Profit, Power, and Pedagogy: The Minnesota's READ Act

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Purpose/Findings: This article examines Minnesotas 2023 Reading to Ensure Academic Development (READ) Act as a case of racial-capitalist logistical governance in which equity-framed rhetoric is used to pass legislation that functions to commodify literacy education. This article interrogates how policy assemblages convert racial, cultural, and linguistic differences into administrable, deficit-based framings that can be solved with state-approved materials lists and interventions. For students and teachers, this process institutionalizes spirit murder (Williams, 1991; Love, 2019; 2023).
Research Methods/Approach: This article is a critical policy analysis with design implications that examines the implementation of the Minnesota READ Act. It uses a genealogical policy analysis that traces the influence of the No Child Left Behind Act, the Every Student Succeeds Act, and the Science of Reading movement. Local artifacts are scrutinized, including: district literacy plans, reports that illustrate Minnesota student behavioral intervention datasets, and CAREI curriculum reviews.
Implications: This article proposes a spirit repair framework; dynamic, bilingual-normed assessment; translanguaging-rich curricula; and participatory procurement and accountabilityto reorient literacy from technocratic remediation toward joy, identity, and collective liberation. This approach offers a practicable alternative for reimagining READ Act implementation.

Keywords: Literacy Education, policy analysis, politics of education, reading instruction, reading skills

White Language Supremacy and the American Education System

Across dominant, racial-capitalist media and policy discourse, *Standard American English (SAE)* is framed as a neutral ladder out of poverty. In practice, SAE operates as a linguistic gatekeeping regime that structures access to rigorous schooling and sustaining employment. Through selection (screeners and admissions keyed to SAE norms), evaluation (rubrics indexing correctness to SAE and worker performance reviews keyed to language coded as 'professional'), discipline (remedial placements and behavior/professionalism codes), and advancement (gateways to honors, scholarships, hiring, and promotions), the regime converts linguistic difference into differential opportunity. For example, Wilson's (2016) national analysis of adults with limited English proficiency shows substantially lower wages and employment (p. 31), consistent with institutionalized language bias.

This bias is not incidental; it is *White language supremacy*–the U.S. social process that privileges White, middle-class language practices while systematically devaluing other varieties, including African American English and Indigenous languages (Baker-Bell, 2020). Historically, U.S. schooling has used language as a proxy for power: enslaved Africans were barred from learning literacy skills (Kendi, 2016) and Indigenous children were funneled into federal boarding schools. These schools violently suppressed Native languages and cultures, with documented abuses and student deaths–conditions scholars have identified as *linguistic genocide* (Child, 1998; Skutnabb-Kangas & Dunbar, 2010). Contemporary classrooms often reproduce this proxy rule: students who deviate from SAE are sanctioned 'for their own good,' under a rhetoric of professional preparation that naturalizes dominant norms (Delpit, 2006).

After the Civil Rights era, racial governance shifted from a rhetoric of overt exclusion to *color-blind technocracy*. This looked like a change from segregated schools and deficit-based expectations to rule by procedures that are framed as 'neutral,' such as 'high standards,' 'rigor,' and 'accountability.' These vocabularies recoded race-based and culturally based disparities as neutral 'achievement gaps.' In practice, state-approved materials lists, categorical funding tied to compliance, and fidelity audits created predictable, expanding markets for tests, curricula, interventions, and monitoring (Au, 2009; Bonilla-Silva, 2008; Kohn, 2000). In practice, this looks like: state-approved materials lists + categorical funding + fidelity audits → predictable demand → vendor consolidation → standardization.

As Melamed (2011) argues, this is an arrangement where equity rhetoric legitimates tools that convert difference into data, pathologization, correction, and profit.

Roadmap For The Article

This article argues that Minnesota's READ Act reinforces a racial-capitalist governance architecture that commodifies literacy and legislates *White language supremacy* through screening, tiering, procurement, and fidelity instruments. Proponents frame the law as a long-overdue support for underserved students (e.g., those with dyslexia). Yet beyond flagging students as 'at risk,' the policy assemblage over-polices linguistic and cultural difference. This converts diverse literacies into administrable deficits that narrow multilingual students' access to core instruction and affirming text.

According to Saint Paul Public Schools' (SPPS) Local Literacy Plan (2025), during 2024–25, K–3 dyslexia-characteristics screening identified: Kindergarten 1,220/2,086 (58.5%), Grade 1 1,048/2,165 (48.4%), Grade 2 1,288/2,094 (61.5%), and Grade 3 1,229/2,031 (60.5%) students as demonstrating characteristics of dyslexia; these determinations were gated by oral-reading-fluency (ORF) words-correct-per-minute and ≥ 95% accuracy thresholds that triggered further high-stakes testing that can result in triggering tier placement, remediation, and exclusion from mainstream classes. Together, the counts and gates illustrate how SAE-normed thresholds can produce large risk pools absent bilingual norms or converging evidence, with predictable distributive (who gets flagged and placed) and affective, *spirit murdering*, (how students come to see themselves as deficient) effects in already unequal systems.

Guided by culturally sustaining and *abolitionist praxis*, the article first traces a genealogy from No Child Left Behind (2001) to ESSA (2015) to the READ Act (2023) to show how literacy policy migrated from overt exclusion to *color-blind technocracy* and market coupling. It then examines the READ Act with some specific examples of how it has been implemented in SPPS to show how logistical governance instruments that structure everyday decisions– monolingual cut scores (SAE-normed threshold without bilingual norms or dialect-fair adjustments), SAE-dominant screeners, single-benchmark entry/exit rules, vendor-defined fidelity regimes with limited local adaptation, and procurement pipelines (state-approved materials lists + categorical funding conditioned on compliance)– privilege a narrow set of commercial curricula and consulting services.

