ELL access to instruction. These differences fit into what Ramanathan (2006) calls “spaces of unplanned language planning” (p. 98), where instructional or administrative decisions impact language learning. It is through this lens that we better understand how WIA II has been de facto language policy and how to mitigate the possibility of WIOA from becoming the same.

### The federal level

The WIA II law was passed in 1998 and expired in 2003, but was automatically renewed annually until 2014. During that time, several attempts to modernize the legislation failed, largely due to partisan disagreement over scope of content and budget issues. Consequently, as the context for work and learning became increasingly dependent on use of digital technologies, the legislation responsible for funding ABE became increasingly anachronistic. When the WIA II was written ICT was less a factor for employability; therefore, digital literacy is not mentioned.

However, there is ample evidence dating from as early as 2000 that digital literacy has been a priority within The Office of Career, Technical, and Adult Education (OCTAE),<sup>2</sup> even though WIA II, which funded and empowered it to facilitate ABE, was silent on the issue.

The first evidence that OCTAE encouraged states to view “workplace preparation” as encompassing digital literacy was published in OCTAE’s guidelines for reporting qualifying services under the category “work-based project learner”. These “secondary outcome measures” have allowed states to provide limited services (up to 30 h) on any topic with a goal of teaching specific workplace-related literacy skills (Department of Education, Office of Adult and Vocational Education 2000).

Next, in 2010, the Obama administration released a National Education Technology Plan, which called on educators to embrace innovation, empower students to take control of

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<sup>2</sup> OCTAE was formerly the Office of Adult and Vocational Education, and is the coordinating body for WIA II (and continues to be for WIOA) within the Department of Education. For simplicity, I will use the new agency name, OCTAE, when referring to both.



their own learning, and leverage technology to connect to resources beyond the classroom (Transforming American education: Learning powered by technology 2010). OCTAE, as part of the US Department of Education, was included in the report, which called for increased federal funding for home broadband connections, development of open-educational resources delivered online, and supported use of online learning to prepare for post-secondary study.

More recently, Heidi Silver-Pacquilla, an adult education researcher and leader at OCTAE, posted an electronic comment clarifying the federal position in the Literacy, Technology, and Learning Community forum.<sup>3</sup> She wrote:

The Department recognizes the growing need for student use of technology to improve student learning and growth in and out of the classroom, and continues to support the use of technology through various investments that can improve adult education instruction... Given that computers can be used instructionally for a vast number of purposes, it follows that some applications of computer-based instruction are allowable and appropriate under AEFLA, and others are not. A state is responsible for determining if its grantees are using federal funds in a manner that is allowable under AEFLA, including if a specific use of technology supports the purposes of AEFLA. (Silver-Pacquilla August 2013).

Note that though federal-level support for computer instruction was confirmed in the comments, states were left to make decisions about how they would use AEFLA funding to support digital literacy instruction.

Finally, in 2013 and early 2014 OCTAE conducted a series of regional conversations about potential ABE changes in response to published findings of the Survey of Adult Skills (PIAAC), from the Organization for Economic Cooperation and Development (OECD 2013). The report described the results of a questionnaire designed to measure the literacy, numeracy, and “problem solving in technology-rich environments” skills of 166,000 adults in twenty-four countries, including the United States (OECD 2013, p. 25). The US sample scored relatively low in all three categories, including the survey in problem solving in technology-rich environments. The limitations of WIA II were mentioned in discussions of the PIAAC data in OCTAE publications, meetings, and webinars after the release of the reports.

Though it is clear that some measure of computer instruction has always been seen as allowable, even encouraged, by OCTAE, deciding how much to provide and who should

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<sup>3</sup> The forum is hosted by the Literacy, Information, and Communication System (LINCS) and coordinated by OCTAE.

receive it has been left to states. Hence, only an examination of state policy and implementation can illuminate the impact that WIA II has had on ELLs.

