Implementation

There have been two major waves of policy related to early literacy instruction and intervention over the past 10 years: laws focused on the identification and remediation of dyslexia, and laws focused on requiring instructional alignment with the “science of reading,” definitions of which vary by state. Compared with previous trends in state and federal legislation related to literacy instruction, each wave has been increasingly prescriptive, specific, and narrow in its conceptions of what counts as appropriate instructional practice for children in Grades K–3. When faced with increasingly complex and specific legislative language, literacy educators need tools to systematically analyze policies that carry implications for practice.

Since 2015, 46 of 50 states passed legislation related to instruction of students with dyslexia labels (Davis Dyslexia Association International, 2015, updated 2021). Since 2019, 20 states have considered and/or passed legislation related to the science of reading (Pondisco, 2021), which has much broader impacts as it is concerned with the classroom instruction provided to students in general education settings. Though a general awareness of state policy may once have been adequate for classroom teachers and school leaders, it is increasingly inadequate when it comes to literacy instruction because of the specificity with which recent legislation mandates and/or prohibits specific practices. Therefore, it is important for educators to have tools to systematically analyze policy so that they may respond to it with integrity. Understanding how issues and policies are framed allows educators to identify and address the core issues of complex policies in their advocacy and implementation efforts.

The inevitable distance between policies and practice is often bemoaned as a reason for the mismatch between intentions and realities. This distance exists because policy is a relatively blunt tool for structuring the social reality of particularities of specific times, places, and circumstances. It is at once bounded to a specific place and time, and often too general to be used to guide every possible in-the-moment decision. For example, traffic laws in one place may be very different from traffic laws in another where speed limits, vehicles, and even the side of the road you drive on differ. This is an example of sets of rules for decision making while driving being bound to a particular place rather than a naturally universal phenomenon. However, within a single location, governed by a single set of traffic rules, there are scenarios that are not well explained by existing rules, and times when breaking the rule represents the most rational choice (e.g., swerving out of your lane.
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The metaphor of swerving is particularly helpful when considering the implementation of policy in particular circumstances. That is, stepping out of line with one detail of policy is sometimes required to preserve the intention of that policy. However, individuals are unable to effectively recognize and act on these moments if they are unfamiliar with the way issues and solutions are framed within state law.

In this article, I suggest a 4-step analytic process for analyzing and interpreting policy for instructional practice. This analysis draws on Framing Theory (Goffman, 1974; Benford & Snow, 2000) to analyze how a policy problem is defined, constructed, and addressed by a given set of rules within proposed or recently passed legislation.

Interpreting Policy for Practice

As Coburn (2006) writes, “Policy problems do not exist as social fact awaiting discovery. Rather, they are constructed as policymakers and constituents interpret a particular aspect of the social world as problematic” (p. 43). Policy problems require analysis because the problem each policy seems designed to solve is not always obvious. Many policies seem to repeat or reiterate the rules of existing policies (Gabriel, 2019), but they have unique targets or contexts. For example, rules about how many courses teachers take in reading might be found in acts regarding higher education, educational equity, reading by third grade, dyslexia, and the science of reading. Also, the campaign or intention that led to the crafting of a specific policy may no longer be fully—or even partially—represented in the final draft of that policy. Policy language can go through multiple layers of revision throughout the policymaking process as it goes from committee to committee and body to body (e.g., state representatives to state senators). Therefore, a bill that was drafted or intended to focus on a certain problem and provide a certain remedy to not only consider the meaning of a new policy, but also the aspects of the social world that it implicates. That is, to consider why this diagnostic frame had traction among legislators and what it might reflect about current concerns, vulnerabilities, and goals. The same is true for motivational and prognostic frames.

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To analyze new laws for their potential implications for instruction, I use Framing Theory (Benford & Snow, 2000) to understand how problems are identified, how responsibility is assigned, and how policy solutions are identified. Framing Theory includes three types of frames as present within all social movements: diagnostic frames, which identify or state a social problem to be solved; motivational frames, which explain why the problem is important to solve; and prognostic frames, which identify or prescribe a solution to the problem. Given that a bill might be framed differently over time, it is important to analyze the framing present in the final language in order to understand what these new rules mean for practice. In doing so, it is important to not only consider the meaning of a new policy, but also the aspects of the social world that it implicates. That is, to consider why this diagnostic frame had traction among legislators and what it might reflect about current concerns, vulnerabilities, and goals. The same is true for motivational and prognostic frames.