This analysis is a document-based *critical policy analysis* that examines policy instruments and their likely distributive/affective effects given existing racial-capitalist disparities. In doing so, it challenges the tools, rules, and contracts that transform difference into deficit and offers *spirit repair*-oriented design for policy and district leaders and literacy coaches. For instance, districts can adopt bilingual-normed, dialect-fair thresholds; replace single-benchmark tiering with converging evidence (multi-measure entry/exit + teacher judgment + artifacts); swap vendor 'fidelity' scripts for *fidelity-to-principles* (access to grade-level texts, disciplinary literacy, identity-affirming talk moves, adaptive implementation clauses); restructure educational materials procurement to include community participation and cultural/linguistic sustainment criteria; and re-center accountability to seek to have students learn the specific skills they can improve on and return them to core instruction as soon as possible. In short, the goal is not to abandon foundational skills, but to reclaim literacy as *joy, identity, belonging, and collective liberation*, and to ensure that policy instruments support–rather than script–the complex work of teaching and learning.

Limits to the Argument

Importantly, this paper does not argue against teaching foundational skills or explicit code instruction, nor does it claim that decoding gains never matter. A substantial body of research shows that explicit instruction in sound–symbol relationships can accelerate early word-level outcomes when embedded in coherent curricula and delivered by well-supported teachers. The critique is not about phonics per se. It is about policy-level instrumentation–monolingual cut scores, fidelity scripts, vendor gating, and audit culture–that can misidentify, misplace, and sterilize instruction, especially for multilingual and racialized students, unless counter-designed. In other words, harm emerges from policy and market assemblages (screening thresholds, placement rules, fidelity audits, state-approved materials lists and intervention procurement pipelines)–not phonics itself.

Genealogy of Literacy Policies from NCLB and ESSA to SoR

No Child Left Behind's (NCLB) Context

The 2001 No Child Left Behind Act (NCLB) marked a dramatic expansion of the federal government's role in local education. Proponents of the NCLB argued that a national commitment to academic standards and accountability was a necessary step to close a 'so-called' achievement gap along racial demographic lines. They often claimed that such policies provide a neutral, objective framework for ensuring every student, regardless of background, is equipped for a competitive, global, and SAE-dominant workforce (Au, 2009; Vinovskis, 2009).

The need for NCLB was framed by persistent racial disparities in academic performance, a divide well-documented by national assessments like the National Assessment of Educational Progress (NAEP), which shows reading gaps between Black and White students that have persisted with only modest narrowing across decade (NCES, 2022). Framed as a bipartisan commitment to closing this gap, this article instead frames NCLB as rebranding cultural assimilation into terminology like academic accountability, building its framework on a foundation of *White language supremacy* (Baker-Bell, 2020). NCLB's

signature feature was the imposed annual standardized testing as the primary measure of school success–an assessment regime that rigidly redefined successful literacy skill acquisition as performance on SAE-based language tasks (Au, 2009; No Child Left Behind Act of 2001 [NCLB], 2002).

Reading First Program within NCLB

This linguistic agenda was further codified by the Reading First program within the NCLB, the largest federal literacy initiative in U.S. history. At nearly $1 billion annually, this funding was tied directly to 'scientifically based reading research,' requiring schools to implement commercial, phonics-heavy programs (Herlihy et al., 2009). It included Title I funding for low-income schools, teacher quality requirements, and new reading initiatives based on phonics. As argued by Aydarova (2023), the marketization of education, such as that in the Reading First program, has directly fueled and supported the racialized sorting of students by creating a system where students are treated as both a commodity and a consumer. This process, rooted in the political economy of racial capitalism and the NCLB, transforms educational outcomes into supposedly quantifiable metrics in which students are proficient or at risk. Based on that designation, companies in the market then sell 'solutions' to the student consumer in the form of interventions and educational materials to address the resulting flagged 'deficits' (Herlihy et al., 2009).

Thus, this article argues that the Reading First program normalized the idea that literacy could be standardized, measured, and legislated. It was not a politically neutral act; by tying federal support to 'scientifically based' reading programs, Reading First deepened the racial-capitalist framework of education policy, where test scores became the currency of success and commercial publishers positioned themselves as indispensable brokers of remediation. Even if schools wanted to resist, they were required to demonstrate 'Adequate Yearly Progress' (AYP) on high-stakes testing or else they faced escalating sanctions (Hursh, 2007; Lehr, 2010; McCarty et al., 2014).

The Consequences and the Supposed "Achievement Gap"

The consequences were most acute for schools serving Black, Brown, Indigenous, and immigrant students. Reading comprehension questions routinely relied on culturally biased assumptions–for example, expecting familiarity with suburban lifestyles or U.S. holidays–while overlooking the funds of knowledge students brought from their communities (Delpit, 2006; Yosso, 2005). The high stakes of AYP pressured educators to 'teach to the test,' a practice that bureaucratized deficit framing and equated linguistic and cultural differences with academic failure (Au, 2009).

Thus, the 'achievement gap' NCLB claimed to seek to close was never neutral or possible. The data, when viewed through an *abolitionist lens*, reveals this gap was not a measure of student deficiency but an ideological creation, which functioned to compare students from historically marginalized cultures and impoverished backgrounds against an idealized, resourced, White, middle-class subject (Au, 2009; Bonilla-Silva, 2008).

The Every Student Succeeds Act's Context and Procurement

The Every Student Succeeds Act (ESSA) was sold as a progressive departure from the unpopular sanctions of NCLB. The ESSA was marketed as relief from federal overreach and a new opportunity to try and solve the achievement gap after NCLB's interventions showed no statistically significant effect on reading comprehension for grades 1–3 at the end of the interventions (Gamse et al., 2008). States sought solutions that would actually work for their students (Au, 2016).

With the ESSA, Reading First funding ended, but the ESSA introduced new literacy funding streams (e.g., Title II and Title IV programs) (Every Student Succeeds Act [ESSA], 2015). Other landmark features included a language shift from 'scientifically based reading research' to 'evidence-based' instruction (Horsford et al., 2018). As found by Aydarova (2022) and Ravitch (2020), this created room for conservative advocacy groups to define what 'evidence-based' meant. Aydarova lists groups including: NCTQ, NewSchools Venture Fund; Deans for Impact, Pearson, and Teach for All. Ravitch lists actors including: Teach For America, the Walton Family, Fordham Institute, Reed Hastings, Michael Bloomberg, and the Koch brothers. Positioned as part of college- and career-readiness, the marketing of these conservative-aligned actors was a masterful rebranding of *White language supremacy* in education for the 21st century.

