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# Educational Language Planning and Policy in Nebraska: An Historical Overview

Kristine M. Sudbeck

**Abstract:** Historically, educational language policies have been utilized in order to eradicate, subjugate, and marginalize certain language varieties. Therefore, they have become “instruments of power that influence access to educational and economic resources” (Johnson, 2013, p. 54). More recently, educational language policies have also been used to “develop, maintain, and promote” minoritized languages (p. 54). The role of language policy and planning within educational settings, therefore, should be critically examined. This manuscript features two key components. First, the term language planning and policy will be (re)conceptualized as both a field of inquiry and a social practice involving three core activities (i.e., status planning, corpus planning, and acquisition planning). Next, these concepts will be applied to one context, educational language policies within the state of Nebraska. The historical sociopolitical context of anti-German sentiment will be revealed, featuring a vignette about one German immigrant’s story in particular. Then, Nebraska’s implementation of an English-Only law in 1919 will be discussed, as well as the subsequent Federal Supreme Court Case *Meyer v. Nebraska* in 1923. Finally, current trends regarding Indigenous, colonial and immigrant heritage languages will be explored, accompanied by a reflection on areas for future research.

**Key Words:** *language planning and policy, Nebraska schools, Meyer v. Nebraska, minoritized languages*

## **Introduction**

There continues to be a dichotomy within the discourse on linguistic diversity in the U.S., with supporters for English-Only in schools on the one hand and advocates who wish to embrace multilingualism on the other (Ovando, 2003). Nebraska is one state where this contentious issue has played a large role several times throughout history. This manuscript is organized into two key components. First, the term language planning and policy will be (re)conceptualized as both a field of inquiry and a social practice involving three core activities (i.e., status planning, corpus planning, and acquisition planning). Next, these concepts will be applied to one specific context, Nebraska's educational language policies. The historical sociopolitical context of anti-German sentiment will be revealed, featuring a vignette about one German immigrant's lived experience. Then, Nebraska's implementation of an English-Only law in 1919, as well as the subsequent U.S. Supreme Court Case *Meyer v. Nebraska* in 1923, will be discussed. Finally, current trends regarding Indigenous, colonial and immigrant heritage languages will be explored, accompanied by a reflection on areas for future research.

### **Language Planning and Policy: In Search of a Definition**

To better understand the concept of language planning and policy, it is critical to review the definitions that have already been developed. Einer Haugen (1959) was the first to introduce the term *language planning* into the scholarly literature, though he also gives credit to Uriel Weinrich who initially used the term during a 1957 seminar at Columbia University (1965, p. 188). In its first appearance in publication, Haugen defined language planning as “*the activity of preparing a normative orthography, grammar, and dictionary for the guidance of writers and speakers in a non-homogenous speech community*” (1959, p. 8). Later, Haugen perceived these activities as the direct outcomes of language planners (Haugen, 1966), assuming a causal relationship between language

planning and language policies. However, Spolsky (2012) offered the analogy, "...just as speed limits do not guarantee that all cars abide by them, so a language law does not guarantee observance" (Spolsky, 2012, p. 5). There may exist unofficial, covert, de facto and implicit mechanisms that circumvent the official policy in place. In addition, the proceeding definition describes language planning as an activity, a noun, which has a beginning and an end. It does not take into account that language planning is a process. Further, this definition of language planning depicts it as occurring individually without considering the codependent nature of language planning and policy.

After reviewing and critiquing a series of twelve definitions of language policy, Cooper (1989) offered his own: "*Language planning refers to deliberate efforts to influence the behavior of others with respect to the acquisition, structure, or functional allocation of their language codes*" (p. 45). Others before him had considered it as a mechanism for problem-solving, which he critiqued as misleading by deflecting attention from the underlying motivation. Instead, he argued that language planning should be conceptualized as the "efforts to influence language behavior" (p. 35). His use of the term 'influence' rather than 'change' illustrates how Cooper (1989) considered multiple outcomes of language planning, including the preservation or maintenance of current practices. However, it is worth noting that not all policies are intentional or carefully planned (Johnson, 2013), as Cooper's inclusion of "deliberate efforts" suggests. Even when a language policy hasn't been established formally by authority, it may be inferred through the ideologies, linguistic practices and beliefs of the people. Therefore, one might critique Haugen's (1969) and Cooper's (1989) definitions as insufficient, since there is no definitive causal relationship between policy and outcome, nor is the cohesive nature of language planning and language policy mentioned.

In 1991, Tollefson combined the terms *language planning and policy* (LPP) and critically conceptualized it as the "*institutionalization of language as a basis for distinctions among social groups (classes)*. That is, language policy is one mechanism for locating language within social structure so that language determines who has access to political power

and economic resources. Language policy is one mechanism by which dominant groups establish hegemony in language use” (p. 16). Through the explicit mention of power in the role of language policy, Tollefson (1991) emphasizes how language policies (re)create systems of inequality. This system of linguistic oppression is referred to as *linguicism*, or the “ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and resources (material and immaterial) between groups which are defined on the basis of language” (Phillipson & Skutnabb-Kangas, 1996, p. 437). In a later publication, Tollefson (2013b) also understood the capability of language policies in “resisting systems of inequality” (p. 27), thereby acknowledging the role of agency as well as the fact that not all policies are made by authoritative bodies. This is supported by others who have documented a series of bottom-up movements and grassroots organizations (Johnson, 2013; McCarty, 2011a; Menken & García, 2010).