To demonstrate this process, I apply it to three recent examples of state-level policy that has some bearing on early literacy instruction. Pondisco (2021) noted that 20 states have passed or considered science of reading legislation over the past year. Given their size and potential impact as early examples, I focus here on bills in Virginia, Colorado, and Tennessee.

Step 1. Identify diagnostic frames
The core analytic question for identifying diagnostic frames is “what problem is this policy trying to solve?” When reading Tennessee’s SB7003, 41-9-105, section a, the first rule comes on the second page of the document:

(a) Each LEA and public charter school shall provide:

(1) Foundational literacy skills instruction to students in kindergarten through grade three (K–3). Foundational literacy
skills instruction must be the LEA’s primary form of instructional programming in English language arts; and

(2) Reading interventions and supports designed to improve a student’s foundational literacy skills to each student identified as having a significant reading deficiency. An LEA or public charter school may comply with this subdivision (a)(2) by providing the interventions identified in Tennessee’s response to instruction and intervention (RTI 2) framework manual.

This is the first of 16 rules within SB7003, all of which relate in some way to literacy instruction by creating rules for textbook options, screening tool options, requiring specific teacher preparation and professional development, etc. However, looking at 41-9-105 section a, we can assume that this rule is made because it represents an ideal that is not yet the reality in most classrooms. That is, some students are not receiving instruction on foundational literacy skills in English language arts as their primary focus, and some are receiving interventions that are not approved by the state (not included in the framework manual). Therefore, the problem that is solved seems to be: Students are not receiving enough or the right kind of literacy instruction or intervention.

In this law, “foundational literacy skills instruction” is defined explicitly:

Foundational literacy skills instruction means an evidence-based method of teaching students to read that includes phonemic awareness, phonics, fluency, vocabulary, and comprehension that enables students to develop the reading skills required to meet Tennessee’s academic standards.

Though this may be interpreted to mean a specific approach to teaching reading, the language here is quite broad when it comes to instructional approach. The only troubling part is the omission of writing as a foundational skill, though writing instruction could arguably be done in service to one of the skills listed above. According to this first rule in the comprehensive law, we can infer that policymakers were convinced that students across the state are not receiving enough or the right kind of literacy instruction or intervention.

In this example, the problem the policy aims to solve seems to be that students in K–3 are not receiving the minimum level of attention needed on the several skills listed above. It also seems that there are ways of teaching phonics that are unsystematic, thus requiring the adjective be emphasized by italics within the text of the law. Again, it might be easy to assume that most students have access to instruction focused on these things, but the letter of the law is not as important as its diagnostic framing: there is a lack of instructional focus on these five areas. If this frame is used in your state, you may ask yourself the following questions: What evidence do you have that the instruction within your sphere of influence adequately addresses these five areas? What patterns might explain where one or more of these areas is not adequately addressed via instruction?

In this case, you might look at the students within your own sphere of influence (e.g., family, classroom, grade-level team, school, district, region, state) and consider whether and for whom this is the case. What data would you need to be able to say definitively whether all your students have access to adequate foundational skills instruction and intervention? What have you observed that gives you information about this question? If some students demonstrate adequate development in this area, and some do not, what is the pattern associated with those that do and those that do not?

Virginia’s recent law, VA § 22.1-253.13:1 (2021) includes this rule:

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, systematic phonics, fluency, vocabulary development, and text comprehension.

In this case, you might look at the students within your own sphere of influence (e.g., family, classroom, grade-level team, school, district, region, state) and consider whether and for whom this is the case. What evidence do you have that the instruction within your sphere of influence adequately addresses these five areas? What patterns might explain where one or more of these areas is not adequately addressed via instruction?
or guidelines within the law might be used for improvement. In cases where there is clear evidence of compliance, it can be helpful to understand the motivational frames used in the law to connect with the ideas and entities who carry responsibility for the policy.

**Step 2. Identify motivational frames**

The core analytic question for identifying motivational frames is: What motivates people to action on this policy issue? More specifically, what are the ideas, statistics, values, and goals that have evoked this response from policymakers?

Tennessee’s motivational framing is evident in the first lines of TN § 49-1.5,6 (2021):

(a) The general assembly finds and declares that:

(1) A literate society is essential to maintaining a free society;

(2) There is a need to improve literacy rates across the state;

(3) In 2019, Tennessee’s third grade English language arts proficiency rate was thirty-six and nine-tenths percent (36.9%);

(4) In 2019, Tennessee’s eighth grade English language arts proficiency rate was twenty-seven and one-tenth percent (27.1%); and

(5) In 2019, Tennessee ranked thirty-first in the nation in fourth grade reading proficiency and thirtieth in eighth grade reading proficiency.