Tiered, "Evidence-Based" Mandates

Beneath its reformist rhetoric, ESSA did not dismantle the linguistic violence of NCLB–it refined and further bureaucratized it. Unlike NCLB's vague call for 'scientifically based research,' ESSA codified a hierarchy of evidence, ranking interventions as strong, moderate, promising, or emerging based on narrowly defined methodological standards (U.S. Department of Education, 2016). This system was strategically designed to appear clear and rigorous, but it had the effect of serving to validate randomized control trials and other quantitative designs (U.S. Department of Education, 2016). In a racial-capitalist dominant environment, this type of research tends to privilege monolingual, SAE-dominant contexts. This is a structural and statistical bias rather than overt, explicit categorical exclusion.

These biases end up excluding pedagogies grounded in multilingualism, critical literacy, culturally sustaining, and community-centered knowledge – approaches that do not easily conform to the rigid metrics of generalizability and replicability (Ravitch, 2020; Yosso, 2005). By adding a supposed procedural 'objectivity' in the form of what constitutes 'evidence-backed,' the ESSA devalued and sidelined the lived experiences, cultural wealth, and funds of knowledge of Black, Brown, Indigenous, multilingual, and other marginalized students that

diverted from mainstream, White, middle-class norms (Horsford, 2018; Yosso, 2005). Thus, the evidence tiers have had the effect of acting as an *epistemic gatekeeping tool*, acting as a reproducing tool produced by and for *White language supremacist methodologies* (Camangian, 2013).

This new framework also accelerated the marketization of public education. Programs that achieved Tier 1, or 'strong' evidence status, became highly sought after–not because they were actually universally effective (although they were marketed as such), but because they unlocked access to federal school improvement funds. This financial linkage created a multi-billion-dollar market for commercial publishers whose products could secure a Tier 1 rating, essentially turning educational legitimacy into a cash crop. For districts serving historically marginalized students, this financial linkage created an illusion of choice. Under intense pressure to demonstrate compliance and avoid sanctions, these districts were functionally coerced into adopting state- or federally-approved interventions (Aydarova, 2022; 2023; Ravitch, 2020).

Another feature was that schools were expected to implement top-tier interventions with 'fidelity.' Districts serving students of color were told, in no uncertain terms, that they must adopt these top-tier, one-size-fits-all interventions regardless of their students' cultures, languages, or prior knowledge (Ravitch, 2020). The underlying message was clear: your students are failing because your pedagogy is inadequate, and the 'solution' lies in these pre-packaged, White culture contextualized programs (Cochran-Smith et al., 2014). This soft coercion laid the groundwork for the *Science of Reading's* policy dominance–a standardized regime of control that commodifies reading instruction and violently erases the linguistic and cultural brilliance of our Black, Brown, Indigenous, and immigrant students.

The Science of Reading (SoR) as "Scientifically Proven" Linguistic Assimilation

The *Science of Reading (SoR)* is a reform movement that claims to bring 'settled science' into classrooms. Similar to NCLB, SoR advocates emphasize systematic phonics, decoding, and explicit skills instruction as the foundation for early literacy. Like previous calls for action, sponsors frame the SoR as a corrective to 'balanced literacy,' positioning it as a civil-rights imperative that will finally close racial and socioeconomic reading gaps that have been stagnant since before NCLB (Tierney & Pearson, 2024). Often framed as a cognitive sequence based on so-called 'universal neurological research,' the SoR movement's platform strips away the cultural, historical, and political dimensions of literacy by reducing the complex act of reading to a series of discrete, decontextualized skills such as decoding (The Reading League, 2021a, 2021b). Nothing here disputes the value of explicit code instruction for early decoding; the critique targets the policy instrumentation and market coupling around it.

Why Is SoR Controversial?

The *Science of Reading (SoR)* extends a long arc of state-sponsored linguistic assimilation, inheriting NCLB's standardization and ESSA's evidence hierarchies. While code-focused instruction (e.g., decoding) matters, critics argue SoR operates less as neutral science and more as a policy–market assemblage that channels procurement and compliance (Aydarova, 2022; 2023; Ravitch, 2020). Advocates often cite *Scarborough's Rope*, a braided, interactive model; yet in policy uptake, it is operationalized as a linear skills pipeline, reducing literacy to decontextualized subskills (phonological awareness, phonics, fluency on one strand; background knowledge and vocabulary on the other) (Tierney & Pearson, 2024). As Bonilla-Silva (2008) and Melamed (2011) show, the very category of 'background knowledge' is not neutral but coded toward White, middle-class norms, making SoR's 'universal' framing complicit with racialized linguistic standards.

In this milieu, SoR's power lies less in its instructional effects than in its infrastructural effects: the circulation of scientificized policy vernacular that enforces linguistic conformity. Under ESSA, 'strong (Tier 1) evidence' sits atop a formal hierarchy, defined in federal guidance and operationalized by a dense intermediary network including actors like EdReports, NCTQ, ExcelinEd, Knowledge Matters, and The Reading League. These intermediary networks convert 'evidence' rhetoric into procurement machinery that have historically privileged SoR vendors and favor scripted classroom practices. Framed as neutral evaluators, these organizations publish rubrics, scorecards, evidence tiers, crosswalks, and implementation guides that define what counts as 'quality,' circulate those definitions through state guidance and professional development (PD), and ultimately harden them into eligibility rules for funding and adoption.