The term was reconceptualized in 2011, when Teresa McCarty characterized language policy as “*a complex sociocultural process: modes of human interaction, negotiation, and production mediated by relations of power. The ‘policy’ in these processes resides in their language-regulating power; that is, the ways in which they express normative claims about legitimate and illegitimate language forms and uses, thereby governing language statuses and uses*” (2011b, p. 8). In this definition, McCarty brings awareness to the complexity of language policy as a sociocultural process and how it is situated within a specific context. Here, language policy is recognized as something which is “processual, dynamic and in motion” (p. 2). Citing Heath, Street and Mill’s (2008) discussion of “culture as a verb”, McCarty (2011b) agrees that policy too is best understood as a verb; policy “never just ‘is,’ but rather ‘does’” (Levinson, Sutton & Winstead, 2009, p. 771).

Language ideologies, or the significant values assigned to particular language varieties by members of the speech community (Gal & Irvine, 1995; see also Silverstein, 1979; Woolard & Schieffelin, 1994), are mentioned here through the social construction of deeming language forms

and uses as legitimate and illegitimate. This linguistic hierarchy is influenced by orientations to language (i.e., language as a problem, language as a right, language as a resource, language as a commodity) (Ricento, 2005; Ruiz, 1984). In addition, McCarty (2011) uses the phrases ‘negotiation’ and ‘mediated by relations of power’, evoking the agency of multiple actors in the multi-layered language policy process. McCarty’s definition mentions the concept of language policy overtly and only discusses the planning processes implicitly, rather than considering the holistic combination of language planning and policy.

To further understand the complexity of language policies, Johnson (2013) organized a table examining where the policy originates, how the means and goals are expressed, if the policy is documented, and whether it is policy by law or through practice (See Appendix A). Johnson (2013) further encompasses all of the complexities mentioned in this table through the following definition: “*A language policy is a policy mechanism that impacts the structure, function, use, or acquisition of language and includes:*

- (1) *Official regulations- often enacted in the form of written documents, intended to effect some change in the form, function, use, or acquisition of language- which can influence economic, political and educational opportunity;*
- (2) *Unofficial, covert, de facto, and implicit mechanisms, connected to language beliefs and practices, that have regulating powers over language use and interaction within communities, workplaces, and schools;*
- (3) *Not just products but processes- “policy” as a verb, not a noun- that are driving by a diversity of language policy agents across multiple layers of policy creation, interpretation, appropriation and instantiation;*
- (4) *Policy texts and discourses across multiple contexts and layers of policy activity, which are influenced by the ideologies and discourses unique to that context” (Johnson, 2013, p. 9).*

One conceptual distinction that he makes is between the terms appropriation and implementation. The author critiques the use of the term *implementation* as it conceptualizes a top-down process, only following the intentions of policymakers. This perspective fails to acknowledge any bottom-up policy formation. Johnson (2013) argues that the term implementation creates the assumption that "... the intentions of the policymakers are knowable, and renders powerless those who are meant to put the policy into action since they are portrayed simply as 'implementers' of a policy over which they have no control" (p. 96). Therefore, he draws on the work of Levinson and Sutton (2001) who introduced the term *appropriation* to emphasize the important role of multiple actors across a variety of contexts appropriate the meanings of the policy.

Like McCarty (2011b), Johnson (2013) also discusses the multiple layers involved in the LPP process. This perspective is similar to the argument posed by Ricento and Hornberger (1996), who introduced the metaphor of an onion to elicit an understanding of the multiple layers through which language policy develops. Expanding on this onion metaphor, Hornberger and Johnson (2007) purported that the "choices of educators may well be constrained by language policies, which tend to set boundaries on what is allowed and/or what is considered 'normal', but the line of power does not flow linearly from the pen of the policy's signer to the choices of the teacher" (as cited in Johnson, 2013, p. 97). Negotiation takes place at each institutional level, leaving opportunities for reinterpretations and reconstruction of how policy is performed.

While Johnson (2013) offers a comprehensive list of what LPP entails, the explicit mention of power is missing. In addition, he simplifies his definition to language policy, rather than encompassing the more comprehensive term of LPP. He does mention, however, that he adopted the term language policy within his book for terminological simplicity, and because there is an "assumption that some agent(s) make a plan intended to influence language forms or functions" (p. 3).

Based on the critique of the previous five definitions, I offer my own reconceptualization.

**Language planning and policy (LPP):** the complex sociocultural processes which influence the function, use, structure, and/or acquisition of language varieties.

This encompasses all three core LPP activities (i.e. status planning, corpus planning, and acquisition planning) through a variety of ways: top-down and bottom-up, overt and covert, explicit and implicit, as well as de jure and de facto. Policies here are considered a verb, thereby involving the agency of multiple actors at multiple levels through the creation, interpretation, appropriation and instantiation processes. And, to reiterate the significance of linguisticism as a system of oppression across societies, it is important to note the role LPP plays as a mechanism for dominant groups to establish a hegemonic language hierarchy, as well as a system through which agency can allow an individual/group to break away from these hegemonic structures. This is further supported by the use of the term ‘language varieties’, which removes any language as the ideal standard with other dialects subordinate to it.