### **Three states: three approaches**

Data from state policy documents and interview transcripts were analyzed for the following information: whether or not digital literacy was mentioned, whether those references represented either restrictions on or support for digital literacy instruction, and the resulting impact on ELLs in the state. Though the three states described here provided evidence that they have supported digital literacy skill development for adult literacy learners in policy documentation, interview transcript, or both, numerous differences in the described policy decisions and programming are evident. The states' treatment of digital literacy ranged from tacit approval, to fully articulated supportive policy, to mandated initiatives. It is in these differences that we see evidence of Shohamy's (2006) de facto language policy — the devices in this case being the state policy and the rules that define policy implementation.

### **Texas, skirting the issue**

Of the three states examined, Texas has had the most limited support for digital literacy instruction, as represented in both policy documents and the description of implementation by state officials. Under WIA II, digital literacy was represented in policy only as a short list of computer skills in benchmarks in its assessment policy, which defined the educational functional levels of learners required for program funding (State assessment and goal setting/attainment policy for adult education 2011, p. 51–55). There were no specific prohibitions to digital literacy instruction in any policy document examined in this study.

Interesting themes emerge when examining Table 1 (next page), a summary of the Texas policy documents and 2013 interview data. The table paints a picture of a narrow and literal interpretation of federal policy, represented in state-level staff directives and standing in contrast to the ABE program administrator's views and actual policy documents.

The state-level staff person was adamant that WIA II did not allow for direct digital literacy instruction. She stated, "It is against WIA regulations to teach computer classes. There cannot be computer classes going on, that's not part of what's covered under the AEFLA grant. So, programs can't have computer classes." This statement positions Texas policy implementation much more strictly than the actual Texas policy document does and, given the documents and comments from OCTAE described in the previous section, more strictly than the federal officials intended. Additionally, Texas does not offer the federal "workbased project learner" status (described previously) for programs, so there is no documented means to provide any measure of direct digital literacy instruction.

**Table 1** Texas policy and interview data

Treatment	Policy documents	State-level staff comments	Program administrator comments
Status	Only mentioned as benchmarks in Educational Functioning Levels charts	WIA II disallows digital literacy instruction in ABE and ESL classes Local autonomy defines instruction available	State-level staff view digital literacy as separate from other literacies and that this separation unnecessarily restricts programming for ESL students  As long as programs meet level gain goals they will be left alone
Specified limitations	Not addressed	Programs must embed or offer in context of preparation for distance learning or college prep programming	Few limitations; Allows teachers to do what they think learners need
Support provided	Not addressed	Federally mandated minimal funding for ABE, including distance learning, college prep and technical assistance	As possible, use federal funding to provide tools, materials, and resources to support teachers and students
Impact on ELLs	Limits access	It's up to the locals	Lack of support for digital literacy skill development leaves ESL students ill prepared for school and work

According to the state-level staff person interviewed, digital literacy skill development was offered but only as part of orientation to distance learning, couched in special college preparation programs, or if the skills were embedded within classroom instruction focused on allowable educational services listed in WIA II; she described the Texas approach in this way:

First of all, we do not address digital literacy in the state assessment policy, at all. ... It is implied that they should be doing it. Local programs should be preparing students for digital literacy, but there is nothing stated in the policy, and again, it's like with our distance learning policy, there's [sic] policies, but how they implement it is completely a program-level decision... Now, I will say that because WIA does not allow for the teaching of computer skills, any type of digital literacy has to be contextualized within what they're doing in the classroom already.

The program administrator interviewed in Texas stated that the strict state requirement for embedded instruction, though proven to be an impactful approach to digital literacy instruction (Jacobson 2012; Moriarty 2011; Stites 2004), put limits on the work that teachers can do in response to demonstrated learner need and would not be universally effective given the training required to prepare teachers to embrace the strategy. Both the state-level staff person and the program administrator agreed that there was significant local autonomy, so some digital literacy instruction happened in places where there were teachers with strong technology skills.

Both also saw a huge range in the technology skills of ELL teachers, many of whom, they suggested, lacked sufficient skills to contextualize digital literacy programming because they themselves did not possess the digital literacy skills.

The state staff person said, “We’re not top–down. So, there’s policies, but it’s very decentralized and how programs want to do it is how they’ll do it.” The focus on local control under WIA II meant that there was no statewide digital literacy initiative or coordinated work happening to make equitable the services offered to different learners across the state.