First, they standardize the yardstick: checklist-style rubrics (e.g., decodable-text ratios, scope-and-sequence markers, assessment cadence, 'fidelity' artifacts) reward materials designed to the rubric while disadvantaging locally developed, bilingual, Indigenous, or community-rooted curricula that resist easy audit. Second, they credential the market: high ratings and 'evidence tiers' are cited in state memos as shorthand for 'meets evidence criteria,' turning reviews into procurement gates. Vendors align marketing and PD bundles to the same metrics, reinforcing a closed loop where ratings generate market share and products evolve to match ratings.

Third, their alignment tools become embedded in state literacy plans and approved lists, pressing districts toward compliance logics that narrow curricular diversity–especially in multilingual contexts–under a veneer of neutrality. Fourth, the network extends control via PD, observation tools, pacing calendars, and walkthrough forms that operationalize 'fidelity.' When referenced in monitoring or audits, these tools evaluate teachers' adherence to scripts rather than contextual fit or cultural-linguistic responsiveness.

The resulting policy–market feedback loop: intermediary ratings → state guidance/approved lists → district memos → vendor adoption → Professional development/fidelity audits → success briefs feeding back into ratings–turns advisory 'evidence' into state-legitimated vendor authority. Read in this light, district outcomes (e.g., SPPS figures) are predictable downstream effects of the procurement pipeline, not isolated local choices.

SoR's Methodology of Legitimization

In the vein of Bonilla-Silva's (2008) analysis, literacy in this procurement pipeline is recast as a depoliticized cognitive intervention–a technical fix to a manufactured deficit–that obscures how language, race, and power determine what is taught, valued, and assessed. The intermediaries legitimize technocratic language like *rigor* or the *achievement gap* to obscure the systemic, *White language supremacy* biases that are routinely used to sideline community-rooted, multilingual, qualitative, and culturally sustaining pedagogies as illegitimate.

For students whose literacies diverge from SAE norms, screeners and benchmark metrics often convert difference into deficit: students are labeled 'at risk,' pulled from core instruction, and routed into remediation, their linguistic brilliance pathologized under the banner of 'scientific,' 'universal' instruction (Au, 2016; Love, 2019, 2023). In parallel, teachers are reconstituted as technicians of *fidelity*–evaluated on scripted delivery rather than professional judgment (Cochran-Smith et al., 2014). Although code-focused instruction reliably improves early word reading/decoding, policy uptake has overgeneralized these findings into a one-best-way regime; as widely noted, decoding gains do not automatically transfer to equitable comprehension outcomes, particularly for multilingual learners, when instruction is decontextualized and culturally narrow (Institute of Education Sciences, 2008; U.S. Department of Education, 2016).

Thus, SoR's inclusionary slogan–'every child can read'–is operationalized as a technical fix that sorts and remediates students relative to SAE standards while disciplining teachers through audits and vendor determined governance logics. In the political economy of racial capitalism, this assemblage privileges state-approved materials products and trainings, marginalizes community-rooted and multilingual pedagogies as 'non-scientific,' and, in Melamed's (2011) terms, represents equity while destroying it through surveillance, dispossession, and what Love (2019) would name as *spirit murdering pedagogies* counter to Black and Indigenous life. As the next section demonstrates, these logics are now state law in Minnesota–where reforms from the No Child Left Behind influenced 'Read Well By Third Grade Act' has been replaced with the *Science of Reading* influenced 'Reading to Ensure Academic Development Act.'

Minnesota's Equity Paradox: Literacy Policy within Racial Capitalism

As detailed by Mattesich (2015) and Myers (2020) in their work on equity and disparities present between Minnesota's White population and its historically marginalized communities, Minnesota's progressive reputation is inseparable from its roots in genocide, racialized violence, and forced assimilation. This history began when settler-colonial authorities dispossessed Indigenous nations and perpetrated genocidal violence (Minnesota Historical Society, n.d-b). The U.S.–Dakota War of 1862 culminated in the largest mass execution in U.S. history in Mankato, followed by the internment of Dakota families at Fort Snelling and forced removals (such as done to the Ho-Chunk) in the same vein as the Trail of Tears. According to Child (1998), in tandem with explicit genocide, Indigenous boarding schools, operating under the motto 'kill the Indian, save the man,' extended the project of assimilating Indigenous peoples into a *White supremacist* power structure by stripping Native children of their languages, ceremonies, and cultural identities.

The paradox persisted into the 20th century through state-sanctioned projects of racial capitalism. In 1920, three Black men were lynched in Duluth (Minnesota Historical Society, n.d-a). By the mid-century, racially restrictive housing covenants in Minneapolis and Saint Paul enforced segregation, while the construction of I-94 decimated Rondo, a thriving Black neighborhood (Sanders, 1992). These projects were framed as 'progress' and 'renewal,' yet their function was dispossession: displacement of Black families, destruction of generational wealth, and reinforcement of *White supremacy*. The veneer *Minnesota Nice* masked these acts, producing an image of civic unity even as the state deepened racialized divides.

In the 21st century, education policy carries this paradox forward. *Read Well by Third Grade* (RWBTG) (2011) codified statewide universal screening, local literacy plans, and parent notification, creating a surveillance infrastructure oriented to SAE reading proficiency (Minn. Stat. § 120B.12, 2011; Minnesota Department of Education, 2011). While districts retained nominal curricular discretion, RWBTG's data collection, reporting, and risk framing laid the groundwork for the READ Act (2023), which intensifies control via state-approved materials lists, state-specified training, fidelity expectations, and tiering rules. Framed as equity reforms, these instruments function to regulate whose literacies are valued: SAE-normed thresholds, absent bilingual norms and converging evidence, enlarge 'at-risk' pools and increase pull-outs from core instruction for multilingual and racialized students, while vendor-defined fidelity narrows teacher judgment.

We examine these policy instruments–and their likely distributive/affective effects given existing disparities–through a document-based *critical policy analysis* of statutes, agency guidance, historical archives, and district plans; we do not estimate causal impacts. The next section details how RWBTG's instruments evolved into the READ Act's procurement pipelines

and fidelity regimes, and how those shape access to core instruction, grade-level texts, belonging, and joy.