### **Three LPP Activities**

In addition to formulating a working definition of LPP, it is also important to examine the three core types of language planning activities: status planning, corpus planning, and acquisition planning (Cooper, 1989; Johnson, 2013; Kloss, 1969). One can consider *status planning* as the allocated functions of languages/literacies within a speech community (Cooper, 1989; Hornberger, 2006). Drawing on the work of Stewart (1968), Cooper (1989) discussed a list of ten functions that serve as targets for status planning:

- |                           |                    |
|---------------------------|--------------------|
| (1) Official              | (6) Group          |
| (2) Provincial            | (7) Educational    |
| (3) “Wider” communication | (8) School Subject |
| (4) International         | (9) Literary       |
| (5) Capital               | (10) Religious     |

Status planning impacts each of these targets in a slightly different manner. Officialization, for example, extends beyond where governing bodies simply declare languages as ‘official’ by nationwide law. That is, in addition to statutory functions, officialization may also serve working and symbolic language purposes. As Cooper (1989) points out, “[m]any countries, including [...] the United States, have no statutory official language” (p. 101); however, English serves as the *de facto* symbolic and working official language of this country. That is, Cooper recognizes that a language may be considered official in any or all of these ways.

Another example is within the schooling system, in which there are two primary targets: educational and school subject. The educational function of language concerns the medium of instruction (i.e. the primary language in which students receive instruction); whereas, the school subject regards the teaching and learning of an additional language as a subject within school. In comparing these two functional targets, Cooper (1989) notes that “[w]hile political pressure is far less likely to be exerted for or against the teaching of a language as a subject, as compared to its use as a medium of instruction, educational policy-makers are often sensitive to the demands of parents and students with respect to which languages should be taught as subjects” (p. 114). The extent to which students develop literacy in the additional language at school depends not solely on this status planning (e.g., medium of instruction or school subject), but also on the length, quality and depth of instruction.

It is important to note that in principal, status planning can focus on any of these aforementioned communicative functions; however, it seems to be much different in practice. Cooper (1989) recognized the practical role of status planning in tending to “aim at those functions which enable elites to maintain or extend their power, or which give counterelites an opportunity to seize power for themselves” (p. 120). That is to say, status planning is typically invoked when elites feel threatened or the counterelites (i.e. the oppressed) express their desires for change.

Whereas status planning pertains to the functions of a language, corpus planning deals with the form in which it is to be employed. *Corpus*

*planning* includes the efforts directed towards the adequacy of the structure of linguistic norms and forms (Cooper, 1989; Hornberger, 2006; Kloss, 1969; McCarty & Warhol, 2011). Examples of this include:

- Graphization: creating or adapting a writing system;
- Standardization: establishing a norm which overrides regional and social varieties (which includes codification, or the explicit written rules of norms);
- Modernization: developing intertranslatability with other languages in order to become an appropriate medium for modern topics and forms of discourse; and
- Renovation: making efforts to change an already developed code, which may reflect perceived efficiency, aesthetics or national and political ideologies.

Eliciting the notion of power once again, language hierarchies may develop through the process of standardization. Within this corpus planning activity, Milroy and Milroy (1985) explain that the term “ideology of standardization” promotes the perception that there is in fact “a correct way of using the language and that all people *ought* to use it this way” (as cited in Cooper, 1989, emphasis in the original). Schools assist in the (re)production of this social structure, as do those who accept the model as ideal but are not able to use it in the ‘correct’ manner. This has the potential to legitimize one’s own subordination. Elites, on the other hand, view this ideal standard as “evidence of their superiority” (Kroch, 1978), justifying their position of privilege.

Stemming from these aforementioned LPP activities is *acquisition planning*, which encompasses the efforts to influence the distribution of language varieties and the allocation of its users (Cooper, 1989; Hornberger, 2006; Johnson, 2013; McCarty & Warhol, 2011). With regard to the distribution of language, acquisition planning usually considers three overt goals: (1) acquisition of the additional language; (2) reacquisition of the language by populations for whom it was once either a vernacular or

of specialized function; and (3) language maintenance for the next generation. There are three methods employed to attain these goals: opportunity, incentive, or simultaneous opportunity and incentive.

In sum, the LPP activities of status, corpus and acquisition planning are not discrete acts. Rather, they are “mutually constitutive, interdependent, and co-occurring sociocultural processes” (McCarty & Warhol, 2011). Working organically with one another, McCarty (2004) points out that these “modes of human interaction, negotiation, and production” are mediated by “relations of power”. This was supported by Kloss (1969) when he made the distinction of *who* influences these processes. Corpus planning is performed by specialists, chiefly linguists and writers, who are “called upon to form an academy, commission or some other official or semiofficial body within the framework of which they are expected to do some long-range teamwork” (p. 81). These specialists are typically not active participants during status planning activities, however, as this is usually carried out by “statesmen or bureaucrats as part of their routine work” described as having “some legal but with very little sociolinguistic background” (Kloss, 1969, p. 81). This power dynamic lingers within the realm of LPP core activities. It is important to note, however, that Kloss’ (1969) perspective does not account for agency from those participating in bottom-up and grassroots initiatives.