It is possible that this approach was characteristic of a greater issue in Texas ABE at the time, one illuminated by a legislative audit conducted in 2013. According to Texas law, every state-funded agency in Texas must undergo review by the Texas Sunset Advisory Commission approximately every 12 years (Sunset in Texas 2013–2015 2014). The commission is tasked to ensure the need for and efficacy of state agencies through legislative audit. Both Texas interviewees in this study referred to the 2013 Sunset Advisory Commission report that recommended moving ABE from the Texas Education Agency (TEA) to the Texas Workforce Commission (TWC). The change was recommended despite the fact that students in Texas ABE had exceeded federally mandated performance standards as recently as 2011 (Adult Education and Family Literacy Act of 1998: Annual report to congress program year 2010–2011 2013). The move was approved in May of 2013 and is still in process.

At the time of the first interview, the ABE program administrator described a possible motivation for this transition:

Part of that flux and turmoil has to do with a perception on the part of many people that the state adult basic education program is not doing enough to embrace digital literacy. So, there is a very big movement afoot... Adult basic education is not preparing students for the workforce in a meaningful sort of way, and move the whole program to Texas Workforce.

Comments in the Sunset Advisory Commission report indicate that the reviewers were critical of ABE commitment to developing a workforce prepared take on work with “changing technologies” (Bonnen et al. 2012, p. 22). The report also observed that TEA was ill equipped to support ABE programming in part because “current Texas grant guidelines do not include any specific program goals or strategies that providers must achieve beyond basic requirements in federal law” (p. 24). Perhaps a literal interpretation of WIA II existed simply because there was no coordinated strategy to move beyond it

New rules for how ABE will operate within the TWC were published in 2014, just after WIOA was passed. There is no specific mention of digital literacy in the new Texas guidelines; however, the rules require programs to provide education to adult learners who “lack sufficient mastery of basic educational skills to enable individuals to function

effectively in society” (Rules and Guidelines Chapter 805: Adult education and literacy 2014). Given new language in WIOA, which encourages programs to support digital literacy skill development, the new Texas policy allows space for support of digital literacy instruction. It is too soon to understand the impact of this transition in Texas, though in a follow up interview the ABE program director stated that the new ABE system in Texas had included a larger role for technology in delivery of ABE and that, consequently, the state-level staff were now more open to direct digital literacy instruction. He commented that there were still huge funding issues that could leave these new priorities unrealized.

### **New York, using a fiscal stick**

New York’s interpretation of WIA II contrasted sharply with that of Texas, as made clear in the summary of findings in Table 2 below. Generally the New York approach can be characterized as a top-down approach to mandate digital literacy instruction in all federally funded ABE and ELL classes in the state. The mandate is represented in both policy documents and in statements from state-level staff. Additionally, there is shared understanding across the layers of policy interpretation and significant flexibility in the actual state policy documents, yet there are differences across the state in terms of implementation.

**Table 2** New York policy and interview data

Treatment	Policy documents	State-level staff comments	Program administrator comments
Status	Digital literacy included in descriptions of programming required for award of state and federal money Part of grant scoring rubric	“Mandate” Support provided by professional development and grants	Digital literacy is not mandated in policy documents but is required for funding Supportive of the idea of mandate
Specific limitations	Some restrictions on amount of time allowed for direct digital literacy instruction	Same as policy documents	Identified a practical limitation: some programs lack leadership and resources to meet funding mandate
Support provided	Articulated professional development and technical support for inclusion of digital literacy programming	State provides funding, professional development, and technical support through regional centers State funding surpasses federal allocation	State supports teachers with resources and professional development when possible
Impact on ELLs	Increases opportunity for most ELLs, but restricts for others, where programs cannot provide computers	Mandate will largely benefit students across the state	Funding mandate means that programs with limited resources will not meet requirements. Limits ELL access

New York State has two separate policies that have influenced digital literacy access under WIA II. The policy that defines use of state-level funding, called the Employment Preparation and Education (EPE), provides a larger share of funding to ABE programs than the federal allocation defined by WIA II and WIOA. EPE allows for up to 50 % of enrollment time to support digital literacy instruction (Employment preparation education (EPE) state aid program application 2013). Through this policy, New York State has identified digital literacy as a primary tool for workforce development.