Read Well By Third Grade (RWBTG) as The READ Act's Predecessor

Read Well by Third Grade (RWBTG) was a Minnesota state law enacted in 2011 to address low reading proficiency rates among young students (Minnesota Statutes § 120B.12, 2011). As its name suggests, the legislation focused on ensuring that children were on track to be reading at or above grade level by the end of third grade. The law was Minnesota's initial attempt to codify a statewide approach to early literacy, which became the precursor to the more recent and extensive READ Act. RWBTG was a response to national trends in educational policy, particularly the emphasis on accountability that began with the NCLB Act. While RWBTG did not carry the same high-stakes punitive measures as NCLB, it established a framework of surveillance and reporting in the form of local literacy plans that shaped how districts approached reading instruction. The law implemented several key requirements that set a new standard for early literacy instruction and accountability in Minnesota, including: required universal screeners, targeted interventions, required reading plans, and parent notification (Minnesota Department of Education, 2011).

RWBTG created a statewide infrastructure of literacy management and surveillance. By mandating universal screeners and requiring districts to submit detailed plans, the law centralized the authority of the Minnesota Department of Education and established a consistent data-driven approach to early literacy. 'While the law's language gave districts a degree of local control over curriculum choices, its focus on identifying and remediating 'at-risk' students laid the groundwork for the more restrictive policies of the READ Act. The data col- lection, reporting, and deficit-framing established by RWBTG were easily repurposed and intensified by the READ Act, which went on to mandate approved materials lists, state-specified training providers, reporting and monitoring cadence, dyslexia- characteristics screening gates, fidelity audits, and teacher training.

Implementation of the READ Act

Enacted in 2023, Minnesota's *Reading to Ensure Academic Development (READ) Act* is framed as 'literacy for all.' Its impact, however, flows through specific instruments–state-approved screeners, a required local literacy plan, Minnesota Department of Education/ Center for Applied Research and Educational Improvement (CAREI) approval pathways for training and curriculum, and fidelity oversight. These tools can be used well to support students, such as those with dyslexia, but they also create predictable failure in ways that cause *spirit murder* when counter designs, such as bilingual/dialect-fair guardrails and multiple authentication factors, are absent.

Universal Screening and System Triggered Consequences

In Minnesota, all K–3 students must be assessed three times per year using state-approved tools, with expansion to grades 4–12 for students not reading at grade level. In St Paul Public School's 2025 'Continuous Improvement Plan,' SPPS lists approved screeners like FastBridge earlyReading (K–1), CBM-Reading (1–3), and mCLASS Lectura/DIBELS in dual-language sites. Across all three screening windows, grades 2–3 students who fall below the Oral Reading Fluency (ORF) words-correct-per-minute benchmark and below 95% accuracy are routed to the Nonsense Words subtest; these results inform dyslexia-characteristics determinations and tiering decisions (SPPS Local Literacy Plan, 2025). We distinguish screening risk flags from special education identification, which requires multidisciplinary evaluation; nonetheless, the screening/placement pipeline can amplify downstream disproportionality.

As stated in the introduction, SPPS reports that more than half of K–3 students were flagged with dyslexia characteristics in 2024 (K– 58.5%; Grade 1 48.4%; Grade 2 61.5%; and Grade 3 60.5%). Because most thresholds are SAE-normed and bilingual/dialect-fair norms are often absent, multilingual and racialized students are more likely to be flagged 'below benchmark' despite typical development in their program language. Dialect differences (e.g., AAE pronunciations) can be scored as accuracy errors in ORF. ORF 'accuracy errors' may raise risk flags and referrals. While identification requires subsequent multidisciplinary evaluation, these instruments can misidentify, trigger further testing, and exclude students who have typical language development from mainstream classrooms.

Consistent with this pattern, state studies document disproportionate disability labeling, restrictive placements, suspensions/expulsions, and school-based arrests for American Indian and Black students relative to White peers (e.g., Migambi & Neal, 2018; Minnesota Department of Human Rights, 2022, pp. 2–3; Minnesota Department of Education Report Card, 2024). For example, Migambi & Neal found that American Indian students are 4× more likely than White peers to be labeled with disabilities, and Black students are over 6× more likely to be placed in Federal Setting IV special education, the most restrictive educational environment. To briefly show traits of the school to prison pipeline, the Minnesota Department of Human Rights reports that in 2022, Indigenous students were 10×, and Black students 8×, more likely than White students to be suspended or expelled; students with disabilities were 2× more likely than nondisabled peers (Minnesota Department of Human Rights, 2022, pp. 2–3). In 2023–2024, Black and American Indian students comprised 11.7% and 3.4% of statewide enrollment but 21.2% and 13.6% of school-based arrests (Minnesota Department of Education Report Card, 2024).

When students are repeatedly labeled 'at risk' and pulled from the richest literacy time, and when dialectal features are scored as errors, the environment communicates linguis-

tic deficiency–conditions associated with stereotype threat, reduced academic self-concept, and diminished identity safety.

This article interprets these disparities as likely distributive/affective effects of screening and tiering within unequal, racial-capitalist systems, which language within the READ Act institutionalizes and reinforces instead of counter designs. In contrast, a culturally sustaining MTSS plan would(a) replace single-benchmark entry with converging-evidence rules (screener + teacher judgment + classroom artifacts + program-language measures), (b) require consent-based, multilingual conferences with caretakers so early help is fast, labels are careful, and students' language lives are treated as assets rather than errors.

Instruments, Evidence, and Design Guardrails

Harm is not intrinsic to foundational skills; it emerges from a racialized policy assemblage–approval and reimbursement gates, Standard American English (SAE)–normed screening thresholds, time-prescriptive programs, and fidelity auditing–that predictably distributes benefits and burdens along racial and linguistic lines. By privileging SAE-normed 'evidence' and program architectures that capture Tier-1 minutes, the READ Act's infrastructure reproduces racial hierarchy in access to meaningful literacy learning unless it is intentionally *counter-designed*.