### **Application of LPP to One Context**

After having reviewed and reconceptualized the term language planning and policy, and examining three core LPP activities, it is helpful to examine these concepts in one particular context. The bulk of U.S. language policy research has taken place in California, New York, Florida, Arizona, and Texas (Johnson, 2013), with the state of Nebraska remaining faint in the LPP literature (Sudbeck, 2013; 2014). Therefore, in the pages that follow, *de jure* educational language policies will be examined within the state of Nebraska. First, educational language policies will be examined through a critical lens as sites for sociopolitical reproduction. Next,

the historical anti-German sentiment will be explored, featuring a vignette of one German-American's experience. Stemming from this anti-German sentiment, a historical overview of the English-Only movement in Nebraska will be revealed.

### **Schools as Sites for Reproducing Language Ideologies**

Language policies are said to be a reproduction and reflection of the distribution of power within the larger society (McCarty, 2004). With these ideological constructs in mind, it is advised to view language policies as a sociocultural process (McCarty, 2004). Even though the United States has never declared an official language, the medium of instruction policies do reveal to us this sociocultural context. "Schools are among the most dominating discursive sites in which both official and unofficial language policies are produced and legitimated" (McCarty, 2004, p. 72). As noted earlier, at the precipice of the newly founded United States, linguistic diversity flourished; however, the socialization process towards language ideologies changed. The Founding Fathers, under the influence of English colonial attitudes, rejected this idea of a multicultural society and promoted the creation of a unified American, English-speaking culture (Spring, 2013). The common-school movement during the 1830s and 1840s is noted as one of the driving forces to halt this drift towards a multicultural society (Labaree, 2010; Spring, 2013). Joel Spring (2013) notes the process of "deculturalization" that took place for many minority groups within U.S. society, which is the educational process of destroying a people's culture and replacing it with a new culture. Language is intrinsically linked to culture; therefore, "[b]elieving that Anglo-American culture was the superior culture and the only culture that would support republican and democratic institutions, educators forbade the speaking of non-English languages... and forced students to learn an Anglo-American-centered curriculum" (Spring, 2013, p. 9). This process of deculturalization can be illustrated through an example of anti-German sentiment within the state of Nebraska.

## **Anti-German Sentiment**

Before the latter half of the 19<sup>th</sup> century, immigrants from Germany who came to the United States aroused little hostility (Leibowitz, 1971). They had proved themselves to be aggressive patriots, even as early as the Revolutionary War (Leibowitz, 1971). People of German descent were well represented in the Continental Army as well as at the Philadelphia conventions of 1774 and 1775 (Faust, 1969, as cited in Leibowitz, 1971). Because of this highly engaged involvement, the Continental Congress even printed a number of documents in German, including the Articles of Confederation (Kloss, 1970, as cited in Leibowitz, 1971). Even as early as the 1700s, school instruction was given in German throughout Pennsylvania, Maryland, Virginia, South Carolina and North Carolina, often times at the exclusion of English (Leibowitz, 1971).

From 1817-1835, the number of immigrants from Germany increased greatly; unlike those who immigrated during the 18<sup>th</sup> century, “these were refugees from political—not religious—oppression” (Leibowitz, 1971). Many of these newcomers joined ethnic enclaves in farming districts where land was cheap and readily available. Within these rural areas, “the Germans initially had no teachers at their disposal who were familiar with English and, in any event, there was little need for a command of English during those early settlement years (Faust, 1969, p. 204, as cited in Leibowitz, 1971, p. 7). It should also be noted that Germans were “practically the sole immigrants of any significant number during the first half of the nineteenth century” (Leibowitz, 1971, p. 9). German immigrants settled in fairly unpopulated regions of the frontier; therefore, their presence was relatively unnoticed. In addition, Germans were in the majority within the regions they inhabited. This gave German-speakers a political and social advantage within their regions that was not available to many other groups at the time (Leibowitz, 1971).

The sentiment about people of German descent shifted when the United States joined the Great War on April 6, 1917 (Leibowitz, 1971; McCarty, 2004; Rodgers, 1958; Ross, 2008). It was noted that following

this involvement, “a wave of intolerance of anything and everything German swept over the country” (Rodgers, 1958, p. 1). The common assumption was “that an organized conspiracy was under way against the American government and American ideals” (Rodgers, 1958, p. 2). Therefore, people of German descent, both citizens and immigrants, were subject to the process of “Americanization,” an assimilation process whereby members of any subordinate group were influenced to adopt the dominant practices of White Protestant Americans, which included the use of the English language (Ross, 2008; Spring, 2013). Wiley (2002) reports that Germans experienced beatings, humiliation through being tarred and feathered, and having their German books burned (as cited in McCarty, 2004). Thousands of Germans were even fined for “language violations” (Wiley, 1998, p. 223, as cited in McCarty, 2004). It was believed that German-Americans had been attempting to make German language compulsory in the public schools, for the primary purpose of “poisoning the minds of second generation German-Americans” (Rodgers, 1958, p.3).