The primary policy source guiding use of federal ABE funding is the New York 2013–2018 Workforce Investment Act Title II and Welfare Education Program request for proposals (the RFP). In contrast to Texas, which situated program requirements in their assessment policy, the state of New York has recently approached the implementation of digital literacy by articulating it directly in its fiscal tools. The RFP offers a detailed description of what programs receiving federal AEFLA money “will do” to support access to computers and digital literacy instruction under a section titled “Technology and Digital Literacy” (2013–2018 Workforce Investment Act Title II and Welfare Education Program 2013). OCTAE, the federal managers of WIA II funds, approved this new RFP in 2012, indicating federal support for this policy. Further, the RFP includes a scoring rubric sufficiently weighted so that programs not describing digital literacy programming cannot score high enough to be funded. The state-level staff interviewed in 2013 described it as follows:

It specifically states that the computers have to be made available to the students... they have to demonstrate in their proposal how many actual machines were available for student use, and how the program was going to use computerization and technology in their instruction and how much of their day is actually going to be dedicated to that purpose.

This is more than a suggestion. It is definitely a mandate because of the tie to funding. She continues:

They’ve actually got some teeth behind it,... because they’re saying that if they don’t do this, then they don’t meet the specifications for what they’ve written in their proposal, then they will be de-funded... It was clearly stated in the RFP that you have to do this. You have to provide digital literacy or you will not be funded under WIA.

To date, according to New York state-level staff and public records, there is no data available on the impact of this policy, nor is it clear how new guidelines developed to implement the unified plan required by WIOA will require changes to it.

The state-level staff person interviewed suggested local programs would largely succeed with the requirement in the 2013–2018 RFP given adequate professional development and technical support provided by regional training centers called Regional Adult Education Networks (RAEN). However, they understood that there were some small urban programs that would not be able to compete and would lose federal funding, indicating that the mandate may have some negative impact on access to ELL instruction in New York. She said:

The downstate areas, particularly New York City, most of those communitybased organizations were really frustrated because it was made so clear in the RFP that they have to provide digital literacy. They really struggled where they were going to have to figure [it] out. ... We may not see as many ESL students served for that exact reason.

The ABE program administrators interviewed in 2013 were aware of this significant change but were not concerned about the RFP changes for their own programs. They were concerned that programs in other parts of the state might not be equally prepared for the transition because the skills and leadership evident in each RAEN varied from region to region. Programs and RAEN with adequately trained leadership and resources would be able to meet the funding mandate; those without such leadership would not. The perception of all interviewees in New York State that not all programs would be ready for the digital literacy mandate is important; though the mandate has the potential to largely be beneficial for ELLs in New York, there are pockets where ELLs may actually lose access to English language programming because programs might not be funded.

### **Minnesota, leading with carrots**

In Minnesota, across the layers of context and policy interpretation, there has largely been a shared understanding of what was allowed under WIA II. Table 3 below illustrates that all parties interviewed were in agreement about what the policy is and how to implement it, with one exception regarding stand-alone digital literacy classes.

**Table 3** Minnesota policy and interview data

Treatment	Policy documents	State-level staff comments	Program administrator comments
Status	Specifically treated in policy documents Supported not mandated Technology plan part of program funding application but not critical to evaluation Mentioned in transitions programming initiative (ACES)	Embedded instruction encouraged. Federal and state policies provide allowance for direct digital literacy instruction Consider it key to learner success in meeting federal funding reporting goals Implementation is up to the locals	State encourages digital literacy inclusion and provides resources for digital literacy skill development Acknowledged that there is no mandate. In same manner, administrator encourages and supports it within his ABE program
Specific limitations	No digital literacy or any kind of training for students not qualified for ABE services	ABE/ESL program cannot turn into a computer-training center. Must support core literacy development and/or workforce skill needs	Does not allow un-embedded digital skill development unless preparing for distance learning
Support provided	Not addressed	Significant state funding for centrally coordinated PD and technical support, surpasses federal allocation	Makes use of state resources to support teachers. Leverages district resources to acquire and maintain computers
Impact on ELLs	Uniformly positive impact	Students across the state have relatively equitable access to training. Makes it possible for them to reach goals faster	Students learn skills required for supporting ESL development, other schooling, and work