The READ Act creates an implementation partnership between the Minnesota Department of Education (MDE) and the University of Minnesota's Center for Applied Research and Educational Improvement (CAREI) to approve screeners, professional learning, and curricula (Minn. Stat. § 120B.124; see also §§ 120B.12, 120B.123). District selections from the approved list are eligible for READ Act reimbursements and state-approved professional development, and districts must summarize choices and results in the annual local literacy plan (Minn. Stat. § 120B.12). The approval–reimbursement–reporting triad does not prescribe a single program; rather, through eligibility for aid and professional development, it channels adoption and implementation toward a narrow set of vendor-approved materials and training.

This analysis does not argue against phonics or other foundational skills, nor does it claim that decoding gains never matter. Districts may retain EL Education, Wit & Wisdom, and UFLI and still meet equity aims by adopting identity-affirming core text sets; embedding dialect guidance and translanguaging routines in observation and coaching; and using converging evidence to limit unnecessary pull-outs. The line between adaptation and fidelity can be maintained through *fidelity-to-principles*: objectives and scope/sequence remain intact while teachers select culturally sustaining mentor texts and discourse routines that support comprehension and identity safety.

How "Alignment" is Scored (And Where it Falls Short)

CAREI rates programs by domain using explicit cut points (Global; Assessment; Phonemic Awareness; Phonics/Morphology; Vocabulary; Fluency; Comprehension; Writing; Cultural Responsiveness) (CAREI, 2024a). The rubric for CAREIs evaluation of its Culturally Responsive Teaching alignment, comes from Bryan-Gooden, Hester, and Peoples. In the Culturally Responsive English Language Arts Curriculum Scorecard (CRE scorecard), representation is examined as who appears in the curriculum and how they are portrayed. Reviewers tally the race/ethnicity, gender, and disability status of both characters and authors. A higher score includes a survey of how strongly the materials feature multiple cultures and languages, varied family structures, and people with disabilities. A deeper analysis would analyze whether the materials position characters of color as central, multi-dimensional figures rather than exotic or stereotyped sidekicks (2023, pp. 17-20).

Illustratively, CAREI and MDE explicitly caution that every [submitted and approved] curriculum falls short of Minnesotas cultural-responsiveness expectations. CAREI advises districts not to accept publisher claims of responsiveness at face value (CAREI, 2024d, pp. 5). Despite the legal requirements for reimbursement, there is a total of 6 approved, highly-aligned curricula that can be implemented for reimbursement despite the lack of a foundational element of cultural responsiveness.

For instance, CAREI notes that an example highly-aligned foundations curriculum by UFLI includes no stories, illustrations, or characters (2025d). The company states that this is because the materials are decoding texts only. However, decoding is not just a neutral skill. In Scarboroughs reading rope, recognition of the words and connection to ones prior funds of knowledge counts as an important part of learning to read.

Beyond a limited scope when using decoding, representation snapshots from publisher/CAREI diversity tables underscore that, as Senator Quade was quoted as saying, that none of the curricula approved by the state meets the CRE scorecard benchmarks (Hoggard, 2024). For example, Wit & Wisdom lists 94/116 White authors and 120/286 White characters (next largest: Black 55/286) (CAREI, 2024c); EL Education (Open Up Resources) lists 82/92 White authors and 81/169 White characters (next largest: Black 49/169) (CAREI, 2024d).

This lack of culturally responsive content shifts the responsibility to meet cultural responsiveness to be within Tier-1 read-alouds and knowledge modules. However, CAREIs Literacy Curriculum Review Series specifies daily minutes and pairing requirements that shape Tier-1 schedules (CAREI, 2024a). For instance (as listed in their respective CAREI publisher submissions), the highly aligned curricula of EL Education (Open Up Resources, K5) requires approximately 120 minutes per day (60-minute Knowledge Module plus 60-minute Skills/ALL); Wit & Wisdom (Great Minds) requires approximately 90 minutes per day (about 75-minute Core plus 15-minute Deep Dive) and must be paired with a K3 foundational program; UFLI Foundations

(Ventris, K2) schedules approximately 30 minutes per day, four days per week, with Day 5 for review, assessment, and differentiation.

These requirements capture instructional time and constrain purchasing before cultural responsiveness is addressed. In practice, fidelity monitoring often privileges script adherence over responsive pedagogy. This limits teachers ability, especially teachers of color, to enact culturally sustaining expertise. When Tier-2 pull-outs occur during the richest literacy time, multilingual and racialized students lose access to identity-affirming texts and discourse, a pattern associated with stereotype threat, diminished academic self-concept, and reduced identity safety.

From "Neutral" Procedures to Hegemonically Reinforcing Outcomes

CAREI's first-round reviews and promotion of highly-aligned curricula prioritizes 'structured-literacy alignment' to qualify for reimbursement and professional development while cultural responsiveness has not been implemented as a foundational feature of the implementation of the READ Act (Minn. Stat. § 120B.124, subds. 1–2). The resulting state-sanctioned approval sequence represents equity procedurally (rubrics, scorecards) while often undermining it substantively (White-centric voice and content, limited time with culturally responsive materials, pull-outs from rich content). Concretely, approval and reimbursement narrow eligible vendors and versions.

In this set up, program minutes and pairing rules prescribe large daily blocks for decontextualized or White-centric skills and content, limiting space for community-anchored texts. This must be changed to adopting cultural sustainment as a foundational aspect of the curricula. Also, when fidelity monitoring privileges script adherence over *fidelity to principles* (e.g., access to grade-level text, identity-affirming talk moves, translanguaging), it means that teacher autonomy is limited to being a technician. Furthering a technician model, beginning in 2026–2027, paraprofessionals and volunteers may deliver Tier-2 interventions to students with required supervision and training, reinforcing a technician model (see Minn. Stat. §§ 120B.12, 120B.123).