Jack Rodgers (1958) also identified two main reasons for anti-German sentiment within the United States at this time. He states, “...prior to the entrance of the United States into the war on April 6, 1917, a number of persons of German origin had openly expressed their opposition to the Allied cause and to the United States’ joining in the fight against the Fatherland” (p. 5). The large population of German immigrants was also seen as an intimidating stance. According to the Census of 1920, there were 149,652 foreign-born whites in the state of Nebraska, 27.4% of which came from Germany (Rodgers, 1958, p. 5). At least forty German-language newspapers existed throughout the state, and the German language was used extensively in churches and many parochial schools (Rodgers, 1958).

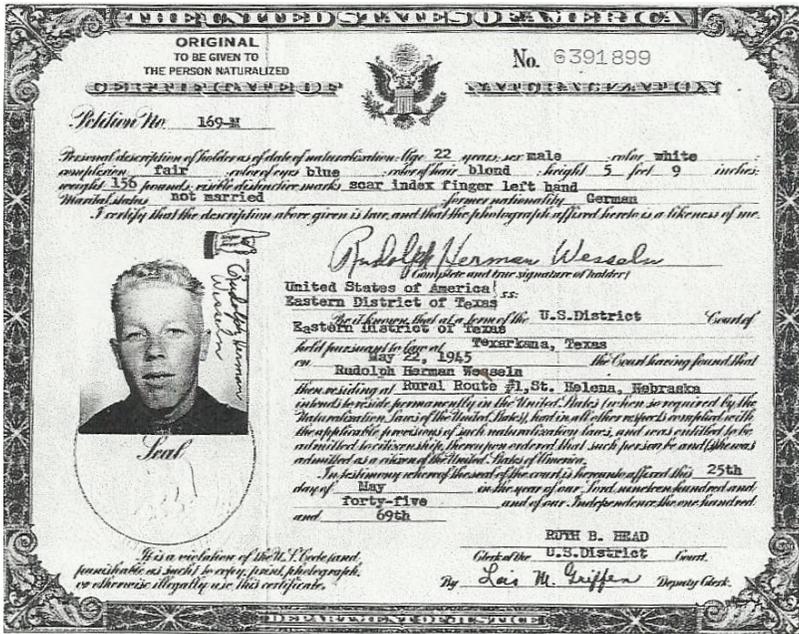
Large numbers of Germans were concentrated in Midwestern states like Nebraska, but this anti-immigrant sentiment was not localized only in these regions; rather, anti-immigrant sentiment towards those with German ancestry was a national phenomenon. The vignette below features a story of one immigrant from Germany, Rudy Wesseln, who arrived when he was two years old. Revealed within this story is the anti-

immigrant sentiment he and his parents experienced upon moving to the United States.

\*\*\*\*\*

*Rudolph (Rudy) Herman Wesseln was born July 11, 1923 in Lingen, Germany to parents Rudolf and Maria. The family of three obtained their passports and visas, and then departed on the ship Columbus on July 30, 1925 to come to the United States (Sudbeck, 2005). The family of three (with a baby on the way) moved to a rural area in northeast Nebraska, located near the villages of Menominee and St. Helena. Maria's aunt and uncle were currently living in this region, and served as Rudolph and Maria's sponsors in order to move to the United States. The rest of Rudolph and Maria's immediate family members either died in the First World War or remained in Germany.*

*After living in the United States for 20 years, Rudy joined the U.S. Army on January 23, 1945 and was enlisted in the state of Kansas two months later (Sudbeck, 2005). In his terms of enlistment, he was to remain a soldier in the Army for the duration of the war or other emergency, plus an additional six months. He served as a Tech 5<sup>th</sup> Class in the Army and was sent to Okinawa as a radio repair operator and lineman (Sudbeck, 2005). He was discharged from the Army in December 1946, after the war was over. It is important to note that it wasn't until after Rudy enlisted in the U.S. Army that he and both of his parents were granted access to citizenship through the naturalization process, twenty-one years after their arrival in the United States. Below is a copy of Rudy's certificate of naturalization which is dated May 22, 1945.*



Rudy had spent almost his entire life in the United States at this point, having arrived by ship when he was two years old. The only things he remembered about Germany were told to him by his parents. Despite this, all families of German descent were brought under suspicion solely because of their country of origin. Anyone who had ties to Germany was considered a “threat,” and because of this Rudy’s parents tried to assimilate quickly and not speak German outside of the home.

\*\*\*\*\*

This vignette features my Great Uncle, RUDY Wesseln, who was also my neighbor while I was growing up. I remember him most for his joy of farming, his popcorn balls he served every Halloween, and his best friend- his dog Pepper. Upon arriving in the United States, he and his parents (my great-grandparents) lived and farmed near a community where many of the people had descended from Germany and were predominantly Catholic. This high concentration of German Catholics is much like what was discussed earlier, being seen as a “threat” to the American culture.

Many schools in the area had previously offered instruction in both German and English. This was especially prevalent since there were a number of private Catholic schools in the region to serve the population living there.