Minnesota has offered a variety of options for digital literacy instruction. The application to become an ABE provider includes a technology component, though the state-level staff person stated that it did not suggest a mandate as in New York. Additionally, the Minnesota Department of Education Adult Basic Education Computer Literacy Policy (2004) describes exactly what it allowed with respect to digital literacy, allowing it but only for learners who have other basic skills learning needs. These policies indicate that Minnesota ABE has interpreted WIA II as allowing digital literacy instruction. Comments made by state-level staff member interviewed in 2013 also support this observation.

I just want to say generally about feds, just to clarify how does digital literacy embed into WIA’s definition of literacy and overall? It’s not explicitly in the federal definition at all... However, part of their definition of literacy is what’s going to help them succeed and work. Or what do they need to be engaged, effective citizens, workers, family members? And like [XXX] was saying, digital literacy is more and more key component of being an effective member of society.



Consequently, there are several provisions for providing direct computer skills training if learners demonstrated such a need: ABE learners demonstrating a core basic skill need and enrolled in ABE program, learners participating in federally defined “work-based project learner” programs, and learners referred to state defined “Conditional Work Referral” programs housed in the workplace or area workforce centers. The state-staff described these opportunities as follows:

We essentially defined our content domain of instruction and eligibility as focusing on core literacy skills: reading, writing, speaking, listening, and math. So if you have any need on one of those areas, that’s how you became essentially ABE eligible, but we realized that most of those folks had a broader set of needs in part because in this day and age, for example, teaching someone writing skills without being able to use a word processing program seems just absurd.

Thus, funding in Minnesota can be used to support foundational computer skills. One cannot enroll in ABE in Minnesota for only digital literacy instruction, but an ELL with language development needs can study computer skills while they are enrolled to learn English.

A final component of Minnesota support for digital literacy programming is found in a postsecondary transitions instructional strategies initiative called Academic, Career, and Employability Skills (ACES). “The goal of ACES is to ensure that ABE programs are providing effective contextualized instruction, integrating post secondary education and training readiness, employability skills, and career readiness at all levels,” (Transitions Integration Framework at a glance: an ATLAS project to advance transitions instruction for all ABE learners in Minnesota 2013, p. 1). ABE programs and instructors follow ACES integration strategies spelled out in the Transitions Integration Framework (TIF). Digital literacy is included in the skills required to meet competencies defined in the TIF category Academic Language and Skills. For example under the sub-skill “read/ interpret to create complex written discourse” the following item appears: “Demonstrate digital literacy required for success in understanding and creating complex texts (operating systems—Microsoft and/or Mac, word processing, collaborative writing tools)” (p. 26).

The Minnesota state-level staff comments differed from the actual state policy in only one way—their stated preference for sites to offer embedded technology instruction, offered as complementary instruction while students learn core literacy skills. They agreed that this is more sophisticated instruction and acknowledged that teachers need training for this to happen. Indeed, much of the 2013 interview focused on state efforts to guide the field through professional development elevating the capacity of teachers to provide digital literacy training. Several initiatives funded to support this work were named in the interview: technology mentoring programs, online cohort professional development, and state ABE conference strands on digital literacy and distance learning;

however, the state-level staff were careful to assert that in Minnesota the digital literacy initiative under WIA II had not been not mandated.

The ABE program administrator interviewed in 2013 understood that state policy had been crafted in a way to maximize access to rather than mandate digital literacy programming. Additionally, he claimed that there had been adequate funding, guidance, and professional development provided by the state office, making digital literacy programming possible in his program. He said he leveraged these resources to create a culture where technology integration was the status quo, reflecting the preferred strategy defined by the state-level staff. This general agreement on the importance of allowing digital literacy instruction and providing resources to support the priority have ensured significant access to such skill development for ELLs across Minnesota.