Because SAE-normed thresholds and vendor-defined evidence frames shape who is flagged, when students are pulled from core instruction, and what counts as 'quality,' the infrastructure predictably reallocates opportunity and equitable learning experiences away from reference points and community knowledge held by multilingual and racialized learners–irrespective of educators' intentions.

Design Guardrails Aligned to Policy Levers

The assemblage can be redesigned without discarding foundational skills. At adoption, districts should replace the heuristic 'high alignment equals automatic win' with a two-key gate–demonstrated efficacy for local subgroups and cultural/linguistic sustainment as a present criterion rather than deferred review–and encode these requirements in request-for-proposal language (e.g., a formal process districts use to solicit and select programs/services that need to center dialect guidance, bilingual norms where applicable, and local-adaptation provisions that preserve time for culturally sustaining work within adopted educational materials) (Minn. Stat. § 120B.124).

In implementation, tools should shift from script checks to *fidelity-to-principles* rubrics (evaluating whether practice adheres to a small set of publicly stated, evidence-aligned principles) that support access to grade-level texts, identity-affirming discourse, translanguaging, and disciplinary literacy. Reporting should add indicators that signal what the system values–time-in-core instruction, return-to-core instruction rate, access to grade-level texts, and student-reported belonging/joy–alongside fluency data.

MTSS and "At-Risk" Students

Multi-Tiered Systems of Support (MTSS) translates the READ Act's policy tools–universal screeners, vendor-defined 'evidence,' and fidelity audits–into the day-to-day governance of classrooms. On paper, MTSS promises early identification and a continuum of supports. In practice, absent bilingual and dialect-fair guardrails, it can operationalize a pipeline–screen, flag 'at risk,' assign a tiered intervention from the approved menu, document minutes and growth, and report–that increases the likelihood of misclassification and schedule capture for multilingual and racialized students. Because the statute centers structured-literacy efficacy and defers cultural responsiveness to later third-party review, MTSS teams inherit a compliance architecture in which SAE norms are default, vendor products define 'what works,' and script adherence is treated as quality.

When MTSS is implemented as intended, it functions as an early-intervening, problem-solving framework that widens access to grade-level learning: Tier 1 is robust and inclusive; teams use multiple measures and dynamic assessment to determine why a student is struggling; Tier 2/3 supports are short, targeted, and supplement (rather than replace) core instruction; and decisions are collaborative among teachers, specialists, families, and–when appropriate–students, with clear goals, frequent progress monitoring, prompt exit, and return to core instruction (Center on MTSS, 2025). These guardrails are especially important for multilingual learners: projects such as ELITE, ELLIPSES, and LEE recommend bilingual growth bands, linguistically aligned screening and progress monitoring, and converging evidence prior to any tier assignment to reduce misidentification (Project ELITE, Project ELLIPSES, & Project LEE, 2018).

In many sites, however, the same levers that should support children recode differences as deficits. Universal screening without bilingual norms converts typical multilingual development into 'below benchmark.' SAE-only cut scores mean

that bilingual students are more likely to be labeled 'at risk' even when they are progressing normally in their program language; dialectal features–for example, African American English (AAE) pronunciations–can be counted as accuracy errors on oral reading fluency (ORF), a one-minute fluency indicator rather than a comprehension test. While special education identification requires multidisciplinary evaluation, the screening/placement pipeline can amplify downstream disproportionality in labeling and placement (see, e.g., Migambi & Neal, 2018). To anchor 'evidence-based' delivery, monitoring systems often privilege script adherence–fidelity walks, administrative check-ins, pacing audits–over responsiveness, relational expertise, and language-affirming practice. Teachers spend increasing time proving compliance, while students lose oral histories, community texts, and translanguaging to additional subskill drills.

For children, repeated risk flags, pull-outs during the richest literacy time, and skills-only routines communicate a deficit narrative–conditions associated with stereotype threat, lower academic self-concept, and diminished identity safety that scholars describe as *spirit murder* (Williams, 1991; Love, 2019). Consistent with these mechanisms, state reports document disproportionate disability labeling, restrictive placements, exclusionary discipline, and school-based arrests for American Indian and Black students relative to White peers (Minnesota Department of Human Rights, 2022; Minnesota Department of Education Report Card, 2024).

Realigning MTSS with its intended purpose requires moving the gates, not the afterthoughts. Entry and exit should be based on converging evidence–a weighted combination of screener results, teacher judgment, classroom artifacts, and program-language measures–paired with a two- to three-week confirmation cycle before assigning Tier 2, explicit exit criteria, and a return-to-core expectation. Districts should institutionalize bilingual growth bands and dynamic assessment for multilingual learners; redefine fidelity as *fidelity to principles* (access to grade-level text, identity-affirming discourse moves, translanguaging, disciplinary literacy) rather than page-following; and require participatory, appealable decisions that track belonging and identity alongside accuracy (Center on MTSS, 2025; Project ELITE, Project ELLIPSES, & Project LEE, 2018). With these guardrails, MTSS operates as a humane, data-informed support that accelerates learning without converting children's languages and lives into liabilities. Without them, the READ Act's instrumentation risks perfecting a loop of represent-and-destroy–efficient, measurable, and psychosocially harmful.

Spirit Repair and Reclaiming Literacy

Policy Guardrails Framework for Equitable READ-Act Implementation

The READ Act promises equity, yet too often it harms the very students it aims to help. When children's home languages and community literacies are treated as problems to fix, rich ways of knowing are converted into deficits, and students are routed into scripted programs that feel more like control than support. If we want *spirit repair*–not just compliance–we have to share power. *Spirit repair* cannot be bolted on as an afterthought; it requires shifting authority from corporations and bureaucracy to communities and dismantling systems that pathologize multilingualism and culturally rooted knowledge (Camangian, 2013; Yosso, 2005). The *spirit repair framework* operationalizes that shift across assessment, procurement, and accountability so that implementation aligns with equity rather than surveillance.