### **English-Only Movement in Nebraska**

Provided this sociopolitical context, some of the first legal actions taken against German immigrants was in the year 1917 when the State Council of Defense was formed by the Legislature, the same year that the United States joined the Great War (Rodgers, 1958). In the following year, the governors of the states met in Washington, D.C. with the Council of National Defense, conversing about the “German language press, the use of German in schools and churches, and the need for Americanization” (Rodgers, 1958, p. 3). One private organization that was urging for Americanization was the National Security League, which formed in 1914 to “promote 100 percent patriotism” stating that “every citizen must think, talk, and act American” (National Security League, 1919, p. 10, as cited in Rodgers, 1958, p. 3). The Nebraska State Council of Defense passed the following resolution in order to “deal with the situation wisely”:

*WHEREAS, from investigations which have been conducted by the Nebraska State Council of Defense, it has become very apparent that the teaching of German in some of the private and denominational schools of the State has had an influence which is not conducive to a proper and full appreciation of American citizenship; therefore,*

*BE IT RESOLVED, that the Nebraska State Council of Defense earnestly requests that no foreign language shall be taught in any of the private or denominational schools of Nebraska and that all instruction, whether secular or religious, shall be given in the English language. And, the Council earnestly asks the cordial cooperation of all private and denominational school authorities in Nebraska in putting into effect this request; and we*

*again urge that the public school authorities of Nebraska see to it that no foreign language shall be taught in any of the grade schools of the State.*

(Report of the Nebraska State Council of Defense, 1918, p. 16)

This statement by the Nebraska State Council of Defense was in direct opposition to the Mockett Law which had been enacted in 1913. The Mockett Law declared that “every high school, city school or metropolitan school was required to give instruction in grades above the fourth in those modern European languages which were requested in writing by the parents or guardians of at least fifty pupils in grades above the fourth attending such schools” (Laws of Nebraska, 1913, Ch. 13, p. 107, as cited in Rodgers, 1958, p. 8). In addition, the Mockett Law provided that “not more than five hours per week nor less than one period each day was devoted to the teaching of these languages when requested” (Rodgers, 1958, p. 8). Those who spoke German were one of the greatest beneficiaries from this law. A bill to repeal the Mockett Law passed the House unanimously approving the demands of the State Council of Defense that foreign languages not be taught in elementary grades (Laws of Nebraska, 1913, Ch. 31, p. 180, as cited in Rodgers, 1958, p. 8). In the end, the Senate virtually passed the same resolution by a vote of 18 to 14 (Laws of Nebraska, 1913, Ch. 31, p. 91, as cited in Rodgers, 1958).

After the Mockett Law had been overturned, the Nebraska State Legislature also enacted the Siman Act on April 9, 1919. This act “prohibited instruction in any foreign language in any public, private, or parochial school except for foreign languages taught as academic subjects to students who had passed the eighth grade” (Ross, 2008). It is important to note that many students at this time, especially those living in rural areas, ended their education at the eighth grade and did not go on to high school. Those who chose to disregard the Siman Act and continue teaching foreign languages would be forced to pay a fine of \$25-\$100 or serve no more than 100 days in jail (Ross, 2008).

In response to this English-Only movement, many immigrant groups as well as religiously affiliated schools felt under attack. Parents of

Bohemian, Danish, German and Polish descent took an appeal to the state supreme court, arguing that the Siman Act “violated property rights under the due process clause of the Fourteenth Amendment to the U.S. Constitution by diminishing the value of parochial schools and interfering with the vocations of teachers” (Ross, 2008, p. 274). For example, in May 1918, the Cedar County Council of Defense commanded a Roman Catholic priest immediately to cease from any use of a foreign language in instruction or public worship, except for the Latin Mass (Ross, 2008). These plaintiffs felt as though the Siman Act was violating their religious liberty. In the final week of 1919, the Nebraska Supreme Court remained unwilling to budge and decided that foreign language instruction would only be permitted during times that did not interfere with instruction under the state’s mandatory education law (Ross, 2008).

Following the Nebraska Supreme Court’s ruling, parochial schools throughout the state began to provide their foreign language instruction during recess, though this was not without criticism from the Siman Act advocates (Ross, 2008). Two schools operated by Zion, in particular, extended their midday recess periods by 30 additional minutes in order to provide longer foreign language instruction. English-only supporters expressed their displeasure in these actions by “blast[ing] out the windows of one of the schools with shotguns and destroy[ing] all German-language books except the Bible” (Ross, 2008, p. 275). In an apparent attempt to counteract these discrete foreign language lessons within school parameters, on May 25, 1920 the county attorney, Frank E. Edgerton arrived at the school. Upon hearing of the county attorney’s arrival, one teacher omitted his usual German language lesson during recess, though the other did not.

Robert T. Meyer, “a mild-mannered forty-two-year-old father of six, continued to speak in German” despite the county attorney’s presence in his classroom (Ross, 2008, p. 276). Meyer was quoted saying,

*“I had my choice. I knew that, if I changed into English, he would say nothing. If I went on in German, he would arrest me. I told myself that I must not flinch. And I did not flinch. I went on in German... It*

*was my duty to uphold my religion by teaching the children the religion of their parents in the language of their parents”* (Ross, 2008, p. 276).

Meyer was charged and convicted of violating the statute in Hamilton County Court and forced to pay a fine of \$25, which at the time was equivalent to one month’s salary (Ross, 2008). Zion’s pastor, Brommer, testified during a hearing to appeal Meyer’s conviction stating, “the ultimate and only object we had in view of teaching German was to enable children to worship at home and at church with their German-speaking parents” (Ross, 2008, p. 276). That is, language was to be understood as a religious tool that students used for worship.