The only interesting variation amongst the policy documents, the state-level staff comments, and program director's stated beliefs concerned the issue of embedded technology instruction. Prohibition of stand-alone computer classes has never been articulated in the state policy documents or in the comments of the state-level staff, yet the ABE program administrator stated that the state disallowed stand-alone computer classes, that is classes where computer skills are directly taught rather than being embedded into the instruction of academic skills like English language. He stated:

You can't just have a computer class. You have to have some other core content in it. I think there are some exceptions like if it's like a work-based class and you can do so many hours, but it is conditional, supplementary content in the state...

In the follow-up interview in 2014 there was little change in these perceptions, but there seemed to be little negative impact on ELLs caused by this confusion because funding for professional development to support the more sophisticated instructional strategy of embedded digital literacy was available through ACES and the other initiatives previously mentioned. Indeed, Minnesota exhibited further commitment to digital literacy in the Minnesota Adult Secondary Diploma (the Diploma), a competency-based alternative to a high school diploma or GED approved by the Minnesota State Legislature in 2014 and available to residents in 2015. The Diploma reflects skills in five competency domains: English Language Arts; Mathematics; Career Development and Employability Skills, including Digital Literacy Skills; Social Studies; and Science (Minnesota's new state adult diploma 2014). Technological literacy is woven into these content areas and to receive the Diploma learners must pass the Northstar Digital Literacy assessments, interactive online tests that measure basic computer skills, to prove basic technology skills (Vanek 2013).

## **Discussion**

### **Education policy as language policy**

If ABE programs hope to meet the expectation under both WIA II and WIOA to prepare learners for employment and self-sufficiency, they must provide opportunities for learners to use technology in both direct instruction and integrated into course content. Policy and practice that limit such opportunity is implicit, restrictive, and unintended de facto language policy because it limits the potential of ELLs to learn and communicate in English.

As shown in the findings, the potential for this to happen varies in the three different states because it is context that determines how policy is implemented. Ramanathan (2006) suggests that policy devices are evident in “spaces of unplanned language planning” (p. 98). Throughout the tenure of WIA II, no single policy maker or implementer set out to limit instructional opportunities of ELLs; however, the data have shown that this might have occurred through policy implementation meant to comply with the legislation. Each state’s interpretation of WIA II is a space of unplanned language policy, as are the policies being shaped at the time of this writing to implement the more supportive WIOA language. Technological developments and changes in expectations for use of technology in our society are either supported by or misaligned with the different local ABE program interpretations of the old federal policy and hence influence language learning experiences of their program participants. Careful consideration to the findings here could mitigate the potential for interpretation of WIOA to do the same.

State policy priorities with respect to ELLs are often revealed through examining attendant education policies. Ramanathan et al. (2007) write that there is seldom a specific ESL [their term] policy; rather, it is usually implicit policy shaped by other policy issues that impact ESL (p. 581). Only by unearthing these other factors can one examine their transformation into implicit language. In my study, ELL programming was shaped by education policy, and two other factors, funding and the priority of digital literacy in strategic goal setting at the state level.

### **Funding**

As stated earlier, nonlinguistic ends often motivate language policy and planning. In this case funding in a resource poor environment is a factor, especially in the Texas example. A funding comparison of the three states in 2013 is revealing. See Table 4. Texas is unique in that it is the only state studied here that does not invest significant state money in ABE programming, contributing only the federally mandated match for receiving AEFLA funding.

Each state indicated that they had restricted ABE funds supporting computer classes in some way in order to ensure that funding was spent on learners with core literacy needs. Under WIA II, ABE could not legally provide funding to support higher skilled, literate community members who sought services only to increase computer skill proficiency. In Minnesota and New York, the “work-based project learner” status has provided some opportunities for adults who would otherwise not be served by ABE to improve digital literacy skills. However, this status has not been available in Texas. That fact, I suggest,

compounded with the strict stance on WIA II interpretation regarding digital literacy in Texas, served as a strategy for rationing services in a state where ABE has been underfunded.

In this case, funding is a language policy mechanism. The Texas state-level staff said in 2013 that, though they provided professional development to support distance instruction, they left prioritizing digital literacy and professional development up to the locals. In contrast, officials in both New York and Minnesota described professional development initiatives supported by relatively generous state funding devoted to digital literacy. In Minnesota, these were statewide initiatives. In New York, they were more regional. Consequently, teachers in those states received support to develop their skills integrating technology into instruction, ELLs had much more access to digital literacy support, and by extension, more options for English language and literacy instruction.