Assessment Levers and Statute Hooks

Assessment must identify instructional needs without pathologizing multilingual development. District literacy plans should codify language-congruent screening, including bilingual norms and dialect-fair scoring, so that a child learning to read in a typical language progression in their native tongues are not judged as intellectually deficit or disordered against SAE-only cut scores (such as triggering dyslexia screeners for dialect differences). MTSS Tier placement should require multiple, *converging evidence* rather than a single benchmark. This can include universal screener data, short oral-language observations, classroom work samples, playtime observation, and family input. Tools like these can be reviewed within a brief *teach–test–retest* cycle to determine whether improved instruction addresses the need. 'Teach–test–retest' is a short, formative cycle used to check whether a student's difficulty is primarily an instructional fit issue (solved by different teaching) or an enduring skill need that warrants formal intervention. In this format, an educator briefly teaches a tightly targeted skill, gives a quick probe to see what changed, adjust instruction if needed, and then retests–usually within a short period of time.

Also, due process protections belong in local policy and READ-Act implementation guidance, including plainly written entry and exit rules, time-bound intervention cycles with return to mainstream/core instruction criteria, and a family right to appeal placements. In an *abolitionist* and student oriented framework, once students reach a certain level of being able to advocate for themselves, they should be allowed to appeal placements or to trigger further skills testing to target specific skill gaps they have. In this way of thinking– students would have a say in pacing their own learning and use self-reflective assessments to determine their efficacy in literacy skills and comprehension.

Procurement Levers and Statute Hooks

Sharing power begins with how money moves and who selects materials. Instead of locking districts into single vendors that currently do not meet culturally responsive benchmarks, states and districts can recognize community-validated options and require participatory adoption processes. Local policy should constitute selection committees that include teachers,

multilingual and special education specialists, families, students, and tribal or community partners, and it should publish weighted rubrics that evaluate dialect fairness, bilingual supports, translanguaging affordances, culturally sustaining texts, universal design features, and the quality of formative assessment.

In this setting, evidence standards should shift from generic claims to how well it works for the specific students served, compelling vendors to disclose subgroup effects and sample characteristics rather than relying on decontextualized averages. Procurement language in board policy and district literacy plans can prioritize modular components over closed scripts and define fidelity to principles, systematic code taught in context, robust language and knowledge building, and culturally sustaining practicesrather than fidelity to page-by-page procedures. Where state lists constrain choices, districts can document equivalency against their rubric and use any available variance or waiver pathways. Verification should encompass public posting of rubric scores, documentation of modular adaptations aligned to learner profiles, teacher autonomy surveys, and a text-diversity index within adopted curricula.

Accountability Levers and Statute Hooks

Accountability should shift from policing to improvement by aligning indicators with what matters for learning and belonging. Rather than auditing compliance with scripts, districts can institutionalize *lesson study*, peer observation, and coaching cycles that treat teachers as professionals. Public reporting should answer family-centered questions: whether students are returning to core instruction, how long they spend in intervention, and whether all groups have access to culturally sustaining grade-level texts.

Local policy can add integrity indicators to READ-Act reporting, including access to grade-level texts and discussion, return-to-core rates, and validated climate measures of belonging and joy. Equity guardrails such as caps on pull-out minutes and ceilings on consecutive Tier cycles–requiring principal approval for exceptions–can be adopted in board policy. In a transparent system, campus-level learning management systems and administrative management systems should present Tier entry and exit patterns, time in core, subgroup parity, comprehension gains, and social climate reports.

For systemic review of accountability levers, *double-loop review process* can be used. *Double loop review processes* are a structured improvement cycle in which leaders examine not only whether implementation is producing desired results (single-loop: 'Are we doing things right?' but also whether the rules, assumptions, and instruments themselves are the problem (double-loop: 'Are we doing the right things?' In literacy policy, that means you do not stop at coaching teachers or tightening fidelity; you also scrutinize the points of reference (*White language supremacy*), SAE-cut scores, MTSS placement rules, and social climate implementations that may be generating harm.

Instructional Core and Spirit Repair

Instruction is where *spirit repair* becomes real. Tier 1 is the main course: classrooms rich with translanguaging, knowledge-building units, and, as Freyre says, community texts that help students read the world as well as the word (Alim, 2004; García & Wei, 2014). Foundational skills are taught in context–through students' names, neighborhood words, and ongoing projects–so phonics serves understanding and identity.

Tiers 2 and 3 are short, targeted, and directly connected to classroom learning; they add support without replacing rigorous core instruction. In an *abolitionist* and culturally sustaining setting, schools should protect the arts, social studies, social and emotional regulation supporting time like gym classes, and identity-affirming reading because belonging and joy fuel perseverance and growth. When schools center *community cultural wealth* and *healing-centered pedagogy*, multilingual development is not mistaken for disorder and brilliance is recognized where it has always been (Camangian, 2013; Yosso, 2005). When classrooms are co-created with students, systems move from scripts to *sovereignty* and from surveillance to *belonging* (Love, 2019, 2023).

The Vision of Spirit Repair

If the READ Act claims equity while sometimes undermining it, the *spirit repair framework* provides implementable guardrails to rewrite the rules of decision-making, evidence, movement across tiers, and professional judgment. Many Minnesota educators are already advancing this work; policy can catch up. When it does, literacy becomes a site of dignity, *multilingual brilliance*, and *collective freedom* rather than administrative harm (Yosso, 2005; Camangian, 2013). When we co-create classrooms with students, we move from scripts to *sovereignty* and from surveillance to *belonging* (Love, 2019, 2023).

If the READ Act claims equity while often undermining it, then *spirit repair* asks us to rewrite the rules–who decides, what counts as evidence, how students move in and out of support, and how teacher expertise is honored. Many Minnesota educators are already doing this work. Policy can catch up. When it does, literacy becomes a place of dignity, *multilingual brilliance*, and *collective freedom*–not administrative harm. To truly support literacy, we must move from gatekeeping to *liberation*, from standardization to *sovereignty*, from *spirit murder* to *spirit repair*. Only by shifting power, not just rhetoric, can Minnesota liberate literacy.

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