Meyer’s appeal was then taken by the U.S. Supreme Court, whereby the Court “declared the law to be an unconstitutional interference with the right of a foreign language teacher to teach and of parents to engage him so to instruct their children” (*Meyer v. Nebraska*, 1923). These rights were among those protected by the Fourteenth Amendment to the U.S. Constitution (*Meyer v. Nebraska*, 1923). The Court further stated that “[m]ere knowledge of the German language could not be regarded as harmful” (Rodgers, 1958, p. 18). The ruling of *Meyer v. Nebraska* simultaneously invalidated other similar laws in the states of Iowa and Ohio (Rodgers, 1958). It is also important to note that derived from this ruling, the U.S. Supreme Court recognized the constitutional right to speak one’s mother tongue (McCarty, 2004). This was the first U.S. Supreme Court decision concerning the challenge of one’s language rights (McCarty, 2004).

### **Looking Back, Moving Forward**

Now, almost one century since the U.S. Supreme Court overturned the English-only legislation in the state of Nebraska, questions surrounding language planning and policy remain. The Nebraska Department of Education (2014) reported 103 languages other than English being utilized

by students in Nebraska K-12 schools. Though not exhaustive, some examples of the language varieties spoken in the home of Nebraska students and their families include: Spanish, Arabic, Vietnamese, Karen, Somali, Nuer, Dinka, French, Mandarin, Cantonese, Korean, Omaha, Ho-Chunk, Korean, Japanese, Russian, Ukrainian, and Dakota (NDE, 2014; Sudbeck, 2014). Drawing on Fishman's (2014) three categories of heritage languages (i.e. indigenous, colonial, and immigrant languages), each level should be examined more thoroughly within the context of Nebraska educational language policies.

### **Indigenous Languages in Nebraska**

Much like the rest of the United States, Indigenous languages in what is now considered Nebraska (e.g. Dakota, Ho-Chunk, Lakota, Omaha, Pawnee, and Ponca) have historically experienced linguistic after years of colonization and boarding schools (Spring, 2013). In post-colonial years, language policies regarding Indigenous languages have varied. In the midst of other global recognition for minority language rights, Congress passed the Native American Languages Act (NALA, 1990/1992). In 1991, the United Nations Declaration on Rights of Persons Belonging to National or Ethnic Minorities, Article 4 stated, "States should take appropriate measures so that, whenever possible, persons belonging to National or Ethnic minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue" (as cited in Spring, 2000, p. 31). NALA was a policy "unprecedented" for a variety of reasons (Warhol, 2012). First, much of the previous federal LPP had attempted to eradicate these same languages; second, it affirmed "the connection between language and education achievement and established an official, explicit federal stance on language" (Warhol, 2012, p. 236). This legislation was amended in 1992 to encompass a larger spectrum of Native American LPP activities, including provisions for community language programs, training programs, material development and language documentation (NALA, 1990/1992). Overturning more than two centuries of

Native American LPP in the U.S., NALA established the federal role in preserving and protecting Indigenous languages. In 1996, federal legislation extended to include Native American language survival schools and language nests as well as other language restoration programs (Esther Martinez Native American Languages Preservation Act, 2006).

More recently, the Native American Languages Reauthorization Act and the Native Language Immersion Student Achievement Act have been brought to vote in Congress. Both were unanimously approved by the Senate Committee on Indian Affairs on June 18, 2014, and these pieces of legislation have “gained bipartisan support in both houses of Congress” (Linguistic Society of America, 2014). It is important to note, however, that the state of Nebraska has limited policies that recognize the status or protection of Indigenous languages. That is, the state of Nebraska is one of seven states to offer alternative certification for teachers of Native languages (Nebraska Revised Statute, 1999; Zinth, 2006). No other known state language policies specifically regarding Indigenous languages exist in Nebraska.

### **Colonial Languages in Nebraska**

Colonizers inhabited different regions of the land which now makes up the United States, so it is important that each is explored through its own sociopolitical context. Historically, Spaniards colonized much of what is now the southwestern United States (Potowski, 2014), a small group of which later came to Nebraska during The Villasur Expedition in the 1700s by way of New Mexico (Hickey, Wunder & Wunder, 2007). Early French colonial settlers inhabited regions predominantly in Maine and Louisiana (Ross & Jaumont, 2014). German was considered a colonial language in northeastern states such as Pennsylvania (Fishman, 2014; Leibowitz, 1971; Ludanyi, 2014). However, English is the primary colonial language that became dominant across much of U.S. society, and arguably the only colonial language in the state of Nebraska (Leibowitz, 1971; Rodgers, 1958; Ross, 2008). Historically and recently, there have been several English-only movements at both the national and state levels,

therefore the monolingual English ideology remains for many in the state (Sudbeck, 2013; 2014).