This list of five statements creates an argument by first asserting the essential importance of literacy in general, and then using statistics for third grade, eighth grade proficiency rates, and national ranking to demonstrate that the state needs improvement in this essential area. The state or health of literacy as an asset within the state is measured by third and eighth grade proficiency rates in much the same way that public health might be measured in rates of disease: with a single number representing a wide range of circumstances, measures, and potential meanings. However, if that singular statistic is the motivating factor, then reframing that statistic can work to direct or deflect the energy of the policy. That is, concentrating on the proficiency rate within your sphere of influence can be used to magnetize more resources and attention to your community. Even if your school community values project-based learning over standardized testing, publicizing test scores on a school website, and creating documents that link tested areas to specific projects can demonstrate alignment with the test scores as a motivator without making it a focus for the work of the community. On the other hand, demonstrating higher than average rates of proficiency compared to others in the state can be used to position your sphere as separate or different from those for whom this law was intended. Likewise, moving from one category to the other (e.g., increasing scores) becomes a potential target for reform because of the policy consequences. In either case, this work is guided by these analytic questions: How might my work align with this motivation? And, how can the scores produced within my community be used to argue for or against?

**Step 3. Identify prognostic frames**

The third frame to discuss relates to the prescription or solution assigned to the problem outlined in the policy. In Colorado’s recent law, CO 22-7-1202 (2021), the solution is outlined as the most “appropriate” action. Here, the district should assign specific responsibility for different aspects of the solution and outline what it will take to solve the policy problem.

… It is appropriate that each school district board of education select the core reading instructional programs and reading interventions to be used in those public schools, so long as they are focused on phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension to ensure that the students educated in the public schools throughout the state consistently receive evidence-based instruction that is proven to effectively teach children to read.

The core analytic question for this section is: What is the proposed solution? In other words, what does this policy say should be done about the problem. When it comes to the problem of lower than desired test scores, there are many potential solutions. Given the problem of low scores, which of the many avenues for change does this policy invest in as its solution? And, what cause does it identify as potentially having the desired effect? In the case of Colorado’s recent legislation, we have two statements beginning with “it is appropriate that…” and one beginning with “to ensure.” To find the cause and effect within the long
string of legislative language, we can link them together:

“It is appropriate that … each … district … select the core reading instructional programs and reading interventions … so long as they are focused on phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension.”

“To ensure that students … consistently receive evidence-based instruction that is proven to effectively teach children to read.”

One could argue that there are some omissions or errors of logic contained in the linked ideas. Rather than judging the potential merits of the solution, imagine that all policy is always incomplete and imperfect. Instead, ask: What are the targets of the solution, and how do they relate to my work? The assumption of Colorado’s law is that if reading instruction and intervention are focused on five foundational reading skills it will be consistent and effective. How does this assumption relate to your assumptions about the nature of instruction that leads to student learning? How might you highlight the ways your approaches engage the five foundational skills to demonstrate alignment with the state’s basic assumption so that you can have the freedom to add other targets for instruction and nuanced engagement with the five foundational skills that reflect your understanding of students’ rights to effective literacy instruction?

It is possible that, if a community of educators can demonstrate effective engagement with the five foundational skills, these skills need not be viewed internally as the only important skills, or as the most foundational. For example, culturally and historically responsive instruction could be considered the foundation of good teaching related to the five foundational skills (Muhammad et al., 2021). Linguistic justice might be considered a prerequisite for students’ engagement with literacy instruction regardless of its focus (Baker-Bell, 2019). Trauma-informed relational pedagogies might be foundational to the work of teaching reading’s foundational skills, but the state merely requires the five reading skills be taught (Dutro, 2019).

It is important at this point to highlight the myopic nature of the examples used. Each of the rules used as an example so far is one of 15 or more rules contained in a single bill that has become law in 2021. I used the first rule listed in the text of each policy document, but it may not have been the most powerful or impactful rule or rule change in the bill as a whole. When considering the law as a coherent set of rules, it is important to seek out places where there might be internal conflict or contradiction. For example, if other rules contained within the law inhibit the teaching of foundational skills by impinging on educators’ opportunities to engage in any of the pedagogical work listed above, there is a conflict within the law itself, which is likely to be highlighted and exploited for better and for worse at the point of implementation.