**Table 4** Funding comparison

	State funding	Federal funding	State population	Speak language other than English at home (%) <sup>a</sup>	Speak little to no English (%)
Texas	\$19.0	\$55.5	25.0	35	7
Minnesota	\$44.0	\$6.0	5.0	11	2
New York	\$83.0	\$45.0	19.0	30	6

Funding and population rounded to nearest half-million. Profiles of adult education target population: Minnesota, New York, Texas (2010), Ryan (2013)

Funding will continue to be an issue in the post-WIA II reality. Though new WIOA legislation provides a specific allocation for ABE and workforce preparation activities through 2020, \$582,667,000 for FY 2015 (Commission on Adult Basic Education: Legislative update 2014), funding is still currently equivalent only to 2008 levels due to the American Taxpayer Relief Act of 2012, which resulted in sequestration of \$30 million dollars in fiscal year 2013 (Impact of sequestration on federal education programs 2013). This reality has been felt much more deeply in states like Texas that have committed minimal non-federal dollars to ABE.

### **Coordinated strategy for inclusion of digital literacy**

The second factor shaping de facto language policy for ELLs under WIA II is the degree to which states have possessed a coordinated strategy regarding digital literacy. Such a strategy is reflected in the data as state policy documents spelling out digital literacy treatment and evidence of state-level leadership and professional development opportunities for teachers. Minnesota, the best funded state, was the only one with an actual digital literacy policy document, clearly supporting computer skills as “eligible content” (MDE-ABE computer literacy policy 2004). Additionally, the interview data suggest that Minnesota provides ample opportunities statewide for professional development, likely possible because of the funding available.

New York provided evidence of a coordinated state-level effort through definitions of appropriate use of EPE funding and by the use of the funding mechanism to push digital literacy as a mandate. However, New York's approach put focus on a more regional level, tasking the RAENs with providing professional development and technical assistance. Those regions with expertise and adequate funding, according to the interview data, would have a better chance of implementing the mandate.

In Texas, the impact of expertise at very local level seems to have been the most important determinate of access to digital literacy instruction. Both interviewees suggested that teachers could make choices about digital literacy instruction in the classroom. Hence, only ELLs in classrooms staffed by teachers possessing both the expertise and the actual computers would benefit. This is likely not because of an inherent bias against adequately training adult ELLs, rather the lack of funding creating a situation where it was not possible to implement a comprehensive strategy at the state level. This is one of the primary conclusions reached by the Sunset Advisory Commission, who wrote in their audit report:

Though TEA staff publicly state their support for the adult education program, the agency has chosen to outsource the program's administration—something no other state has done—clearly reducing TEA's direct involvement and engagement with the program. In addition, since the budget and staffing cuts in 2011, TEA no longer dedicates any staff person to solely oversee the program or ensure the effectiveness of its contract. Instead, the person assigned to adult education also manages two other programs, and therefore works on adult education only part time (Bonnen et al. 2012, p. 23).

Hence, actions and beliefs at various levels of implementation of policies around digital literacy, or as Ricento and Hornberger (1996) suggest "situated contexts," the different levels of implementation of WIA II in each of the three states, have shaped the access that the ELLs have to digital literacy instruction and by extension the skill development they need to learn English and reach academic and employment goals. In contrast, in Section 223, regarding state leadership activities, WIOA requires states to provide professional development "to support the use of instructional technology" (Workforce Innovation and Opportunity Act 2014, p. 191). Because it is clear about the inclusion of digital literacy in ABE programming, WIOA is less likely to afford such variability in interpretation or tolerate a lack of state-level leadership on this issue.