### **Immigrant Languages in Nebraska**

The languages of immigrants have had a varied history in Nebraska. For example, the state of Nebraska passed legislation to outlaw the teaching of foreign languages in the 1920s, impacting an array of immigrant language varieties of the time including Danish, German, Polish, and Czech (Ross, 2008; Sudbeck, 2013). Spanish has also had a long history within the state of Nebraska, first being introduced as an immigrant language in the early 1900s with the migration of Mexicans for agricultural labor (Sudbeck, 2012). Spanish has experienced varied recognition throughout the state. It is important to note that there are currently eight dual language schools, seven of which are located in the Omaha metropolitan area and one in the community of Lexington (CAL, 2012). All eight of these schools provide instruction in English and Spanish. In addition, Nebraska serves as a refugee resettlement location; therefore, the state has also experienced more diversity in the languages spoken in recent years (e.g. Vietnamese, Arabic, Nuer, Dinka, Karen, etc.) (Pipher, 2002; Sudbeck, 2014).

### **The Appropriation of Language Policies**

How language policies are appropriated within Nebraska schools may be a reflection of federal and supranational policies. For example at the supranational level, the United Nations General Assembly officially recognized the universal linguistic human rights of the world's 370 million Indigenous peoples in 2007. However, two of the Assembly's "most powerful member states, Canada and the United States- both with abysmal records of treatment of indigenous peoples- rejected the Declaration" (McCarty, 2012, p. 544). At the national level, federal legislation such as the No Child Left Behind (NCLB) Act has had a negative impact on languages other than English, replacing the emphasis on bilingual education

to English language deficit models through which English Language Learner (ELL) programs are developed and implemented (Wilson, 2014). For example, Wilson (2014) recognizes the negative impact NCLB has had on indigenous languages by noting how “NCLB recognizes the right of Puerto Rico to use Spanish as an official language of education, but does not recognize the right of states, territories, or Native American governments to declare Native American languages official and use them in education” (p. 226). This federal legislation is relevant for other minoritized language groups within the state of Nebraska as well, as the focus remains on developing English literacy skills.

At the state level, other than the accommodations made within schools to learn English (NDE, 2013b), there are limited policies recognizing any other language than the dominant Standard American English (Sudbeck, 2013). For example, Rule 10 of the Nebraska Department of Education’s (2012a) Rules and Regulations is a world language requirement which governs the accreditation of schools (Sudbeck, 2013). This requires students to receive 20 instructional units or two years of daily classes in a world language, with curriculum to include “reading, writing, speaking, and listening skills for communicating in one or more languages other than English, knowledge and understanding of other cultures, and developing insight into the nature of language and culture” (NDE, 2012a). In addition, there is a current petition led by the Nebraska International Languages Association to promote a program for the seal of biliteracy for high school graduates who meet a list of state generated requirements (NILA, 2015). The term “world language” here encompasses any language other than English taught in Nebraska schools, which may pertain to an array of Indigenous, colonial or immigrant language varieties.

## **Conclusion**

After (re)conceptualizing the term language planning and policy as the complex sociocultural processes that have the ability to influence the function, use, structure, and/or acquisition of language varieties, this

manuscript has demonstrated the application of this concept to one context in particular—the state of Nebraska. While the bulk of this manuscript focuses primarily on overt status planning from the top-down, it is clear that language policies in Nebraska have been influenced by dynamic and complex sociopolitical contexts. More research needs to be done to illuminate all three core LPP activities (i.e. acquisition planning, corpus planning and status planning) while also recognizing these complex sociocultural processes that occur in its midst. That is, top-down official policies are not the only legitimate language policies. On the contrary, as previously noted LPP processes can also take place from the grassroots level going from the bottom-up (Menken & García, 2010). In addition, unofficial, covert, *de facto* and implicit mechanisms may exist that circumvent the official policy in place (See Appendix A; Johnson, 2013).

While the scope of this manuscript was narrowed to explore the historical sociopolitical context of educational language policies within the state (including the vignette of one man’s experience with anti-German sentiment), future studies should more closely examine current trends with particular interest in minoritized language communities. Who holds power and privilege among language groups? Why does this power dynamic continue to exist? This is especially urgent in light of Flores and Rosa’s (2015) recent call for reframing language diversity in education, by “combining a heteroglossic perspective with critical language awareness” to open up “space for unmasking racism inherent in dominant approaches to language education” (p. 154). A statewide survey examining the type of language instruction offered across K-12 schools may expose the perpetuation of linguisticism through educational institutions. Further studies could illuminate the agency of multiple actors at various levels of the LPP processes in Nebraska by seeking out voices of language teachers, learners and their families. A more thorough examination of current educational language policies and practices across Nebraska, therefore, is critical to understand long-term effects for minoritized students, their families, their schools, and communities.

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**Appendix A- Language Policy Types**

<b>Genesis</b>	<i>Top-down</i> Macro-level policy developed by some governing or authoritative body or person	<i>Bottom-up</i> Micro-level or grass-roots generated policy for and by the community that it impacts
<b>Means and Goals</b>	<i>Overt</i> Overtly expressed in written or spoken policy texts	<i>Covert</i> Intentionally concealed at the macro-level (collusive) or at the micro-level (subversive)
<b>Documentation</b>	Explicit Officially documented in written or spoken policy text	Implicit Occurring without or in spite of official policy texts
<b>In law and in practice</b>	<i>De jure</i> Policy “in law”; officially documented in writing	<i>De facto</i> Policy “in practice”; refers to both locally produced policies that arise without or in spite of de jure policies and local language practices that differ from de jure policies; de facto policies can reflect (or not) de facto policies

(from Johnson, 2013, Table 1.1, p. 10)

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