Step 4. Identify conflict or contradiction

Connecting policy problems with solutions outlined in new or proposed legislation as described above is an attempt to identify the underlying logic of the policy. However, policies are not often crafted in ways that promote one coherent view of the problem, motivation, and solution. Rather,

If educators have not identified the contradictions and conflicts inherent in the law they are meant to follow, they will either knowingly or unknowingly bend the law or their instruction.
analyzing the law and the elements of instruction to which it refers. For example, 49-1-905 of Tennessee’s law relates to informing parents about any difficulties that are identified among students because of required assessments:

Immediately upon determining that a student in kindergarten through grade three (K–3) has a significant reading deficiency, based on the results of the universal reading screener most recently administered to the student, the LEA or public charter school shall notify the student’s parent in writing that the student has been identified to have a significant reading deficiency, and shall provide the student’s parent with:

(1) Information about the importance of a student being able to read proficiently at the end of the third-grade level;

(2) Reading intervention activities that the parent may use with the parent’s student at home to improve reading proficiency; and

(3) Information about the specific reading interventions and supports that the LEA or public charter school recommends for the student, which may include the interventions provided by the LEA or public charter school pursuant to Tennessee’s RTI 2 framework manual.

This rule seems to address the proposed problem that parents are not told when schools have concerns about their child’s reading development, don’t know that this is important, and/or are not connected with ways to proactively support or advocate for intervention services. There may be problematic assumptions within this diagnostic framing, but it highlights parent communication and partnership as key to the perceived health or value of an instructional system. The tension lies between this prognostic frame and the definition provided for “universal reading screener”:

(11) “Universal reading screener” means a uniform tool that screens and monitors a student’s progress in foundational literacy skills.

Screening and monitoring tools cannot, by definition, be used to determine deficiency. They can only be used to assess the risk of possible deficiency. Likewise, they could never be used to match students with “specific reading intervention and supports” because they merely identify the potential need for intervention, not the specific need. Screening assessments can be used to flexibly group students for further instruction and to identify the need for further assessment, but the class of assessments identified in Tennessee as universal reading screeners are not reliable enough to identify or assign deficiencies, nor do they have the content validity needed to prescribe intervention approaches based on assessment data. Further, individual diagnostic testing would be required to responsibly contact parents and recommend interventions and supports.

The motivation to communicate with parents early in an intervention process in meaningful and substantive ways is compelling, but using universal screening tools, a school or district could only ever match one of those three criteria. The communication would be early, but not meaningful or substantive because of the high risk of both false positives and negatives, and the difficulty assigning a specific intervention based on the kind of data generated by universal screening tools. These tools are best suited to locate potential areas or items associated with comparative difficulty, but not identifying the cause or relationships of this difficulty. In other words, they might identify what to teach, but not how or why it requires more—or more intense—instruction.

One dilemma raised by the Tennessee’s “Bill 3” is the motivation to include parent communication as a core and universal aspect of an intervention process. Parent communication is almost always good, unless, of course, it is inaccurate. Given this, local leaders need to be able to consciously decide whether to bend their values about parent communication and send potentially misleading messages that lack actionable information to this important stakeholder group, or to consider the spirit of the law and bend implementation to delay information related to #2 and #3 until diagnostic testing has been completed by notifying parents about universal screen scores (not deficits) and following up with information about specific deficits as needed. This positions parents to hold schools accountable for reasonable follow-up testing in a timely manner but does not run the risk of misidentifying or misdiagnosing difficulties in communications with parents, which would surely be an unintended consequence of the law.
Conclusion
The trend towards science of reading-related legislation over the past several years has codified a narrow and often misleading brand of certainty about what counts as appropriate reading instruction and intervention. Tight prescriptions of what should be done leave little room for the particularities of the places in which people live and work. As of 2021, Rhode Island demands “‘scientific reading instruction’ [which] means instruction that is instructional centered, empirically based, and further based on the study of the relationship between cognitive science and educational outcomes” (Right to Read Act). And California may one day require that “All teachers, including teachers with multiple subject and education specialist teaching credentials, should be prepared to teach foundational reading” (SB488). Since this batch of new laws is increasingly prescriptive about what to teach and assess, it is increasingly important that educators have tools and frameworks with which to productively engage with policy to ensure it is implemented with integrity in relation to both learners and the law. Some nuance will always be required to reconcile the tensions between a single prescription for all teachers and learners, and the principles of scientific grounding and diagnostic-prescriptive teaching.

In this article, I have attempted to add a systematic structure to the construction of nuanced understandings of both. If educators have not identified the contradictions and conflicts inherent in the law they are meant to follow, they will either knowingly or unknowingly bend the law or their instruction. Bending the interpretation of the law intentionally to address the unique needs of a particular scenario is a way of honoring the spirit of the law and the population it is meant to serve. Bending instruction to stay within the law regardless of its impact on students does neither.

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