### **Implications**

Every state in the US has needed to interpret the grey area left by WIA II in order to provide the skills their learners need to succeed in an increasingly technological world. Indeed the results from the PIAAC survey show that the issue of digital literacy is shared by other OECD nations (OECD 2013). The US response to PIAAC was, in part, passage

of the WIOA legislation; now, all states will be challenged to figure out how to serve learners under WIOA requirements. WIOA will certainly elevate digital literacy as a national priority in ABE and thus has the potential to resolve inequitable access to digital literacy programming for ELLs. However, the new law will likely not resolve funding issues or context specific implementation differences.

### **Unintended consequences**

Whatever the policy of the federal government, the way states treat digital literacy has impact beyond defining what is taught in the classroom. For example, because of their proactive affirming prioritization of digital literacy, ABE policy makers in New York successfully elevated the profile of their ELL students. In the words of their state-level staff person:

[The state ABE leader, because of the new funding policy] is sitting at the table with the commissioner and with the Board of Regents, and he can speak emphatically about and with such interest and passion about adult literacy and how all of the literacies impact the adult student's life.

In contrast, as noted earlier, the Texas Education Agency lost control over the ABE system because of the (likely oversimplified) perception, as presented in the Sunset Advisory Commission report, that they had fallen short in preparing their ABE learners for the modern workplace.

In all states, it seems that adequate funding, professional development, and clear communication of policy priorities are essential to mitigating unintended de facto policies regarding this issue. Under WIA II New York had a mandate, but it was feared there was not enough funding to ensure the mandate would be equitably implemented; indeed, the mandate itself may have closed smaller programs though it is still too soon to know. Texas' limited funding and lack of a coordinated strategy to support digital literacy resulted in a strict interpretation of WIA II with respect to digital literacy. Minnesota's approach to WIA II was the most intentional and coordinated, thus the most supportive for ELLs. If considered de facto language policy, it is policy that has benefited ELLs.

### **Implications for language policy research**

The findings of this study reinforce language policy theories regarding de facto language policy and the necessity for elucidating those policies through study of context. Shohamy (2006) describes this relationship well:

The main claim made here is that the real LP [language policy] of a political and social entity should be observed not merely through declared policy statements but rather through a variety of devices that are used to perpetuate language practices, often in covert and implicit ways. Moreover, it is claimed that these devices, which on the surface may not be viewed as policy devices, are strongly

affecting de facto policies, given their direct effects and consequences on language practice. Thus, it is only through the observations of the effects of these very devices that the real language policy of an entity can be understood and interpreted (p. 45–46).

Further, these policies often appear differently at different layers of implementation (Ricento and Hornberger 1996). This view of language policy development suggests that because, like WIA II, WIOA is legislation that defines a distributed administration of ABE, there is room for multiple interpretations crafted as policy is passed from layer to layer through the communicative event chains described by Mortimer (2013). Complicating the issue further is the fact that WIOA will require collaboration amongst several agencies that were not previously required to work together in support of WIA II; therefore, implementation of WIOA will open spaces for de facto language policy not only from top to bottom, but also across the agencies involved, resulting in multidimensional spaces for de facto language policy to develop. Future research to explore the WIOA implementation with respect to this issue needs to happen.

Finally, with respect to education policy becoming unintended language policy (Menken 2008; Ramanathan et al. 2007), as WIOA implementation is shaped there will be more room for the development of education policy that impacts ELLs in unintended ways. The WIOA requirement for a unified state plan to coordinate services across multiple agencies could position policy makers without previous experience or expertise supporting ELLs as determiners of programming, process, and access for these learners. Given the reality that ABE is still underfunded, this required collaboration could result in a unified plan in each of the states that alters program priorities and funding unfavorably for ELLs. Again, future research is needed to elucidate any de facto language policy that results from the implementation.

### **Conclusion**

WIOA has the potential to positively impact provision of digital literacy support for ELLs in a way that WIA II could not; however, due to complexity of the legislation and limited funding there remains the possibility that de facto language policy can emerge from its implementation. Findings from the Minnesota example in this study suggested that adequate funding combined with ample professional development and consistent communication across the layers of policy implementation could mitigate the likelihood of that occurring. Though it is too early to understand how the three states studied will use WIOA to guide their policy development and implementation, consideration of these factors could help ensure that WIOA best supports ELL access to state of the art language learning opportunities and adequate opportunity to succeed in a world where ICT figures predominantly.

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